

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :  
ORDERSHEET

1. ORIGINAL APPLICATION No : -----/ 2011
2. Transfer Application No : -----/2011 in O.A. No.-----
3. Misc. Petition No : -----/2011 in O.A. No.-----
4. Contempt Petition No : -----/2011 in O.A. No.-----
5. Review Application No : -----/2011 in O.A. No.-----
- ✓ 6. Execution Petition.No : 2 -----/2011 in O.A. No. 311/2007

Applicant (S) : Ganesh chandra Boro & Ors

Respondent (S) : Union of India & Ors

Advocate for the : Mr. S.N. Tamuli  
{Applicant (S)}

Advocate for the : R.L.S.C  
{Respondent (S)}

Notes of the Registry

Date

Order of the Tribunal

This Ep is filed  
by Mr S.N. Tamuli,  
Advocate, on behalf  
of the applicants,  
praying for Execution /bb/  
of the order dtd. 20-5-07  
passed in OA-311/2007.

Laid before The  
Hon'ble court for favour  
of orders.

19.1.2011  
Section Officer(S)

19.1.2011

nkm

20.01.2011

On the request of Mr.S.N.Tamuli, learned  
counsel for the petitioner, case is adjourned to  
10.02.2011.

(Madan Kumar Chaturvedi)  
Member (A)

Dr J.L. Sarkar, learned counsel for the  
respondents is present in court. It is  
submitted that Mr M.K. Mazumder is now  
appointed as the new Standing Counsel for  
the Railways. Dr Sarkar will surrender the  
brief to the respondents. As such two weeks  
time was prayed in the matter.

List on 25.02.2011.

(Madan Kumar Chaturvedi)  
Member (A)

E.P. No. 02 of 2011 (O.A. No. 311 of 2007)

17.03.2011

O.A. No. 311 of 2007 was disposed of on 20.05.2009 with grant of liberty to the Applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules and orders, within a period of two months. The Respondents were asked to pass order on the representation of the Applicants within one month thereafter.

Mr. S.N. Tamuly, learned counsel for the Applicants invited my attention on the representation made in conformity with the order of the bench. It was submitted by learned counsel that the said representation was made on 30<sup>th</sup> July 2009 but so far no order has been received by the Applicant.

In view of the above, issue notice to the Respondents returnable within four weeks. Mr. M.K. Mazumdar, learned Rly. Standing counsel present in court accepts notice on behalf of all the Respondents.

List on 19<sup>th</sup> April 2011.

(Madan Kumar Chaturvedi)  
Member (A)

/PB/

19.04.2011

Heard Mr S.N. Tamuli, learned counsel for the petitioner and Mr M.K. Mazumdar, learned Standing Counsel for the Railways. For the reasons recorded separately, the E.P. stands disposed of.

(M. K. Chaturvedi)  
Member (A)

(N. A. Britto)  
Member (B)

nkrm

Received Copy  
against Respondents  
No. 3 to 7 (5 copies) by me  
Mr. Mazumdar  
Sec. Railway  
Respondent 1 & 2 will be dispatched  
by the Applicant as desired  
Mr. Mazumdar  
Sec. Railway  
25/3/11

Received Copy  
JALPURA  
Advocate  
Sec. Railway  
26/4/11

R copy  
27/4/2011

Final Judgment/Order  
of 19-4-2011 has been  
prepared & sent to  
of section for issuing  
to the all respondents  
by post.

Memo No. 842 to 849

dt 23/6/2011

21-8-2011

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Execution Petition No.2 of 2011

(O.A.No.311/2007)

Date of Order: This the 19<sup>th</sup> day of April 2011

The Hon'ble Mr Justice N.A. Britto, Judicial Member

The Hon'ble Mr Madan Kumar Chaturvedi, Administrative Member

1. Shri Ganesh Chandra Boro,  
Technical Gr I
2. Shri Ganesh Bezbaruah,  
Technician Gr III
3. Shri Gauri Kanta Goswami,  
Technician Gr II
4. Shri Manoranjan Deka
5. Shri Niranjana Deka,  
Technician Gr III
6. Shri Rajendra Sonowal,  
Motor Driver
7. Shri Dharjya Ram Nath,  
Technician Gr III
8. Shri Krishna Pada Ishore,  
MWM Gr III
9. Shri Saifuddin Ahmed,  
Technician Gr I
10. Sri Ananta Kr. Bhattacharjee  
MWG Gr II
11. Sri Prabhat Kalita  
Technician Gr I
12. Sri Indrajit Medhi  
Technician Gr I
13. Sri Subal Medhi  
Technician Gr I.

...Petitioners

By Advocate Mr S.N. Tamuli.

-Versus-

1. Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Railways,  
Rail Bhawan, New Delhi - 110001.
2. The Chairman, Railway Board  
Rail Bhawan, New Delhi - 110001.
3. The Director Establishment  
Railway Board,  
Rail Bhawan, New Delhi - 110001.
4. The General Manager (P)  
N.F. Railway, Maligaon, Guwahati - 11.
5. The Divisional Railway Manager (P)  
N.F. Railway, Luming Division  
Luming - 782 447.
6. The Divisional Mechanical Engineer (Con)  
N.F. Railway, Luming Division  
Luming - 782 447.
7. The Divisional Railway Manager  
N.F. Railway, Rangia Division  
Rangia.
8. The Divisional Finance Manager  
N.F. Railway, Rangia Division  
Rangia.

... Respondents

By Advocate Mr M.K. Mazumder, Standing Counsel for  
Railways.

.....  
**ORDER (ORAL)**

**E.A. BRITTO (J), JUDICIAL MEMBER**

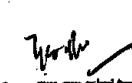
Heard Mr S.N. Tamuli, learned counsel for the petitioners  
and Mr M.K. Mazumder, learned Standing Counsel for the Railways.

2. O.A.No.311/2007 was disposed of on 20.05.2009 by  
granting liberty to the applicants therein to prefer a representation and if  
preferred, the same was required to be disposed of by the respondents  
within two months. There is no dispute that the applicants did present

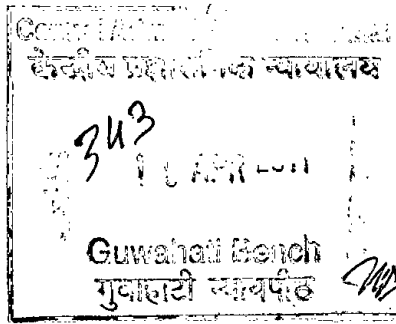
representation dated 30.07.2009 which according to the applicant was received by the office on the same day. However, Mr M.K. Mazumder submits and as can be seen from the letter dated 28.09.2010, produced alongwith the written statement filed, it appears that the same was misplaced. Without going into that controversy, however, Mr M.K. Mazumder, learned Standing Counsel for the Railways now makes a statement that the said representation of the petitioners (applicants in the O.A.) dated 30.07.2009 will be disposed of within a period of two months from today. We accept the said statement and direct the Railways i.e. respondent No.4 to dispose of the said representation of the petitioners dated 30.07.2009 on its own merits and positively within a period of two months from today.

3. With the above direction this E.P. is disposed of.

  
( M. K. CHATURVEDI )  
ADMINISTRATIVE MEMBER.

  
( N. A. BRITTO )  
JUDICIAL MEMBER

-15-



Filed by the Respondent  
Through Mr. Manmohan  
Advocate  
Standing Counsel Railway  
18/4/11

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::**

**GUWAHATI BENCH :: GUWAHATI::**

Amended Execution Petition No.2/2011

IN THE MATTER OF:

Shri Ganesh Chandra Boro & others

**PETITIONERS**

**-Vs-**

Union of India & Ors.

**RESPONDENTS**

**- AND -**

IN THE MATTER OF:

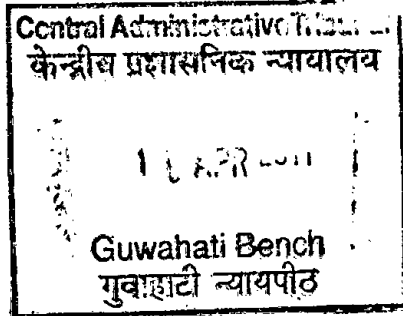
Written Statement filed on behalf  
of the respondent No. 4, 5, 6,  
7 & 8.

WRITTEN STATEMENT

1. That the copy of the amended execution petition filed by the petitioner has been received by the Respondents through the Railway Standing Counsel. The respondents have gone through the same, understood the contents thereof.

2. That save and except that statements which are specifically admitted herein below other statements made in the amended execution petition are categorically denied and the petitioner is put to the strictest proof thereof.

Received  
copy on  
19.04.2011  
(Advocate)



However, the answering respondents have confined their replies to those paras/allegations in the petition, which are found relevant for enabling the Hon'ble Tribunal to take a proper decision on the matter.

3. That with regard to the statements made in Para 1, 2 & 3 of the amended execution petition the deponent does not admit anything contrary to the relevant records of the case.

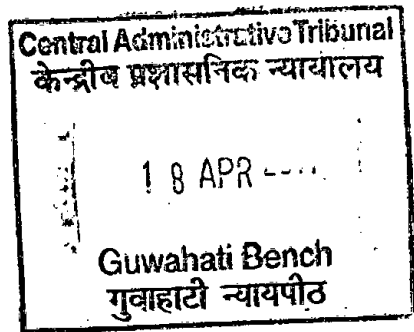
4. That with regard to the statements made in Para 4 of the amended execution petition the deponent while denying the contentions made therein begs to state that the although the Hon'ble tribunal vide order dated 20.05.09 directed to submit representation within two months, however the petitioner did not submit any such representation within 20.07.09 i.e. the cut of date of submitting representation. The statement made by the petitioner regarding submission of representation dated 30.07.09 is also not correct. After passing of the order dated 20.05.09, the Deputy Director (MPP), Railway Board issued a communication dated 25.03.10 to the General Manager/P, N.F. Railway, Maligaon indicating that even after lapse of time stipulated by the Hon'ble Tribunal, no representation was received by the concerned authorities. By the aforesaid communication it was advised to check up all receipt/dispatch points, field units like SSE/C&W's office, etc. to establish veracity submission of any such

representation. The Divisional Personal Officer issued a communication dated 28.09.10 to the SSE/C & W/POH, Lumding indicating that in spite of through check up in the EM Cadre/LMG, Dispatch/Receipt/E/LMG and Legal Cell/LMG, no representation submitted by the applicants in O.A. No. 311/07 was found.

Copies of communication dated 25.03.10 and 28.09.10 are annexed herewith and marked as Annexure- R/1 and R/2.

5. That with regard to the statements made in Para 5 and 6 of the amended execution petition the deponent begs to state that the respondents neither intended to delay or deny consideration of the cases of the petitioners. However, inconvenience arose due to non receipt of any such representation from the petitioner by the concerned authorities. However, the petitioners are also well aware of the aforesaid communication issued by the railway authorities. Since the respondents have now received the representation dated 30.07.09 annexed in the instant execution petition, therefore it is assured that the grievance of the petitioners will be redressed as early as possible.

In view of the aforesaid facts and circumstances of the case, it is therefore most respectfully prayed that your Lordship would graciously be



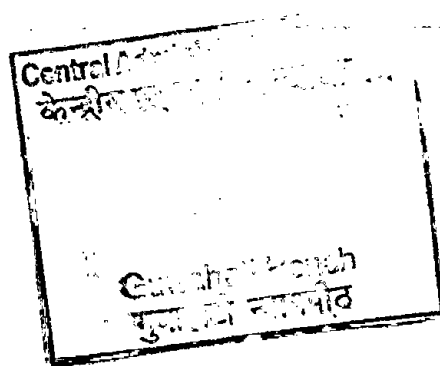
pleased to grant two months time to the respondents to consider the grievance of the petitioner and/or pass any such further order/orders as Your Lordships may deem fit and proper.

And for this act of kindness the respondents shall as in duty bound ever pray.

.....VERIFICATION

5-19

VERIFICATION



I, Sri Kalei Ram Baro, aged about  
... years, Son of Late L. Kachari, at  
present working as APD/Lumding, N.F.  
Railway, do hereby state that I am conversant with the  
facts of the case and have been authorized to verify and  
sign the verification which I do accordingly.

That the statements made in paragraphs  
1, 2, 3, & 4 part  
are true to my knowledge, those made in paragraphs  
4 part

being matters of records are true to my information derived  
there from and the grounds urged are as per legal advice  
and rests are my humble submission before the Hon'ble  
Court. I have not suppressed any material fact.

And I sign this verification on this the 28<sup>th</sup> day of  
March, 2011 at Kewading

Kalei Ram Baro  
SIGNATURE  
महान् कार्यालय अधिकारी  
D. F. R. : Lumding  
प. ० पी. ० रेन्ड लुमदिंग  
D. F. R. : Lumding.

- 6 - 12 - 20

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

18 APR 2011

Guwahati Bench  
गुवाहाटी न्यायपीठ

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.E(MPP)2009/6/10

New Delhi dated 25.03.2010

General Manager/P  
Northeast Frontier Railway  
Maligaon Guwhati -781011

(Kind Attn: - Sh. A. K. Mohanty, CPO/NFR)

Sub: - OA No.311/07 before CAT/Guwahati filed by  
Shri G.C. Boro & others Vs UOI & others

Kindly refer to Northeast Frontier Railway letter  
No.E/170/LC/NS/983/07 dated 30.10.2009 advising therein the  
operative portion of the Hon'ble CAT/GHY's order dated 20.5.2009 on  
the above stated OA.

The Hon'ble CAT/GHY has directed that applicants are allowed to  
give their representations within a period of 2 months and that the  
respondents shall consider the same and communicate the decision  
within one month thereafter. It is seen that the period of 2 months  
has already lapsed and it has been advised by Northeast Frontier  
Railway that the applicants have not submitted their representation to  
the concerned authorities.

Kindly arrange to have a thorough check up of all  
receipts/dispatch points, field units like SSE/C&W Lumding,  
DME/C&W's office, etc. to establish that applicants have really not  
applied. The views of the railway advocate/legal officer on the above  
case may also be furnished.

(Anil Wason)  
Dy. Director(MPP)  
Railway Board

CPO 24A

CPO/A

APQ/Le

on leave

by

Carry over to be done  
DKM 11/12/2010

-7- 21  
COURT CASE  
MOST URGENT  
IMMEDIATE ACTION

N. F. Railway

Office of the  
Divisional Railway Manager (P)  
Lumding, N. F. Railway  
Dated:- 28.09.2010

No. E/Court/OA-311/2007

To  
The SSE/ C&W / POH  
Lumding, N. F. Railway

Central Administrative  
केन्द्रीय प्रशासनिक न

Guwahati Ben  
गुवाहाटी न्याय

Sub:- OA-311/2007 before CAT, Guwahati in the matter of Shri Ganesh  
Chandra Boro & Others vs Union of India & Others.

Ref:- Dy. Director (MPP), Railway Board, New Delhi's letter no.  
E(MPP)2009/6/10 dated 25.03.2010.

The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati  
vide order dated 20.05.2009 has directed that the applicants are allowed to give their  
representations within a period of two months and that the respondents shall  
consider the same and communicate the decision within one month thereafter.

It is seen that the period of two months had already been lapsed and it has  
already been advised to the Railway Board by N. F. Railway vide DRM(P)/ LMG's  
letter even no dated 07.08.2009 that the applicants had not submitted any  
representation to the concerned authorities.

But the Railway Board through above referred letter, advised to make a  
thorough search for their representation, if any.

In pursuance of above, the representation has been thoroughly searched in the  
EM Cadre/LMG, Dispatch/Receipt/E/LMG and Legal Cell/LMG, but no such  
representation has been found till date.

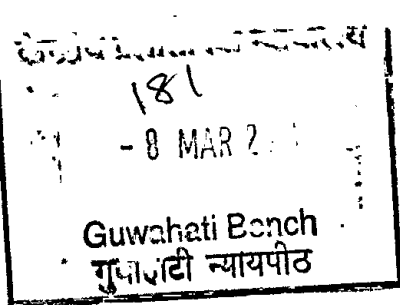
Now, you are therefore, advised to search at your office, if any representation  
is submitted by Shri Ganesh Chandra Boro, Technician/Gr-I & Others (all are/ were  
working under SSE/C&W/POH/LMG), on or after 20.05.2009, and communicate  
the same to the Legal Cell/ LMG within seven days from receipt of this letter.

Your cooperation is solicited.

(K. R. Baro)

Divisional Personnel Officer  
For Divisional Railway Manager (P)  
Lumding, N. F. Railway

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PP made  
aval go through  
the letter  
by 14  
30/9/10  
Cereyudoke me  
M. G. G. G. G.  
K. R. Baro



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

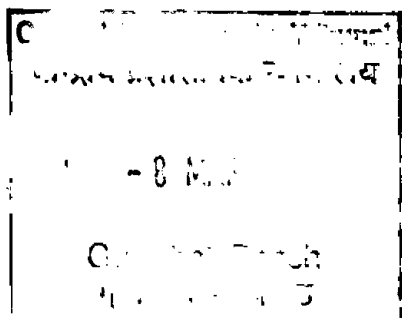
GUWAHATI

Amended Execution Petition No 2/2010

1. Shri Ganesh Chandra Boro  
Technician Gr I
2. Sri Ganesh Bezbaruah  
Technician Gr III
3. Sri Gauri Kanta Goswami  
Technician Gr II
4. Sri Manoranjan Deka
5. Sri Niranjan Talukdar  
Technician Gr III
6. Sri Rajendra Sonowal  
Motor Driver
7. Sri Dharjya Ram Nath  
Technician Gr III
8. Sri Krishna Pada Ishore  
MWM Gr III
9. Sri Saifuddin Ahmed  
Technician Gr I
10. Sri Ananta Kr. Bhattacharjee  
MWM Gr II
11. Sri Prabhat Kalita  
Technician Gr I
12. Sri Indrajit Medhi  
Technician Gr II

Filed by the petitioner  
Through S.N. Tamuli  
Advocate 08.03.2011  
Indrajit Medhi

Bele of M.K. Tamuli  
the copy is reviewed by  
me Bursarjit Tamuli



10. Sri Subal Medhi  
Technician Gr II

Petitioners

-VERSUS-

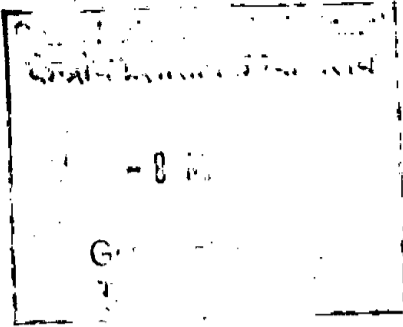
- 1 Union Of India  
Represented by the Secretary to  
the Govt of India  
Ministry of Railways  
Rail Bhawan  
New Delhi 110001
2. The Chariman, Railway Board  
Rail Bhawan  
New Delhi 110001
3. The Director Establishment  
Railway Board  
Rail Bhawan  
New Delhi 110001
4. The General Manager (P)  
N.F.Railway, Maligaion,  
Guwahati 11.
5. The Divisional Railway Manager  
(P), N.F.Railway, Lumding  
Division  
Lumding 782447
6. The Divisional Mechanical  
Engineer (Con)  
N.F.Railway, Lumding Division  
Lumding 782447
7. The Divisional Railway Manager  
N.F.Railway, Rangia Division  
Rangia

Indrajit Medhi

SC

/

1



8. The Divisional Finance Manager  
N.F.Railway, Rangia Division  
Rangia

*Indrajit Reddy*

**Respondents**

**IN THE MATTER OF:**

An application under section 27 of the Administrative Tribunals Act 1985 praying for the execution of the order dated 20<sup>th</sup> day of May 2009 passed by this Hon'ble Tribunal in O.A.No 311/2007 ( Shri Ganesh Chandra Boro & Others v. Union Of India & Others)

**AND**

**IN THE MATTER OF:**

O.A.No 311/2007

Shri Ganesh Chandra Boro & Others

**Applicant**

**-Versus-**

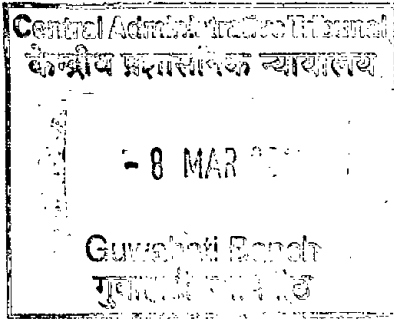
Union of India & Others

**Respondents**

**AND**

**IN THE MATTER OF:**

Order dated 20<sup>th</sup> day of May 2009 passed by this Hon'ble Tribunal in O.A.No 311/2007 ( Shri Ganesh Chandra Boro & Others v. Union Of India & Others) directing the respondents to consider the representation to be filed by the applicants in accordance



with the rules and orders within the period of one month from the date of submission of the same.

That the humble petitioners above named

MOST RESPECTFULLY SHEWETH:

**1. BRIEF FACT OF THE CASE:**

That the petitioners (Applicants in the O.A.) were initially appointed as Fireman in the fire wing of the Railway Protection Force (RPF in short) on different dates. But subsequently due to closure of the fire wing of the RPF they were temporarily accommodated in Permanent Over Hauling (PHO in short) Depot of N.F. Railway at Lumding under Lumding Division by creating some supernumerary posts. It is worth while to mention here that as per the policy decision taken by the Railway Board the persons declared surplus in the Fire Wing of the RPF are to be adjusted against "Live" Posts as far as possible.

Subsequently though there were vacancies and the petitioners submitted their option for permanent absorption in Ministerial Cadre, mainly in the newly formed Rangia Division the Respondent Authorities took not step for their absorption. The petitioners were forced to work against the supernumerary posts so created. Later on the petitioners came to know that the Divisional Mechanical Engineer (Con), Lumding, N.F. Railway while forwarding the option forms of the petitioners has commented that if the cases of the petitioners are considered for permanent absorption against the vacancies of the Ministerial cadre POH Lumding will adversely suffer. Petitioners have reasons to believe that only due to this comment of the

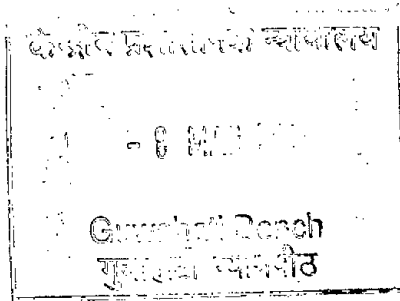
*Indrajit Hazari*

Divisional Mechanical Engineer their cases for absorption were not given effect.

Indrajit Kaddi

2. That the petitioners being aggrieved approached this Hon'ble Tribunal as applicants by filing O.A.No 311/2007 (Shri Ganesh Chandra Boro & Others v. Union of India & Others). The petitioner as applicants in the above mentioned O.A. prayed for the following directions:

- a. That the view given by the Divisional Mechanical Engineer (CM), N.F. Railway, Lumding while forwarding the applicants option papers vide his Memo No G/59/Staff/POH dated 28.01.2005 to the Sr. Divisional Mechanical Engineer, IC, N.F.Railway, Lumding which created the entire process stand still be declared illegal and bad in law and the same be either set aside and quashed or declared non est.
- b. That the respondents authorities be directed not to put any barrier in their permanent absorption against any vacant substantive and live posts in as much as stop gap arrangement, more particularly in respect of their options for permanent absorption against the existing vacancies of the ministerial posts at the disposal of the Divisional, Financial Manager, N.F.Railway, Rangia.
- c. That the Respondents authorities be directed to process expeditiously the options of the applicants before the notified existing vacancies of the ministerial posts lying in upcoming Rangia Railway Division are filled by any other mode of process.



Indrajit Nodhi

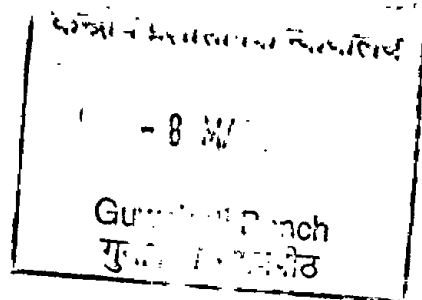
3. That the Hon'ble Tribunal by an order dated 20<sup>th</sup> day of May 2009 was pleased to dispose of the above O.A. with the following direction:

" ... It is seen that the applicants have also prayed for any other relief deem fit by the Tribunal. Learned counsel for the applicants submits at this stage that the Respondents should consider their future in service and if they make any request on the lines of the officials who were adjusted as per Annexure - 7 for transfer subject to relevant conditions then their cases should also be considered. Learned counsel for the Respondents submits that they would consider their representation, if any in the normal course. We therefore, dispose of this application by leaving it open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules and order within a period of two months. The respondents shall consider the same and communicate the decision taken to the applicants within one month thereafter. No costs."

A copy of the order dated 20.05.2009 passed by this Hon'ble Tribunal is annexed herewith and marked as

**Annexure 1.**

4. That the petitioners (applicants in the O.A.) thereafter submitted an application dated 30.07.09 to the General Manager (Personnel) through proper channel and the same was received by the office of the DME/C&W/LMG on the same day i.e. on 30.07.09. in the aforesaid representation dated 30.07.09 prayed for their transfer and permanent absorption in Rangia Division or any other division.

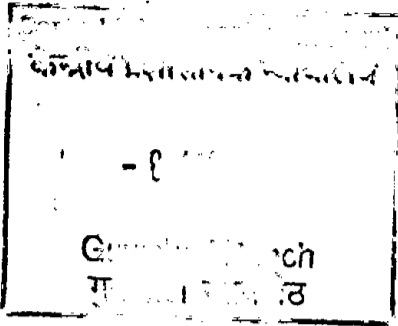


Sudhakar Reddy

A copy of the representation dated 30.07.09 is annexed herewith and marked as **Annexure 2**.

5. That though the petitioners (applicants in the O.A.) submitted their application/representation in time as per the direction of the Hon'ble Tribunal but the respondents have not disposed of the same till date. Applicants have not received any communication in this regard till date. It is further stated that as per the information available with the petitioners (applicants in the O.A.) the respondents have not preferred any appeal against the aforesaid order till date and as such the aforesaid order of the tribunal has attained finality.
6. That the respondents ought to have complied with the aforesaid order of this Hon'ble Tribunal within the time frame prescribed by the Hon'ble Tribunal. But instead of complying with the same they kept the matter pending till date. The petitioners were under the bonafide belief that the respondents will comply with the order dated 20.05.09. as per the rules. But though more than one year has passed respondents have not complied with the same. Finding no other alternative left the petitioners files this petition praying for a direction to the respondents to implement/comply with the direction of this Hon'ble Tribunal in letter and spirit.
7. That this petition is filed bonafide and in the interest of justice.

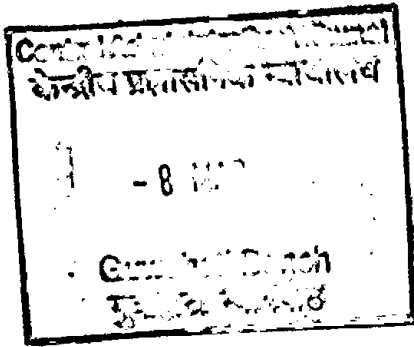
Under the circumstances explained above the petitioners humbly pray before this Hon'ble Tribunal that This Hon'ble Tribunal will be pleased to direct the respondents



to comply with the order dated 20.05.09 passed by this Hon'ble Tribunal in O.A.No 311/2007 (Shri Ganesh Chandra Boro & Others v. Union Of India & Others) in its letter and sprit and/or pass any other order/orders as this Hon'ble Tribunal deem fit and proper.

AND for this the petitioner shall ever pray.

Indrajit Reddy



### VERIFICATION

I, Shri Indrajit Medhi....., aged about 41 years, presently working as the Technician Gr-I SSE/POH/Lumding, N.F.Railway that I am the petitioner No 12 in this execution petition and as such I am fully conversant with the facts and circumstances of the case and is competent to sign this verification and I have been authorised by the other petitioners to sign this verification on their behalf. Accordingly I do hereby verify that the statements made in Paras 1 to 7 of this petition are true to my knowledge, and I have not suppressed any material facts.

And I sign this verification on this 8th ~~th~~ day of March 2011...at Guwahati.

*Indrajit Medhi*

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

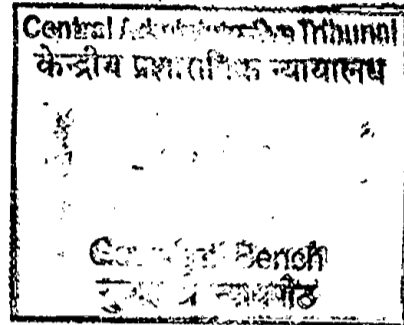
Original Application No. 311/2007.

Date of Order : This the 20th Day of May, 2009.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR N. D. DAYAL, ADMINISTRATIVE MEMBER

1. Shri Ganesh Chandra Boro  
Technician Gr. I
2. Shri Ganesh Bazbaruah,  
Technician Gr.III
3. Shri Gauri Kanta Goswami  
Technician Gr.II
4. Shri Manoranjan Deka,
5. Shri Narianjan Talukdar  
Technician Gr.III
6. Shri Rajendra Sonowal  
Motor Driver
7. Shri Dharjya Ram Nath  
Technician Gr.III
8. Shri Krishna Pada Ishore, MWM Gr.III
9. Shri saifuddin Ahmed  
Technician Gr.I
10. Shri Ananta Kr. Bhattacharjee  
MWM Gr.II
11. Shri Prabhat Kalita  
Technician Gr.I
12. Shri Indrajit Medhi  
Technician Gr.II
13. Shri Subal Medhi  
Technician Gr.II



.....Applicants

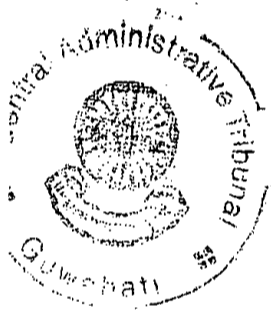
All the applicants are working in the office of the  
SSE/C&W/POH/Lumding, N.F.Railway,  
Dist. Nagaon, Assam  
Pin 782447.

By Advocate Mr B.S.Basumatary

-Versus-

1. Union of India  
represented by the Secretary to the  
Govt. of India, Ministry of Railways,  
Rail Bhawan, New Delhi-110001.
2. The Chairman, Railway Board.  
Rail Bhawan, New Delhi-110001.

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ADVOCATE


The Director Establishment,  
Railway Board, Rail Bhawan,  
New Delhi-110001.

1. The General Manager (Personnel)  
N.F.Railway, Maligaon,  
Guwahati-781011.
5. The Divisional Railway Manager (Personnel)  
N.F.Railway, Lumding Division,  
Lumding-782447.
6. The Divisional Mechanical Engineer (Con)  
N.F.Railway, Lumding-782447.
7. The Divisional Railway Manager,  
N.F.Railway, Rangia Division,  
Rangia-781354.
8. The Divisional Finance Manager,  
N.F.Railway, Rangia Division,  
Rangia-781354.

.....Respondents

By Advocate Miss Bharati Devi.

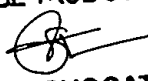
ORDER (ORAL)

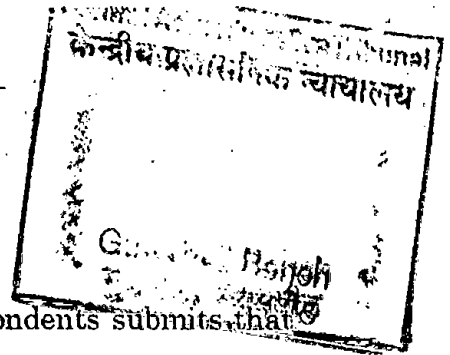
N.D.DAYAL (MEMBER-A)

Mr B.S.Basumatary, learned counsel for the applicant has taken us through the documents annexed to the O.A and contended that the applicants who were initially surplus personnel, though absorbed against 'live posts' as per memo dated 28.4.1999 (Annexure-3) have been suffering for want of adequate future prospects both in terms of pay scales in hierarchy as well as in the absence of promotional avenues. As such even though they may not have been eligible in terms of Circular at Annexure-4, some of those who are working with them have been granted transfer with bottom seniority under Katihar Division as per Annexure-7. But the applicants are continuing in their original jobs with no future career prospects.

4

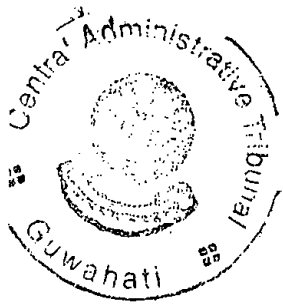
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ADVOCATE



2. Miss B. Devi, learned counsel for the Respondents submits that applicants have been enjoying promotional benefits of higher pay scale from time to time and the relief claimed by them in this O.A is not justified because they were not surplus but have already been absorbed in "live posts".

3. It is seen that the applicants have also prayed for any other relief deemed fit by the Tribunal. Learned counsel for the applicants submits at this stage that the Respondents should consider their future in service and if they make any request on the lines of the officials who were adjusted as per Annexure-7 for transfer subject to relevant conditions, then their cases should also be considered. Learned counsel for the Respondents submits that they would consider their representation, if any, in the normal course. We, therefore, dispose of this application by leaving it open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules and orders within a period of two months. The respondents shall consider the same and communicate the decision taken to the applicants within one month thereafter. No costs.



Sd/-Vice-Chairman  
Sd/-Member(A)

Date of Application : 10.11.2010  
Date on which it is ready : 30.11.2010  
Date on which it is delivered : 30.11.2010  
Certified to be true copy

*[Signature]*  
30.11.2010  
Secretary (A) (A)  
C. A. T. Guwahati Bench  
Guwahati-5.

CERTIFIED TO BE TRUE COPY  
*[Signature]*  
ADVOCATE

TYPED COPY OF ANNEXURE - 2

To,

The General Manager (Personnel),  
N.F. Railway, Maligaon,  
Guwahati-781011

( Through proper Channel )

Sub; Representation Divisional transfer in any trade/  
cadre with bottom seniority basis commensurate  
with academic qualification and other qualifications.

Name of the Division opted to be transferred;- RNY/HQ/  
MLG/APDS/TSK

Ref; Order dated 20.05.2009 passed by the Central  
Administrative Tribunal, Guwahati Bench Guwahati  
in O.A. No. 311/2007. ( Shri Ganesh Chandra Boro  
& 12 others-Vs-The Union of India & others ).

Sir,

With reference to the above subject, I have the  
honour to state the following for favour of your kind  
consideration and passing appropriate orders as directed  
by the Hon'ble Central Administrative Tribunal, Guwahati  
Bench, Guwahati in O.A. No. 311/2007. ( Shri Ganesh  
Chandra Boro & 12 others-Vs-The Union of India & others ).

A copy of the aforesaid order  
dated 20.05.2009 is annexed  
here with marked as ANNEXURE-1  
hereto.

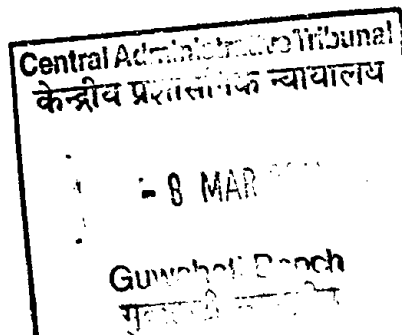
That it is pertinent to mention here that I along  
with twelve other similarly situated persons working in  
the P.O.H. /Lumding, N.F. Railway after having been  
declared surplus from the fire Wing of R.P.F. being  
highly aggrieved on non consideration of their represe-  
ntations for permanent absorption in ministerial cadre

contd.....2

Filed on  
30/07/09.  
Attested  
(Advocate)

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ADVOCATE



- 2 -

on the bottom seniority basis on the basis of option invited by the General Manager, N.F. Railway, Maligaon Guwahati for posting in the departments of Rangia Division vide his letter No. E/Misc/217(O) Pt. Xi Dated 07/10.01.2005.

A copy of the apres aid letter dated 07/10.01.2005. is annexed herewith and masked as ANNEXURE -2 hereof.

That the Hon'ble Central Administrative Tribunal Guwahati Bench, taking up the matter for hearing ~~consider~~ consider all aspect of the matter heard, learned counsels at both the parties at length. Thereafter the aforesaid Central Administrative Tribunal was pleased to dispose of the matter with the direction that the Hon'ble Tribunal left open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules & orders within a period of two months. The respondents shall consider the same & communicate the decision ~~xxx~~ taken to the applicants within one month thereafter. It is pertinent to mention here~~k~~ that the Hon'ble Tribunal on the basis of submission made by the counsel of the Railway observed that the consideration of the representation of the applicants by the Railway shall be taken on the basis of letter dated 25/04/2007 bearing, its E/283/1/LM/POH issued by Mr. P.K. Das, APO/PC/LMG for Divisional Railway Manager(P) N.F. Railway, Munding(Annexure-7 to the O.A No. 311/2007) in respect of transfer from LMG POH to ROH/NJP or in any Department at NJP under Katihar Division of N.F. Railway of Shri Monojit Pal, Shri Tarun Sur, Shri Kinoo Panna & Shri Sonam Lama.

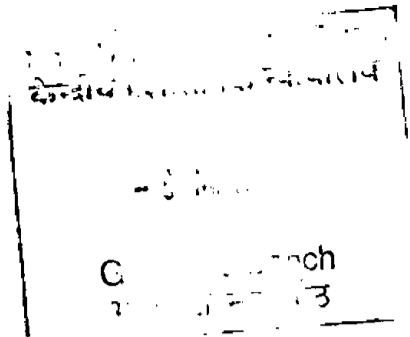
A copy of the aforesaid letter dated 25/04/2007 is annexed here with a maked as Annexure-3 hereto.

contd.....3

Attested  
Advocate

CERTIFIED TO BE TRUE COPY

  
ADVOCATE



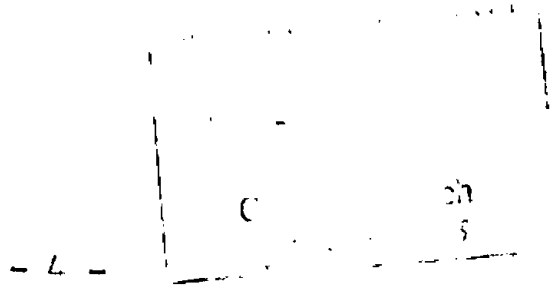
That it is further stated here that we the applicants in the aforesaid original application had passed HSLC Examination and some had passed HS Course and acquire Diploma/Certificate in Basic Computer Training course and as such they are illigible to be regularised even in the ministerial cadre commensurate with their academic qualification as well as other qualifications. Be it also stated that they have no objection to accept the bottom seniority while adjusting them regularising their services in the concerned cadre giving them similar and equal opportunity to prosper in their service career like other similar incumbents of the dept.

Under the backdrop and narrated above facts & circumstances it is most respectfully prayed that your Honour would graciously be pleased to consider this representation and would be pleased to pass appropriate orders transferring me from LMG POH to either Rangia Railway Division or other Railway Division absorbing in available vacancies of the Ministerial cadre on the basis of bottom seniority as has been done in the case of other incumbents more particularly mentioned in the aforesaid letter dated 24/04/2007 Annexure 7 of O.A. No. 311/07) commensurate with academic and other qualification as directed by the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati vide aforesaid order dated 20/05/2009 (Annexure-1 to this representation). perhaps it will not be out of place to mention here that having them put in LMG POH after declaration of surplus from the fire wing, RPF I have been immensely suffering from mental agony owing to serious discrimination caused to me by not giving any incentive and promotional scope like the incumbents working in workshop in Dibrugarh. It appears that I have been ..... signed out in respect of rendering economic, promonation benefit which is great injustice.

Accepted  
Advocate

contd.....4

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ADVOCATE



I therefore most humbly & respectfully pray to your honour to look into the grievances mentioned above and may be pleased to pass appropriate redressal other in accordance with the order dated 28/05/2007 passed by the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati.

For this act of kindness I shall even remain grateful to you.

Yours faithfully,

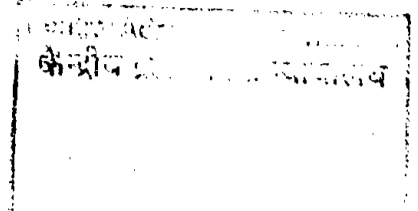
Attested  
(Advocate)

CERTIFIED TO BE TRUE COPY

  
ADVOCATE

TYPED COPY OF ANNEXURE 2

To  
The General Manager (Personnel),  
N.E. Railway, Maligaon,  
Guwahati - 781011



( Through proper channel )

Sub: Representation Divisional transfer in any  
trade/cadre with bottom seniority basis commensurate with  
academic qualification and other qualifications.

Name of the Division opted to be transferred:- RNY/149/MLE/APDS/TBK D

Ref: Order dated 20.05.2009 passed by the Central Administrative  
Tribunal, Guwahati Bench Guwahati in O.A.No.311/2007.(Shri  
Ganesh Chandra Boro & 12 others-Vs-The Union of India &  
others)

Sir,

With reference to the above subject, I have the honour to state  
the following for favour of your kind consideration and passing  
appropriate orders as directed by the Hon'ble Central  
Administrative Tribunal, Guwahati Bench, Guwahati in  
O.A.No.311/2007.(Shri Ganesh Chandra Boro & 12 others-Vs-The  
Union of India & others).

A copy of the apresaid  
order dated 20.05.2009  
is annexed here with  
marked as ANNEXURE - I  
hereto.

contd. 2

*Handwritten notes:*  
30/7/09  
DME KSW/2009 office

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ADVOCATE

That it is pertinent to mention here that I along with twelve other similarly situated persons working in the POH/Lumding, N.F. Railway after having been declared surplus from the Fire Wing of R.P.F being highly aggrieved on non consideration and non consideration of their representations for permanent absorbment in ministerial cadre on the bottom seniority basis on the basis of option invited by the General Manager, N.F. Railway, Maligaon Guwahati for posting in the departments of Rangia Division vide his letter No. E/Misc/217(0)pt.xi Dated 07/10.01.2005.

**A copy of the après aid  
letter dated 07/10.01.2005.  
is annexed herewith and  
masked as ANNEXURE-2  
hereof.**

That the Hon'ble Central Administrative Tribunal Guwahati Bench, taking up the matter for hearing consider all aspect of the matter heard, learned counsels at both the parties at length. Thereafter the aforesaid Central Administrative Tribunal was pleased to dispose of the matter with the direction that the Hon'ble Tribunal left open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules & orders within a period of two months. The respondents shall consider the same & communicate the decision taken to the applicants within one month thereafter. It is pertinent to mention here that the Hon'ble Tribunal on the basis of submission made by the counsel of the Railway observed that the consideration of the representation of the applicants by the

Contd.3

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ADVOCATE

Railway shall be taken on the basis of letter dated 25/04/2007 bearing , its E/283/1/LM/POH issued by Mr. P.K. Das, APO/PC/LMG for Divisional Railway Manager (P) N.F. Railway, Lumding (Annexure-7 to the O.A. No. 311/2007) in respect of transfer from LMG POH to ROH/NJP or in any Department at NJP under Katihar Division of N.F. Railway of Shri Monojit Pal, Shri Tarun Sur, Shri Kinoo Panna & Shri Sonam Lama.

**A copy of the aforesaid letter dated 25/04/2007 is annexed here with a maked as Annexure -3 hereto.**

That it is further stated here that we the applicants in the aforesaid original application had passed HSLC Examination and some had passed HS course and acquire Diploma/Certificate in Basic Computer Training course and as such they are illigible to be regularised even in the ministerial cadre commensurate with their academic qualification as well as other qualifications. Be it also stated that they have no objection to accept the bottom seniority while adjusting them regularising their services in the concerned cadre giving them similar and equal opportunity to prosper in their service career like other similar incumbents of the dept.

Under the backdrop and narrated above facts & circumstances it is most respectfully prayed that your Honour would graciously be pleased to consider this representation and would be pleased to pass appropriate orders transferring me from LMG POH to either Rangia Railway Division or other Railway Division absorbing in available vacancies of the Ministerial Cadre on the basis of bottom

**CERTIFIED TO BE TRUE COPY**

**ADVOCATE**

Seniority as has

particularly

done in the case of other incumbents more particularly in the aforesaid letter dated 24/04/2007 Annexure 7 of G.A. No. 311/07) commensurate with academic and other qualifications as directed by the Hon'ble Central Administrative Tribunal Guwahati Bench, Guwahati vide aforesaid order dated 28/05/2009 (Annexure - 1 to this representation). Perhaps it will not be out of place to mention here that having them put in LMG POH after declaration of surplus from the Fire wing, RPF I have been immensely

suffering from mental agony owing to serious discrimination caused to me by not giving any incentive and promotional scope like the incumbents working in workshop in Dibrugarh. It appears that I have been ——— singled out in respect of rendering economic, promotional benefit which is great injustice.

I therefore most humbly & respectfully pray to your Honour to look into the grievances mentioned above and may be pleased to pass appropriate redressal order in accordance with the order dated 28/05/2007 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati.

For this act of kindness I shall even remain grateful to you.

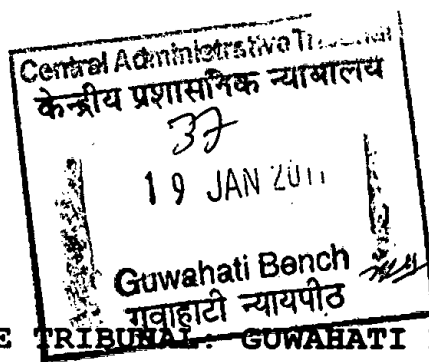
Yours faithfully,

date - (30.07.09)

1. Krishna Pada Ishore Tech. Gr- III
2. Ananta kr Bhattacharya, Tech-I
3. G. K. Kanta Goswami, Tech-II
4. Ganesha Prasad Boruah, Tech. Gr-III
5. K. K. Kanta Goswami, Tech. Gr-I
6. Ganesha Ch. Barua, Tech. Gr-I
7. Indrajit Medhi, Tech Gr-I
8. S. Medhi, Tech Gr-I
9. K. K. Kanta Goswami, Tech Gr-I
10. Ramesh Chandra Barua, Tech-I
11. K. K. Kanta Goswami, Tech-I

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ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

GUWAHATI

Execution Petition No. 2 /2011

OA-311/2007

Shri Ganesh Chandra Boro & Others

Petitioners

-VERSUS-

Union Of India & Others

Respondents

IN THE MATTER OF:

An application under section 27 of the Administrative Tribunals Act 1985 praying for the execution of the order dated 20<sup>th</sup> day of May 2009 passed by this Hon'ble Tribunal in O.A.No 311/2007 ( Shri Ganesh Chandra Boro & Others v. Union Of India & Others)

AND

IN THE MATTER OF:

O.A.No 311/2007

Shri Ganesh Chandra Boro & Others

Applicant

-Versus-

Union of India & Others

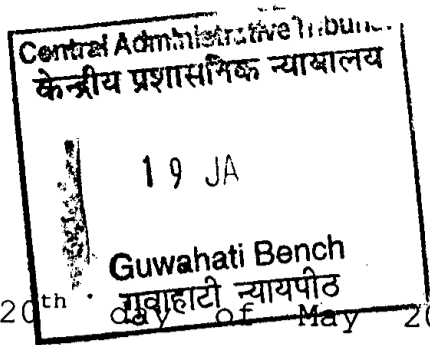
Respondents

AND

IN THE MATTER OF:

Filed by the  
petitioner through  
S.N. Tamuli, Advocate

Ganesh Ch. Boro



Order dated 20<sup>th</sup> day of May 2009 passed by this Hon'ble Tribunal in O.A.No 311/2007 ( Shri Ganesh Chandra Boro & Others v. Union Of India & Others) directing the respondents to consider the representation to be filed by the applicants in accordance with the rules and orders within the period of one month from the date of submission of the same.

That the humble petitioners above named

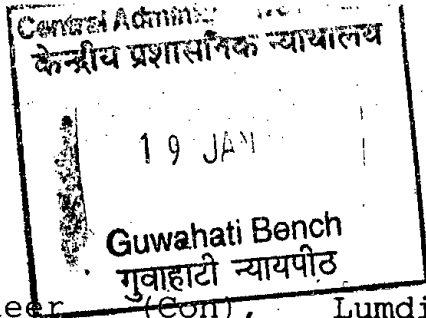
MOST RESPECTFULLY SHEWETH:

**1. BRIEF FACT OF THE CASE:**

That the petitioners (Applicants in the O.A.) were initially appointed as Fireman in the fire wing of the Railway Protection Force (RPF in short) on different dates. But subsequently due to closure of the fire wing of the RPF they were temporarily accommodated in Permanent Over Hauling (PHO in short) Depot of N.F.Railway at Lumding under Lumding Division by creating some supernumerary posts. It is worth while to mention here that as per the policy decision taken by the Railway Board the persons declared surplus in the Fire Wing of the RPF are to be adjusted against "Live" Posts as far as possible.

Subsequently though there were vacancies and the petitioners submitted their option for permanent absorption in Ministerial Cadre, mainly in the newly formed Rangia Division the Respondent Authorities took not step for their absorption. The petitioners were forced to work against the supernumerary posts so created. Later on the petitioners came to know that the

*Ganesh Ch. Boro*

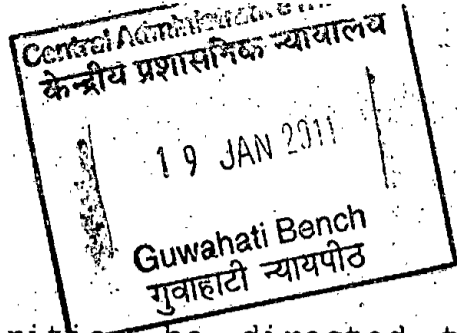


Divisional Mechanical Engineer (Con), Lumding, N.F.Railway while forwarding the option forms of the petitioners has commented that if the cases of the petitioners are considered for permanent absorption against the vacancies of the Ministerial cadre POH Lumding will adversely suffer. Petitioners have reasons to believe that only due to this comment of the Divisional Mechanical Engineer their cases for absorption were not given effect.

2. That the petitioners being aggrieved approached this Hon'ble Tribunal as applicants by filing O.A.No 311/2007 (Shri Ganesh Chandra Boro & Others v. Union of India & Others). The petitioner as applicants in the above mentioned O.A. prayed for the following directions:

- a. That the view given by the Divisional Mechanical Engineer (CM), N.F. Railway, Lumding while forwarding the applicants option papers vide his Memo No G/59/Staff/POH dated 28.01.2005 to the Sr. Divisional Mechanical Engineer, IC, N.F.Railway, Lumding which created the entire process stand still be declared illegal and bad in law and the same be either set aside and quashed or declared non est.
- b. That the respondents authorities be directed not to put any barrier in their permanent absorption against any vacant substantive and live posts in as much as stop gap arrangement, more particularly in respect of their options for permanent absorption against the existing vacancies of the ministerial posts at the disposal of the Divisional, Financial Manager, N.F.Railway, Rangia.

Ganesh Ch. Boro



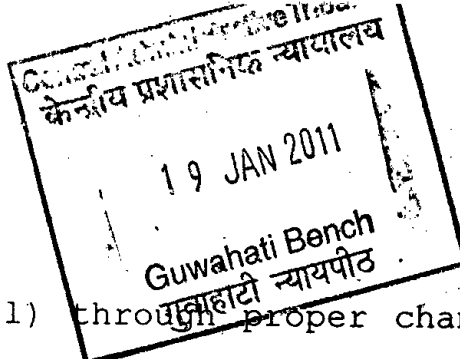
- c. That the Respondents authorities be directed to process expeditiously the options of the applicants before the notified existing vacancies of the ministerial posts laying in upcoming Rangia Railway Division are filled by any other mode of process.
3. That the Hon'ble Tribunal by an order dated 20<sup>th</sup> day of May 2009 was pleased to dispose of the above O.A. with the following direction:

"... It is seen that the applicants have also prayed for any other relief deem fit by the Tribunal. Learned counsel for the applicants submits at this stage that the Respondents should consider their future in service and if they make any request on the lines of the officials who were adjusted as per Annexure - 7 for transfer subject to relevant conditions then their cases should also be considered. Learned counsel for the Respondents submits that they would consider their representation, if any in the normal course. We therefore, dispose of this application by leaving it open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules and order within a period of two months. The respondents shall consider the same and communicate the decision taken to the applicants within one month thereafter. No costs."

A copy of the order dated 20.05.2009 passed by this Hon'ble Tribunal is annexed herewith and marked as **Annexure 1.**

4. That the petitioners (applicants in the O.A.) thereafter submitted an application dated 30.07.09 to

Ganesh Ch. Bora

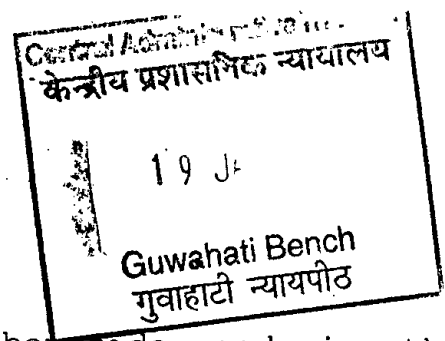


the General Manager (Personnel) through proper channel and the same was received by the office of the DME/C&W/LMG on the same day i.e. on 30.07.09. in the aforesaid representation dated 30.07.09 prayed for their transfer and permanent absorption in Rangia Division or any other division.

A copy of the representation dated 30.07.09 is annexed herewith and marked as **Annexure 2**.

5. That though the petitioners (applicants in the O.A.) submitted their application/representation in time as per the direction of the Hon'ble Tribunal but the respondents have not disposed of the same till date. Applicants have not received any communication in this regard till date. It is further stated that as per the information available with the petitioners (applicants in the O.A.) the respondents have not preferred any appeal against the aforesaid order till date and as such the aforesaid order of the tribunal has attained finality.
6. That the respondents ought to have complied with the aforesaid order of this Hon'ble Tribunal within the time frame prescribed by the Hon'ble Tribunal. But instead of complying with the same they kept the matter pending till date. The petitioners were under the bonafide belief that the respondents will comply with the order dated 20.05.09. as per the rules. But though more than one year has passed respondents have not complied with the same. Finding no other alternative left the petitioners files this petition praying for a direction to the respondents to implement/comply with the direction of this Hon'ble Tribunal in letter and spirit.

Ganesh Ch. Barua

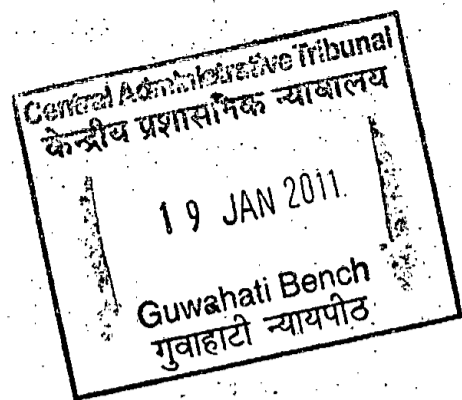


7. That this petition is filed bonafide and in the interest of justice.

Under the circumstances explained above the petitioners humbly pray before this Hon'ble Tribunal that This Hon'ble Tribunal will be pleased to direct the respondents to comply with the order dated 20.05.09 passed by this Hon'ble Tribunal in O.A.No 311/2007 (Shri Ganesh Chandra Boro & Others v. Union Of India & Others) in its letter and sprit and/or pass any other order/orders as this Hon'ble Tribunal deem fit and proper.

AND for this the petitioner shall ever pray.

Ganesh Ch. Boro



### VERIFICATION

I, Shri Ganesh Chandra Boro, Son of Late Rajani Boro, aged about 41 years, presently working as the Technician Gr-I SSE/POH/Lumding, N.F. Railway that I am the petitioner No 1 in this execution petition and as such I am fully conversant with the facts and circumstances of the case and is competent to sign this verification and I have been authorised by the other petitioners to sign this verification on their behalf. Accordingly I do hereby verify that the statements made in Paras 1 to 7 of this petition are true to my knowledge, and I have not suppressed any material facts.

And I sign this verification on this ..... th day of ..... at Guwahati.

Place

*Ganesh Ch. Boro*  
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

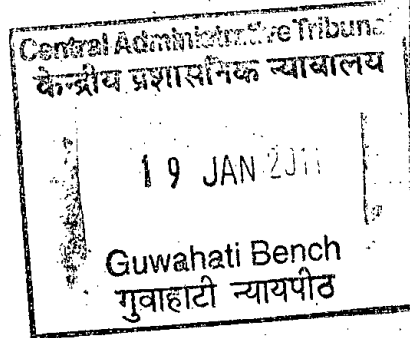
Original Application No. 311/2007.

Date of Order : This the 20th Day of May, 2009.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR N. D. DAYAL, ADMINISTRATIVE MEMBER

1. Shri Ganesh Chandra Boro  
Technician Gr. I
2. Shri Ganesh Bazbaruah,  
Technician Gr.III
3. Shri Gauri Kanta Goswami  
Technician Gr.II
4. Shri Manoranjan Deka,
5. Shri Narianjan Talukdar  
Technician Gr.III
6. Shri Rajendra Sonowal  
Motor Driver
7. Shri Dharjya Ram Nath  
Technician Gr.III
8. Shri Krishna Pada Ishore, MWM Gr.III
9. Shri saifuddin Ahmed  
Technician Gr.I
10. Shri Ananta Kr. Bhattacharjee  
MWM Gr.II
11. Shri Prabhat Kalita  
Technician Gr.I
12. Shri Indrajit Medhi  
Technician Gr.II
13. Shri Subal Medhi  
Technician Gr.II



.....Applicants

All the applicants are working in the office of the  
SSE/C&W/POH/Lumding, N.F.Railway,  
Dist. Nagaon, Assam  
Pin 782447.

By Advocate Mr B.S.Basumatary

-Versus-

1. Union of India  
represented by the Secretary to the  
Govt. of India, Ministry of Railways,  
Rail Bhawan, New Delhi-110001.
2. The Chairman, Railway Board,  
Rail Bhawan, New Delhi-110001.

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ADVOCATE

3. The Director Establishment,  
Railway Board, Rail Bhawan,  
New Delhi-110001.
4. The General Manager (Personnel)  
N.F.Railway, Maligaon,  
Guwahati-781011.
5. The Divisional Railway Manager (Personnel)  
N.F.Railway, Lunding Division,  
Lunding-782447.

The Divisional Mechanical Engineer (Con)  
N.F.Railway, Lunding-782447.

The Divisional Railway Manager,  
N.F.Railway, Rangia Division,  
Rangia-781354.

The Divisional Finance Manager,  
N.F.Railway, Rangia Division,  
Rangia-781354.

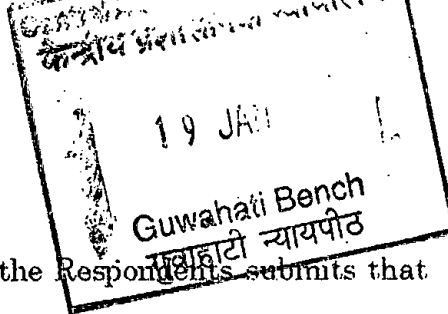
.....Respondents

By Advocate Miss Bharati Devi.

ORDER (ORAL)

N.D.DAYAL (MEMBER-A)

Mr B.S.Basumatary, learned counsel for the applicant has taken us through the documents annexed to the O.A and contended that the applicants who were initially surplus personnel, though absorbed against 'live posts' as per memo dated 28.4.1999 (Annexure-3) have been suffering for want of adequate future prospects both in terms of pay scales in hierarchy as well as in the absence of promotional avenues. As such even though they may not have been eligible in terms of Circular at Annexure-4, some of those who are working with them have been granted transfer with bottom seniority under Katihar Division as per Annexure-7. But the applicants are continuing in their original jobs with no future career prospects.



2. Miss B. Devi. learned counsel for the Respondents submits that applicants have been enjoying promotional benefits of higher pay scale from time to time and the relief claimed by them in this O.A is not justified because they were not surplus but have already been absorbed in "live posts".

3. It is seen that the applicants have also prayed for any other relief deemed fit by the Tribunal. Learned counsel for the applicants submits at this stage that the Respondents should consider their future in service and if they make any request on the lines of the officials who were adjusted as per Annexure-7 for transfer subject to relevant conditions, then their cases should also be considered. Learned counsel for the Respondents submits that they would consider their representation, if any, in the normal course. We, therefore, dispose of this application by leaving it open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules and orders within a period of two months. The respondents shall consider the same and communicate the decision taken to the applicants within one month thereafter. No costs.

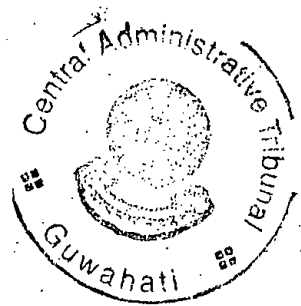
Sd/-Vice-Chairman  
Sd/-Member(A)

Date of Application : 10.11.2010  
Date on which copy is ready : 30.11.2010  
Date on which copy is delivered : 30.11.2010  
Certified to be true copy

Section Officer (C.A.T.)  
C. A. T. Guwahati Bench  
Guwahati-5.

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ADVOCATE



The General Manager (Personnel),  
N.F. Railway, Maligaon,  
Guwahati - 781011

( Through proper channel )

Sub: Representation Divisional transfer in any trade/cadre with bottom seniority basis commensurate with academic qualification and other qualifications.

Name of the Division opted to be transferred:- RNY/149./MLG/ADDS/TBK D

Ref: Order dated 20.05.2009 passed by the Central Administrative Tribunal, Guwahati Bench Guwahati in O.A.No.311/2007.(Shri Ganesh Chandra Boro & 12 others-Vs-The Union of India & others).

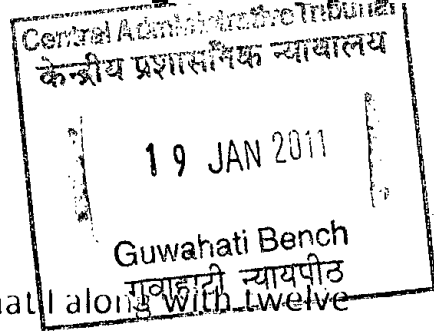
Sir,

With reference to the above subject, I have the honour to state the following for favour of your kind consideration and passing appropriate orders as directed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A.No.311/2007.(Shri Ganesh Chandra Boro & 12 others-Vs-The Union of India & others).

**A copy of the aforesaid order dated 20.05.2009 is annexed herewith marked as ANNEXURE – I hereto.**

contd. 2

Attested  
(Advocate)

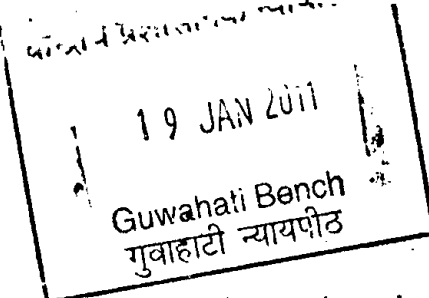


That it is pertinent to mention here that I along with twelve other similarly situated persons working in the POH/Lumding, N.F. Railway after having been declared surplus from the Fire Wing of R.P.F being highly aggrieved on non consideration and non consideration of their representations for permanent absorbment in ministerial cadre on the bottom seniority basis on the basis of option invited by the General Manager, N.F. Railway, Maligaon Guwahati for posting in the departments of Rangia Division vide his letter No. E/Misc/217(0)pt.xi Dated 07/10.01.2005.

**A copy of the après aid  
letter dated 07/10.01.2005.  
is annexed herewith and  
masked as ANNEXURE-2  
hereof.**

That the Hon'ble Central Administrative Tribunal Guwahati Bench, taking up the matter for hearing consider all aspect of the matter heard, learned counsels at both the parties at length. Thereafter the aforesaid Central Administrative Tribunal was pleased to dispose of the matter with the direction that the Hon'ble Tribunal left open to the applicants to prefer a representation in this regard as considered necessary by them in accordance with the rules & orders within a period of two months. The respondents shall consider the same & communicate the decision taken to the applicants within one month thereafter. It is pertinent to mention here that the Hon'ble Tribunal on the basis of submission made by the counsel of the Railway observed that the consideration of the representation of the applicants by the

Contd.3

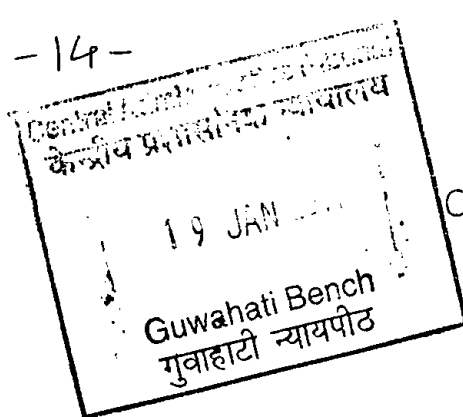


Railway shall be taken on the basis of letter dated 25/04/2007 bearing , its E/283/1/LM/POH issued by Mr. P.K. Das, APO/PC/LMG for Divisional Railway Manager (P) N.F. Railway, Lumding (Annexure-7 to the O.A. No. 311/2007) in respect of transfer from LMG POH to ROH/NJP or in any Department at NJP under Katihar Division of N.F. Railway of Shri Monojit Pal, Shri Tarun Sur, Shri Kinoo Panna & Shri Sonam Lama.

**A copy of the aforesaid letter dated 25/04/2007 is annexed here with a marked as Annexure -3 hereto.**

That it is further stated here that we the applicants in the aforesaid original application had passed HSLC Examination and some had passed HS course and acquire Diploma/Certificate in Basic Computer Training course and as such they are illigible to be regularised even in the ministerial cadre commensurate with their academic qualification as well as other qualifications. Be it also stated that they have no objection to accept the bottom seniority while adjusting them regularising their services in the concerned cadre giving them similar and equal opportunity to prosper in their service career like other similar incumbents of the dept.

Under the backdrop and narrated above facts & circumstances it is most respectfully prayed that your Honour would graciously be pleased to consider this representation and would be pleased to pass appropriate orders transferring me from LMG POH to either Rangia Railway Division or other Railway Division absorbing in available vacancies of the Ministerial Cadre on the basis of bottom



Contd.4

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... as has been done in the case of other incumbents more  
 ... mentioned in the aforesaid letter dated 24/04/2007  
 ... 7 of O.A. No. 311/07) commensurate with academic and  
 ... as directed by the Hon'ble Central Administrative  
 ... Guwahati Bench, Guwahati vide aforesaid order dated  
 ... 2009 (Annexure - 1 to this representation). Perhaps it will not be  
 ... of place to mention here that having them put in LMG POH after  
 ... of Surplus from the Fire wing, RPF I have been immensely  
 ... suffering from mental agony owing to serious discrimination caused to  
 ... by not giving any incentive and promotional scope like the  
 ... incumbents working in workshop in Dibrugarh. It appears that I have  
 ... in respect of rendering economic,  
 ... which is great injustice.

I therefore most humbly & respectfully pray to your  
 ... to look into the grievances mentioned above and may be  
 ... to pass appropriate redressal order in accordance with the  
 ... dated 28/05/2007 passed by the Hon'ble Central Administrative  
 ... Guwahati Bench, Guwahati.

For this act of kindness I shall even remain grateful to you.

Yours faithfully,

date- 30.07.09

AHsted  
 (Advocate)

1. Krishna Pada Ishore Tech. Gr- III
2. Ananta kr Bhattacharya, Tech-I
3. G. K. Kanta Goswami, Tech-II
4. Ganesha Prasad Boruah, Tech. Gr-III
5. Nitin Kumar Deka, Tech. I
6. Ganesha Ch. Baro, Tech. Gr-I
7. Indrajit Medhi - Tech Gr I
8. S. Medhi, Tech Gr-II
9. Niranjan Palukdar Tech Gr-III
10. Rajendra Sarmah, Tech-I
11. Prakash Kalita, Tech-I