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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sanita
25/09/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

C A D E R S H E E T

1. Original Application No. 61/07
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Smti. Arundhati Kothia vs Union of India & Ors

Advocate for the Applicant(s) Adil Ahmed

Sonita Bhattacharyee

Advocate for the Respondent(s) Case - K.K. Biswas

Notes of the Registry	Date	Order of the Tribunal
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This application is a civil
suit for Rs. 50/-

disposed of v.c. (P.C./DB)

No. 346/651387

Dated 26.2.07.....

09.03.07 This is the second round of

09.03.07 This is the second round of

litigation. Earlier the applicant has

challenged the reversion order dated

challenged the reversion order dated

Dy. Registrar

(P.M.)

FORM NO. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

1. Original Application No. 61 of 2007
2. Misc. Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s). Smti. Arundhuti. Kolita

Respondent(s)

Advocate for the Applicant(s). Mr. Adil Ahmed

Ms. Smita Bhattacharjee.

Advocate for the Respondent(s). C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
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Applicant is a JSO
transferred to the SO
dated 16/12/03
No.
Dated

By. Registrar

09.03.07 This is the second round of litigation. Earlier the applicant has challenged the reversion order dated 16.12.2003 of the applicant from Junior Scientific Officer (Group B) to Senior Scientific Research Assistant which was set aside by this Tribunal on 1st April, 2004 passed in O.A.No.294 of 2003, the operative portion of the order is quoted below:-

"Thus we find that the order of reverting the applicant to the post of Sr. Scientific Research Assistant has been passed in an arbitrary manner as the post of JSO is still exist and has not been abolished and the applicant has a right to be continued to the post of JSO though purely on adhoc basis.

Contd/-

09.03.07.

Accordingly we allow the O.A and quash and set aside the order dated 16.12.2003 reverting back the applicant to the post of Sr. Scientific Research Assistant. No order as to costs."

The respondents have filed W.P.C. No.5758 of 2004 before the Hon'ble Gauhati High Court which was dismissed on 13.9.2005. Now the applicant is entitled for payment of salary for the post of Junior Scientific Officer, Group B from 16.12.2003 to 31.10.2005.

I have heard Mr.A.Ahmed learned counsel for the applicant and Mr. S.N. Tamuli learned counsel appearing on behalf of Dr. J. L. Sarkar Railway Standing counsel.

Considering the facts and circumstances I am of the view that application has to be admitted. Application is admitted. Issue notice on the respondents.

Post the matter on 25.4.07.

Vice-Chairman

lm

25.4.2007

Mr. A. Ahmed, learned counsel for the Applicant has filed a letter for adjournment. Respondents' counsel is absent. Respondents are granted four weeks to file reply statement.

Call before the next Division Bench.


Member (A)

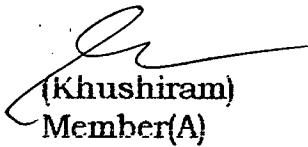

Member (J)

① Notice duly served on R.No. 2 & 3.
② Service awaited from R.No. 1.

28.5.07
24.4.07
No adjourned
pm.

22.11.2007. Judgment delivered in open Court.
Kept in separate sheets. Application is
disposed of.

26.11.07
Certified copy of
the Judgment delivered
by the Appellate
Court on 26.11.07.
M.R. Mohanty


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

Lm

Revd: copy of
Judgment/Order
M.R. Mohanty
26.11.07.
R.L. Counsel
R.L. CAT/GHY

18.12.07
Judgment delivered
D/No. 1648 on
30.11.07 to the
R.P. No. 162
M.R. Mohanty

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.61 of 2007

DATE OF DECISION: 22/11/2007

Arundhati Kalita

....APPLICANT(S)

Mr Adil Ahmed and Smt Bhattacharjee

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

Mr K.K. Biswas, Railway Standing Counsel

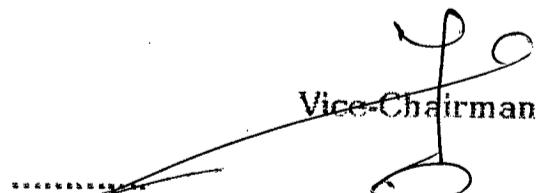
ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

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

The Hon'ble Shri Khushiram, Administrative Member

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No



Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.61 of 2007

Date of Order: This the 22nd day of November 2007

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

The Hon'ble Shri Khusiram, Administrative Member

Smt Arundhati Kalita,
Wife of Shri Arup Kumar Goswami,
Railway Qrs No.167/B,
East Maligaon, Guwahati-11.

..... Applicant

By Advocates Mr Adil Ahmed and
Smt Bhattacharjee

- versus -

1. Union of India,
Through the General Manager,
N.F. Railway, Maligaon,
Guwahati-11.

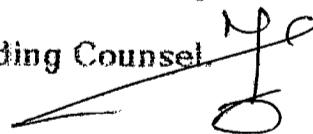
2. The General Manager (Personnel)
N.F. Railway, Maligaon,
Guwahati-11.

3. The Deputy Chief Personnel Officer (Gaz.),
Office of the General Manager (Personnel),
N.F. Railway, Maligaon,
Guwahati-11.

..... Respondents

By Advocate Mr K.K. Biswas, Railway Standing Counsel

.....

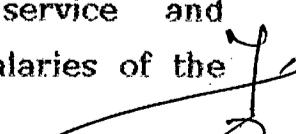


ORDERM.R. MOHANTY, VICE-CHAIRMAN

Applicant, a Senior Scientific Research Assistant, was given ad hoc promotion as Junior Scientific Officer (J.S.O.) on 05.12.1997 and was reverted back to her substantive post of Research Assistant on 16.12.2003. She challenged the said reversion order before this Tribunal (in O.A.No.294 of 2003) and by an interim order dated 26.12.2003, this Tribunal granted an order to maintain "status quo" and by final order dated 01.04.2004, this Tribunal allowed the said case of the Applicant. The said final order dated 01.04.2004 of this Tribunal was subject matter of challenge (by the Respondents/Railways) before the Hon'ble Gauhati High Court in Writ Petition No.5758 of 2004; which was dismissed on 13.09.2005. Thereafter, by an order dated 31.10.2005, the Applicant was granted promotion, as Junior Scientific Officer/JSO, on ad hoc basis. Now, by filing the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, the Applicant has prayed as under:

"8.1 That the Hon'ble Tribunal may be pleased to set aside and quash the rejection letter No.E/170/LC/NS/690/06 dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 (Traffic/Safety) dated 31.10.2005/2.11.2005 and the Respondent Authority may be directed to continue the service of the Applicant as Junior Scientific Officer Group-B vide appointment letter dated 5.12.1997 till her regularization in the aforesaid post.

8.2 That the Hon'ble Tribunal may be pleased to direct the Respondent Authority to give the service and consequential benefits including arrear salaries of the



Applicant from 16.12.2003 to 31.10.2005 as Junior Scientific Officer Group-B.

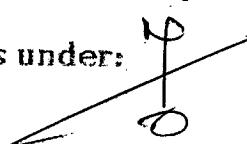
8.3 To pass and other appropriate order or orders to which the applicant may be entitled and as may be deemed fit and proper in the facts and circumstances of the case.

8.4 To pay the cost of the application."

2. At the hearing, however, the Advocate for the Applicant has only pressed the prayer for a direction (to the Respondents) to pay her differential arrear salary (in the pay scale of J.S.O. minus the pay actually drawn as Sr. Scientific Research Assistant) for the period between 16.12.2003 and 31.10.2005 and abandoned the other prayers made in the case, apparently, to get the same redressed from the higher authorities of the Applicant.

3. Respondents, who have filed a Reply in the case, have pointed out that, since the Applicant did not discharge the duties of J.S.O. during the period between 16.12.2003 and 31.10.2005, she was/is not entitled to the financial benefit in the post of J.S.O.

4. In order to counter the above said stand of the Respondents/Railways, the Applicant, who has filed a Rejoinder in this case, has pointed out that on a number of occasions, she was entrusted with the work of J.S.O. and on the basis of her recommendations (as J.S.O.) persons were appointed; that she was granted Railway Passes in the status of J.S.O. and that the Respondents (in a Contempt Proceeding, C.P.No.31/2004, that was initiated against the Respondents) disclosed before this Tribunal, on 17.02.2005, as under:

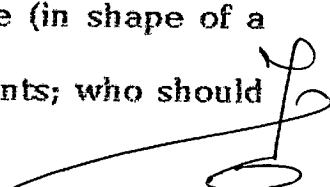


"It is stated by the respondents that pursuant to interim order dated 26.12.2003 passed in aforesaid O.A., the Applicant continues to occupy the post of J.S.O."

5. Apart from the above details, given in the Rejoinder, the Advocate for the Applicant showed us some more materials, in course of hearing, in order to substantiate that she was actually in position (and discharging duties) of J.S.O. during the period between 16.12.2003 and 31.10.2005 and that, therefore, she was entitled to get the higher scale of pay of J.S.O. (minus the lower pay that has already been drawn by her) for the said period. The new materials that has been placed on record at a later stage with the Rejoinder (filed by the Applicant) and shown at the hearing are not available to be relied upon without giving adequate opportunity to the Respondents to have their say in the matter. It appears all these materials were never placed before the Respondents/Railways; while claiming higher pay to the scale meant for J.S.O.

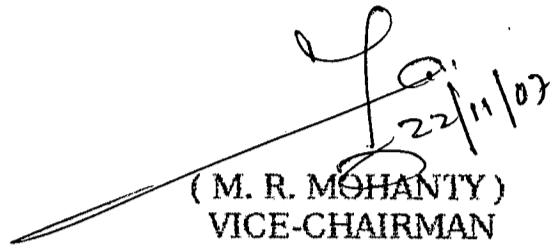
6. Faced with the above situation, Mr Adil Ahmed, learned counsel for the Applicant, prayed to grant liberty to the Applicant to put up a comprehensive Representation (with all materials) before the Respondents claiming higher pay for the intervening period and for her regularization in J.S.O. post.

7. In the above premises, without entering into merits of the matter, this Original Application is hereby disposed of by way of granting liberty to the Applicant to put up her case (in shape of a Representation with all details) before the Respondents; who should



take the same into consideration and pass a reasoned order within three months from the date of receipt of the said Representation. Respondents need also grant personal hearing to the Applicant on her prayer, if any.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(M. R. MOHANTY)
VICE-CHAIRMAN

nkm

8 MAR 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 of The Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 61 OF 2007.

Smti Arundhati Kalita

...Applicant

- Versus -

The Union of India & Others

...Respondents

I N D E X

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4	B	Photocopy of the letter No.E/41/120/29 (O) dated 14.05.1993.	24 - 25
5	C	Photocopy of the letter dated 17.08.1993.	26 - 27
6	D	Photocopy of the letter dated 01.04.1994. Photocopy of Letter dated 6.10.95	28 - 29
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9	G	Photocopy of the Office Order No.202/97(MECH) dated 05.12.1997.	36
10	H	Photocopy of Office Order No. 34/2003 (TTC & MECH) dated 16-12-2003.	37
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13	K	Photocopy of the Office Order No.32 / 2005 (Traffic /Safety) dated 31.10.05 / 02.11.05.	43 - 50
14	L	Photocopy of the Assumption Report No.T/2/48/P (Unit) dated 07.11.2005.	51
15	M	Photocopy of the Office Order No.E/170/LC/NS/690/06 dated 23.10.2006.	52

Date:

Filed By:

Smita Bhattacharjee
Advocate

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

**(An Application Under Section 19 of The Administrative
Tribunal Act 1985)**

ORIGINAL APPLICATION NO. 61 OF 2007.

Smti. Arundhuti Kalita.

...Applicant

- Versus -

The Union of India & Others

...Respondents

LIST OF DATES / SYNOPSIS

24.02.1993	The Ministry of Railway decided and recommended creation of Psycho-Technical Cell in the Zonal Railways.
07.04.1997	Applicant joined N.F. Railway as Senior Scientific Research Assistant.
05.12.1997	The Applicant was promoted to the post of JSO. (<i>ad-hoc</i>)
16.12.2003	The Applicant was <u>reverted</u> back from the post of JSO to her substantive post.
26.12.2003	Order of the Hon'ble Tribunal to maintain <u>status quo</u> .
01.04.2004	The Hon'ble Tribunal set aside the reversion order dated 16.12.2003.
13.09.2005	The Hon'ble Gauhati High Court dismissed the Writ Petition No.5758 of 2004 filed by the Respondent against the Order of the Hon'ble Tribunal dated 01.04.2004 without merit.
21.09.2005	The Applicant submitted a copy of the Hon'ble High Court Order dated 13.9.2005 before the Respondent Authority and filed an Appeal / Representation to release her Arrear Salaries and other dues which is entitled as Junior Scientific Officer from 16.12.2003.
31.10.2005	
02.11.2005	Office Order issued by the Respondent No. 2 whereby the Applicant was promoted to the post of JSO (Group-B) H.Q. Maligaon on ad-hoc basis.
07.11.2005	The Applicant submitted her Assumption Report with protest.
01.08.2006	The Hon'ble Tribunal closed the contempt petition filed by the Applicant by giving her liberty to file a Representation before the concerned authority stating her grievances.

Arundhuti Kalita.

08.08.2006 Applicant filed a Representation before the Respondent No.2 stating her grievances.

23.10.2006 Impugned order issued by the Respondents No.3 denying the salary/ benefit due to the Applicant.

Hence this Original Application filed by the Applicant before this Hon'ble Tribunal for seeking justice in this matter.

Amrit Kaur

FILED BY

Smti. Arundhati Kalita
 ... Applicant
 Through- Smita Bhattacharjee
 (Advocate)

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

(An Application Under Section 19 Of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 61 OF 2007.

BETWEEN

Smti. Arundhati Kalita,
Wife of Shri Arup Kumar Goswami,
Railway Qrs No. 167/B
East Maligaon, Guwahati-11

... Applicant

- AND -

1. Union of India
Through the General Manager
N.F. Railway, Maligaon,
Guwahati- 11.
2. The General Manager (Personal)
N.F. Railway/ Maligaon,
Guwahati- 11
3. The Deputy Chief Personal Officer
(Gaz), Office of the General Manager
(Personal), N.F. Railway,
Maligaon, Guwahati-11.

... Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made against the letter No.E/170/LC/NS/690/06 dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 issued by the Office of the Respondent No.3 whereby Applicant was deemed to be promoted to the post of Junior Scientific Officer (in short J.S.O.) (Group-'B') H.Q. (Maligaon) on 31.10.2005 as ad-hoc basis, which is in complete and total violation of the Order dated 1st April 2004 passed in O. A. No.294 of 2003 by this Hon'ble Tribunal.

2. JURISDICTION OF THE TRIBUNAL :

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

Arundhati Kalita

3. LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your Applicant begs to state that she is a citizen of India. As such she is entitled to all rights, privileges and protections guaranteed under the Constitution of India and the law framed thereunder. She is now aged about 41 years.

4.2 That your Applicant begs to state that she has passed the Post Graduate Degree in Psychology and attained practical knowledge and experience in the said stream. She joined the North East Frontier Railway (in short N. F. Railway) on 7th April, 1997 as Senior Scientific Research Assistant in the Office of Chief safety Officer which is under the Operation Department of N.F. Railway.

4.3 That your Applicant begs to state that the Railway Board vide their letter No. 87E(GC)4-14(Dup) (39) dated 24.02.1993 has decided to revise the Gazetted set up of the Psycho-Technical Cell at Research Design and Standard Organisation (in short RDSO) Lucknow and Zonal Railways on the basis of recommendation of a high powered committee on Psycho-Technical Cells. The Government of India, Ministry of Railways (Railway Board) has created 13 posts in different grades. The aforesaid letter has also laid down certain norms and procedures to fill up the posts in this regard. It was also directed that posts for revised set up should be adjusted / transferred. In Group-'B' junior scale there were 7 posts and it was laid down that Central, North East Frontier and Central Railway should find the post by transferring a regular post from Traffic, Mechanical or Personal Branch of their own Railway and it was specifically laid down that these three Railways should provide one post of Junior Scientific Officer by 31st March 1993. On the basis of aforesaid letter the Ministry of Railways accorded sanction to the transfer / adjustment of the various posts including

Amulhati Kalita

the 7 posts in Group-'B' junior scale as Junior Scientific Officer. It is worth to mention here that the duties and responsibilities of Junior Scientific Officer to conduct Psychological test of certain cadres of recruitment made by the Zonal Railway to effectively deal with accident exigencies in their respective zone, which was earlier conducted by Research Design and Standard Organisation (RDSO) of Indian Railways having Head Quarters at Lucknow. In order to remove the difficulty in conducting psychological test it was decided by the Railway Board to create Junior Scientific Officer, Group-B posts in Zonal Railway to conduct the psychological tests for the new recruits from the Railway Recruitment Board and the same will be conducted jointly by Sr. Scientific Officer / Jr. Scientific Officer of the Zonal Railway and Sr. Personal Officer/ Divisional Personal Officer from the Railway and for this purpose RDSO would organize a brief course on test administration and evaluation for a week or so on each Zonal Railway for Personnel Officers and it should be completed by April, 30, 1993. For this reason post has been sanctioned by the Railway Board with the concurrence of the Finance Directorate of the Ministry of Railways.

Photocopy of the aforesaid letter dated 24.02.1993 issued by the Government of India, Ministry of Railway (Railway Board) annexed hereunto and marked as **ANNEXURE – A.**

4.4 That your Applicant begs to state that the Office of the General Manager (P), N. F. Railway vide their letter No.E/41/120/29 (O) dated 14.05.1993 informed the Railway Board the post of Junior Scientific Officer (JS/Group-'B') is now ready for operation by temporary transfer of a post ADMO (Group-'A') and in this regard filling up of this post no instructions / orders has so far been received by the Board. Therefore, Board was requested to sent the details viz. whether the post will be by direct recruit from U.P.S.C. or to be filled up by Group-'B' officer to be selected through positive act. of existing Group-'B' selection or by transferring an officer (JS/Gr-'B') from an identical Department if any.

Amaldevi Naik

Photocopy of the aforesaid letter No.E/41/120/29 (O) dated 14.05.1993 is annexed hereunto and marked as ANNEXURE - B.

4.5 That your Applicant begs to state that on 17th August 1993 D.O. letter was issued by the General Manager/ N.F. Railway to the Railway Board by informing that one post of Sr. Scientific Research Assistant (Psychology) had been created by necessary matching surrender. The requisition for the same had been placed with the Railway Recruitment Board, Guwahati and for which advertisement in this regard would be floated shortly. But so far one Gazetted post of Jr. Scientific Officer in terms of the direction of the Railway Board was concerned it had been temporarily arranged by transferring one post of ADMO (Group- A) which was also not permissible as per boards directive . However arrangements had been temporarily made up to 16.08.1993 and a regular post of Traffic or Mechanical or Personnel department should be utilized as per direction given by the Railway Board vide their letter dated 24.02.1993 for which action will be taken by the Department. It was also requested in the said letter to clarify the methodology to be followed for filing up the post of Jr. Scientific Officer.

Photocopy of the letter dated 17.08.1993 is annexed hereunto and marked as ANNEXURE - C.

4.6 That your Applicant begs to state that on 01.04.1994, Addl. General Manager, N.F. Railway wrote a letter to the Adviser (Management Services), Railway Board asking for certain clarification regarding methodology and mode of recruitment in order to fill up the post of Group- 'B' Gazetted post i.e. Jr. Scientific officer in N. F. Railway through the Psycho-Technical Cell. It was also stated that due to non-receipt of the clarification from the Railway Board the aforesaid post was filled up by drafting a Mechanical Officer against a Gazetted post released temporarily from the Mechanical Cadre. This arrangement would be continued till the instructions received from the Railway Board.

Amalak Nath

Photocopy of the aforesaid letter dated 01.04.1994 is annexed hereunto and marked as ANNEXURE - D.

4.7 That your Applicant begs to state that on 06.10.1995 office of the Director General, Psychology, Lucknow had written a letter to the Railway Board by asking about the steps to be taken in respect of the recommendations made by the High Powered Committee on Psycho-Technical cells in the Zonal Railways and also highlighted the difficulties being experienced by the Zonal Railways in managing the work in the Psycho- Technical Cell which was to be conducted by the cell without having certain experienced and qualified personnel in view of the observations of the Railway Accident Inquiry Committee 1968. The Director General, Psychology highlighted that person whose service should be utilized to be a Chief Scientific Research Assistant or Sr. Scientific Research Assistant should hold Master Degree in Psychology so that test will be done by well qualified and responsible staff so that they become neither a mere routine nor a source of harassment to the staff. He also highlighted in the aforesaid letter that Central, N.F., S.C., S.E. Railways have already created one post each of Sr. Scientific Research Assistant. The post of Central and N.F. Railways are already manned and recruitment of incumbents for South Central and S.E. Railways has already been finalized.

Photocopy of Letter dated 06.10.95 is annexed hereunto and marked as Annexure D,

4.8 That your Applicant begs to state that on 22.04.1996 Executive Director Traffic Research (Psych) had given direction to the Chief Safety Officer N.F. Railway that the sanction for the Gazetted and non Gazetted personnel comprising Psycho-Technical Cells on Zonal Railways had already been given by the Railway Board and also noted by the Director that the posts of Sr. Scientific Assistant (Psychology) has been created but the post of Jr. Scientific Officer not yet created. The Railway Board had also given direction to create the post of Jr. Scientific Officer and that should be created from within their own resources out of the cadres of Traffic, Mechanical or Personnel Department. It is further clarified that Group- A post of the Medical Department cannot obviously used. It was directed that the matter is within the competence of N.F. Railway for which sanction of the Board has already given. By virtue of the aforesaid letter the Director, RDSO requested the then Chief Safety Officer, N. F. Railway to

Amalakhi Kalita

pursue the matter locally so that the post of Jr. scientific Officer in N.F. Railway becomes available and the present arrangement of utilizing a Calcutta based J.S.O. is dispensed with.

Photocopy of the aforesaid letter dated 22.04.1996 is annexed hereunto and marked as ANNEXURE – E.

4.9 That your Applicant begs to state that the Railway Board vide their letter No.91/Safety-I/28/5 dated 09.05.1997 on the subject "Implementation of the recommendation of High Powered Committee on Psycho-Tech Cell-De-centralization of Psychological Test in recruitment of Safety category of staff" addressed to all General Manager (Safety), All Indian Railways, requested to finalize the setting up of an independent Psycho-Tech Cell on their Railways as early as possible and to report should be submitted at the earliest.

Photocopy of the letter No.91/Safety-I/28/5 dated 09.05.1997 is annexed hereunto and marked as ANNEXURE – F.

4.10 That your Applicant begs to state that the Respondent No.3 vide his Office Order No.202/97(MECH) dated 05.12.1997 appointed the Applicant to the post of Junior Scientific Officer, Group-'B' on being empanelled for promotion on ad-hoc basis when she was working as Senior Scientific Research Assistant in N. F. Railway. The aforesaid appointment was made in conformity with the sanction and direction made by the Railway Board on the basis of recommendation made by the High Powered Committee

Photocopy of the Office Order No.202/97(MECH) dated 05.12.1997 is annexed hereunto and marked as ANNEXURE – G.

4.11 That your Applicant begs to state that Psycho-Tech Testing which is required to be carried out by the Junior Scientific Officer is a specialized activity and can be performed only by a persons with academic and professional qualifications. The Applicant who is duly qualified to hold the

Andheri kahits

said post and was working as a Senior Scientific Research Assistant N. F. Railway has been empanelled for promotion to the post of Junior Scientific Officer on ad-hoc basis on 05.12.1997. The whole idea behind the recommendation of the High Powered Committee to create the Psycho-Tech Cell on each Railway Zones to avert frequent Railway accidents. The same was recommended on the basis of the review of the Railway Accident Inquiry Committee. Therefore the High Powered Committee recommended for decentralize of the RDSO, Lucknow and create Psycho-Technical Cell in the different Railway zones, so that, the specified category of staff recruited by the Railway Recruitment Board (such as Assistant Station Master, Assistant Driver etc.) could be conducted by this Cell in the different Railway Zones.

4.12 That your Applicant begs to state that most surprisingly the Respondent No. 3 vide his Office Order No. 34/2003 (TTC & MECH) dated 16-12-2003 without any notice reverted her back to the post of Senior Scientific Research Assistant from the post of Junior Scientific Officer Group-B. It is pertinent to mention here that the Respondent Authority has not abolished the post of Junior Scientific Officer Group- B and also the Respondent Authority has not selected any regular incumbent to the said post through regular selection. The same was done by the Respondent Authority only to accommodate another person in the aforesaid post on ad-hoc basis, which is totally illegal.

Photocopy of Office Order No. 34/2003 (TTC & MECH) dated 16-12-2003 is annexed hereunto and marked as ANNEXURE- H.

4.13 That your Applicant begs to state that being aggrieved by the aforesaid Order dated 16-12-2003, the Applicant filed an Original Application No. 294 of 2003 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati. The Hon'ble Tribunal on 26-12-2003 granted status quo in this matter. The matter was finally heard on 1st April 2004. The Hon'ble Tribunal was pleased to allow the aforesaid Original Application and quashed and set aside the Order dated 16-12-2003 issued by the Respondent Authority reverting back the Applicant to the post

Amalaki Nahata

of Senior Scientific Research Assistant from Junior Scientific Officer, Group-B.

Photocopy of the Order dated 1-4-2004 passed in OA No. 294 of 2003, by this Hon'ble Tribunal is annexed hereunto and marked as ANNEXURE- I.

4.14 That your Applicant begs to state that the instant Respondent filed a Writ Petition (C) No. 5758 of 2004 before the Division Bench of the Hon'ble Gauhati High Court. The Hon'ble High Court admitted the aforesaid case but did not grant any stay order against the Order passed by this Hon'ble Tribunal in O.A.No.294 of 2003 dated 01.04.2004. The Hon'ble High Court finally heard the aforesaid Writ Petition on 13-9-2005 and was pleased to dismiss the said Writ Petition. The Hon'ble High Court upheld the Order dated 1-4-2004 passed in O.A. No. 294 of 2003.

Photocopy of the Order dated 13-9-2005 passed by the Hon'ble Gauhati High Court in W. P. (C) No. 5758 of 2004 is annexed hereunto and marked as ANNEXURE- J.

4.15 That your Applicant begs to state that after receiving the certified copy of the said Judgment and Order dated 13.09.2005 passed by the Hon'ble Gauhati High Court on 21.09.2005, she submitted the same to the Respondent Authority. The Applicant also filed an Appeal / Representation before the Respondent Authority for release of her Arrear Salaries and other dues which is entitled as Junior Scientific Officer from 16.12.2003 till date.

4.16 That your Applicant begs to state that after one month from the date of her aforesaid Appeal / Representation, the General Manger (P) issued an Office Order No.32 / 2005 (Traffic / Safety) dated 31.10.05 / 02.11.05 promoted the Applicant to the post of Junior Scientific Officer Group-B Head Quarter-Maligaon purely on ad-hoc basis. On receiving of such so called appointment letter the Applicant vide her letter dated 07/09.11.05 addressed to CPO/MLG N. F. Railway, Maligaon has stated that she has already been working as Junior Scientific Officer, Group-B since

Amolakhi Nahit

05.12.1997 to till date as her order of reversion from Junior Scientific Officer, Group-B to Senior Scientific Research Assistant was already set aside by the Hon'ble Tribunal and which was upheld by the Hon'ble Gauhati High Court. As such there is no question of her Assumption Report for the post of Junior Scientific Officer, Group-B again.

Photocopy of the Office Order No.32 / 2005 (Traffic / Safety) dated 31.10.05 / 02.11.05 is annexed hereunto and marked as ANNEXURE- K.

Photocopy of the Assumption Report No.T/2/48/P (Unit) dated 07.11.2005 is annexed hereunto and marked as ANNEXURE-L.

4.17 That your Applicant begs to state that she filed a Contempt Petition No.5 of 2006 in O.A.No.294 of 2003 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for non-compliance of Order dated 01.04.2004 passed by this Hon'ble Tribunal. The Hon'ble Tribunal vide its Order dated 1st August 2006 closed the Contempt Petition and the Petitioner was given liberty to submit Representation to the concerned Authority for redressal of her grievances. Accordingly she submitted a Representation before the Respondent Authority on 08.08.2006. However, the Office of the Respondent No.2 vide their letter No.E/170/LC/NS/690/06 dated 23.10.2006 rejected the Representation of the Applicant in a most mechanical, whimsical manner and also without application of proper mind. As such finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal again for seeking justice in this matter.

Photocopy of the Office Order No.E/170/LC/NS/690/06 dated 23.10.2006 is annexed hereunto and marked as ANNEXURE-M.

4.18 That your Applicant state and submits that the Reversion Order dated 16.12.2003 by which the Applicant was reverted back to the post of Senior Scientific Research Assistant from Junior Scientific Officer-Group

Andhali Kalita.

B was set aside and quashed by this Hon'ble Tribunal and the Hon'ble Gauhati High Court also upheld the Order of the Hon'ble Tribunal. Thus the Order of Hon'ble Tribunal became finality in the eye of law. As such the Respondents cannot reappoint the Applicant afresh in the post of Junior Scientific Officer, Group-B vide Office Order No.32/2005 (Traffic / Safety) as Applicant has already been appointed by the Respondents as Junior Scientific Officer, Group-B vide Office Order No.202/97(MECH) dated 05.12.1997.

4.19 That your Applicant state and submits that controversy relating to reverting back of the Applicant to the post of Senior Scientific Research Assistant from Junior Scientific Officer, Group-B has already been settled and adjudicated by this Hon'ble Tribunal in O.A. No.294 of 2003 and the same has been upheld by the Hon'ble Gauhati High Court in W. P. (C) No.5758 of 2004. As such it is binding on the parties. The Respondent Authority cannot issue a fresh new appointment letter to the Applicant for the post of Junior Scientific Officer, Group-B vide Office order No.32/2005 (Traffic / Safety) dated 31.10.2005 in violation of Hon'ble Tribunal and Hon'ble High Court's Order and Judgment.

4.20 That your Applicant state and submits that it is not permissible on the part of the Respondents to act in defiance of the Order of this Tribunal which was finally dealt with by the Hon'ble High Court. The finding of the Tribunal in the aforesaid Original Application as regard to setting aside and quashing the Order dated 06.12.2003 was not disturbed by the Judgment of the Hon'ble High Court. Further, it is also submitted the relief granted by this Hon'ble Tribunal which was not interfered by the Hon'ble Gauhati High Court, as such it is not proper on the part of the Respondents to modify the same and to take different conclusion.

4.21 That your Applicant submits that the legitimate expectations of the Applicant, in view of the facts and circumstances that have narrated above, have apparently being infringed in the instant case.

4.22 That your Applicant submits that the impugned action on the part of the Respondent Authority whereby they have issued fresh appointment

Amolhati vahis.

letter to the Applicant for the post of Junior Scientific Officer Group- B vide their letter dated 31-10-2005 is arbitrary, unfair and unjustified and against the established principles of law. The aforesaid action of the Respondent Authority is violative of Article 14, 16, 12 and 309 of the Constitution of India.

4.23 That your Applicant submits that the action of the Respondents by which the Applicant has been deprived of her legitimate rights is arbitrarily, mala-fide and with a motive behind

4.24 That your Applicant submits that the Respondents have deliberately done serious injustice, mental trouble and financial hardship to her. As such it is a fit case wherein Your Lordship in the interest of justice would be pleased to interfere by setting aside and/ or quash the Impugned Office Order No.32/2005 (Traffic / Safety) dated 31.10.05 and by directing the Respondent Authority the Office Order No.202/97 (MECH) dated 05.12.1997 should be continued as the appointment letter of the Applicant to the post of Junior Scientific Officer, Group-B till her regularization in the aforesaid post. Otherwise the Applicant would suffer irreparable loss and injury, as because the Applicant have a strong *prima- facie* case and the balance of convenience is in her favour.

4.25 That your Applicant demand justice and the same has been denied.

4.26 That this application is filed bonafide and for the interest of justice.

5)

GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, mala-fide, arbitrary and without jurisdiction. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

Andhak Nalits

5.2 For that, the appointment letter dated 5-12-1997 of the Applicant to the post of Junior Scientific Officer Group- B has already been finally settled and adjudicated by this Hon'ble Tribunal and the same has been upheld by the Hon'ble Gauhati High Court. The same are binding on the parties. As such, the Respondent Authority cannot issue fresh new appointment letter to the Applicant for the post of Junior Scientific Officer Group- B. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.3. For that, the Order dated 1-4-2004 passed in O.A. No.294 of 2003 by this Hon'ble Tribunal, attain finality in the eye of law. As such it is not proper in the part of the Respondent Authority to modify the same and to take different conclusion. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.4. For that, the Respondent Authority cannot deny the service benefit and other consequential benefits of the Applicant since her appointment i.e. 5-12-1997 to the post of Junior Scientific Officer Group-B. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.5. For that, it is admitted fact that this Hon'ble Tribunal has set aside and quashed the reversion order dated 16-12-2003 of the Applicant and the Hon'ble High Court also did not interfere with the Order of the Hon'ble Tribunal. As such it is not permissible on the part of the Respondent Authority to act in defiance of the Order of this Hon'ble Tribunal. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office

Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.6. For that, the Respondent Authority have tactfully avoided the grounds raised by the Applicant in her representation dated 8-8-2006. Therefore, the rejection order dated 23-10-2006 is bad in law, non-speaking, mechanical and arbitrary. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.7. For that, as per direction of this Hon'ble Tribunal dated 01.04.2004, the Respondents are duty bound to consider the case of the Applicant in each true perspective taking into account all the relevant factors as discussed by this Hon'ble Tribunal and explicit in the Order itself. But instead they have passed the Letter dated 23.10.2006 as well as Office Order dated 31.10.2005 / 02.11.2005 in a most arbitrary and mechanical manner. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.8 For that, this Hon'ble Tribunal having already recorded a clear-cut finding that the Applicant was illegally reverted back to the post of Senior Scientific Research Assistant by the Respondents, there was no escape of the Respondents to arrive at a different finding and to appoint the Applicant in fresh vide Office Order No.32 / 2005 dated 31.10.2005 / 02.11.2005. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific

Amolati Nalit's

Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.9 For that the impugned Orders amount to over reaching the Order of the Hon'ble Tribunal in as much as there is no reflection in the impugned Orders as to whether the Order of this Hon'ble Tribunal was taken in to consideration. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.10 For that, the actions of the Respondents in disposal of the Representation submitted by the Applicant speak volume of the mala-fide and colourable exercise of the power. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.11 For that, the Respondents ought to have taken into consideration the grievances made by the Applicant in the earlier QA. as well as Order passed by this Hon'ble Tribunal before passing the impugned Orders and the Respondents having not done so, and the Impugned Orders having been issued in a most illegal and arbitrary manner, same is not sustainable and liable to be set aside and quashed.

5.12 For that, Respondent Authority have deliberately, intentionally done serious injustice, mental trouble and financial hardship to the Applicant. Hence, the letter dated 23.10.2006 issued by the Respondent No.3 as well as Office Order No.32/2005 dated 31.10.2005 / 02.11.2005 are to be set aside and quashed and the Applicant's date of joining as Junior Scientific Officer, Group-B vide appointment letter dated 05.12.1997 to be continued till her regularization in the aforesaid post.

5.13. For that, in any view of the matter the action of the Respondent is not sustainable in eyes of law and the same are liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for by the applicant shall not be granted and after hearing the parties, Your Lordships may be pleased to direct the Respondents to give the following reliefs.

8.1 That the Hon'ble Tribunal may be pleased to set aside and quash the rejection letter No. E/170/LC/NS/690/06 dated 23-10-2006 issued by the Respondent No. 3 as well as Office Order No. 32/2005 (Traffic/ Safety) dated 31-10-2005/ 2-11-2005 and the Respondent Authority may be directed to continue the service of the Applicant as Junior Scientific

Amresh Malit

Officer Group- B vide appointment letter dated 5-12-1997 till her regularization in the aforesaid post.

8.2 That the Hon'ble Tribunal may be pleased to direct the Respondent Authority to give the service and consequential benefits including arrear salaries of the Applicant from 16-12-2003 to 31-10-2005 as Junior Scientific Officer Group- B

8.3 To pass any other appropriate order or orders to which the applicant may be entitled and as may be deemed fit and proper in the facts and circumstances of the case.

8.4 To pay the cost of the application.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, the applicant seek to issue the following interim order-

That the Hon'ble Tribunal may be pleased to direct the Respondent Authority to pay the arrear salary of the Applicant as Junior Scientific Officer ad- hoc from 16-12-2003 to 31-10-2005.

10. Application is filed through Advocate.

11. Particulars of I.P.O.:

I.P.O. No.	:	34 G 651387
Date of Issue	:	26 - 2 - 2007
Issued from	:	Guwahati GPO
Payable at	:	Guwahati GPO

12. LIST OF ENCLOSURES:

As stated in the index.

Ansahali nabi

VERIFICATION

I, Smti Arundhati Kalita, Wife of Shri Arup Kumar Goswami aged about 41 years at present residing in Railway Quarter No. 167/B, East Maligaon, Guwahati- 11, District- Kamrup, Assam do hereby solemnly affirm and verify that the statements made in paragraph Nos. 4.1, 4.2, 4.11 and 4.15 are true to my knowledge, those made in paragraph Nos. 4.3 to 4.10, 4.12 to 4.14, 4.16 to 4.17 are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and the rests are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 28th day of February 2007
at Guwahati.

Arundhati Kalita

DECLARANT

(Typed Copy)

ANNEXURE- A

GOVERNMENT OF INDIA
MINISTRY OF RAILWAY
(RAILWAY BOARD)

No. 87 E (GC) 4-14 (Dup) [39]

New Delhi, Dated 24-2-93

1. The General Managers
All India Railways.
2. Director General
R.D.S.O.

Sub: Gazetted posts for Psycho-technical Cells.

1. The Board based on the recommendations of a High Power Committee on Psycho-technical Cells, have inter-alia decided that the revised gazetted set-up of these Cells at RDSO and Zonal Railways should be as under: -

Garde	Existing gazetted Set-up	Revised gazette set-up
SA Grade	1	1 (for RDSO)
JA Grade	-	1 (for RDSO)
Sr. Scale	-	4 (1each for ER, NR, SR & WR)
Jr. Scale/ Group- B	8	7 (2 for RDSO & 1 each for CR, NE, NF, SC & SE)
	9	13

2. The recruitment of posts for the revised gazetted set-up should be met by adjustments as under: -

- a) SA Grade: 1 post for RDSO. The post is already available in RDSO. It is being operated by utilizing the post of CCS/R, Southern Railway in terms of Board's letter No. 92 E (GC) 4-9(487) dated 25-6-92.

ATTESTED
S. Bhatta
ADVOCATE

b) JA Grade: 1 post for RDSO. RDSO should find the post by transferring a regular post of some other department in PDSO itself.
(This should be done by March 31, 1993).

(from prepare)

c) Sr. Scale: 4 posts i.e. one each for Eastern, Northern, Southern and Western Railways. The existing Jr. Scale/ Group B posts of Jr. Scientific Officer at Calcutta, New Delhi, Madras and Bombay at present under RDSO may be transferred one each to Eastern, Northern, Southern and Western Railways respectively and these 4 posts may be upgraded by the Zonal Railways to Sr. Scale as Senior Scientific Officer by transferring the regular senior scale element from Traffic or Mechanical or Personnel Departments of the respective Railway.
(This should be done by March 31, 1993).

d) Jr. Scale/
Group B: 7 posts i.e. 2 posts for RDSO, 1 post each for CR, NE, NF, SC, and SE Railways. RDSO at present has 4 posts at HQs (Lucknow). 2 should be retained with RDSO and 2 should be transferred, one each to NE and SE Railways. The Central, Northeast Frontier and South Central Railways should find the post by transferring a regular post from Traffic or Mechanical or Personnel Branch of their own Railway. (RDSO should transfer one post of Junior Scientific Officer to NE and SE Railways before March 31, 1993. Central, NF and SC Railways should provide one post of Junior Scientific Officer by March 31, 1993).

3. Accordingly, sanction of the Ministry of Railways is hereby accorded to the transfer/ adjustment of posts indicated at items (b), (c), and (d) of Para 2 above.

4. Officers of Psycho-technical cells on the Railways and RDSO will belong to one cadre.

5. The Psycho-technical cells on the Zonal Railways will function under the administrative control of the concerned Zonal Railway. Both, Psycho-tests for specific categories of staff recruited by Railway Recruitment Board (such as Assistant Station Masters, Assistant Drivers, Motormen) being presently

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ADVOCATE

conducted by Junior Scientific Officer (Psycho), RDSO, Lucknow and in service selection being presently conducted by Junior Scientific Officer (Psycho) at Delhi, Calcutta, Bombay and Madras would be undertaken by Senior Scientific Officer/ Junior Scientific Officers posted on Zonal Railways as soon as the incumbents are in position. Psycho-tests for new recruits through Railway Recruitment Boards would be conducted jointly by Senior Scientific Officer/ Junior Scientific Officer on Zonal Railway and a Senior Personnel Officer/ Divisional Personnel Officer from the Railway. RDSO would organize brief courses on test administration and evaluation for a week or so on each Zonal Railway for Personnel Officers, and completed by April 30, 1993.

6. Details of adjustments of posts made in accordance with this sanction may please be advised early.
7. This issue with the concurrence of the Finance Directorate of the Ministry of Railways.

Sd/-
(Ms. B.K. Minz)
Dy. Director, Estt. Gaz.
(Cadre)
Railway Board.

No. 87 E (GC) 4-14 (Dup)[39]

New Delhi, dated 24-2-93.

Copy forwarded to :

1. The FA & CAOs, All Indian Railways.
2. The Director Finance, TDSO, Lucknow.
3. The Chairman, All Railway Recruitment Boards.
4. The ADAI (Railways) 40 spares.

Sd/-
(Ms. B.K. Minz)
Dy. Director, Estt. Gaz.
(Cadre)
Railway Board.

Copy to: Adv. (MS), ED (Safety), EDE(GC), DE(RRB), JS(G), JS(G),
EDEN, JDE(GP), E(O) III and F (E) I Branches, Railway Board.

ATTESTED
Bhette
ADVOCATE

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

ANNEXURE--A

No.87E(GC)4-14(Dup)[39]

New Delhi, dt. 24-2-93.

1. The General Managers
All Indian Railways.
2. Director General
R.D.S.O.
Lucknow.

Sub : Gazetted posts for Psycho-technical Cells.

OB **I** The Board, based on the recommendations of a High Power Committee on Psycho-technical Cells, have inter alia decided that the revised gazetted set-up of these Cells at RDSO and Zonal Railways should be as under :-

21/3/93

Grade	Existing gazetted set-up	Revised gazetted set-up
SA Grade	1	1(for RDSO)
JA Grade	-	1(for RDSO)
Sr. Scale	-	4(1 each for ER, NR, SR & WR)
Jr. Scale/ Group 'B'	8	7(2 for RDSO & 1 each for CR, NE, NF, SC & SE)
	9	13

2. The requirement of posts for the revised gazetted set-up should be met by adjustments as under :-

(a) SA Grade : 1 post for RDSO. The post is already available in RDSO. It is being operated by utilising the post of CCS/R, Southern Railway in terms of Board's letter No.92E(GC)4-9(487) dated 25-6-92.

*We have already
arranged
for 8+25A
grade post.
One of these may
be merged. If any
objection by
any body
then
be merged.*

(b) JA Grade : 1 post for RDSO. RDSO should find the post by transferring a regular post of some other department in RDSO itself. (This should be done by March 31, 1993)

.....2/-

ATTESTED

Bhattacharya
ADVOCATE

Photocopy to Dir (P&M)

(from prepage)

(c) Sr. Scale: 4 posts i.e. one each for Eastern, Northern, Southern and Western Railways. The existing Jr. Scale/Group 'B' posts of Jr. Scientific Officer at Calcutta, New Delhi, Madras and Bombay at present under RDSO may be transferred one each to Eastern, Northern, Southern and Western Railways respectively and these 4 posts may be upgraded by the respective zonal Railways to Sr. Scale as Senior Scientific Officer by transferring a regular senior scale element from Traffic or Mechanical or Personnel Departments of the respective Railway.
(This should be done by March 31, 1993)

(d) Jr. Scale/ Group 'B': 7 posts i.e. 2 posts for PDSO, 1 post each for CR, NE, NF, SC and SE Railways. RDSO at present has 4 posts at IIES (Lucknow). 2 should be retained with RDSO and 2 should be transferred, one each to NE and SE Railways. The Central, Northeast Frontier and South Central Railways should find the post by transferring a regular post from Traffic or Mechanical or Personnel Branch of their own Railway. (RDSO should transfer one post of Junior Scientific Officer to NE and SE Railways before March 31, 1993. Central, NF and SC Railways should provide one post of Junior Scientific Officer by March 31, 1993).

3. Accordingly, sanction of the Ministry of Railways is hereby accorded to the transfer/adjustment of posts indicated at items (b), (c) and (d) of para 2 above.

4. Officers of Psycho-technical cells on the Railways and RDSO will belong to one cadre.

5. The Psycho-technical cells on the Zonal Railways will function under the administrative control of the concerned Zonal Railway. Both, Psycho-tests for specified categories of staff recruited by Railway Recruitment Boards (such as Assistant Station Masters, Assistant Drivers, Metormen) being presently conducted by Junior Scientific Officer (Psycho) RDSO, Lucknow and in-service selections being presently conducted by Junior Scientific Officer (Psycho) at Delhi, Calcutta, Bombay and Madras would be undertaken by Senior Scientific Officers/Junior Scientific Officers posted on Zonal Railways as soon as the incumbents are in position.

.....3/-

ATTESTED

S. Bhatia
ADVOCATE

Psychotests for new recruits through Railway Recruitment Boards would be conducted jointly by Senior Scientific Officer/Junior Scientific Officer on Zonal Railway and a Senior Personnel Officer/Divisional Personnel Officer from the Railway. RDSO would organise brief courses on test administration and evaluation for a week or so on each Zonal Railway for Personnel Officers, and completed by April 30, 1993.

6. Details of adjustments of posts made in accordance with this sanction may please be advised early.

7. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

B.K. Minz

(Ms. B.K. Minz)
Dy. Director, Estt. Gaz. (Cadre)
Railway Board

No. 87E(GC)4-14(Fup) [39]

New Delhi, dt. 24-2-93.

Copy forwarded to :

1. The FA&CAOs, all Indian Railways.
2. The Director Finance, RDSO, Lucknow.
3. The Chairman, All Railway Recruitment Boards.
4. The ADAI (Railways) 40 spares.

B.K. Minz

(Ms. B.K. Minz)
Dy. Director, Estt. Gaz. (Cadre)
Railway Board

Copy to : Adv (MS), ED (Safety), ELE (GC), DE (RRB), JS (G), JS (C), ELEN, JDE (GP), E (O) III and F (E) I Branches, Railway Board.

ATTESTED

Bhattacharya
ADVOCATE

(Typed Copy)

ANNEXURE- B

Illegible....

Office of the
General Manager (P)/ N.F. Rly.
Maligaon/ Guwahati- 781011.

No. E/41/120/29(0)

Dt. 14-05-1993

To,
The Director Estt. (Gazetted Cadre),
Railway Board,
New Delhi.

Sub: Gazetted post for Psycho-Technical Cell.

Ref: Board's letter No. 87E (GC) 4-14(Dup) (39) dated
24.2.93 and 22.4.93.

The Board vide their letter dated 24.2.93 have conveyed sanction to the operation of a Junior Scale/ Group- B post to be designated as Junior Scientific Officer in Psycho-technical Cell, by transferring a regular post from Traffic or Mechanical or Personnel Branch. As these three departments are not in a position to spare a post for this purpose, one post of ADMO (Group-A) of this railway is being utilized temporarily to operate the post of junior Scientific Officer as agreed to by CMO and approved by the General Manager. The Board in their letter dated 24.4.93 have further communicated that the Psycho- technical Cell of the Zonal Railway will be under the control of Chief Safety Officer for initial two years and thereafter it will be under two control of Chief Personnel Officer.

2. As mentioned above, the post of Junior Scientific Officer (JS/ Group- B) is now ready for operation by temporary transfer of a post of ADMO (Group-A). In regard to filling up of this post, no instructions/ orders have so far been received from the Board. Therefore, Board are requested to kindly send the details, viz: whether the post will be manned by a direct recruit from UPSC, or to be filled up by a Group- B Officer to be selected through positive act of existing Group- B selection or by transferring an Officer (JS/Gr.-B) from an identified Department, if any.

3. An early reply is requested to enable this railway to operate this post in Psycho- technical Cell by an incumbent to be placed against this post.

Sd./-

(A.K. Brahma)
DY. CPO/IR
For General Manager(P).

ATTTESTED

Bhattacharya
ADVOCATE

ANNEXURE--B

39

Office of the
General Manager (P)/P.R. Rly.
Lokmanjoo Chowkhati- 781011

No. S/41/120/29(0)

Dt. 11 - 05- 1993

To

The Director, Estt. (Gazetted Cadre),
Railway Board,
New Delhi.

Sub : Gazetted post for Psycho-technical Cells.

Ref : Board's letter No.87E(GC)-14(Dup)(39)
dated 24.2.93 and 22.4.93.

.....

The Board vide their letter dt. 24.2.93 have conveyed sanction to the operation of a Junior Scale/ Group-B post to be designated as Junior Safety Scientific Officer in Psycho-technical Cell, by transferring a regular post from Traffic or Mechanical or Personnel Branch. As these three Departments are not in a position to spare a post for this purpose, one post of ADMO(Group-A) of this railway is being utilised temporarily to operate the post of Junior Safety Officer, as agreed to by CMO and approved by the General Manager. The Board in their letter dt. 22.4.93 have further communicated that the Psycho-technical Cell of the Zonal Railways will be under the control of Chief Safety Officer for initial two years and thereafter it will be under control of Chief Personnel Officer.

2. As mentioned above, the post of Junior Scientific Officer(JS/Group-B) is now ready for operation by temporary transfer of a post of ADMO(Group-A). In regard to filling up of this post, max no instructions/orders has so far been received from the Board. Therefore, Board are requested to kindly send the details, viz; whether the post will be manned by a direct recruit from UPSC, or to be filled up by a Group Officer to be selected through positive act of existing Group-B selection or by transferring an Officer(JS/Gr. B) from any identified Department, if any.

3. An early reply is requested to enable this railway to operate this post in Psycho-technical Cell by an incumbent to be placed against this post.

(A. K. BRAHMO)
D.Y.CPO/IR
For GENERAL MANAGER (P)

.....
ATTESTED

Ghato

ADVOCATE

(Typed Copy)

ANNEXURE-C

O.O No. E/41/105 illegible...

August 17/1993

Dear Sh. Rao,

Sub: Setting up of Psycho-technical Units on Zonal Railways.

Ref: Your D.O.No. 91/Safety-1/28/B dt. 28.7.93.

So far non-gazetted post is concerned in terms of Board's Letter No.E(NG) II/92/PO/RDSO/1 dated 8.4.93 the post of Sr. Scientific Research Assistant (Psychology) in scale Rs. 1640-2000/- has already been granted by necessary matching surrender vide memorandum No. E/41/95/Pt. III (r) dated 22.6.93. The requisition has also been placed with the RRB/ Guwahati and the advertisement in this regard is being floated shortly.

2. So far Gazetted post is concerned in terms of Board's directive conveyed under their letter No. 87-E(GC) 4-14 (Dup) [39] dated 24.2.93 a proposal was sent to the Railway Board under the Railway's letter No. E/41/120/29/29(O) dated 14.5.93 to operate the post of Jr. Scientific Officer by temporarily transferring one post of ADMO (Group-A) and the Board was also requested in the said letter to issue instructions/ orders as to how the post should be filled in i.e. whether the post will be manned by a direct recruit from UPSC or to be filled up by a Group B Officer to be selected through positive act of existing Group-B selection of transferring an Officer (JS/Gr'B') from an identified department. This was followed by a reminder, dated 11.6.93. However, no clarification has yet been received. The Railway Board meanwhile vide their letter No. 87-E (GC) 4-14 (Dup)/39 dated 19.7.93 have indicated that this Railway's proposal to operate a post of ADMO as Jr. Scientific Officer is not acceptable, but this arrangement may be continued up to 16.8.93 and a regular post of Traffic or Mech. or Personnel Department should be utilized as per direction given by the Railway Board under their letter No. 87-E (GC) 4-14 (Dup)/39 dated 24.2.93. Action is being taken accordingly.

3. I would therefore, request you to kindly clarify as to the methodology to be followed for filling up of this post of Jr. Scientific Officer.

With kind regards.

Yours sincerely
Sd/-
(G.K. Kharo)

Sh. M.K. Rao
Member Staff
Railway Board
New Delhi.

ATTESTED


ADVOCATE

CEST/AM/10/81
17/8/83

DD. No. E/41/105 P.XII(T).

August 17, 1983

Dear Sh. Rao,

Subject: Setting up of Psycho-Technical Units on Zonal Railways.

G.112 Re: Your DD No. 91/Safety-1/28/8 dt. 20.7.83.

So far non- gazetted post is concerned in terms of Board's letter No. E(NG) II/92/P0/10090/1 dated 8.4.93, one post of Sr. Scientific Research Asstt. (Psychology) in scale R.1640..2000/- is already being operated by nonunary method under vide memorandum No. E/41/95/pt. 111(T) dt. 22.6.93. This arrangement has also been planned with the ITO/Guarhali and the advertisement for this regard is being floated shortly.

So far gazetted post is concerned in terms of Board's executive category under their letter No. 07-E(CC)4-14(Dup)/30 dt. 24.2.93 a proposal was sent to the Railway Board under the Railways' letter No. E/41/120/29(0) dt. 14.5.93 to operate the post of Sr. Scientific Officer by temporarily transferring one post of RUMO (Group-A) and the Board was also requested in the said letter to issue instructions/edicta as to how the post should be filled up i.e., whether the post will be manned by a direct recruit from RUMC, or to be filled up by a Group 'B' Officer to be selected through competitive test of existing Group 'B' selection or by transferring an officer (33/Gr. 'B') from an identified Deptt. This was followed by a reminder dt. 11.8.93. However, no clarification has yet been received. The Railway Board, meanwhile, vide their letter No. 07-E(CC)4-14(Dup)/30 dt. 19.7.93 have indicated that this Railways' proposal to operate a post of RUMO as Sr. Scientific Officer is not acceptable, but this arrangement may be continued up to 16.8.93 and a regular post of Traffic or Moon, or Parcanel Deptt. should be utilised as per direction given by the Railway Board under their letter No. 07-E(CC)4-14(Dup)/30 dt. 24.2.93. Action is being taken accordingly.

3. I would, therefore, request you to kindly clarify as to the methodology to be followed for filling up of this post of Sr. Scientific Officer.

With kind regards,

Yours sincerely,

(C. K. Katre)

ATTESTED

Sh. Shatta
ADVOCATE

Sh. MK Rao
Member Staff
Railway Board
New Delhi.

(Typed Copy)

ANNEXURE- D

D.O. No. E/41/120/29 (0)

Dated 1-4-1994

My dear Malhotra,

Sub: - Gazetted post for Psycho-technical Cells

Ref: - Your D.O. No. 87D (OO) 4-14 (Dup) dated 30/3/1994

Board's letter dated 24/2/93 and further clarification given to this Railway under Board's letter dated 19/7/93 deal with the subject of transfer of a post from another three nominated departments for operation as Jr. Scientific Officer. There have been no instructions as to how to fill up the post of Jr. Scientific Officer despite the matter having been specifically taken up by this Railway in Para 2 of the Railway letter dated 11/6/93, namely whether the post to be manned by direct recruitment from UPSC or to be filled up through positive action of selection etc. No clarification has come from the Board despite a number of reminders and D.O. letter dated 24/6/93 & 29/7/93 to the Board's Office. Executive Director (GC), Shri Sivaraman was also spoken to on 22/6/93 by Dy. CPO/ Gazetted and he was informed that instruction regarding filling up of this Gazetted post is yet to be finalized at the Board's end.

Under the circumstances, we were unable to fill up the post so far. However, in view of the urgency expressed in your letter we have now filled up the post drafting a Mechanical Officer against a Gazetted post released temporarily from the Mechanical Cadre. This arrangement will be continued till we get instructions from Board.

Yours sincerely,
(E.V.Viswanathan)

Shri R.K. Malothra,
Advisor (Management Services),
Railway Board,
New Delhi.

Copy to : CSO

The post of AME/ Safety/ MLG should immediately be re-designated as Jr. Scientific Officer and the present incumbent should be posted against the same. As Jr. Scientific Officer schedule of the duties will be as laid down in the Board's letter and in addition will also include the safety duties at present allotted to him till further orders.

Copy to: CPO:

to issue necessary orders immediately on date.

Sd/-
Addl. G.M.

ATTESTED

Bhatte
ADVOCATE

E. V. VIJAYANATHAN

D.O. No. E/41/170/11(2).

By your Malhotra,

Dt. 1-4-1994.

Sub:- Gazetted posts for Rayohu Technical Collg.

Reff:- Your D.O. No. 870(00)4-14(Dup)
Dt. 30/3/1994.

Board's letter dt. 24/2/93 and further clarification given to this Railway under Board's letter dt. 19/7/93 deal with the subject of transfer of a post from another's nominated departments for operation as Jr. Scientific Officer. There have been no instructions as to how to fill up the post of Jr. Scientific Officer despite the matter having been specifically taken up by this Railway in para 2 of this Railways letter dt. 11/6/93, namely whether the post to be manned by a direct recruitment from UPSO or to be filled up through positive action of selection etc. No clarification has come from the Board despite a number of reminders and D.O. letters dt. 24/6/93 & 29/7/93 to the Board's office. Executive Director(GC) Sri Sivaraman was also spoken to on 22/6/93 by CPO/Gazetted and he was informed that instructions regarding filling up of this gazetted post is yet to be finalized at the Board's end.

Under the circumstances, we were unable to fill up this post so far. However, in view of the urgency expressed in your letter, we have now filled up the post drafting a Mechanical Officer against a Gazetted post released temporarily from the Mechanical Cadre. This arrangement will be continued till we get instructions from Board.

Yours sincerely,

Sri R.K. Malhotra,
Adviser(Management Services),
Railway Board,
New Delhi.

(E. V. VIJAYANATHAN)

Copy to: CSO | The post of AME/Scientist/MLG should immediately be re-designated as Jr. Scientific Officer and the present incumbent should be posted against the name. As Jr. Scientific Officer. Schedule of duties will be as laid down in the Board's letter and in addition will also include the authority allotted to him till further orders.

Copy to: CPO | to issue necessary orders immediately on date

ATTESTED

Shatto
ADVOCATE

(Typed Copy)

ANNEXURE- D₁

Government of India
Ministry of Railway
Research Design &
Standards Organisation
Lucknow-226011

No.PTC/PP/III/3(Vol. III)

Dated 6.10.95

The Secretary/ Estt. (NG),
Railway Board,
Rail Bhawan
New Delhi.

Sub: Follow up action on the recommendation of the High Powered Committee on Psycho-tech Cells- Setting up of Psycho Technical Unit on Zonal Railways.

Ref: Board's letter No. E(NG) II/ 92/PO/RDSO/1 dated 23.8.95

Four posts each of Chief Scientific Research Assistants and Senior Scientific Research Assistants were sanctioned by the Board vide their letter No. ENG/II/92/PO/RDSO/1 dated 8.4.95 for the Psycho-technical Cells to be set up on the Zonal Railways. These posts were ordered to be created by the Railways from within their existing resources by matching surrender as directed in Board's letter No. E (NG) II/92/PO/RDSO/1 dated 30.3.94. The sanctioned complement of officers and Scientific Assistants were required to undertake work pertaining to psycho-technical testing on de-centralized pattern both for direct recruitments as well as in-services selections for the categories and stages identified vide Board's letter No. E (NG) I/92/PM1/22 dated 26.9.94 as recommended by the High Powered Committee on Psycho-Technical Cells and accepted by the Board.

2. In terms of the Board's above quoted letter, the sanction for the non-gazetted technical posts for the Zonal Railways has been held in abeyance and the Zonal Railways have been directed to manage the work by drawing the services of Traffic/ Electrical/ Mechanical Inspectors.

3. In this connection it is submitted that: -

I. Psycho-technical testing is a professional activity and cannot be performed satisfactorily by inspectorial cadres who do not possess requisite academic and professional qualifications for the work. Both test administration and interpretation thereof

ATTESTED

Bhette
ADVOCATE

requires professional skills and knowledge, which cannot be imparted through orientation and short training programmes.

II. In view of the multiplicity of the categories and stages at which psychological tests are now required to be conducted, complement of officers and technical staff as already sanctioned by the Board are absolutely necessary. In fact difficulties are being experienced by the Zonal Railways in managing the work of direct recruitment and in-service testing with the help of four assistant officers earlier being on the rolls of RDSO and now placed under their administrative control.

III. Psycho-technical testing is to be conducted for personal selection and it would not be administratively desirable to expose the contents and methodology of testing to a large number of inspectorial cadres who are to be associated only on short tenure basis. This will have deleterious effect on quality and standard of testing as also the integrity of the system. Inspectors can at best be utilized for routine assistance in conduct of the test programmes their deployment cannot be a substitute for professional assistant to be rendered by Chief Scientific Research Assistant or Senior Scientific Research Assistants holding Master's Degree in Psychology. In this connection the observations of the Railway Accident Inquiry Committee-1968, as contained in Para 310 is reproduced below:-

“.... We also hope that when the stage arrives for the application of these tests in the selection of personnel, such tests will be handled by well-qualified and responsible staff so that they become neither a mere routine nor a source of harassment to the staff.”

IV. It is understood that Central, NF, South Central and South Eastern Railways have already created one post each of Senior Scientific Research Assistant. The post of Central and NF Railway are already manned and recruitment of incumbents for South Central and South Eastern Railways has

ATTESTED

Bhatta
ADVOCATE

already been finalized. Implementation of the orders of the Board being almost half way through, stalling the process would be a retrograde step when the posts are justified on the grounds of workload as well as worth of charge.

4. In view of the foregoing Board are requested to review their decision and order for creation of four posts each of Chief Scientific Assistants and Sr. Scientific Research Assistants by the Zonal Railways, as originally sanctioned.

(S.K. Singh)
for Director General/ Psychology

DA: Nil.

Copy to :

- 1) The Executive Director (Safety), Railway Board, Rail Bhavan, New Delhi.
- 2) The Chief Safety Officers, All Indian Railways. NF Railways, Maligaon.

DA: Nil. Guwahati

Sd/-
(S.K. Singh)
for Director General/ Psychology.

ATTESTED

Bhattacharya
ADVOCATE

Superior Court of Judicature
Supreme Court of India
Court of Appeal
Court of Criminal Appeal
Government of India Ministry of Railways
Research Design & Standards Organisation
100011 New Delhi

PTC/PP/III/3(Vol.III)

Dated: 6.10.95.

SP-18

Secretary/Estt.(NG),
Railway Board,
Rail Bhavan,
New Delhi.

Sub: Follow-up action on the recommendation of the
High Power Committee on Psycho-Tech. Cells
.. Setting up of Psycho Technical Units on Zonal
Railways.

Board's letter No.E(NG)II/92/PO/RDSO/1
dated 23.3.95.

Four posts each of Chief Scientific Research Assistants and Senior Scientific Research Assistants were sanctioned by the Board vide their letter No.ENG/II/92/PO/RDSO/1 dated 8.4.95 for the Psycho-technical Cells to be set-up on the Zonal Railways. These posts were ordered to be created by the Railways from within their existing resources by matching surrender as directed in Board's letter No.E(NG)II/92/PO/RDSO/1 dated 30.3.94. The sanctioned complement of officers and Scientific Assistants were required to undertake work pertaining to psycho-technical testing on decentralised pattern both for direct recruitments as well as in-service selections for the categories and stages identified vide Board's letter No.E(NG)I/92/PMI/22 dated 26.9.94 as recommended by the High Power Committee on Psycho-technical cells and accepted by the Board.

2. In terms of the Board's above quoted letter, the sanction for the non-gazetted technical posts for the Zonal Railways has been held in abeyance and the Zonal Railways have been directed to manage the work by drawing the services of Traffic/Electrical/Mechanical Inspectors.

3. In this connection, it is submitted that :-

- (i) Psycho-technical testing is a professional activity and cannot be performed satisfactorily by inspectorial cadres who do not possess requisite academic and professional qualifications for the work. Both test administration and interpretation thereof require professional skills and knowledge, which cannot be imparted through orientation and short training programmes.
- (ii) In view of the multiplicity of the categories and stages at which psychological tests are now required to be conducted, complement of officers and technical staff as already sanctioned by the Board, are absolutely necessary. In fact, difficulties are being experienced by the Zonal Railways in managing

ATTESTED

Bhatte

ADVOCATE

Wokar 12, Connaught Place
P.O. Box 80002 Madras - 600018.

-34-

the work of direct recruitment and inservice testing with the help of four assistant officers, earlier borne on the rolls of MRCO and now placed under their administrative control.

(iii) Psycho-technical testing is to be conducted for personnel selection and it would not be administratively desirable to expose the contents and methodology of testing to a large number of inspectorial cadres who are to be associated only on short tenure basis. This will have deleterious effect on quality and standard of testing as also the integrity of the system. Inspectors can at best be utilised for routine assistance in conduct of the test programmes. Their deployment cannot be a substitute for professional assistance to be rendered by Chief Scientific Research Assistant or Senior Scientific Research Assistants holding Master's Degree in Psychology. In this connection, the observations of the Railway Accident Inquiry Committee - 1968, as contained in Para 310, is reproduced below:-

"...We also hope that when the stage arrives for the application of these tests in the selection of personnel, such tests will be handled by well-qualified and responsible staff so that they become neither a mere routine nor a source of harassment to the staff".

(iv) It is understood that Central, NF, South Central and South Eastern Railway have already created one post each of Senior Scientific Research Assistant. The posts on Central and NF Railways are already manned and recruitment of incumbents for South Central and South Eastern Railway has already been finalised. Implementation of the orders of the Board being almost half way through, stalling the process would be a retrograde step when the posts are justified on the grounds of workload as well as worth of charge.

4. In view of the foregoing Board are requested to review their decision and order for creation of four posts each of Chief Scientific Research Assistants and Senior Scientific Research Assistants by the Zonal Railways, as originally sanctioned.

DAE: Nil.

Copy to:

(S.K.Singh)
for Director General/Psychology

(1) The Executive Director (Safety), Railway Board, Rail Bhawan, New Delhi.
(2) The Chief Safety Officers, All Indian Railways.

DAE: Nil. (Gaurav)

(S.K.Singh)
for Director General/Psychology

ATTESTED

Shatto

ADVOCATE

Works: 12, Connaught Place Street
P.O. Box 6902, Mumbai - 400018.

ANNEXURE - E**-35-****CONFIDENTIAL**

एस० के० सिंह
कार्यकारी निदेशक यातायात अनु० (भग००)

S. K. Singh
Executive Director Traffic Research (Psych.)

भारत सरकार - रेल मंत्रालय
अनुयंगान अभिकल्प पांच माहक संगठन
मानक नगर, लखनऊ-226 011 52
टेलीफोन : 50921

Government of India - Ministry of Railways
Research Designs & Standards Organisation
Manak Nagar, Lucknow-226 011
Telephone : 50921

Dated : 22.4.96

No. PTC/PP/III/5

My dear Thangā,

Sub : Psycho-Technical on Zonal Railways.

Ref : Your L.O. No. T/2/18/Pt.I dtd. 9.4.96.

SN-44

.....

Board have issued sanction for Gazetted and Non-Gazetted personnel comprising Psycho-Technical Cells on Zonal Railways vide their letter Nos. 87 E(GC)4-14(Lup) (39) dtd. 24.2.93 and E(NG)II/92/PO/RESO/1 dtd. 8.4.93. It is noted that the post of Sr. Scientific Assistant (Psychology) has already been created and is now under operation. The post of Jr. Scientific Officer is yet to be created.

- 2. In terms of Board's sanction, the post of Jr. Scientific Officer has to be found by the Railways from within their own resources out of the cadres of Traffic, Mechanical or Personnel department. The post identified for your Railway is a group 'B' one and for the purposes of finding this post, a group 'A' post on the medical department cannot obviously be used.
- 3. This matter is fully within the competence of your Railway for which specific sanction of the Board already exists. In my view, no further reference to Board should be necessary. I understand that other Railways which had to take similar action, have already complied with the Board's orders.
- 4. I would, therefore, request that you may kindly pursue this matter locally so that post of Jr. Scientific Officer on your Railway becomes available early and the present impractical arrangement of utilising a Calcutta based Jr. Scientific Officer is dispensed with.

SSRA
PR Patrap "in file"
DA : Nil
m/s

Shri R.K.Thangā,
Chief Safety Officer,
Northern Frontier Railway,
Maligaon, GUWAHATI-781011

ATTESTED
Ghatala
ADVOCATE

Yours sincerely,

J. S. S.
(S. K. SINGH)

85

- 36 -

Government of India
Ministry of Railways
(Railway Board)

ANNEXURE-- F

298
15-5-97
N.F
No. 91/Safety-I/28/5

New Delhi, dt. 9.5.1997

The General Managers (Safety),
All Indian Railways.

✓
R/SO

Sub: Implementation of the recommendations
of High Powered Committee on Psycho
Tech. Cells- Decentralisation of
Psychological Tests in recruitment
of Safety category of staff.

In pursuance of the accepted recommendation made
in the Report of High Powered Committee on Psycho Tech.
Cells, the Zonal Railways have been asking to activate
their independent Psycho Tech. Cell since long.

2. In this connection the request to Railways was last
re-iterated under Board's letter of even number dated
19.2.1997 that required infrastructural facilities in terms
of gazetted and non-gazetted cadres and procurement of OMRs
may be expedited so that the process of psycho testing may
be made totally independent of the RDSO, Concerned Dts.
of Board's office are also being requested to take necessary
action in the matter, where required, expeditiously.

3. Railways are again requested to finalise the setting
up of an independent Psycho Tech. Cells on their Railways
as early as possible and a report be submitted to undersigned
at the earliest.

DA/Nil

CCO/NFR.
in ref to the
letter above;
stated plan of
action will follow.
-R.B.
16/05/97

EX-DIRECTOR	
Office of the General Manager	
Sign	Indra Ghosh
Date	13 MAY 1997
Exe. Director (Safety) Railway Board.	
9, M. S. Road, Guwahati-781001 N. E. Railway, Guwahati-781001	

ATTESTED
Bhattacharya
ADVOCATE



1. Sh. A K Roy Chowdhury, AME/Safety/HQ is transferred in the same capacity and posted as AME/Design/HQ against the existing vacancy. 50

2. On vacantion of the post of AME/Safety/HQ by Sh. Roy Chowdhury, the post is re-designated as Jr. Scientific Officer(JSO)/HQ, for operation in Psycho-technical Cell/HQ under CSO/NF Railway.

3. Smt. Arundhati Kalita, Sr. B Scientific Research Asstt. in scale Rs. 1640 - 2900/- on being empennelled for promotion to the post of JSO/Gr.B purely on adhoc basis, is appointed to officiate as JSO/Gr.B/HQ on adhoc basis, against the arrangement vide Sr.No.2 above.

The promotion of Smt. Kalita to JSO/Gr.B will on Adhoc basis will not confer on her any claim for regular promotion to Gr.B service and seniority.

4. Sh. MK Majumder, AME/DSL/SGUJ is temporarily transferred alongwith his post to HQ/MLG for a short time only.

This issues with the approval of Competent Authority.

M. Brahma
(M. Brahma)
By. GPO/Q
for General Manager(P)

No. E/41/120/29(0)

MLG, dt. 5.12.97

Copy forwarded for information & n/ action to :-

- 1) CME, CRSE, CMPE(D), CWE, SDGM, FA&CAO, COM & CSO/MLG
- 2) FA&CAO(EGA) & (PF)/MLG (3) All DRMS & DIM(P)/NF Rly
- 3) SPO/T (5) PS to GM/MLG (6) EO/Bill
- 7) DAO/KIR (8) Sr.IME/DSL/SGUJ (9) DGM/G
- 10) IV/Pass (11) Officers concerned

M. Brahma
for General Manager(P)

.....

ATTESTED

Bhattacharya
ADVOCATE

(Typed Copy)

ANNEXURE- H

N. F. Railway

OFFICE ORDER NO. 34/2003(TTC&MECH)

The following orders are issued with immediate effect: -

- 1) One regular Group 'B' post of AME of Mechanical Department which was variated for operation as AME (Safety) and subsequently as Jr. Scientific Officer vide GM(P)/MLG's Office Order No. 84/94(Traffic) dtd. 1/5-4-1994 and 202/97 (Mech) dtd. 5-12-1997 is hereby restored back to Mechanical Department with immediate effect.
- 2) As a consequence Smti. Arundhati Kalita, Sr. Scientific Research Assistant in Scale Rs. 1640-2900/5500-9000, who was promoted to the post of JSO (Gr.-B) purely on ad- hoc basis vide this Office Order dated 05-12-1997, is hereby reverted to her substantive post of Sr. Scientific Research Assistant in Scale Rs. 5500-9000/- under CSO/MLG with immediate effect.

This issue with the approval of the General Manager/N.F. Railway.

(P.K. Singh)
Dy. Chief Personnel Officer (Gaz)
For General Manager (P)

E/283/82/Pt. XVII (O)

Maligaon dated 16-12-2003

Copy forwarded for information & necessary action: -

- 1) Secretary, Railway Board, New Delhi- 110001.
- 2) DG/TR (P)/RDSO/ Lucknow- 226011.
- 3) All PHOD/HOD/DRM/CWM/NFR
- 4) FA& CAO (EGA&PF)
- 5) CPRO/ DGM (G)
- 6) PS to GM, ASY to AGM
- 7) NFROA/NFRPOA/NFRMU/NFREU/MLG.
- 8) OS (EO/BILL)/MLG
- 9) Officer Concerned

Smti. A. Kalita, JSO/HQ.

Sd./-
(P.K. Singh)
Dy. Chief Personnel Officer (Gaz)
For General Manager (P).

ATTESTED

Ghanta
ADVOCATE

N. E. Railway
OFFICE ORDER NO.34/2003(TEC & MECH)

The following orders are issued with immediate effect:-

(1) One regular Group 'B' post of AME of Mechanical Department, which was variated for operation as AME(Safety) and subsequently as Jr. Scientific Officer vide GM(P)/MLG's Office Order No.84/94(Traffic) dtd.1/5-4-1994 and 202/97(Mech) dtd.5-12-1997 is hereby restored back to Mechanical Department with immediate effect.

(2) As a consequence, Smt.Arundhati Kalita, Sr. Scientific Research Asstt. in Scale Rs.1640-2900/5500-9000, who was promoted to the post of JSO(Gr.'B') purely on adhoc basis, vide this office order dated 05-12-1997, is hereby reverted to her substantive post of Sr. Scientific Research Asstt. in Scale Rs.5500-9000/- under CSO/MLG with immediate effect.

This issues with the approval of General Manager/N. E. Railway.

(P. K. Singh)
Dy. Chief Personnel Officer(Gaz)
For General Manager (P)

Maligaon, dated 16-12-2003

E/283/82/PL.XVII(O)

Copy forwarded for information & necessary action to:-

- (1) Secretary, Railway Board, New Delhi-110001.
- (2) DG/FR(P)/RDSO/Lucknow-226011.
- (3) All PHOD/HOD/DRM/CWM/NF-R
- (4) FA&CAO(EGA&PF)
- (5) CPRO/DGM(G)
- (6) PS to GM, ASY to AGM
- (7) NI-ROA/NFRPOA/NFRMU/NFIREU/MLG
- (8) OS(EQ/BILL)/MLG
- (9) Officer concerned.

Smt. A. KALITA,
JSO (P)

(P. K. Singh)
Dy. Chief Personnel Officer(Gaz)
For General Manager (P)

ATTESTED

Sharma
ADVOCATE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 294 of 2003.

Date of Order : This the 1st Day of April, 2004.

The Hon'ble Shri Kuldip Singh, Judicial Member.

The Hon'ble Shri K.V.Prahadan, Administrative Member.

Smt. Arundhati Kalita,
W/o Shri Arup Kumar Goswami,
Railway Qrs. No. 167/B,
East Maligaon, Guwahati-11.

By Advocate Sri Bipul Sarma. Applicant.

- Versus -

1. Union of India,
through the General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
2. General Manager (Personnel)
N.F.Railway, Maligaon,
Guwahati-11.
3. Deputy Chief Personnel Officer,
(Gaz), Office of the General Manager,
Personnel, N.F.Railway,
Maligaon, Guwahati-11.
4. Dy. Director, Estt.Gaz(Cadre),
Railway Board, Rail Bhawan,
New Delhi.

. . . Respondents.

By Advocate (None present for the respondents)

O R D E R

KULDIP SINGH, MEMBER(J)

1. Heard Sri B.Sarma, learned counsel for the applicant. None present for the respondents. However, we proceed to hear the matter under the provision of Rule 15 of the Central Administrative Tribunal (Procedure) Rules 1987.

2. This application has been filed challenging the arbitrary reversion of the applicant from the post of Junior Scientific Officer (Gr.B) which she was holding purely on ad hoc basis to the post of Senior Scientific

Research Assistant i.e. her substantive post. The applicant submitted that vide order dated 24.2.93 issued by the Railway Board a Junior Scale Group B post was created which was subsequently designated as Junior Scientific Officer.

^{Circular} This may be filled up by transferring a regular post from

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ADVOCATE

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Traffic or Mechanical or Personnel Branch of their own Railway. The applicant belongs to Traffic branch and was thus posted to the post of Junior Scientific Officer. The applicant continued to work but suddenly the ^{Interim & P} order dated 16.12.2003 was issued by the General Manager(P), N.F.Railway, wherein it was mentioned that the post of JSO is restored back to Mechanical Department with immediate effect and as a consequence thereof the applicant who was posted as JSO was ordered to be reverted to her substantive post of Sr. Scientific Research Assistant. The applicant thereafter filed an O.A. and this Tribunal vide order dated 26.12.2003 directed to maintain status quo. Notice was issued to the respondents.

3. The respondents filed their written statement contesting the case. In the affidavit the respondents pleaded that the post of JSO was created for operation in the psycho-technical cell by variation of a post of equivalent rank from the mechanical department and the said order also stated that the applicant who was working as Sr. Scientific Research Assistant was empanelled for promotion to the post of JSO Gr.B purely on ad hoc basis with the stipulation that this would not confer her any claims for regular promotion to Gr.B service and seniority. By the impugned order dated 16.12.2003 the post of JSO was restored back from the office of the Chief Safety Officer, N.F.Railway to the Mechanical Engineering department to which the post belonged. Consequently the order of reversion has been passed. Thus the respondents in the O.A. has taken a plea that the post of JSO is no more available to the applicant since the post has been restored to the mechanical department. Keeping in view the various considerations of administrative convenience the decision was taken to restore the post.

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4. We have heard the learned counsel for the applicant at length. We find from the record that there was no order of abolition of the post of JSO. The post has been created by order dated issued by the Railway Board which is still in force and the General Manager cannot overriding the orders passed by the Railway Board. ^{Abtikku prastha keta l. H. C. 666} Though the respondents have denied the allegation that this order has been passed to accommodate some other person from Personnel department but the fact remains that the post has not yet been abolished by the Railway Board and continuing till today. This fact has been established by letter dated 22.4.96 (Annexure-G) written by the Executive Director Traffic Research (Psych.), wherein it has been clearly mentioned that as regards post of JSO is concerned, the N.F.Railway may fill up the post on local basis from its own sources and the present arrangement of utilising a Calcutta based JSO is dispensed with.

Thus we find that the order of reverting the applicant to the post of Sr. Scientific Research Assistant has been passed in an arbitrary manner as the ~~present~~ post of JSO is still exist and has not been abolished and the applicant has a right to be continued to the post of JSO though purely on ad hoc basis. Since it would fail to post include in traffic department & which the applicant belongs to.

Accordingly we allow the O.A. and quash and set aside the order dated 16.12.2003 reverting back the applicant to the post of Sr. Scientific Research Assistant on the same terms and conditions on an Ad hoc basis but No order as to costs.

certified to be true Copy
कथाविलय विविध

~~Sd / MEMBER (J)~~

Sd / MEMBER (Adn)

See in: Officer (I)
C.A. T. 1977-1978
Given in: 1978

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के लिए आवेदन की तिथि Date of application for the copy.	उपर्युक्त तिथि का अवधि तिथि Date fixed for fulfilling the requisite number of stamps and dates.	उपर्युक्त तिथि का अवधि तिथि Date of delivery of the requisite stamps and dates.	कॉपी को लेने की तिथि Date on which the copy was ready for delivery.	कॉपी को लेने की तिथि Date of making over the copy to the applicant.
11/9/05	11/9/05	11/9/05	11/9/05	11/9/05

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ANNEXURE-J

THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR;
TRIPURA; MIZORAM AND ARUNACHAL PRADESH)

WP(C) 5758/04

✓ Union of India,
Represented by the General Manager, NF Railway, c/o
Maligaon, Guwahati.

2. The General Manager,
NF Railway, Maligaon, Guwahati.
3. The Dy. General Manager (P),
NF Railway, Maligaon, Guwahati.
4. The Dy. Director Estt. Gaz (Cadre),
Railway Board, Rail Bhawan, New Delhi.

.... Petitioners

Versus

✓ Smt. Arundhauti Kalita,
W/o Shri Arup Kr. Goswami,
Railway Quarter No. 167/B,
East Maligaon, Guwahati-11, Assam.

.... Respondent

BEFORE

THE HON'BLE MR. JUSTICE AH SAIKIA
THE HON'BLE MR. JUSTICE AMITAVA ROY

For the petitioners:-

Mr. S. Sharma,
Ms. U Das, Standing Counsel, Railways.

For the respondent:-

Mr. GK Bhattacharjee, Sr. Advocate.
Mr. B. Choudhury, Advocate.

Date of hearing:

13/9/2005

Date of Judgment:

13/9/2005

JUDGMENT & ORDER(ORAL)

Amitava Roy, J

The judgment and order dated 14/4/2004 passed by the
Central Administrative Tribunal, Guwahati Bench, (hereafter

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ADVOCATE

referred to as the Tribunal) quashing the order dated 16/12/2003 issued by the General Manager (P), NF Railway has been called into question in this proceeding under Article 226 of the Constitution of India.

2. We have heard Mr. S Sharma, learned Standing Counsel, Railways for the petitioners and Mr. GK Bhattacharjee, Sr. Advocate assisted by Mr. B Choudhury, Advocate for the respondent/applicant.

3. A brief outline of the pleaded cases of the parties has to be made at the outset. The respondent/applicant approached the learned Tribunal being aggrieved by her reversion from the post of Junior Scientific Officer (Group 'B') held by her on adhoc basis to her substantive post of Sr. Scientific Research Assistant by the order dated 16/12/2003 impugned before the learned Tribunal. She had joined the services under the Railways on 7/4/1997 as Sr. Scientific Research Assistant in the office of the Chief Scientific Officer in the Operation Department, NF Railway. The Ministry of Railways, Government of India, in the year 1993 decided and recommended creation of Psycho-Technical Cell in the Zonal Railways with a view to conduct psychological tests of certain cadres of recruitment to effectively deal with accident exigencies. With that end in view, the Railway Board decided to create posts in the Zonal Railways and for the purpose 7 posts of Jr. Scientific Officer were earmarked. In the letter dated 24/2/1993 to the said effect issued by the Deputy Director, Estt. Gaz. (Cadre), Railway, inter alia, the Central, the Northeast Frontier, and South Central Railways were permitted to find out the post of Junior Scientific Officer from the Traffic or Mechanical or Personnel Branch of their own Railways. This arrangement was also reflected in the letter dated 22/4/1996 issued by the Executive Director, Traffic Research (Psych.) of the Research and Designs and Standards Organisation, Ministry of Railways addressed to Chief Safety Officer, NF Railway, Guwahati. It was mentioned therein that the matter of identifying the post of Junior

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Scientific Officer by the Zonal Railways from within their own resources from the Traffic, Mechanical or personnel Department was within their competence for which the sanction of the Board existed. It underlined that no further reference to the Board was necessary for the said purpose. It was further indicated that other Railways, which were required to take similar steps, had already complied with the Board's order as above.

1. A post of Assistant Mechanical Engineer in the Mechanical Engineering Department, NF Railway was thereafter identified to be designated as Junior Scientific Officer (Group 'B') in the operating department in which the respondent applicant was serving. Accordingly she on being empanelled for promotion to the said post on adhoc basis was appointed thereto on 5/12/1997. At the relevant time, the respondent applicant was holding the post of Sr. Scientific Research Assistant in the substantive capacity. While she was continuing as such the order of reversion was passed.

5. In the written statement filed by the respondent Railways, it was inter alia contended that the transfer of the post of Assistant Mechanical Engineer from the Mechanical Engineering Department to the Psycho Technical Cell where the respondent applicant was serving, on purely temporary basis and that her adhoc promotion to the said post was only a stop gap arrangement which did not confer any right on her. While acknowledging the arrangement reflected in the letter dated 24/2/1993 authorizing the Zonal Railways to make their own arrangement to identify the required posts of Junior Scientific Officer (Group 'B') from their branches, it was sought to be contended that the order of reversion was necessitated by administrative requirements and, therefore, was unassailable.

6. The learned Tribunal on a consideration of the pleadings of the parties and other materials on record held that as the post of Junior Scientific Officer (Group 'B') held by the respondent applicant

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had been created by the Railway Board, the General Manager, NF Railway, who passed the order of reversion, had no authority to override the arrangement and consequently her reversion was unsustainable in law. While coming to the said conclusion, the learned Tribunal noticed the letter dated 22/1/1996 referred to above and conclude that in the facts and circumstances of the case, the order of reversion was passed in arbitrary exercise of power. Having held that the post of Junior Scientific Officer (Group 'B') continues to exist, the reversion of the respondent applicant was declared as honest in law and quashed.

7. Mr. Sharma has argued that the promotion/appointment of the respondent applicant to the post of Junior Scientific Officer (Group 'B') transferred from the Mechanical Department of the NF Railway being per se illegal for lack of necessary approval of the Railway Board, she had no subsisting right to continue therein and, therefore, the learned Tribunal erred in law and on facts in interfering with her reversion. The transfer of the post from the Mechanical Department was purely temporary and consequent upon the administrative necessity thereof in the parent department, the respondent applicant who was holding the same on purely adhoc basis had to be reverted as the necessary corollary. As her adhoc promotion to the post of Junior Scientific Officer (Group 'B') by the very nature thereof did not confer any right on her, the order of reversion on administrative demand ought not to have been interfered with. Mr. Sharma further argued that the adhoc promotion of the respondent applicant had been against the relevant recruitment Rules.

8. Mr. Bhattacharjee in reply has submitted that it being apparent from the contemporaneous records that the identification of the post of Junior Scientific Officer (Group 'B') in the Psycho Technical Cell where the respondent applicant is serving had been made with the approval of the Board and she having been promoted

ATTESTED

Bhattacharjee
ADVOCATE

to the said post being one of the empanelled candidates therefor the order of reversion is per se illegal and, therefore, the learned Tribunal was perfectly justified in interfering therewith. According to him, the respondents having failed to plead want of Board's approval and violation of the recruitment rules in their written statement before the learned Tribunal, the contentions to the above effect ought not to be entertained by this Court. That the re-designation of the post brought from the Mechanical Engineering Department and adhoc promotion of the Respondent applicant had the approval of the Board, according to the learned Sr. Counsel is also borne out by the communication dated 10/2/2000, Annexure VII to the counter filed by the respondent applicant to the additional affidavit of the Railways and therefore no case having been made out for interference of the Court, the petition is liable to be dismissed.

✓ *✓*
9 GAIJII-1/We have carefully considered the rival submissions. The authenticity of the communications dated 21/2/1993, 22/4/1996 and 10/2/2000 referred to in the above narration has not been disputed by the Railways and rightly so, being their own documents. The empowerment of the Central, Northeast Frontier and South Central Railways to identify posts by transferring regular posts from Traffic or Mechanical or Personnel Branch of their own Railways and to designate those as Junior Scientific Officer as contained in the letter dated 24/2/1993, which forms the standing plank of the case of the respondent applicant in our view needs to be extracted for ready reference.

"Jr. Scale/Group 7 posts i.e.

2 posts for RDSO, 1 post each for
CR, NE, SC and SE Railways.

RDSO at present has 4 posts at
HQS (Lucknow). 2 should be
retained with RDSO and 2 should
transferred, one each to NE and

ATTESTED

S. Bhattacharya
ADVOCATE

SE Railways. The Central, Northeast Frontier and South Central Railways should find the post by transferring a regular post from Traffic or Mechanical or Personnel Branch of their own Railway. Personnel Branch of their own Railways should provide one post of Junior Scientific Officer by March 31, 1995)."

10. The above quoted portion of the letter dated 24/2/2003 issued by the Railway Board makes it abundantly clear that the Railways referred to therein were authorized to identify posts from their branch to designate the same as Junior Scientific Officer to meet their administrative needs. No reservation as such is noticeable in such authorization. The letter dated 22/4/1996 is more categorical in its contents and tenor. It clearly discloses that in terms of the Boards sanction, the post of Junior Scientific Officer had to be allotted from the own resources of the Zonal Railways out of the cadres of Traffic, Mechanical or Personnel department to be identified as Group 'B' post. It is more than apparent therefrom that the Railways concerned were competent to do so for which the sanction of the Board subsisted. It is made clear therein that to effect the arrangement as indicated, no further reference to the Board was necessary and that other Railways similarly situated had in the meantime taken identical steps.

11. Obviously it was thereafter that by order dated 5/12/1997, the respondent applicant was promoted to the post of Junior Scientific Officer (Group 'B'), the post having been brought from the Mechanical department in conformity with the above authorization. The appointment order demonstrates that the respondent applicant had been empanelled for such promotion,

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ADVOCATE

adhoc though. There is no indication therein that the post against which the respondent applicant was promoted had been brought to the Psycho Technical Cell on temporary basis and that the same could be withdrawn at any point of time. In the letter dated 10/2/2000 issued by the Research Designs and Standards Organization, Govt. of India and forwarded to the General Managers (Safety) of all Railways, the above arrangement has been shown to be continuing.

12. On a joint reading of the communications referred to above, we are persuaded to hold that the arrangement of bringing the post of Assistant Mechanical Engineer from the Mechanical Department to the Psycho Technical Cell and providing adhoc promotion to her was with the approval of the Board. Mr. Sharma has failed to bring to our notice any order of the Board rescinding the said arrangement or withdrawing its approval thereto.

GAONIATI FEDERAL COURT AT GUWAHATI
13. The Railways in their written statement before the learned Tribunal had failed to take the plea that the respondent applicant's promotion to the post of Junior Scientific Research Assistant had been without the approval of the Board or that it was against the Recruitment Rules. There being no pleading to the above effect, we are not inclined to entertain the submissions bearing thereon. There being no indication in the order dated 5/12/1997 that the promotion of the respondent applicant was subject to the approval of the Board or that the post was liable to be withdrawn at any point of time, the contention to the said effect also does not appeal to us. On the other hand, the said order clearly indicates that the same had been issued with the approval of the competent authority.

14. It is a trite law that an order made by a public authority has to be construed on the basis of the contents thereof and cannot be allowed to be supplemented by additional pleadings.

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Bhattacharya
ADVOCATE

15. On a consideration of the materials on record in their entirety we do not see any good or sufficient reason to interfere with the findings and/or conclusions of the learned Tribunal. There being no illegality or perversity in the decision making process and the deductions being based on the facts on record, no interference in exercise of power of judicial review is warranted.

In course of the arguments, Mr. Sharma has informed this Court that as on date Recruitment Rules have not been framed though steps have been initiated for the said purpose. Be that as it may, in view of the determination on the issues raised before us, we do not find it to be a fit case to interfere with the conclusions recorded by the learned Tribunal. In view of the above, the petition being without merit fails and is, therefore, dismissed. No costs.

Sd/- Amitava Roy
Gauhati High Court At 17/9/05
Judge

Sd/- A. H. Saikia
Gauhati High Court At 17/9/05
Judge

P/No:- 40527

dd 17/9/05

CERTIFIED TO BE		COPY
A/c of <u>B. S. Bhattacharjee</u>		
Date		17.9.05
Superintendent (Copying Section)		
Gauhati High Court		
Authorised U/S 76 Act 1 1872		

ATTTESTED

B. S. Bhattacharjee
ADVOCATE

Shri Arundhati Kalita, Senior Scientific Research Assistant/HQ

64.

Northeast Frontier Railway

OFFICE ORDER NO. 32/2005 (Traffic/Safety)

The following orders are issued with immediate effect:-

- 1) The JS/Group-'B' post of ACH/KIR, on being vacated by Shri S. V. Janabandhu, who has been promoted to Sr. Scale and posted as DOM/KIR, vide GM(P)/MLG's office order No. 31/2005 (TT&CD) dated 31.10.2005, is temporarily varialed for operation as JSO(Group-'B')/HQ (Maligaon).
- 2) In pursuance of Hon'ble Guwahati High Court's judgment dated 13.09.2005 in WP(C) 5758/04, Smt. Arundhati Kalita, Senior Scientific Research Assistant in scale Rs.5,500-9,000/- is promoted to the post of JSO(Group-'B')/HQ (Maligaon), purely on adhoc basis, against the varialed post indicated vide Sl. No. 1 above, with the following conditions:-
 - (i) The above promotion of Smt. Arundhati Kalita to the post of JSO(Group-'B')/HQ (Maligaon) is purely on adhoc basis and this will not confer on her any claim for automatic regular promotion to Group-'B' service or for seniority.
 - (ii) Smt. Kalita must submit an assumption report on her promotion to the above post of JSO (Group-'B') on adhoc basis.

This issues with the approval of Competent Authority.

(A)
31.X.05
(S. K. Chowdhury)
APO(Gaz)
for General Manager (P).

No. E/283/82 Pt.XVII (O)

Maligaon, dated: 31.10.2005
02-II-2005

Copy forwarded for information and necessary action to:-

- 1) COM, CSO, CME, CPO & SDGM/MLG.
- 2) DRMs/DRM(P)S/N. F. Railway.
- 3) FA&CAO/EGA & PF/MLG
- 4) Secy. to GM/CPRO/Sr.EDPM/DGM(G)/MLG
- 5) PPS to GM & ASY to AGM/MLG
- 6) SPO(T), APO/W & APO/LC/MLG
- 7) Chief OS/ET and OS/EO-BIII
- 8) GS/NFRPOA, NFREU & NFRMU/MLG
- 9) Smt. Arundhati Kalita, Senior Scientific Research Assistant/HQ.

(A)
31.X.05
(S. K. Chowdhury)
APO(Gaz)
for General Manager (P).

ATTES - D
Shalte
ADVOCATE

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S. N. 136

No- T/2/48/P(Unit)
To
CPO/MLG
N.F. Railway, Maligaon.

Maligaon
Dated : 07-11-05

Sub : Assumption Report.

Ref: - Office Order No. 32/2005 (Traffic/Safety), circulated under
GM(P)'s letter No. E/283/82/ Pt.VII(O) dt.31-10-2005.

Sir,

I beg to state that in regard to the Office Order No. 32/2005 (Traffic/Safety), circulated under GM(P)/MLG's No.E/283/82 Pt.XVII (O) dated 31.10.2005, I have been continuously working as J.S.O since my joining in the post of J.S.O on dated 5-12-97. I further like to draw your attention to the fact that the Hon'ble CAT/GHY had already quashed and set aside the GM(P)/MLG's Office Order No. E/283/82/Pt.XVII(O) dated 16-12-03 in its verdict on the O.A.294 of 2003, dated 01-04-04 which has been upheld by the Hon'ble Gauhati High Court in its judgment on 13-09-05 on the Writ Petition (C) No 5758/04 and as such there no question of my assuming report again.

Further, that I have been continuously working as J.S.O has been admitted by the Rly authority in the Hon'ble CAT /GHY as will be apparent from Order dated 17-02-05 passed in the hearing of the C.P.No 31/2004.

The undersigned therefore likes to put forward a copy of her original joining report in regard to your Office Order No. 32/2005 (Traffic/Safety) dated 31.10.2005 for your kind consideration and necessary action.

I also pray before your goodself to kindly implement the judgment passed by the Hon'ble CAT/GHY, dt.1-04-2004 in OA 294/03 so that I am not compelled to revive the C.P No. 31/04 as allowed by the Hon'ble Tribunal.

Thanking you,

DA/11

Yours faithfully

Arundhati
(Arundhati Kalita)
J.S.O/ N.F.Rly

Copy forwarded for information and necessary action please

- 1) Secy to GM/N.F. Rly for information of GM please.
- 2) COM , CSO,SDGM & CME/MLG
- 3) PA & CAO / EGA & PF/MLG.
- 4) DGM (G)/Sr. EDPM/CPRO/MLG.
- 5) PS to GM/ SPO(T)/APO/W & APO/LC/MLG
- 6) DRMs/DRM(P)/N.F.Rly
- 7) Chief OS/ET & OS/EO-Bill for information.

Arundhati
(Arundhati Kalita)
J.S.O/ N.F.Rly

Despatched
7/11/05

Despatched
on 7/11/05

ATTESTED

Shatto
ADVOCATE

NORTHEAST FRONTIER RAILWAY

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

No. E/1/0/LC/NS/690/06

October 23, 2006

To,
Smt Arundhati Kalita,
J.S.O/N.F. Railway/Maligaon.

Sub:- Disposal of your representation dt. 08-8-2006 in compliance with Hon'ble CAT/GHY's order dt. 01-8-06 in CP No.05/06.

The representation for redressal of grievances submitted by you was examined alongwith the relevant material in record and after due consideration General Manager, N.F. Railway has passed the following orders:-

'Smt Kalita was reverted to the post of Sr. SRA on 16-12-03 with immediate effect as soon as the post of AME/Safety, against which the post of JSO/ Adhoc (Group- "B") was operated, was re-transferred to its parent cadre i.e. Mechanical Deptt. on administrative exigencies. Immediately after she was redesignated as Sr. SRA and her pay was fixed at her substantive post of Sr. SRA till when she was re-promoted to JSO/Adhoc vide O.O. dttd 31-10-05 in pursuance of the Hon'ble Gauhati High Court's judgement dttd 13-9-06 in WP(C) No.5758/04.

It is not correct to state that the Smt Arundhati Kalita was rendering service as JSO by virtue of the Hon'ble Tribunal's order dt. 01-04-04. Against the Hon'ble Tribunal's judgement order the respondents assailed the matter before the Hon'ble High Court in which the petitioner had filed her counter affidavit and the matter was disposed of by the Hon'ble Court on 13.09.05. Therefore, any question of her continuation and rendering the duty as JSO does not arise. Moreover, her pay was fixed at her substantive post of Sr. SRA after her reversion. It is also stated that after her reversion, to conduct Psycho tests for candidates of N.F. Railway, assistance of Scientific Officer from S.E. Railway was taken. For performing the same job, two persons cannot be paid the salary of JSO, more so, when administrative order of reversion of the applicant was in operation. Till the order of promoting her to the post of JSO is issued by the Administration, she could not have performed the duty of JSO. However, it is possible that certain administrative officials of N.F. Railway may have made some official correspondence addressed to Smt. Arundhati Kalita as JSO, Psycho-technical cell under CSO/MLG which was inadvertent and unintentional. However, she did not take any action thereon in her capacity as JSO since she was already reverted to her substantive post on 16.12.03.

Under the facts and circumstances above, I don't find any justification that any arrear salary/benefits are entitled to Smt Kalita as JSO Adhoc from 16-12-03 to 31-10-05 and therefore her grievance for releasing the arrear salary/benefit cannot be considered."

This is for your kind information please.

(P.K. Singh)

Dy. Chief Personnel Officer/Gaz
for General Manager P)' MLG

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Shatto
ADVOCATE

1 - 3 JUL 2007

গুৱাহাটী নথি নং

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

O.A.No. 61/2007.

Smti Arundhati KalitaApplicant.

-Vrs-

Union of India Respondents.

IN THE MATTER OF:

WRITTEN STATEMENT BY RESPONDENTS.

The Answering Respondents most respectfully sheweth :

1. That the answering Respondents have gone through the copy of the application filed by the above named applicant and understood the contents thereof. Save and except the statements which have been specifically admitted herein below or those which are borne on records all other averments/allegations made in the application are hereby emphatically denied and the application has put to the strictest proof thereof.
2. That for the sake of brevity meticulous denial of each and every allegation/statement/averment made in the application has been avoided. However, the answering Respondents confined their replies to those points/allegations/averments of the application which are found relevant for enabling a proper decision on the matter.
3. That the Respondents beg to state that for want of the valid cause of action for the applicant the application merits dismissal as the application suffers from wrong representation and lack of understanding of the basic principles followed in the matter as will be clear and candid from the statements made herein.
4. That before answering the averments/statements of the Applicant made in the various paragraphs the Respondents beg to submit the crux of the case as the facts behind the cause of actions for the kind perusal of the Hon'ble Tribunal as under:
 - 4.1 That in terms of Railway Board's letter No.8-E/GC/4-14(dup)(33) dated 24.2.1993 one Post of Junior Scientific Officer, herein after mentioned as JSO,

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President,
P. Chit, 2007 lot
File by
R. D. 2007 lot
Ad. Secy

was required to be operated by transferring a regular post from Traffic or Mechanical or Personnel Branch for the safety of the operation of Trains movement. Accordingly one Post of Asstt. Mechanical Engineer from Mechanical Department was transferred for operation as JSO and the Applicant who was a senior Scientific Research Asstt. in Scale Rs.1640/- - Rs.2900/- in Group C was appointed as JSO/Adhoc, Group-“B” on promotion vide order No.202/97(Mech) circulated under No.E/41/120/29(O) dated 15.12.97. The Applicant assumed the charge of JSO on 5.12.97. The main function of the Post of JSO was for conducting the Psychological Test for the direct recruitment and also under Service Selection which were earlier being done by the Eastern Railways JSO in Kolkata for the cause of N.F.Railway..

4.2 That the promotion of the Applicant Smti Arundhati Kalita on adhoc basis was initiated by the Chief Safety Officer, N.F.Railway as in earlier the functions of the JSO were operated by the JSO, Kolkata and consequently there had been ~~chance~~ of delay and difficulties in processing the cases to be performed by the JSO,Kolkata for the N.F.Railway and necessarily the Post of JSO, which is centrally controlled by the RDSO/Luknow was of imperative necessity for the function to be discharged by the N.F.Railway and therefore the Post of JSO was created on adhoc basis with the consent of the General Manager of the Railway and referred the matter to the Director RDSO for the Post-facto approval with an intimation to the Railway Board vide the General Manager, N.F.Railway's letter dated 16.1.98. But knowing the fact of such happening and proposal the RDSO directed for reversion of the Applicant Smti Kalita and the Railway Board ~~who~~ is the supreme authority for all acts and actions to be done by the Railway & for the Railway, also did not approve of the Adhoc promotion made to the Applicant Smti Kalita.

4.3 That consequent refusal of the proposal for promoting the Applicant Smti A.Kalita as JSO on adhoc basis and ordering for reversion of the Applicant by the Railway Board, the Applicant was reverted to her substantive Post of Senior Scientific Research Assistant from JSO/Adhoc on 16.12.03. Being aggrieved, the Applicant brought the matter before the Hon'ble CAT/Guwahati by filing O.A. No.204/03. The Hon'ble CAT set aside the impugned order of reversion in its

Contd....P/3..disposal...

St
by Chief Safety Officer
N.F. Railway, Malgon

disposal of the said O.A. vide its order dated 01.04.04. The Respondents Railway Administration assailed the matter before the Hon'ble Gauhati High Court and filed an Appeal in the form of Writ Petition under No.W.P.O 5758 of 2005 but the Hon'ble High Court also upheld the decision of the Tribunal and dismissed the said Appeal vide order dated 13.9.05.

4.4. That in pursuance to the Hon'ble High Court's judgment/order the Applicant was repromoted to the Post of JSO/Adhoc on 2.11.05.

4.5. That after assuming the charge of JSO/Adhoc the Applicant Smti A.Kalita filed a contempt petition under No.5 of 2006 before the Hon'ble CAT alleging for non implementation of the Hon'ble CAT and High Court's order and also for release of arrear benefit as JSO from 16.12.03 to 31.10.05. The contempt petition however was dismissed by the Hon'ble CAT in favour of the Respondents on 1.8.06 but an opportunity was given to the Applicant to submit a representation before the Respondents for her redressal. The Applicant submitted her representation which was disposed of by the General Manager, N.F.Railway after careful consideration of all aspects and denied the entitlement of arrear dues from 16.12.03 to 31.1.05 as JSO/Adhoc, as claimed for by the Applicant. The Applicant against the said impugned order dated 23.10.06 as well as the office orders dated 31.10.05/2.11.05 brought this Original Application before this Hon'ble Tribunal. It is pertinent to mention that during the period 16.12.03 to 31.10.05 no order of promotion to the Post of JSO/Adhoc was issued in favour of the Applicant nor she could have performed the duty of JSO with the Administrative order of reversion was in operation. Moreover, the promotion of the Applicant as JSO/Adhoc, Group B was purely on adhoc basis. Therefore her claim for the backwages for the period it is stated that she did not discharge her duty at all as JSO is not tenable in the eye of law and therefore the instant Original Application is liable to be dismissed in limine.

4.6. That with regard to the statement made by the Applicant under Paras 4.1 and 4.2 of the O.A., it is stated that these are all matter of records and the Respondents except the contents only to the extent of their admissibility as per law and official records deny the all other averments.

4.7. That with regard to the statements made by the Applicant under Paras 4.3

Contd., P/4. to..

Pradeep Kumar Singh
O.A. No. 294/03

to 4.9 in the O.A. the Respondents beg to state that albeit the Applicant has cited various Circulars and correspondences in regard to the function of the Ministry of Railways/Railway Board and the Zonal Railways, but those would not create any right of promotion to the Applicant for her redressal as JSO nor it would protect her service as JSO/Adhoc in the terms and conditions of her promotion as JSO/Adhoc made in the office order by the Respondents. An Adhoc promotee can in no way claim the benefits of her Adhoc promotion at par with the promotees to substantive Posts duly promoted through a positive act of regular selection/suitability test. Hence, the claim of the Applicant made in this O.A. is denied altogether.

4.8. That with regard to the averments made by the Applicant under Paras 4.10 to 4.12 in the O.A. it is stated that the promotion of the Applicant on Adhoc basis was made temporarily by making local arrangement by the Zonal Railway by transferring the Post of AME/Safety from Mechanical Department as JSC/Group B on Adhoc capacity and the Applicant's promotion was purely temporary under the conditions imposed at the time of her promotion. The Railways' policy towards ensuring security and safety of the passengers and its running of train as contemplated by the Applicant in her application does not give any extra points for strengthening her claim for her revision in the promotional post of JSO, Group B/Adhoc and also payment of pay and allowances for which she did not work in the said post for the period at all owing to her reversion. The Applicant must know that it is the cardinal policy of all Government establishments that so long an employee does not shoulder higher responsibility in the event of his/her being promoted to the next higher grade, the benefit of pay and allowances for the higher grade post is not tenable at all. In this connection it is further stated that the existence of regular post in Railway, as contemplated and alleged by Applicant, does not mean for her automatic absorption on regular basis in the regular Post. There may be so many posts vacant against the regular vacancies, but these regular posts suo moto or according to one's own choice or option can not be filled in.

4.9. That with regard to the statement made in Paras 4.13 of the O.A. by the Applicant, it is stated that Hon'ble CAT/Guwahati granted status quo order on 26.12.03 in O.A. No.294/03 while the Applicant was already reverted and

repatriated to her substantive post Senior Scientific Research Asstt. from JSO/Adhoc on 16.12.03. The order for this reversion and repatriation was according to the leave granted by the Hon'ble CAT to the Respondents and accordingly the impugned order dated 16.12.03 for reversion was made so as to give its effect with effect from 16.12.03 itself.

4.10. That with regard to the statement made in Paras 4.14 to 4.16 of the O.A. by the Applicant, it is stated that with the specific orders in the Writ Petition No.5758/04 made by the Applicant in the Hon'ble Gauhati High Court wherein the order of the CAT dated 1.4.04 in O.A. No.294/03 was quashed and set aside the application and was repromoted to the post of JSO/Adhoc vide Office order dated 2.11.05. During the period 16.12.03 till her repromotion on 1.11.05 the Applicant did not perform the duties of JSO/Adhoc but performed the duties of her Senior Scientific Research Asstt in her original post after her reversion and her pay accordingly was fixed on the capacity of Senior Scientific Research Asstt. Cadres. No Office order was issued or she was asked to discharge the duty of JSO during the said period of her reversion and till repromotion for assuming the duty of JSO/Adhoc and performing the duties of JSO. As such, the demand for the higher pay of JSO during the said period in which she had not worked at all is not tenable as per the extant law and prevailing system of Railways' own set of rules.

4.11. That with regard to the statement made in paras-4.17 in the O.A it is stated that the contempt petition brought by her under No.5/06 in O.A. 294/03 was dismissed in favour of the Respondents/contemnor Railway and according to the observation made by the Hon'ble CAT in the said order of Contempt Petition dated 1.8.06 a liberty was given to the Applicant to submit a representation to the Respondents for redressal of her grievances. Accordingly the General Manager, N.F.Railway on receipt of her representation after careful examination of all aspects could not find the representation to be fit for her entitlement for releasing the arrear benefits as claimed for, for the period from 16.12.03 to 31.10.05 as JSO/Adhoc in which period she was not functioning the duty of the promotional post of JSO at all. She received during the said period her pay and allowances as Senior Scientific Research Asstt. and discharged the duties of a Senior Scientific Research Asstt.

4.12. That with regard to the averments made under Paras 4.18 to 4.24 made by
Contd....P/6.the...

the Applicant in her O.A the Respondents respectfully reiterate their earlier statements in the foregoing paras and make submission that there were no violation of Articles 14,16,12 and 309 of the Constitution of India, as alleged by the Respondents. The Respondents being *model employers* had not caused any act of injustice and or miscarriage of justice to the Applicant.

4.13 That with regard to the averments made under Paras 4.25 and 4.26 made by the Applicant in her O.A. the Respondents beg to state that the Applicant Smti Arundhati Kalita having no right to hold the Post of JSO on Adhoc basis for a period about more than 7 years according to her capricious *act*. The Respondents honoured the Hon'ble Court's verdict for giving the benefits mentioned in the above O.As and Writ Petition as JSO on adhoc basis ^{but} not at all for the interest of the administration exigencies more than a period of her initial promotion of the JSO/Adhoc mentioned in the Office order:

A photo copy of above is enclosed as ANNEXURE-1.

4.14 That with regard to the grounds mentioned by the Applicant in various sub-paras of the Para-5, the Respondents respectfully submit that there had been no cause of actions caused to the Applicant as illegal, malafide, arbitrary and without jurisdiction as alleged and contemplated by the Applicant and no violation of the Constitutional provision under Articles 14,16,12 and 309 of the Constitution of India was made. In reiterating the earlier submissions made in the foregoing paras the Respondents submit that all actions were taken by the Respondents in accordance with the provisions of the Railways' own set of Rules and other Statutory Provisions and being *model-employer* has no-where caused any injustice to the Applicant as alleged and contemplated by her in the aversion in the instant O.A and the application itself has no merit at all and is, therefore, liable to be dismissed *ab initio* and in limine with cost to the Respondents.

4.15 That the Respondents crave leave of this Hon'ble Tribunal for submission of an Addl. Written Statement/Re Joinder, if necessary, for the ends of justice.

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VERIFICATION

I, Pradeep Kumar Singh, son of Bishup Lal Singh, aged about 43 Years, working in the capacity of D.Y.C.P.O.J. Gaz N.F. Railway, do hereby solemnly affirm and verify that the contents of paragraphs to are derived from the records and I believe them to be true to my knowledge & information and that I have not suppressed any material facts and the paragraphs to are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this day of , 2007.

Place: Guwahati.

Date.

Pradeep Kumar Singh
SIGNATURE OF THE DEONENT
By Pradeep Kumar Singh
D.Y.C.P.O.J. Gaz
N.F. Railway, Morigaon
Guwahati-11

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

N F RAILWAY.

OFFICE ORDER NO :202/97(MGUJ) Dt. 5.12.97

1. Sh. A K Roy Chowdhury, AME/Safety/HQ is transferred in the same capacity and posted as AME/Design/HQ against the existing vacancy.

2. On vacation of the post of AME/Safety/HQ by Sh. Roy Chowdhury, the post is re-designated as Jr. Sci. Scientific Officer (JSO)/HQ, for operation in Psycho-technical Cell/HQ under CSO/NF Railway.

3. Smt. Arundhati Kalita, Sr.C Scientific Research Asstt. in scale Rs. 1640/- to 2900/- b/m being emp stalled for promotion to the post of JSO/Gr.B purely on adhoc basis, is appointed to officiate as JSO/Gr.B/HQ on adhoc basis, against the arrangement vide Sr.No.2 above.

The promotion of Smt. Kalita to JSO/Gr.B w.e.f. on Adhoc basis will not confer on her any claim for regular promotion to Gr.B service and seniority.

4. Sh. MK Majumder, AME/DSL/SGUJ is temporarily transferred alongwith his post to HQ/MLG for a short time only.

This issues with the approval of Competent Authority.

M. Brahmo

(M. Brahmo)

By .CPO/G

for General Manager(P)

NO:E/41/120/29(0)

MLG, dt. 5.12.97

copy forwarded for information & n/action to :-

- 1) CME, CRSE, CMPE(D), CWE, SDGM, FA&CAO, COM & CSO/MLG
- 2) FA&CAO(EGA) & (FP)/MLG (3) ALL DMS & DPM(P)/NF RLY
- 3) SFO/T (5) PS to GM/MLG (6) DO/Bill
- 7) DAO/KIR (8) Sr. AME/DSL/SGUJ (9) DGM/G
- 10) E/Pass (11) Officers concerned

M. Brahmo

for General Manager(P)

File in Court
1/16/07
Court Officer.

- 1 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::: GUWAHATI

FILED BY

75
Smti. Arundhati Kalita
... Applicant
Through - Smita Bhattacharjee
(Advocate)

IN THE MATTER OF :

O.A. No. 61 of 2007

Smti Arundhati Kalita

... Applicant

- Versus -

The Union of India & Ors.

... Respondents.

- AND -

IN THE MATTER OF:

Rejoinder filed by the
Applicant to the written
statement filed by the
respondents.

The humble Applicant submit this
rejoinder as follows:

1. That I am the Applicant of the Original Application No. 61 of 2007 and the Respondents have filed written statement in the aforesaid O.A. A copy of the same has been served upon me through my Counsel. I have gone through the written statement filed by the Respondents and understood the contents thereof and I emphatically deny each and every averment made therein except those which are specifically admitted herein.
2. That with regard to the statement made in paragraphs 1 and 2 of the written statement the Applicants have no comment to offer.

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Guwahati Bench

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3. That with regard to the statements made in paragraph 3 of the written statement the Applicant begs to state that they are false and misleading to this Hon'ble Tribunal.

4. That with regard to the statement made in paragraph 4 the Applicant has no comments to offer.

5. That with regard to the statements made in paragraph 4.1 of the Written Statement the Applicant begs to state that these are all matters of records and the applicant begs to offer no further comments.

6. That with regard to the statements made in paragraph 4.2 and 4.3 of the Written Statement the Applicant begs to state that statement made therein are not fully correct and misleading to this Hon'ble Tribunal. In this connection, the Applicants beg to that the promotion given to the applicant was on the basis of the empanelment done by the N. F. Railway following the request of Research Designs and Standard Organisation (in short R.D.S.O.) to make arrangement "locally so that post of Junior Scientific Officer on your Railway becomes available early and the present impractical arrangement of utilizing a Calcutta based Jr. Scientific Officer is dispensed with" (as earlier annexed in the instant Original Application as ANNEXURE-E).

7. That with regard to the statements made in paragraph 4.4 of the Written Statement the Applicant begs to state that the reversion order dated 16-12-2003 of the Applicant from the post of Junior Scientific Officer- Group-B was set aside and quashed by this Hon'ble Tribunal on 01-04-2004 and the Hon'ble Gauhati High Court also upheld the order of the Hon'ble Tribunal. Thus, the Order of the Hon'ble Tribunal attains finality in the eye of law. Hence, the

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Gauhati B.C.

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Applicant's appointment to the post of Junior Scientific Officer Group-B vide Appointment Letter dated 05-12-1997 shall be continued and the Respondents cannot reappoint the Applicant as Junior Scientific Officer w.e.f. 02-11-2005.

8. That with regard to the statements made in paragraph 4.5 of the Written statement, the Applicant begs to state that it is denied and perversion of truth that the Applicant did not discharge her duties as Junior Scientific Officer during the period 16-12-2003 to 31-10-2005. As per the Hon'ble Courts' order she was continuing as Junior Scientific Officer (in short J.S.O.) and discharging her duties as J.S.O. as per instruction given to her by the Competent Authorities. The primary duty of Junior Scientific Officer is to conduct psycho tests for promotion of in service staff and for appointment of candidates in the Safety Category Posts such as Drivers, D.A.D., A.S.M. etc. The Applicant conducted four such psycho tests during the said period as per instruction and request from the authorities. After conducting the aforesaid test, promotion orders had issued to the successful candidates. Since the Applicant has been discharging her duties continuously as Junior Scientific Officer after the interim order passed by this Hon'ble Tribunal on 26-12-03, the General Manager (Safety) too did not object in sending applicant's name as J.S.O. for inclusion in revised Telephone No. of N. F. Railway Head Quarter Safety Cell. Accordingly, Applicant name was included in Revised Telephone Directory as J.S.O. The Officer of the General Manager (Safety) has sent her telephone number as J.S.O. to the Director/Safety-II Railway Board on 24-03-2004. During the said period she as Junior Scientific Officer of the North-East Frontier Railways attended the meeting of Junior Scientific Officers held at Research Design

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Guwahati

and Standard Organisation (in short R.D.S.O.), Lucknow- and for the aforesaid purpose Duty Passes were issued to her as per entitlement of Junior Scientific Officer. Besides that the Applicant has continued her day-to-day works as Junior Scientific Officer, which is crystal clear from the different correspondences made to and from her as Junior Scientific Officer. Thus it is clear and precise that the Applicant was working in the post of Junior Scientific Officer during that period and was fully discharging her duties.

Photocopies of the letters & correspondence made by the Applicant and also by the Respondent Authorities regarding various Psycho test conducted by the Applicant as J.S.O. are annexed herewith and marked as ANNEXURE-X1 Series.

Photocopy of Revised Telephone Directory dated 24.03.2004 issued by the Office of the General Manager (Safety) to the Director / Safety-II Railway Board is annexed herewith and marked as ANNEXURE-X2.

Photocopies of Minutes Meeting of the Zonal Psychologists and Duty Free Passes are annexed herewith and marked as ANNEXURE-X3.

Photocopies of the Correspondence of Aptitude Test by the Applicant as J.S.O., N. F. Railway to Competent Authority are annexed herewith and marked as ANNEXURE-X4 series.

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9. That with regard to the statements made in paragraph 4.6 the Applicant begs to offer no comments.

10. That with regard to the statements made in paragraph 4.7 and 4.8 the Applicant begs to state that the same are false and misleading. The Applicant is not praying for her "automatic absorption on regular basis in the regular post" as has been cited by the Respondents. Rather she humbly prays before this Hon'ble Tribunal for her dues as J.S.O. during the period from 16.12.2003 to 31.10.2005. The Respondents have been depriving her legitimate dues for the aforesaid period in spite of rendering her duties as Junior Scientific Officer during the period 16-12-2003 to 31-10-2005 and even after the same had been admitted by the Respondents before this Hon'ble Tribunal.

Photocopy of the Order dated 17-02-2005 issued by this Hon'ble Tribunal is annexed herewith and marked as ANNEXURE-X5.

11. That with regard to the statements made in paragraph 4.9 of the written statement the Applicant begs to state that the reversion order has already been set aside by this Hon'ble Tribunal and upheld by the Hon'ble Gauhati High Court. Now the Respondents cannot interpret the said orders for their own convenience.

12. That with regard to the statements made in paragraphs 4.10 and 4.11 of the written statement the applicant begs to reiterate the contention made in paragraph 8 of this instant rejoinder and begs to state that Annexure X Series is one of such instances where the Applicant had discharged her duty as Junior Scientific Officer and as such she is entitled to her

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Guruhati Municipality

arrear payment as Junior Scientific officer. It is to be stated that this aspect was deliberately overlooked by the respondents merely to deny the applicant her rightful claim of arrear payment during the period between 16.12.2003 to 31.12.2005.

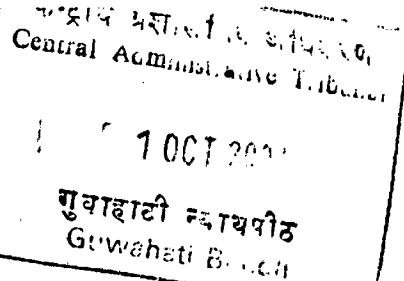
13. That with regard to the statements made in paragraph 4.12 of the written statement the Applicant begs to state that the sudden reversion of the applicant to her previous post without any reason and also non-payment of her arrear payment from period 16.12.2003 to 31.10 2005 is total violation of the Fundamental Rights of the Applicant.

14. That with regard to the statements made in paragraph 4.13 of the written statement that Applicant begs to state that the illegal reversion of the Applicant has already been finally settled by the Hon'ble Tribunal as well as by the Hon'ble High Court. Therefore, the Respondents cannot be allowed to sit over the judgments passed by the Hon'ble Tribunal and the Hon'ble High Court. The Respondents were given full opportunity to place their case before the respective Courts. The aforesaid matter has attained finality in the eye of law, the Respondent cannot again agitate the same matter before this Hon'ble Tribunal.

15. That with regard to the statements made in paragraph 4.14 of the written statement that Applicant begs to reiterate her earlier contention made in paragraph 13 of this instant rejoinder.

16. That with regard to the statements made in paragraph 4.15 of the written statement that Applicant begs to offer no comments.

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Therefore, the Written Statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.

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1 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

V E R I F I C A T I O N

I, Smti Arundhuti Kalita, wife of Sri Arup Kumar Goswami, aged about 41 years, at present residing in Railway Quarter No. 167/B, East Maligaon, Guwahati-11 do hereby solemnly verify that statements made in paragraph Nos. 3 to 7, 9, 11 to 16 are true to my knowledge, those made in paragraph Nos. -8 and 10 being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 1st day of October 2007 at Guwahati.

Arundhuti Kalita
DEC L A R A N T

ANNEXURE-XI Series

SN-168

T/2/48/Pl-VIII

- Q -

Office of the
General Manager(Safety)
III Battalion Battalion
C.R.P. C.R.P.

To
Dr. C. P. R. Rao
C.R.P. C.R.P.

(3)

Ref: Your letter No E/Recd/Comp/93/Pl.II dated, 16/01/04.

In reference to the above, the Psycho-test result of Shri Mukul Kumar has been evaluated and enclosed herewith as Mark List for your necessary information & action please. As the revised model of Aptitude-test has not yet been prepared by the RDSO/LKO the extent Psychological-test battery is being used to conduct the Psycho-test as per advise of RDSO/LKO.

DA: as above.

Vikas

A. Kalita
Jr Scientific Officer
HQ/MLG

Copy for information: CPO/IR/N.P.R.Iy.

A. Kalita
Jr Scientific Officer
HQ/MLG

otc

27/1/04

Only CPO copy
delivered
On 27/01/04
27-01-04

ATTESTED

Bhatta

ADVOCATE

610-
Documents to prove that SN-277
She was working as J.S.O
Northeast Frontier Railway. 84

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

No.E/Rectt/Comp/Pt.II

Dated 30.01.2004

To
The Junior Scientific Officer
N.F.Railway/Maligaon

Sub:- Date for Aptitude test.

Ref:- DPO/APDJ's letter No.WB/A/16/Gr.'C'/Graduate
dated 20.01.2004.

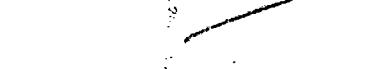
Please find herewith a copy of the letter No.WB/A/16/
Gr.'C'/Graduate dated 20.01.2004 from DPO/APDJ regarding fixation of Date
for Psycho/Aptitude test of two candidates.

42
30-01-2004
Please intimate the date to DPO/APDJ endorsing a copy to this
office so that the candidates may be directed to Maligaon for above test.

DA:- 1 (One)


(K. SAHA)
Dy. Chief Personnel Officer/Rectt.
for General Manager (P)

Copy to :- DPO/APDJ in reference to his letter No.WB/A/16/Gr. 'C'/Graduate
dated 20.01.2004.


(K. SAHA)
Dy. Chief Personnel Officer/Rectt.
for General Manager (P)

ATTESTED


ADVOCATE

SN/69

NORTH EAST FRONTIER RAILWAY

OFFICE OF THE
CHIEF PERSONNEL OFFICER
MALIGAON GUWAHATI-11

DATED 03.02.2002

NO. E/RCH/Comp/93/PT/II

Shri/Smt/Md. Mukul Ch. Kumar
(Now at office)

Sub-Temporary appointment as Agent of Assam Mailer

on pay Rs. 11500/- per month in scale

Rs. (RP) plus usual allowances on

admissible from time to time

On being found medically fit in category A/1 & below, you are hereby
directed to report to S.P.O/T NFR Railway immediately for further orders.

The terms and conditions of your service will be the same as stated in this
office letter No. E/RCH/Comp/93/PT/II dated 22.11.04

Please acknowledge receipt

Half set 2nd Class Pass No.

for CHIEF PERSONNEL OFFICER

Copy forwarded for information and necessary action to:-

1) S.P.O/T The candidate has submitted R.R.P. application form along with its
enclosures and medical fit certificate is attached herewith for record. He will please ensure that all
the terms and conditions as laid down in the copies of appointment letter (enclosed) are
complied with. The date on which the candidate is appointed should be intimated to Character
Certificates attested by Magistrate is attached along with attestation form

2) The candidate has been selected against compensational ground quota

3) W.L.I/c/1

for CHIEF PERSONNEL OFFICER

ATTESTED

Prabhat

ADVOCATE

Mukul Ch. Kumar
03/02/04

✓ 03/02/04

N.F.RAILWAY

T/2/48/Misc Pt-I

Office of the
General Manager(Safety)
Maligaon, Guwahati-11
Date: 03-02-2004

To
DPO/APDJ
N.F.Railway

Sub: Date for Psycho/Aptitude Test.

Ref: General Manager (P)'s letter No.E/Recit/Comp/Pt.II. dated
30.01.2004.

With reference to the above-mentioned letter, the Psycho test of 2
compassionate ground ASMs have been decided to conduct on 13th of February 2004 at
Maligaon/HQ. Accordingly you are requested to direct the candidate to attend the same
test at HQ/MLG positively at 10 hr's in the JSO's chamber along with their necessary
papers.

Ahanta

A.Kalita
Jr Scientific Officer/N.F.Rly

Copy for information to: Dy Chif Personnel Officer/Recit

A.Kalita
Jr Scientific Officer/N.F.Rly

ATTESTED

g. Bhetta
ADVOCATE

8/6

16/2/04

Only 1 P copy

*Despatched
on 03/02/04*

N. F. Railway.

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated 4.2.2004.

No. E/105/M100/TSK(W)/Apptt.(e).

To,

The Junior Scientific Officer,
N. F. Railway, Malignen.

Sub: Psychological test for appointment as
ASM category to Shri Subrata Chowdhury.

.....

The above-named Shri Subrata Chowdhury, S/o.
Shri Sirish Chowdhury, Ex. Sr. Trackman under S(X PW)/NAM is
going to be appointed as ASM. He has already been medically
examined and found fit in N/i.

Hence, he is directed to you and for necessary
psychological test for further appointment as ASM on Railways.

B. S. Bhatte
for Divl. Railway Manager (P),

N. F. Railway, Tinsukia.

Copy to: 1. Shri Subrata Chowdhury, S/o. Shri Sirish Chowdhury,
Ex. Sr. Trackman/NAM. He is advised to report under
Jr. Scientific Officer/MG, for necessary psychological
test immediately. One set second class pass is enclosed
to cover his journey Ex. TSK to KYQ and back.
2. COS (EC) - Please issue one set 2nd class pass in
favour Shri Subrata Chowdhury, Ex. TSK to KYQ & back.

for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

ATTESTED

Bhatte
ADVOCATE

N.G.T/2/48/Pt-VIII

- 14 -

SN-169 80

N.F.Railway

Office of the
General Manager(Safety),
N.F.Railway/Maligaon
Date: 13-02-2004

To
DPO/TSK
Tinsukia division

Sub: Psycho-test result of compassionate ground ASM of TSK division, which was held on 11-02-2004 at TTK.

Ref: Your letter No. E/105/Misc/TSK(W)/Appn.(o) dated-4-02-2004.

In reference to the above, the psycho-test result of Shri Subrota Choudhary (ASM compassionate ground) of TSK division which was held on 11-02-2004 has been evaluated and enclosed here with as Mark List for your information and necessary action please. As the revised model of Aptitude-test has not yet been prepared by RDSO/LKO the extent Psychological-test battery is being used to conduct the psycho-test as per advice of RDSO/LKO.

Kindly acknowledge the receipt of the same

DA: One

Ahalets
A. Kalita
Junior Scientific Officer
N.F.Railway/Maligaon

Copy for information: DSO/TSK

o/c.

Dept. No. 13-2-04

ATTESTED

Ghette
ADVOCATE

N. F. Railway

Office of the
General Manager (Safety)
Maligaon, Guwahati-781011
Date: 24/03/2004

No.T/ 308/O/Misc/S

To

CRS/ N.F. Circle, Kolkata

Fax No. 033-22105514

Director /Safety-II, Railway Board

Fax No. 011-23389987

Sub: Revised Telephone Number of N.F. Railway HQ. Safety Cell

Revised Telephone Number of N.F. Railway HQ. Safety Cell w.e.f
29-03-2004 is given below for your kind information

Designation	Name	Railway		BSNL	
		Office	Residence	Office	Residence
CSO	L.C. Trivedi	23350	23351	2570494	2570126
				9864028505	(M) (Reli)
Dy.CSO/E	S.K. Nagarwal	23354	23355	2673045	2570611
Dy.CSO/T	H. Tawna	23356	23357	2673045	
				9864029733	(M) (Reli)
SSO/Traffic		23360	23361		
SSO/S&T		23362	23363		
ASO/Rule	A.K. Deori	23364	23365		2672380
TJ/ Rule	D. Kakati	23366	23367		2573659
JSO	Mrs. A. Kalita	23368	23369		2572702
SC/T-I	R.K. Goswami	23370	23371		2671922
SC/T-II	M.C. Barman	23372	23373		
SC/Eng.	S. Deb	23374	23375		2670309
SC/Loco	D.K. Mukherjee	23376	9864079310 (M)		2673344
SC/C&W	P.C. Bhuyan	23378	23379		2573289
SC/S&T		23380			
OS/Safety	Mrs. D. Sonowal	23382			2571419
OS/ Accident	A.K. Parial	23384			2574784
OS/ Rule	T. Bora	23386			2574684
P/ Secy/CSO	S. Sen	23350			2573098
Steno/Dy.CSO	Miss G. Kumari	23354			2673675
Driver	B. Ali		23395		2700096
CRS/ N.F.Circle Kolkata.	Balbir Singh	27060 (ER)	23399 55759 (Metro Rly)	033- 22481493	033- 24630653 (R.H. N.U.)

L.C. Trivedi
(L.C. Trivedi)
CSO / Maligaon

ATTESTED

Shettha
ADVOCATE

Minutes of the meeting of Zonal Psychologists held on
19th May 2004

Present

Railway Board	Zonal Railway
Shri Nikhil Pandey, Dir./Safety	Shri P.K. Basu, SSO(P)/ER
RDSO	Shri A.T. Sami, SSO(P)/SR
Smt. Ashlma Singh/EDPT	Shri Vijay Singh, SSO(P)/NR
Dr. O.P. Srivastava, SSO (P)	Shri N.N. Sharma, JSO(P)/SER
Shri Awadhesh Kumar, JSO (P)	Shri P.K. Sinha, JSO(P)/NER
	Smt. Arundhati Kalita, JSO(P)/NFR

Note: Smt. B. Sanketh SSO(P)/WR and Shri S.K. Pant, JSO(P)/SCR could not attend the meeting.

1. Executive Director/Traffic reviewed the progress of testing and pass percentage, which was found to be satisfactory. It emerged during the discussions that the letters sent by RDSO are received very late by the zonal psychologist, resulting in delay in compliance. It was reiterated that regional officers should try to get Internet connection and open their e-mail account so that the copies of the letters could be sent to them through e-mail. As far as RDSO is concerned all-important letters are send through registered post.
2. The issue regarding case studies, provisions of air-conditioning of OMR rooms and clearance of procedure for Aptitude Testing by Board were discussed with Director/Safety, Railway Board. He desired that a fresh reference may be made to him on these issues so that action could be expedited.
3. It was noted that action for filling up non-gazetted posts at zonal railways is also pending. Board has not yet issued any order for combined recruitment of CSRA/SSRA on zonal railways. Director/Safety desired that the indents for the vacancies may be placed on RRBs so that these could be pooled together for single recruitment.

ATTESTED

Sheth
ADVOCATE

4. Executive Director/Traffic observed that zonal officers have not advised the position regarding psychologically screened and non-screened staff to RDSO. She desired that this may be expedited.

5. Regional officers were informed that they will continue to cater to the same divisions, which were hitherto being covered by them.

* * *

ATTESTED

Blatt
ADVOCATE

X-1 - 18-III

No. PT/CM/3.1

Dated: 07-10-2004

The Chief Safety Officer,
North Frontier Railway,
Malgaoon,
Curnahali

Sub: Meeting of Zonal Psychologists.

INR/2004/11/11
Office of the
General Manager

15/10/04
RDSO, Lucknow, U.P.
N. F. Railway
Govt. of India - 21

Meeting of Zonal Psychologists with Executive Director/Psychology, RDSO is scheduled to be held on 15 & and 16 December at RDSO, Lucknow. You are requested to kindly depute Senior Scientific Officer/Junior Scientific Officer (Psychology)/In-Charge with assistant attached to your railway to attend this meeting. Agenda for meeting will be sent shortly.

(Signature)

(Awadhesh Kumar)
for Director General/Psychology

Copy to: Senior/Junior Scientific Officer(Psychology) for information.

To ✓
Smt. A. Kalita

Junior Scientific Officer
c/o Chief Safety Officer

North Frontier Railway
Malgaoon, Curnahali.

(Awadhesh Kumar)
for Director General/Psychology

ATTESTED

Bhette
ADVOCATE

17/11/04

016727

जी० पी० ८/G. P. ८ (सं०/Rev.)

पूर्वोत्तर सेमी रेलवे/NORTHEAST FRONTIER RAILWAY क्रमांक सं./No. १०१८८८
 द्वितीय श्रेणी के एक परिचर सहित और इनके बांदगीत प्रत्येक व्यक्ति 140 किं. ग्राम वज्रन वा
 अवयस्क इसके आवा बजन सामान और परिचर 50 किं. ग्राम नामानि निःशुल्क ले जा सकता है।
 With one attendant free in Second Class and with 140 Kilograms luggage free
 for each adult and half the quantity for each child and 50 kilograms for the
 attendant.

निःशुल्क पास/FREE PASS

प्रथम श्रेणी 'ए' /First Class A
विमांग/Dept OP/ग स्टेशन/Station Maligaon/मलिगांव दिनांक/Date 29-11-2006
पात्र/Pass No. 801

Smt. A. Kalles fonte

पदनाम/Designation TSO/ N.I.F. Rly /Mali gajan
से/From Guwahati तक/To Lucknow
and back to Guwahati
कर/Via Guwahati वापसी होकर/and return Via Guwahati
कर/Over Guwahati रेलों पर यात्रा करने की अनुमति है/Railway
रेल से कब तक उपलब्ध होती है/Outward journey
Available upto 25-12-2004
पार किरण निए दिया गया/Why granted None

पांच किम्ब लिए दिया गया/Why granted P.U. - 12 - 2004

किसी भी स्वारो इक बाजे के

किसी भी सवारा डाक गाड़ी से
By any Passenger

By any Passenger _____
train/Mail _____

जारो करने वाले अधिकारी के नाम हैं।

मारा पारन वाल आविकारो के मोहर द्वारा दस्तावेज़ एवं पदनाम
Signature & Designation:

Signature & Designation of the Issuing Officer with seal

स्त्री मध्य परवान्ग सुन्दरी *With seal*

११३ विवरण संक्षेप
११३ विवरण संक्षेप

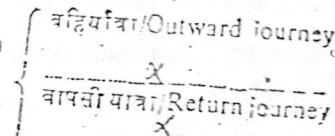
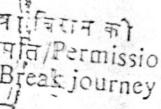
१०१ साठ रुप्य, गुवाहाटी-१३
Chies Office

TESTED *for Chief Operations Manager*
N. P. D.

V. P. Rly. Guwahati-11

87th Street

ADVOCATE



*यात्रा विराम/Break journey availed
 स्टेशन का नाम/Name जाते हुए आवे दर
 of the Station. outward inward

1. (क) पहुंचने की तारीख
 (a) Date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure
 (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

2. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

3. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure
 (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (c) date of departure

4. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure
 (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (c) date of departure

1ST AC COUPE OR 1ST AC ~~2~~, OR 2AC ~~ONE~~
OR 3AC ~~TWO~~ SEATS. BY RAJDHANI EXP
SIGNATURE OF PAS
1 SUING AUTHORITY

016670

बी० पी० ८/G. P. ८ (३०/Rey.

पूर्वोत्तर सीमा रेलवे/ NORTHEAST FRONTIER RAILWAY
 द्वितीय श्रेणी के एक पार्सर नहिं और इसके अतीर्णत प्रत्येक व्यक्ति 140 किं. भारतीय वजन तक वज्रयक्त इसके आवाद बजन सुनाने के लिए परिचर 50 किं. प्राम. सामान निःशुल्क ले जा सकता।
 With one attendant free in Second Class and with 140 Kilograms luggage free
 for each adult and half the quantity for each child and 50 kilograms for the
 attendant.

निःशुल्क पास/FREE PASS प्रथम श्रणी 'प' /First Class A
विभाग/Dept. O.P.I.G. स्टेशन/Station Maligaon दिनांक/Date 14-05-2020
पास/Pass

Smt. A. Kalita, on

पदनाम/Designation 1503/N.F. Railway Mailman
पैक/To Flicknaw
पैक/From Gurdial
End back

कर/Via वापसी होकर/and return रेनो पर यात्रा करने का अनुमति है/Railway कब से कब तक चाहिए। विद्युति वापसी यात्रा/Return journey Available upto वापसी यात्रा/Return journey 02-06-2004 तक गत किरण लिए दिया गया। Why grant?

किसी भी सवारी डाक गाड़ी से
By any Passenger

by any passenger train/Mail train

जारा करने वाले जिकारी के माहूर गाहत होते हैं । १३५ पृष्ठा

Signature & Designation of the Issuing Officer with seal

Signature of the issuing Officer with seal

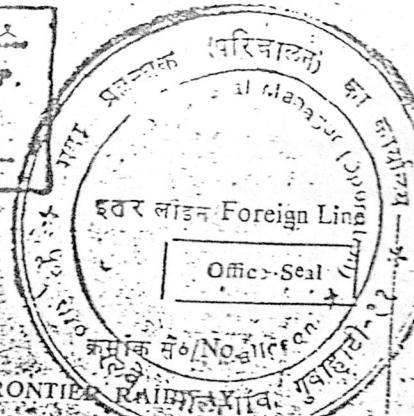
TESTED **परम्परागत** परम्परागत

१० स० रुप्य, गवाहाटी-११

Mr. Chief Operations Manager

1. Other Operations Manager
V. R. Roy, Guwahati-11

Advocate : R.V. Guwahati-31



मुझे चिराम को
मिलति/Permission
to Break journey

विद्यवान् Outward Inquiry

वापसी यात्रा/Return Journey

यात्रा चिराम/Break journey availed
स्टेशन का नाम/Name जावे हुए बाते की
of the Station. outward

1. (क) पहुंचने की तारीख
 (a) Date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

2. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

3. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

4. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

5. (क) पहुंचने की तारीख
 (a) date of arrival
 (ब) रवानगी की तारीख
 (b) date of departure

-21-

ANNEXURE-X₄ Series

N.E. RAILWAY

94

No.T/2/48/Psy/Psycho-Test

Office of the
 General Manager (Safety)
 N.E. Railway, Maligaon
 Date :21-02-05

To,
 Sr.Scientific Officer/ RDSO
 Manak Nagar, Lucknow,

Sub : - Requisition for Test material of ASM selected through GDCE.

Ref : - No.SFY/RRB/PSYCHO/PT-II dated 01-02-05.

In reference to the letter mentioned above the Aptitude Test for 6 ASM (G.D.C.E.) Category, to be held on 11-03-2005, at Maligaon, and the test paper should be handed over to Shri U.S. Behara, Hd./Clerk, working under in this office, in sealed covered in advance on the said occasion.

Please arrange to send the same at the earliest.

The specimen signature of the office bearer is attested below.

Yours faithfully

Arundhati Kalita 21-02-05
 (Arundhati Kalita)
 J.S.O./ N.F.Rly.

Signature of Shri U.S.Behara, Hd/ Clerk, Psycho-Cell 253

Arundhati Kalita
 (Arundhati Kalita)
 J.S.O./ N.F.Rly.

ATTESTED

R. Ghosh
ADVOCATE

22
N.F. Railway
Office of the
General Manager(P)
Maligaon, Guwahati-11

JSO/MLG 05

NO.E/227/81/Tr.ASM(T)PI-1

Dated, 30.8.05

To
DRM(P)/KIR, APDJ, RNY, LMG, TSK.

Sub:- Aptitude (Psycho) Test for ASM & DAD.

The date of Psycho test for the post of ASM & DAD scheduled to be held on 03.09.05 has been deferred to 15th & 16th Sept/05 at 10.00hrs. in ET Section of CPO's office/MLG due to administrative reason.

Eligible candidates may please be directed to appear in the psycho test accordingly.

This may please be treated as 'MOST URGENT'.

S. Chakraborty
SPO/T
for General Manager(P)/MLG.

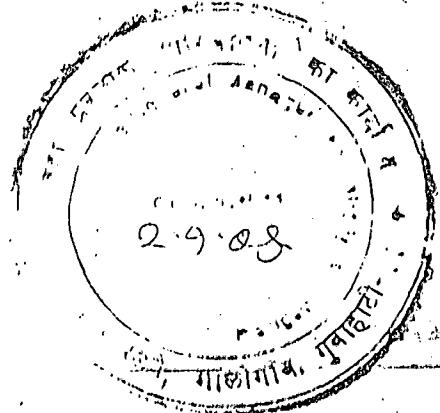
Copy to:-

- (1) CSO/NFR
- (2) Dy.CSO/T/MLG
- (3) JSO/MLG
- (4) Dy.COM/Safety/MLG

for General Manager(P)/MLG.

ATTESTED

R. Bhatte
ADVOCATE



Psychological Test conducted during the period from 16.12.03 to 31.10.05.

I. By JSO of other Railway

S. NO	Date of Psychological test conducted	Category	No. of candidates	Conducted by
1	19.07.04 to 23.07.04	ASM	12 Com. 30 Deptt.	JSO/SER
2	20.09.04 to 24.09.04	ASM	598 RRB	JSO/SER SSO/ER
3	29.12.04	ASM DAD	14 Com. 2 Deptt. 1. Deptt.	JSO/SER
4	11.03.05	ASM	4 Deptt.	JSO/SER

II. By JSO of this Railway

S. NO	Date of Psychological test conducted	Category	No. of candidates	Conducted by
1	11.02.04	ASM	1 Com.	JSO/NFR
2	18.02.04	ASM	3 Com.	JSO/NFR JSO/NFR
3	23.04.04	ASM	3 Com. 7 Deptt.	JSO/NFR
4	17.05.04	DAD	3 for promo to Goods Driver	JSO/NFR

(H. Tawna)

Dy. CSO/T

for General Manager (S)

P
3 v) S/SC

ATTESTED
Shettri
ADVOCATE

OPTIONAL FORM

17.2.2005/2005, Dated/ 31/04/2005, 31/04/2005

IN THE

31/04/05

1. The Petitioner(s) Smt. Nitinendu Kalita
2. The Respondent(s) Shyam Kumar et al. vs. Smt. Nitinendu Kalita et al.

Advocate on the Applicant Mr. G.K. Bhattacharya & Mr. B. Choudhury
D. Goswami,
Counsel for the Petitioner C. S. S. C. S. Sarma, Counsel for the Respondent Shyam Kumar et al.

Report No. 2381

OPTIONAL FORM

DATE

ORDER OF THE TRIBUNAL

17.2.2005 Present: Hon'ble Shri N.K. Gupta, Judicial Member

Hon'ble Shri P.V. Prahladan, Administrative Member.

Wilful breach of directions issued by this Tribunal on 1.4.2004, disposing of O.A.No.294 of 2003 is alleged in the present C.P.

If is contended by Mr S. Sarma, learned counsel for the respondents that a Writ Petition No.5758 of 2004 has been preferred against the aforesaid judgment and order of this Tribunal, and the same was admitted vide order dated 13.8.2004. Thereafter the said Writ Petition has not been listed till date, despite the fact that the reply has been filed by the applicant herein.

We have heard Mr. G.K. Bhattacharya, learned Counsel for the petitioner and Mr S. Sarma, learned counsel for the respondents. It is stated by the respondents that pursuant to interim order dated 26.12.2003 passed in the aforesaid O.A. the applicant continues to occupy the post of JSO.

Since the matter is under consideration before the High Court, we are of the view that it cannot be viewed that there was a wilful disobedience on the part of the respondents. Therefore, the present Contempt Petition is closed with liberty to the applicant to revive the same in case the aforesaid Writ Petition is dismissed.

ATTESTED

Sheth
ADVOCATE

S.D. Member (P)
S.D. Member (C)

Seal of the
C.A.T. GUWAHATI BENCH
Guwahati - 800056

18.2.05
18.2.05
18.2.05