

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH;

1. Original Application No. 253/07

2. Misc Petition No. 125/08

3. Contempt Petition No. /

✓ 4. Review Application No. ✓ 3/08

Applicant(S) Ignatius Hamadak -VS- Union Of India & Ors

Advocate for the Applicant(S) Dr. M. C. Sarma, Rly. advocate

Advocate for the Respondent(S) M. Chanda, S. Nain, Mr. U Dula

| Notes of the Registry  | Date       | Orders of the Tribunal   |
|--|------------|--|
| <p>This Review application has been filed by the Railway Counsel w/s 22 sub section (3) (f) of the CAT Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rule, 1987 for review the order dated 19.9.2007 passed in O.A. 253/07 along with a Misc petition for condonation of delay in filing Review application within time limit. If delay is condoned the matter be send for circulation laid before the Hon'ble V.C. for further orders.</p> <p><i>Submitted for review of the R.A. in the Registry.</i></p> <p><i>approval. It approved not send to the Hon'ble V.C. for circulation.</i></p> <p><i>25/9/08</i></p> | 03.10.2008 | <p>This R.A.3/08 is directed against the order dated 19.09.2007 of this Tribunal rendered in O.A.253/07 passed by the then Hon'ble Mr K.V.Sachidanandan, Vice Chairman of Guwahati Bench of this Tribunal.</p> <p>Aforesaid order dated 19.09.2007 was subject matter of challenge before the Hon'ble Gauhati High Court in W.P.(C) No.249/08, which was apparently dismissed on 26.06.2008, at admission stage/as not maintainable; that the order dated 19.09.2007 of this Tribunal was treated as a consent order. Long thereafter, the Applicant of the O.A.No.253/07 filed a Contempt Petition No. 11/08; which was disposed of on 19.08.2008. On 24.09.08 the Original Respondents/Railways has filed this R.A.3/08 without serving a copy thereof on the Original Applicant. However, Dr M.C.Sarma, learned counsel appearing for the Railways has filed an extra copy</p> <p><i>Hon'ble V.C.</i></p> |

112  
2-  
R.A.3/08  
03.10.2008  
(Contd.)


The Review Applicants/Railways have also filed M.P.No.125/08 seeking condonation of delay. A copy of the said M.P.125/08 has also not been supplied to the Original Applicant.


As per the requirement of the rule, this R.A.3/08 is to be placed before Hon'ble K.V.Sachidanandan, who is presently posted as Vice Chairman of Calcutta Bench of this Tribunal on circulation.

Before sending this brief to Hon'ble Mr K.V.Sachidanandan, Vice Chairman of Calcutta Bench, the Original Applicant need be supplied with copies of this R.A.3/08 and M.P. 125/08 giving him a chance to have his say in the matter.

Accordingly, copies of Review Application No.3/08 and M.P.125/08 be sent to the Original Applicant(at the cost of the Review Applicants)in the address given in the cause title page of C.P.11/08 requiring him to file written statement, if any, to the R.A.3/08 and M.P.125/08 by 10.11.2008.

Send this brief on circulation to Hon'ble Mr K.V.Sachidanandan, Vice Chairman of Calcutta Bench of the Tribunal after 10.11.2008. Dr Sarma undertakes to deposit the cost of the postage charge in the Registry for the purpose.

  
(S.N.Shukla)  
Member(A)

  
(M.R.Mohanty)  
Vice-Chairman

RA 3/08 in O.A 253/07

113

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|


Flag 'A' may kindly be seen.

It is a withdrawal petition submitted by the Railway standing Counsel Dr. M. C. Senona to withdraw the Misc petition 125/08 and Review petition 3/08 which are filed by the Railway for Review the order dated 19.9.07 passed in O.A 253/07.

16.12.2008 None appears for the Review Applicant nor any officer of the Review Applicant's Organization are present.

Call this matter on 5<sup>th</sup> January, 2009 for hearing.

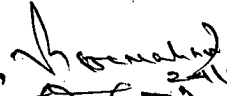
Send copies of this order to the Applicant and to the Respondents of Review Application No. 3 of 2008.


  
(S.N. Shukla)  
Member(A)

  
(M.R. Mohanty)  
Vice- Chairman

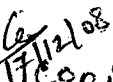
As per letter No. E/170/LE/NE/946/07 dt. 7.11.08 the Railway authority decided to implement the Hon'ble Court's order dated 19.9.07 and instructions given to the Railway standing Counsel to withdraw the M.P. 125/08 and R.A 3/08

The matter may be laid before the Hon'ble Court for further orders.

  
S.O (J)

  
Dt. 16.12.08

Pl. send copies of this order to the Applicant and to the Respondents of Review application No. 3 of 2008

  
Copies of order dt. 16/12/08 send to D/Sec. for issuing to applicant and to the resp. by post. D/No-4260-63, dt. 19/12

-4-

R.A 3/08 in O.A 253/07

Notes of the Registry

Date

Order of the Tribunal

May kindly be seen  
at flag A' and B.

Dr. M. C. Sarna  
Railways standing Counsel  
has submitted the copy  
of Judgement/order dated  
25.6.08 of the Honble High  
Court in WP (C) 249/08  
(Union of India Vs Ignatius  
Hansdak) and ~~acknowledgment~~  
of the M.P. 125/08, RA 3/08  
and copy of withdrawal petition  
of both the cases and copy of  
Judgement/order of Honble  
Gauhati High Court dated  
25.6.08 in WP (C) 249/08

Laid before the Honble  
Court for further orders.

↓  
S.O.C.J.

18/12/08


Vide letter no-4881  
dated 19/12/08 the following  
documents sent by speed  
post with A/D to the Shri  
Ignatius Hansdak (the  
applicant of OA 253/07) -

- 1/ Application of R.A 3/08  
along with enclosures
- 2/ application of M.P. 125/08  
with enclosures
- 3/ copies of order dt. 3/10/08  
and 16/12/08 passed in  
R.A. 3/08.

19/12/08. 19/12/08  
2-1-08

No Ad read from  
the Applicant. by

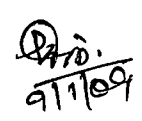
5-1-08


Vakalatnama on behalf of  
the applicant filed by  
Ms. Usha Das & ors.  


Dr. M.C. Sarma, learned counsel for the  
Railways is present. Ms. Usha Das,  
Advocate, files a 'Vokatlatnama' on behalf  
of the original Applicant /opposite parties  
in the R.A. and undertakes to file written  
submission by 9<sup>th</sup> January, 2009. Registry  
to send the papers to Mr. K. V.  
Sachidanandan, Hon'ble Vice-Chairman of  
Calcutta Bench for necessary orders from  
the R.A., along with the written  
submission to be filed by the original  
Applicant.

9.1.09

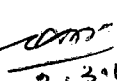
Written Submission  
Submitted by ~~Usha Das~~  
~~Usha Das~~ for Respondent/Original  
Applicant.  
Copy served.

  
9/1/09

  
(M.R. Mohanty)  
Vice-Chairman

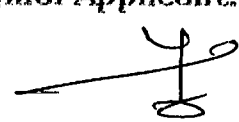
lm

24.02.2009 Send a copy of the order dated  
22.01.2009 to the Applicant and the  
Respondents in the addresses given in the  
R.A.

Free copy order dlt.  
24-02-2009 sent to  
D/section for issuing  
to the Respondent & Ld.  
Counsel by post.  
  
2.3.09

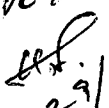
Call this matter on 24.03.2009.

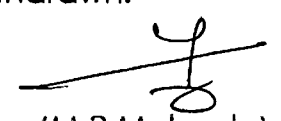
Free copies of the said order dated  
22.01.2009 be also supplied to Dr M.C.  
Sarma, learned Counsel for the Railways  
and to Ms. U. Das, learned Counsel  
appearing for the original Applicant.

  
(M.R. Mohanty)  
Vice-Chairman

nkm

06.04.2009 For the reasons recorded separately, this  
R.A. stands dismissed being withdrawn.

29.4.09  
Copy of the  
order sent to  
the D/Sec. for  
issue the same  
to the parties.  
  
29/4/09

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

1/6

May kindly be seen at flag's

Review pet'n No. 3/08  
with M.P. 125/08  
which had been sent to  
Honble K.V. Sathidhanandan  
V.C, Calcutta Bench for  
circulation, the ~~same~~  
has been ~~petition~~ received back  
from the Honble V.C. Calcutta  
Bench with a final order  
thereof.

Laid before the  
Honble V.C. for further  
necessary action.  
appropriate decision.

S. C. J. 12/09

Ans.  
4/2/09

Dr. Rajkumar

N. Kumar  
18/2/09

Honble VC

List of on  
24.02.2009

19/02/09  
O

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

R.A. No.3 of 2008 & M.P.125 of 2008  
(Arising out of O.A.253/2007)

DATE OF DECISION: 06.04.2009

Union of India & Others

Applicant/s.

Dr.M.C.Sarma, Railway counsel

Advocate for the  
Applicant/s.

- Versus -

Sri Ignativs Hansdak

Respondent/s

Ms. Usha Das

Advocate for the  
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No ☒
2. Whether to be referred to the Reporter or not? Yes/No ☒
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No ☒

Judgment delivered by

Vice-Chairman

118

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

R.A. No.3 of 2008 with M.P.125 of 2008  
(arising out of O.A. No.253 of 2007)

Date of Order : This, the 06<sup>th</sup> day of April, 2009.

**THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN**

1. Union of India represented by  
the General Manager  
N.F.Railway, Maligaon  
Guwahati-11.
2. The Secretary  
Railway Board  
New Delhi- 110 001.
3. Deputy Chief Personnel Officer  
(Gazetted) N.F.Railway  
Maligaon, Guwahati-11.

...Review Applicants

(By Advocate: Mr.M.C.Sarma, Railway counsel.)

- Versus -

Sri Ignativs Hansdak  
R/O: Padumbori  
P.S: Jalukbari  
Guwahati-781 033.

Respondent

(By Advocates: Ms.U.Das, Mr.D.K.Sarmah, P.S.Lahkar & Kabita  
Goswami)

**ORDER (ORAL)**

**MANORANJAN MOHANTY, V.C. (J) :**

Seeking review of the order dated 19.09.2007 rendered in O.A.

253 of 2007, ~~this O.A.~~ this R.A. No.3 of 2008 has been filed.

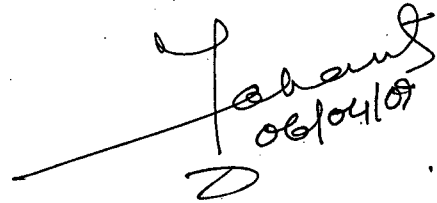




2. By filing M.P. No.125 of 2008, the Review Applicants have sought permission to withdraw the R.A. No.3 of 2008.

3. The M.P. No.125 of 2008, is allowed. Accordingly, the R.A. No.3 of 2008 is dismissed being withdrawn.

Send copies of this order to all the parties of this R.A. by post and free copies of this order be also supplied to the learned counsel for the Railways Mr.M.C.Sarma and Ms.U.Das, learned counsel appearing for the Review Applicant.

A handwritten signature in black ink, appearing to read 'Manoranjan Mohanty', with a date '06/04/09' written below it.

(MANORANJAN MOHANTY)

VICE CHAIRMAN

/BB/

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

RA. 3 of 08 with MP 125 of 08  
(arising out of OA. No. 253 of 2007)

CORAM : Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman

UNION OF INDIA

Versus

IGNATIUS HANSDAK

ORDER

RA. 3 of 2008 has been filed by the respondents of OA. 253 of 2007 seeking review and recall of the order dated 19.9.2007 passed in the aforesaid OA.

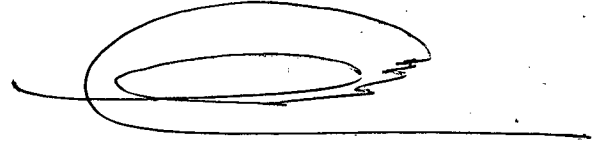
2. It appears that the present review applicants who are respondents of the OA, had already filed a writ petition before the Hon'ble Guwahati High Court being WP© 249 of 2008 challenging the aforesaid order and the Hon'ble Guwahati High Court by order dated 25.6.08 dismissed the said a writ petition at the admission stage being not maintainable.

3. Thereafter, the present review petition has been filed by the respondents and while the review application was pending, the same respondents have also filed MP 125 of 08 seeking permission to withdraw the review application stating that they are willing to comply with the order dated 19.9.07 passed in the OA. In support of they have also annexed an order dated 16/17.10.08 issued by the Deputy Chief Personnel Officer, N.F. Railway addressed to the original applicant asking him to deposit a sum of Rs. 11,77,583/- whereafter his reinstatement in service will be considered. This was the direction passed in the OA. and therefore, it appears that the respondents have already taken steps for implementation of the order in OA.

4. Under rule 17 of CAT (Procedure) Rules, a review petition may be decided by circulation. However, it appears that disposal of the MP will automatically dispose of the RA as they want to withdraw the same. However, I find that there is no provision in the Rules that a miscellaneous petition can also to be disposed of by circulation.



5. In the fitness of things it will be appropriate to the list the matters to decide both the RA & MP together.
6. Let the matter be placed before the Hon'ble Vice-Chairman, Guwahati Bench for appropriate decision.
7. Registry is directed to return the records to the Guwahati Bench.



(K.V.Sachidanandan)  
Vice-Chairman  
22-1-09

24 SEP 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

REVIEW APPLICATION NO. 3.2008

INDEX

| <u>Sl.No.</u>  | <u>Description</u>     | <u>Page No.</u> |
|--|------------------------|-----------------|
| 1.   | Review Application ... | 1 to 7          |
| 2. <i>me</i> <del>Appendix</del> <sup>Annexure</sup> I ... |                        | 8               |

*Pradeep Kumar Singh*  
Signature of Applicant

Filed by:

*Advocate.*

*23/09/2008*

**Dr. M. C. Sarma**  
M.Com, Ph.D., LL.B.  
Advocate, Gauhati High Court.  
Railway Advocate, Central Administrative Tribunal,  
Guwahati

उप मु. कार्य दि. अधिकारी (राज.)  
Dy. Comm. (Railway) (G.2)  
पू. सी. रे. वे. म. लि. गौ. व.  
N. F. Railway, Mangalgaon

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH : GUWAHATI.

REVIEW APPLICATION NO. 3 OF 2008.

IN O.A.253 OF 2007.

Shri Ignatius Hansdak,  
R/O Padumbori, P.S. Jalukbari,  
Guwahati - 781 033

Applicant

Versus

1. Union of India represented by  
General Manager, N.F. Railway,  
Maligaon, Guwahati - 781 022.
2. Secretary, Railway Board,  
Rail Bhawan, New Delhi.
3. Deputy Chief Personnel Officer  
(Gazetted), N.F. Railway, Maligaon.

Respondents

AND

IN THE MATTER OF

An application under Section 22, sub-  
section (3) (f) of the Administrative  
Tribunal Act, 1985 read with Rule 17 of the  
Central Administrative Tribunal  
(Procedure Rules, 1987.

AND

IN THE MATTER OF

1. The General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 781 022
2. The Secretary,  
Railway Board, New Delhi
3. Deputy Chief Personnel Officer,  
(Gazetted), N.F. Railway,  
Maligaon, Guwahati - 781 011.

Review Applicants/  
Respondents

AND

Shri Ignatius Hansdak

Respondent/  
Original Applicant.

The Review Applicants/Original Respondents  
MOST RESPECTFULLY SHEWETH :

....P.2....

SYED SAMADUR  
M.A., B.L., LL.B.  
NOTARY  
Guwahati, Kamrup  
Regd. No. KAM. 01

Filed by

Dr. M. C. Sarma  
29/09/2008

M.Com, Ph.D., LL.B.  
Advocate, Gauhati High Court.  
Railway Advocate, Central Administrative Tribunal,

Guwahati

उप म. कार्मिक अधिकारी (राज.)

Dy Chief Personnel Officer (Gz)

N.F. Railway, Maligaon

123

(2)

1. That the Review Applicants have filed before this Hon'ble Tribunal an application for condonation of delay in filing the Review Application. The Review Applicants seek the indulgence of the Hon'ble Tribunal and in the hope that their application for condonation of delay would be accepted, beg to make the following submissions for favour of kind consideration :-

2. That the Hon'ble Tribunal was pleased to issue a single Bench order on 19.09.2007 in O.A.253/2007 on a matter of voluntary retirement which falls within the jurisdiction of Division Bench of the Hon'ble Tribunal as per item 27 of Appendix VII of the Central Administrative Tribunal Rules of practice, 1993. The operative part of the order contained in paragraph 3 thereof reads as follows:-

"Considering the facts and circumstances, this Court directs the applicant that the 50% amount 15,81,648/-Rs. as shown in (Annexure-S) dated 17.02.2006 will be deposited within four weeks from the date of receipt of this order and after depositing the said amount the respondents shall reinstate the applicant in service within four weeks thereafter. It is made clear that the respondents are at liberty to recover any further amount from the salary of the applicant or otherwise by a separate order....".

3. That admittedly, the matter of jurisdiction was not agitated upon from the side of the respondents and the Hon'ble Single Bench was guided by the submissions made by the counsels of both sides as has been referred to in paragraph 2 of the order dated 19.09.2007 as follows:-

"I have heard Mr. M. Chanda counsel for the applicant and Mr. J. L. Sarkar, learned counsel for the respondents. Counsel for the applicant has submitted that though there are many prayers in the O.A. the main prayer of the applicant is that his service shall be treated as continuous and not reinstatement from the date of resuming duty and he may be allowed to pay 50% of the amount before joining and the rest 50% plus the accrued interest within two years of instalments. The counsel for the respondents has submitted that he has no objection if this will meet the ends of justice.....".

The Review applicants beg to state that a copy of the order dated 19.09.2007 has been annexed to their application for condonation of delay submitted before this Hon'ble Tribunal.

4. The Review Applicants regret to state that the learned counsel of the respondents of the case made

CHANDRA SHEKHAR P. 3.....

NOTARY

Guwahati, Kamrup.  
Regd. No:- KAM. 03

पु. सी. रेलवे / मालिया  
N. F. Prasad / 124  
Personnel Officer (Gaz.)  
(राज.)

27.11.2008  
गुवाहाटी न्यायाधीश  
Guwahati Bench

(3)

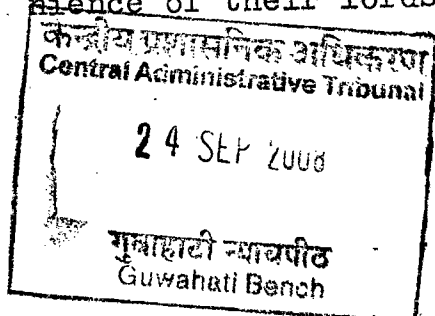
the submissions in question without authorisation on a matter involving public funds and Government revenue and that they are unable to ratify the consequences of the commitment made without consulting the authorities concerned, who along were posted with the full facts of the case. The present Review Applicants also beg to point out that on the matter in question there were already clear directives issued by the Government of India through Ministry of Railways (Railway Board) vide their letter No.E(O)-I/2003/SR-10/12 dated 12.01.2006 which required that :

- (a) The Pensionary benefits drawn by the said Sh. Hansdak shall have to be refunded by him in lumpsum along with the interest at the rate as prescribed in Railway Service (Pension) Rules, 1993, viz the rate applicable on P.F. accumulations from time to time before the said Sh. Hansdak is reinstated and
- (b) the intervening period, i.e. the period between the date on which the said Sh. Hansdak stood voluntarily retired and the date on which he is finally reinstated after fulfilling the conditions as mentioned in sub-para (a) above, shall be treated as dies non.

The Review Applicants beg to state that a copy of the Railway Board's letter No.E(O)-I/2003/SR-10/12 dated 12.01.2006 has been annexed to their application for condonation of delay before this Hon'ble Tribunal.

5. That the order of the Hon'ble Tribunal's Single Bench order dated 19.09.2007 is prejudicial to the interests of the present Review Applicants who have been vested with the duty to look after and safety and security of public revenue. Hence they seek a review of the said order.

6. That in this connection the Review Applicants beg to disclose that they had approached the Hon'ble Gauhati High Court in W.P.(C) 249 of 2008 against the order of this Hon'ble Tribunal dated 19.09.2007 ~~of this~~. However, the Hon'ble High Court dismissed the writ petition at the admission stage itself. The Applicants further beg to state that a Review Application No.93 of 2008 has been filed, urging that the matter be heard on merits. It is hoped that the matter would be heard early at the convenience of their lordships.



... P. 4....

SHAH SYED ...  
M.A., B.E., LL.B.  
NOTARY  
Guwahati, Kamrup.  
Regd. No:- KAM. 03

125  
N. P. Railway, Maligaon  
Personnel Officer (Gazetted)  
N. P. Railway, Maligaon

(4)

7. That being aggrieved by the order of the Hon'ble Single Bench of the Tribunal dated 19.09.2007 in O.A.253 of 2007 (Annexed as Annexure I of the Misc.application for condoning delay in filing Review Application), the Review Applicants beg to file this Review Application before the Hon'ble Tribunal on the following amongst

G R O U N D S

QAD That the order dated 19.09.2007 passed by the Hon'ble Single Bench, more particularly in paragraph 3 of the order, was passed without considering the question of jurisdiction and was therefore a case of apparent error in law. It is accepted that the question of jurisdiction was not agitated at the time of hearing, but that does not alter the fact that the order was passed without jurisdiction. In this connection it is respectfully submitted that according to Appendix VII of the Central Administrative Tribunal Rules of Practice, 1993 (item No.27) cases of voluntary resignations/retirement are to be heard by a Division Bench, but O.A.253 of 2007 <sup>which</sup> was clearly a matter of voluntary retirement of the applicant was heard and order passed on a substantive issue of payment of dues by a single Bench of the Hon'ble Tribunal. It is therefore prayed that the order of the Hon'ble Single Bench be reviewed and the applicant be ordered to make full payment of his legitimate dues at the earliest.

(B) That the applicant in O.A.253 of 2007 had no locus standi and he had no right to ask for any concession as the order of the President of India to accept his request for reinstatement was at his own repeated pleas for the same after the Railway Board accepted his request for voluntary retirement with effect from 30.04.2003. The applicant was therefore, duty bound to honour the conditions laid down before he could be reinstated vide letter No.E(O)-1/2003/SR/10/12 dated 31.08.2005 as follows:

".....The President, on reconsideration, has decided, as a very special case on grounds of mercy, to accept the request dated 22.04.2003 of the said Sh. Hansdak and to reinstate him in service with effect from the date on which he resumes duty.....

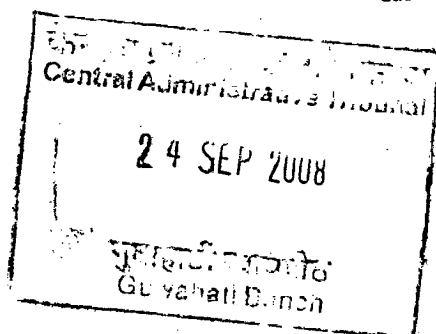
"It is presumed that retirement dues of

SHAH SURESH KAMRUP  
M.A, B.Ed, LL.B. P.5.....

NOTARY

Guwahati, Kamrup.  
Regd No.- KAM. 03

126  
Dy Chief Personnel Officer (Gaz.)  
N P. Railway, Manglaon





(5)

Shri Hansdak would have been released to him. If so, the same would have to be realised from him by the Railway Administration in accordance with the relevant provisions contained in Railway Services (Pension) Rules, 1903. This may be ensured by the Railway."

A copy of the Railway Board's letter No. E(O)-I/2003/SR-10/12 dated 31.08.2003 is annexed herewith and marked ANNEXURE I.

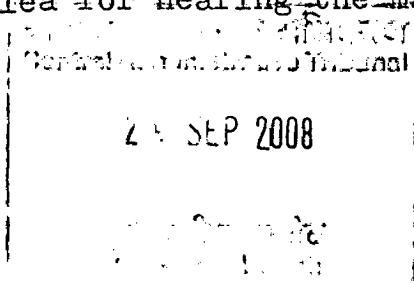
It is submitted that the repayment of the retirement dues drawn by the applicant on acceptance of his request for voluntary retirement was a necessary corollary to the decision of the President of India and the applicant had no right to question that decision, taken at the highest level.

(C) The Review Applicants beg to state that the applicant has not even acted upon the order of the Hon'ble Single Bench made in para 3 of the order in O.A.253/2007 dated 19.09.2007 whereby he was directed to deposit the amount within four weeks. Even after nearly one year the applicant has not cared to comply with the order. It is apparent that he has no intention to comply with the conditions laid down but is indulging in fruitless correspondence. Such a conduct on the part of the applicant has reinforced the justification and need for a review of the decision.

The Review Applicants beg to pray herein that they be permitted to allow the applicant of O.A.253/2007, Shri Hansdak, to resume duty only on payment of the full pensionary benefits drawn by him along with interest at prescribed rates as per rule and as conveyed to him.

(D) The Review Applicants beg to reiterate the statement made in paragraph 4 of this Review Application and state that the commitment made by their learned counsel at the hearing of O.A.253/2007 without authority and which cannot be ratified at any stage has made a review necessary in the interest of public revenue and of justice.

(E) The Review Applicants beg to appraise the Hon'ble Tribunal that they filed W.P.(C) 249 of 2008 in the Hon'ble Gauhati High Court against the order of the Hon'ble Single Bench of the Tribunal dated 19.09.2007 and that the writ petition ~~as~~ was dismissed at the admission stage itself by order dated 25.06.2008. The Review Applicants have filed a Revision Petition No.93/2008 on 6.8.2008 with a plea for hearing the matter on merit.



SHAH SYED SAMAJUR RAHMAN  
M.A. B.Ed. LL.B.  
NOTARY  
Guwahati, Kamrup.  
Regd. No:- KAM. 03

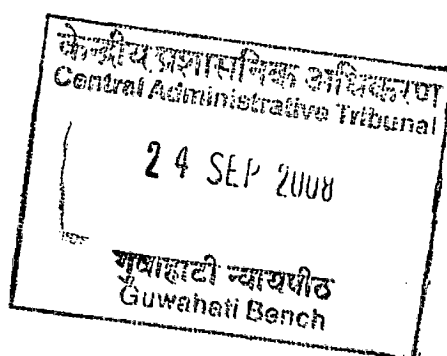
.... P.6....

(6)

(F) That the Review applicants beg to state that if the applicant in O.A.253 of 2007 is allowed to resume duty on payment of 50% of the pensionary benefits drawn by him, as directed by the Hon'ble Single Bench in the order dated 19.09.2007, there would be loss of public Government revenue as there would be uncertainty and delay about recovery of the balance amount in future. It would therefore be in the public interest to eliminate the possibility of loss of Railway's revenue by order the applicant to pay all his dues in full including interest before he is allowed to be reinstated in service on conditions laid down by the Railway Board.

In the premises aforesaid it is respectfully prayed that the Hon'ble Tribunal be pleased to admit the Review Application and be pleased to review order dated 19.09.2007 passed in O.A. 253 of 2007 and also be pleased to grant the relief as prayed for by the Review Applicants and pass such order/orders as the Hon'ble Tribunal deems fit and proper.

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



SHAH SYED SAMADUR RAHMAN  
M.A, B.Ed, LL.B.  
NOTARY  
Guwahati, Kamrup.  
Regd. No:- KAM. 03

... AFFIDAVIT.....

128  
By Chief Personnel Officer (Gaz.)  
N H Railway, Maligaon

A F F I D A V I T

I, Pradeep kumar singh, aged about 42 years, son of Bhup Lal singh, at present working as Sycco/Gaz, N.F.Railway, Maligaon, do hereby solemnly affirm and state as follows:-

1. That I am one of the Review Applicants of the Review Application and am therefore acquainted with the facts and circumstances of the case.
2. That I have been authorised to swear this Affidavit.
3. That the contents of this affidavit and statements made in paragraphs 1 to 7 of the Review Application are true to the best of my knowledge and belief based on records which I believe to be true and those made in the rest of the submissions are my humble prayers before this Hon'ble Tribunal.

And I sign this Affidavit on the 19th day of September, 2008.

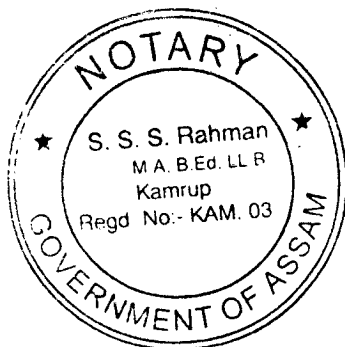
pradeep kumar singh

उप म. प्र. (राज.)  
Dy Chief Personnel Officer (Gaz)

Solemnly affirmed before me by the deponent who is identified by Dr.M.C. Sarma, Railway Advocate.

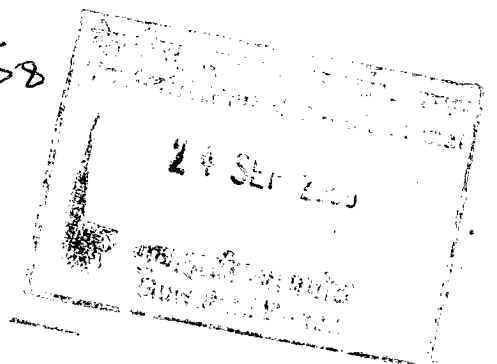
Identified by me

S. S. S. Rahman  
Advocate.



7  
19-9-08

S. M.  
SHAH SYED SAMADUR RAHMAN  
M.A. B.Ed. LL.B.  
NOTARY  
Guwahati, Kamrup.  
Regd. No:- KAM. 03



~~ANNEXURE~~

ANNEXURE I

BY FAX

8

130

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No. E(O)-I/2003/SR-10/12

Dated 31.08.2005

The General Manager  
Northeast Frontier Railway  
Maligaon  
Guwahati

(Kind Attn.: Sh. P.K. Singh, Dy. CPO/G)

Sub: Application for withdrawal of notice for voluntary retirement from service : the case of Sh. I. Hansdak,, Dy.CME/WS/MLG, N.F. Railway

Ref: Railway's case file No.340E/121/278(0)

The petitions dated 24.03.2005 and 04.05.2005 submitted by Sh. I. Hansdak, ex. Dy.CME/WS/MLG, N.F. Railway requesting for reconsideration of the earlier decision of the President contained in this Ministry's letter of even number dated 26.05.2003 rejecting his earlier request dated 22.04.2003 seeking withdrawal of the notice dated 20.01.2003 for voluntary retirement from service w.e.f. 01.05.2003, have been examined. The President, on reconsideration, has decided, as a very special case on the grounds of mercy, to accept the request dated 22.04.2003 of the said Sh. Hansdak and to reinstate him in service with effect from the date on which he resumes duty.

This issues in suppression of the aforesaid earlier decision dated 26.05.2003.

It is presumed that retirement dues of Shri Hansdak would have already been released to him. If so, the same would have to be realised back from him by the Railway Administration in accordance with the relevant provisions contained in the Railway Services (Pension) Rules, 1993. This may kindly be ensured by the Railway.

The implementation of the above order may kindly be advised to this office at the earliest.

|                 |             |
|-----------------|-------------|
| OFFICE          |             |
| CPO [Can leave] |             |
| CPOA            | 9/9/05      |
| by [Signature]  | [Signature] |
| APD/G           | 13/9        |

*K.K. Sharma*

(K.K. SHARMA)  
JOINT SECRETARY (E & P)  
RAILWAY BOARD

|             |
|-------------|
| RECEIVED    |
| 24 SEP 2008 |