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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 127/2007

R.A/C.P No.

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SECTION OFFICER (Judl.)

Kelibs
03.10.17

ORDERS SHEET

1. Original Application No. 127/07

2. Miscellaneous Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(S) Biraj Kr. Das VS Union of India & Ors

Advocate for the Applicant(S) Mr. G. Baishya
M. Khatanier

Advocate for the Respondent(S) J.L. Sarkar
Railway advocate

Notes of the Registry Date 29.5.07 Order of the Tribunal

This application is in form
is filed, C.F. for Rs. 50/-
deposited vide IPO/ED
No. 346.65-2763
Dated 18.5.07

by Dy. Registrar
25.5.07

Petitioner's Copy
for issue notices are
received.

Pro.

Copy not yet served
on respondents.

25.5.07

29.5.07. The case of the applicant is that he was promoted as ASM on 5.2.2004. On 8.9.04 the respondent has issued impugned order stating that the applicant is disqualified in the psychological/ aptitude test and subsequently on 14.9.2004 the Respondent No.3 has passed an order reverting the applicant from the post of ASM to Head Trains Clerk. According to the applicant the psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No.149. Therefore he has secured NIL marks.

I have heard Mr. M. Khatanier learned counsel for the applicant and Dr.J.L.Sarkar learned Railway counsel for the

Contd/-

✓

29.5.07

Respondents. When the matter came up for hearing the learned counsel for the respondents has submitted that he would like to take instructions. Let it be done. Post the matter on 13.7.07

Vice-Chairman

lm

22.6.2007

Mr.M.Khatoniar, learned counsel for the Applicant is present. Dr.J.L.Sarkar, learned Railway Standing counsel submitted that he has not received instruction so far and further submitted that if the instruction is received if possible the matter could be disposed of by the next date. Further time of four weeks' is granted.

Post on 24.7.2007.

Vice-Chairman

/bb/

24.7.07. Counsel for the respondent wanted time to file written statement. Let it be done. Post the matter on 24.8.07.

Vice-Chairman

W/s not filed.

25.9.07

Notice not issued.
For instructions.

lm

24.8.07. Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter 26.9.07.

Vice-Chairman

lm


OA. 127/2007

26.9.2007

Dr.J.L.Sarkar, learned Standing counsel for the Railways, seeks two weeks' time to file written statement. It is stated that a copy of the written statement has already been served on the learned counsel for the Applicant, Mr.M.Khataniar.

14.11.2007

Call the matter on 14.11.2007. Dr.J.L.Sarkar, learned Railway Standing counsel, who undertook to file Rejoinder, if any, may be filed by that date.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

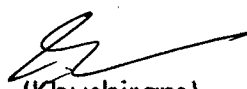
/bb/

14.11.2007

Dr.J.L.Sarkar learned Railway Standing counsel, who undertook to file written statement within two weeks, has not filed written statement in this case as yet; although a copy of the said written statement was served on the learned counsel for the Applicant on 26.09.2007. It was expected that the Applicant shall file his rejoinder by today.

Dr.J.L.Sarkar undertakes to file written statement by 23rd November, 2007. Mr.M.Khataniar, learned counsel for the Applicant undertakes to file rejoinder by 30.11.2007.

Call this matter on 30.11.2007.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

8/11/07
No. 127 filed so far.
in.

15.11.07
W/s filed by
the Respondents.
Copy served.

29.11.07

Rejoinder not filed,

29.11.07

O.A. 127/2007

30.11.2007 Present : The Hon'ble Shri Khushiram
Member (A).

Mr.G.Baishya, learned counsel appeared for the Applicant and Dr.J.L.Sarkar, learned Railway Standing counsel appeared for the Respondents.

Learned counsel for the Applicant stated that Applicant had submitted representation before the Respondent No.3 for redressal of his grievances, which has not yet been disposed of. Therefore, he prayed that direction may be issued to the Respondents to consider and dispose of his representation by passing a speaking order within a time frame.

Dr.J.L.Sarkar said that written statement has already been filed and he has no objection in adopting the course of action as prayed by the learned counsel for the Applicant.

In the aforesaid circumstances, without going into the merits of the case, I direct the Respondents to consider and dispose of the representation filed by the Applicant by passing a speaking order within a period of three months from the receipt of this order.

This O.A. is, accordingly, disposed of with no order as to costs.


30.11.07
(Khushiram)
Member (A)

/bb/

17.12.07

Copy of the order has been sent to the office for consideration due to the applicant by Regd. 3 by Post and return to the parties.

18.3.08

And vide S/Nos.
1851 to 1854 and
19.12.07 jh

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

21 MAY 2007

गुवाहाटी न्यायपीठ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

O.A. NO: 127/2004

BETWEEN:

BIRAJ Kr. DAS -Vs- UNION OF INDIA & ORS

SYNOPSIS

The applicant who was working in the post of Senior Trains Clerk was called for selection to the post of Assistant Station Master (ASM) on 28/11/02. The applicant cleared the screening test for undergoing training for the post of ASM and appeared in the promotional examination on 11/11/2003 and was declared to be successful on 20/12/03 and subsequently appointed to the post of ASM on 5/2/04. On 12/7/04 directed that he was to under go Psycho test in connection with his selection for the post of ASM after he was promoted to the post of ASM. On 8/9/04 applicant disqualified in psychological/Aptitude test. Applicant on being disqualified in psychological test reverted back to his former post of Head Trains Clerk on 14/9/2004. Applicant again disqualified on 13/4/05 for the post of ASM on basis of the result for the post of ASM after conducting the Aptitude test which was given to him as second chance. The applicant came to know of the recommendation of a high level committee dtd.22/8/2003 that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149.

Applicant on coming to ^{know} about the recommendation of the high level committee dtd.22/8/03 filed a representation before the respondent no: 3 praying for setting aside of the order of reverting him back to the post of Head Trains Clerk and give him the benefit of the correctional slip 149, dtd. 22/8/2003.

Filed by

Mring K. Datta

Advocate

18-5-07

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

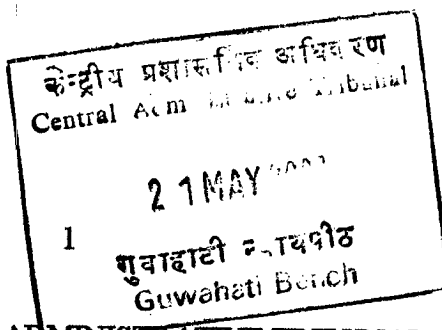
O.A. NO: 127/2004

BETWEEN:

BIRAJ Kr. DAS -Vs- UNION OF INDIA & ORS.

LIST OF DATES

- 26/7/2001:- Applied for the post of ASM in the scale of Rs. 4500/- to Rs. 7000/-
- 28/11/2002:- Applicant called for selection and screening test for filling up vacancies in the post of ASM. 28.2.2003
- 3/3/2003 :- Promoted to the post of Head Trains Clerk
- 18/6/2003:- Booked the applicant for promotional training for ASM commencing from 24/7/2003 to 6/12/2003.
- 4/3/2003:- On screening test applicant found suitable for the post of ASM.
- 22/8/03:- Recommendation of a high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149.
- 11/11/2003 Applicant appeared for his training of the promotional course examination.
- 20/12/2003 Results declared position was third on the merit list.
- 5/2/2004:- Petitioner appointed to the post of ASM.
- 12/7/2004: Order issued by respondent no:3 whereby it was directed that he was to under go Psycho test in connection with his selection for the post of ASM.
- 8/9/04:- Disqualified in psychological/Aptitude test.
- 14/9/2004:- Applicant on being disqualified in psychological test reverted back to his former post of Head Trains Clerk.
- 13/4/2005:- Applicant again disqualified for the post of ASM on basis of the result for the post of ASM after conducting the Aptitude test which was given to him as second chance.
- 10/4/2007:- Applicant filed a representation before the respondent no: 3 praying for setting aside of the order of reverting him back to the post of Head Trains Clerk and give him the benefit of the correctional slip 149, dtd. 22/8/2003.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

O.A. NO: 127.../2007

BETWEEN:

BIRAJ Kr. DAS

-Vs-

UNION OF INDIA & ORS.

Filed by

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B. B. Bisain
Through: Mr. B. B. Bisain Advocate

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SL.NO.

PARTICULARS

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(Mrinmoy Khataniar)

Signature of Advocate

For use in the Tribunals' Office.

Date of Filing:

Registration No.:

Signature.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

O.A. NO: 123.../20047

BETWEEN:

Sri Biraj Kr. Das

S/o Late Chatradhar Das

Dhrubanagar, Station Road, Ward No: 5

P.O: Golaghat, District Golaghat,

Assam

.....Applicant.

-Vs-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Railways, New Delhi.
2. The General Manager, N.F. Railways,
Maligaon, Guwahati District Kamrup, Assam
3. The Divisional Railway Manager (Personnel), N.F. Railway,
Tinsukia, Assam.

.....Respondents.

DETAILS OF APPLICATION:

1. **Particulars of the order against which the application is made:-** This application is made against the order dtd. 8/9/2004 disqualifying the applicant for the post of Assistant Station Master (hereinafter referred to as ASM in which he was posted on due promotion) due to result of the Aptitude Test conducted after promotion to that post vide Order No: E/45 (ASM). D.P Pt.II. and the order No.ES/B-172 dtd.14/9/2004 issued by the Divisional Railway Manager (P) N.F. Railway, Tinsukia reverting him back to post of Head Trains Clerk (Hd. TNC/FKG) at Furkating. To declare the order dtd. 13/4/2005 disqualifying the applicant to the post of ASM on basis of the aptitude test conducted for the second time to be non-est in the eye of law and void-abintio
2. **Jurisdiction:-** The Applicant declare that the subject matter of the applicants is within the jurisdiction of the Hon'ble Tribunal.
3. **Limitation:-** The Applicant declares that the application is within the period of Limitation under section 21 of the Administrative Tribunal Act, 1983.
4. **Facts of the Case:-**
 - a) That the applicant is a citizen of India and he is a permanent resident of Golaghat in the district of Golaghat , Assam.

*Filed by the applicant
Sri Biraj Kr. Das, 9
Through Ministry of Railways Advocate*

b) That the applicant is ^{presently} about 41 years of age and joined as Junior Trains Clerk (TNC) under compassionate appointment under the office of the respondent no: 3 by order dtd. 27/3/97, on completion of learning duty on vide office letter No:E/105/Misc/Tsk/(W) (Rectt) dtd 9/1/97. The Applicant is presently holding the post of Head trains Clerk under the office of the Senior Divisional Operation Manager, N.F. Railway Tinsukia, Assam. Thereafter the applicant was promoted to Senior Trains Clerk.

c) That the applicant begs to state that while he was working as Senior Trains clerk he applied for the post of ASM in the scale of 4Rs. 4500/- to Rs.7000/- on 26/7/2001 for 60% reservation against the post by surplus TNCs and thereafter was called for selection and screening test for filling up vacancies in the post of ASM by order vide No. E/43(ASM) D.P. Pt.II dtd. 28/11/2002 passed by the respondent no:3. That the respondent no:3 by order vide No.E/45 (ASM) D.P. Pt.II dtd. 18/6/2003 booked the applicant for promotional training commencing from 24/7/2003 to 6/12/2003. That in the meanwhile on 3/3/2003 he was promoted to the post of Head Trains Clerk vide order NO:E/43/TNC' Selection Pt. VI(T) passed by the respondent no:3.

A copy of the order vide No. E/43(ASM) D.P. Pt.II dtd. 28/11/2002 passed by the respondent no:3 is annexed hereto and marked as Annexure A and a copy of the order vide No.E/45 (ASM) D.P. Pt.II dtd. 18/6/2003 booking the applicant for promotional training commencing from 24/7/2003 to 6/12/2003 is annexed hereto and marked as Annexure B

d) That the applicant states that after the screening test for promotion to the post of ASM held on 4/3/2003 the applicant was found suitable for the post of ASM ^{provided} ~~after~~ he passes the required training and accordingly order was passed to that effect by the respondent no:3 on 7/3/2003 vide order dtd. E/43(ASM) D.P. pt.II. Thereafter on 18/6/2003 vide order No.E/45(ASM) D.P. Pt.II was booked to undergo promotional course training of ASM at Zonal Training Centre at Alipurduar for which he was ordered to report to the Principal Zonal Training Centre Alipurduar and the applicant successfully completed his training of the promotional course examination held on 11/11/2003, the results of which was declared on 20/12/2003 and his position was ^{fourth} ~~third~~ on the merit list.

A copy of the order dtd. 7/3/2003 vide order No.E/43(ASM) D.P. pt.II. passed by respondent no:3 and copy of the results of the promotional training to the post of ASM declared on 20/12/2003 is annexed hereto and marked as Annexure 'C' & 'D'.

- e) That the applicant states that after he completed his promotional training examination held on 11/11/2003 he was directed to undergo practical training in his respective Tinsukia Division by the Principal of the Zonal Training Centre Alipurduar for one and half months. Thereafter the respondent no:3 by order dtd.25/11/2003 directed the applicant to undergo training at three different station for a period of 15 days each. Thereafter on completion of the training the applicant was appointed as ASM by order dtd. 5/2/2004 by order No. ES/B-72 by the respondent no:3.

A copy of the order dtd. 5/2/2004 by order No. ES/B-72 by the respondent no:3 appointing the applicant as ASM is annexed hereto and marked as Annexure 'E'..

- f) That the applicant begs to state that while he was working as ASM in his respective post he was surprised to receive an order dtd. 12/7/2004 issued by respondent no:3 whereby it was directed that he was to under go Psycho-test before the Deputy Chief Scientific Officer , N.F. Railway Maligaon on 19/7/2004 and 23/7/2004, which was required as a part of the promotion process to the post of ASM to which he was already promoted and appointed. But never the less the applicant accordingly appeared for the Psycho-Test. Thereafter the applicant was directed to undergo aptitude test in N.F. Railway Head Quarter Maligaon in accordance with respondent no:1 letter NO.E/227/81/TR ASM(T) Pt.I dtd. 2/8/04 and was disqualified on 8/9/04 vide order no.E/43(ASM) D.P pt. II for the post of ASM.

A copy of an order dtd. 12/7/2004 issued by respondent no:3 whereby it was directed that he was to under go Psycho test before the Deputy Chief Scientific Officer , N.F. Railway Maligaon on 19/7/2004 and 23/7/2004 is annexed hereto and marked as Annexure 'F'.

A copy of the order dtd. 8/9/04 disqualifying the applicant in Aptitude Test vide order no.E/43(ASM) D.P pt. II for the post of ASM is annexed hereto and marked as Annexure 'F'. A copy of the letter dtd. 2/3/2005 issued by the respondent no:3 to respondent no:1 that the name of the applicant is to be sent for psycho test as second chance on 10/3/2005 is annexed as Annexure G.

Sai Brij K. D.S.

- g) That the applicant begs to state that on being found disqualified in the Aptitude test he was reverted back to his former post of Head Trains Clerk by order dtd. 14/9/2004 by order No. Es/B -172 passed by the respondent no:3. Since then the petitioner was working in his earlier post of Head Trains Clerk quite oblivious of the fact that while the applicant was undergoing the process of screening and selection for promotion to the post of ASM there was recommendation of a high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149. Thus the whole process of reverting the applicant back to Head Trains Clerk (which is surplus) from the post of ASM due to non qualifying of the aptitude test is wholly illegal, arbitrary and against the established rules. Thereafter by communication dtd. 2/3/05 issued by respondent no:3 to respondent no:1 it was informed that the applicant did not come out successful and was again directed to undergo Psycho test on 10/3/2005 as second chance. The respondent no:2 then on 13/4/2005 again disqualified the applicant from the post of ASM on basis of the result for the post of ASM after conducting the Aptitude test in terms of Sr. DPO/TSk's office Note No.E/s-17/S-65/optg./Com/Pt.III dtd. 1/4/2005.

A copy of the order dtd. 14/9/2004 by order No. Es/B -172 passed by the respondent no:3 reverting the applicant back to his former post of Head Trains Clerk is annexed hereto and marked as Annexure 'H'.

A copy of the order dtd. 15/4/05 passed by respondent no:3 is annexed hereto and marked as annexure I.

A copy the scope of Psychological test as recommended and adopted by the Railways on the recommendation of the High Level Committee dtd. 22/8/03 vide No. E(NG)1/2002/PM1/31 is annexed hereto and marked as Annexure J.

- h) That the applicant states that that he on 10/4/2007 on coming to know that aptitude test is no longer of qualifying nature immediately filed a representation before the respondent no: 3 praying for setting aside of the order of reverting him back to the post of Head Trains Clerk and give him the benefit of the correctional slip 149 22/8/2003 as because when he was

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Sri B. B. K. D. 12

promoted to the post of ASM on 5/2/2004 the psychological test was not of qualifying nature and he ought to have been given the benefit of the same, or promote him to the post Reservation Clerk (Commercial) for which he has completed his required training which was included in the curriculum of the promotional training which he underwent for the promotion to the post of ASM and wherein psychological test was not required, however the respondents in a most illegal manner reverted him back to the post of Head Trains Clerk thereby did ^{not} adhere and violated their own Rules.

A copy of the representation dtd. 10/4/2007 is annexed hereto and marked as annexure K. A copy of the chart showing the profile of surplus TNC (Trains Clerk) & Signaller as on 3/12/2004 is annexed and marked as Annexure L

- i) That impugned order dtd. 8/9/04 disqualifying the applicant in the psychological/aptitude test and subsequent order dtd. 14/9/2004 passed by respondent no:3 reverting the applicant from the post of ^{ASM} ~~ASM~~ to Head Trains Clerk does not attract any guidelines or rules for which the same is to be continued.
- j) That the applicant respectfully states that the applicant shall suffer irreparable loss and injury due to the continuance of the suspension order issued by the respondent authorities.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1) For that the stand of the respondents against the applicant is discriminatory and violative of Article 14 and 16 of the Constitution of India.
- 5.2) For that the impugned order of disqualifying the applicant in psychological/aptitude test dtd. 8/9/04 (Annexure G) and the order of reverting the applicant to the post of Head Trains Clerk from his promoted post of ASM dtd. 14/9/04 (Annexure H) is bad in law in as much as there was recommendation of a high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149. Thus the whole process of reverting the applicant back to Head Trains Clerk from the post of ASM due to non qualifying of the aptitude test is wholly illegal, arbitrary and against the established rules.
- 5.3) For that the second aptitude test for which the applicant was disqualified for the second time by order dtd. 15/4/2005 is non est in the eye of law in as much

Sri Birendra Kumar Das, 13

as the applicant was already by then reverted back to the post of Head Trains Clerk from his promoted post of ASM vide Annexure H order dtd. 14/9/2004, which is again illegal since there was a recommendation of a high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weight age of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149. Thus the whole process of reverting the applicant back to Head Trains Clerk from the post of ASM due to non qualifying of the aptitude test is wholly illegal, arbitrary and against the established rules. Therefore the continuance of the impugned orders dtd. 8/9/04, 14/9/04 and 15/4/2005 has caused grave injustice to the applicant.

- 5.4) For that the continuance of impugned orders are bad in law in as much as continuance of the applicant as Head Trains Clerk inspite he being genuinely appointed/promoted to the post of ASM will highly prejudice the applicant and will put a stigma in his service career which has otherwise been unblemished and is to the entire satisfaction of all concerned.
- 5.5) For that the continuance of impugned order of suspension is bad in law in as much the detention of the applicant does not involve his moral turpitude or wider public interest or corruption.
- 5.6) For that the continuance of the impugned orders are bad in law in as much as there was recommendation of a high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149. Thus the whole process of reverting the applicant back to Head Trains Clerk from the post of ASM due to non qualifying of the aptitude test is wholly illegal, arbitrary and against the established rules.
- 5.7) For that the respondents in allowing to the continuance of the impugned order dtd. 8/9/2004, 14/9/2004 and 13/4/2005 did not consider his appeal/representation under Rule 23(1) of the CCS Rules, 1965 for revocation of the impugned order of disqualifying him in psychological/aptitude test dtd 8/9/04 (Annexure G) and subsequent order dtd. 14/9/2004 (Annexure H) and to declare order dtd. 13/4/2005 (Annexure I) as non-est in the eye of law.

Sri Birendra K. Das, 14

5.9) For that in any view of the matter the impugned orders dtd 8/9/04 vide Annexure G and order dtd. 14/9/04 (Annexure H) and order dtd. 13/4/05 (annexure I) is bad in law and liable to be set aside.

That the applicant has no other remedy left in any of the Rule and this Hon'ble Tribunal is the only forum for redressal of the grievances of the applicant.

The applicant declares that he had not filed any other case in any Tribunal, Court or any other forum against the impugned order.

Under the above facts and circumstances of the case the applicant prays for the following reliefs:-

A) The respondent authorities be directed to revoke and quash the impugned order of disqualifying the applicant in psychological/aptitude test dtd.8/9/04 vide Annexure G and order dtd. 14/9/04 (annexure H) reverting the applicant back to the post of Head Trains Clerk from his promoted post of Assistant Station Master (ASM) vide Annexure I passed by the respondent no:3 and the direct the respondents to revert the applicant to the post of Assistant Station Master to which he was duly promoted as per the rules. Further Your Lordships may be please to declare the order dtd. 13/4/2005 (annexure I) disqualifying the applicant to the post of ASM on basis of the aptitude test conducted for the second time to be non-est in the eye of law and void-abintio in light of the recommendation of a

high level committee that psycho test will be of no more qualifying nature meaning thereby that Aptitude test should be given weightage of 20% in the selection process and qualifying marks for the same is NIL and the Indian Railways Establishment Manual was amended as in ACS No. 149.

B) The respondent authorities be directed to appoint applicant in in the post of Assistant Station Master or appoint him as Reservation Clerk (Commercial) terms of the

see appeal/representation filed by him on 10/4/2005 with all consequential benefits.

C) Any other relief /reliefs the Hon'ble Tribunal may deem fit and proper.

D) The above reliefs are prayed for on the ground stated in paragraph 6 above.

9. INTERIM RELIEF PRAYED FOR:

During the pendency of this application the applicant prays for the following relief:

- a. That impugned order of disqualifying the applicant in psychological/aptitude test dtd.8/9/04 vide Annexure F and order dtd. 14/9/04 reverting the applicant back to the post of Head Trains Clerk from his promoted post of Assistant Station Master (ASM) vide Annexure G passed by the respondent no:3 be suspended and the direct the respondents to revert the applicant to the post of Assistant Station Master to which he was duly promoted as per the rules till the disposal of the instant application.

10. This application has been filed through Advocate.

11. PARTICULARS OF POSTAL ORDER:

1. I.P.O no:- 349 653763
2. DATE:- 18-5-07
3. PAYABLE AT : GUWAHATI

12. LIST OF ENCLOSURES:

As stated in the 'INDEX'

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Sri Bisaj Ko. D.B.

Sri Biraj Kr Das. 12

VERIFICATION

I sri BIRAJ KR. DAS Son of Late Chatradhar Das Head Trains Clerk Tinsukia Division N.F. Railway, Tinsukia, resident of Dhrubanagar Station road, Ward no:5 P.O:Golaghat District Golaghat, Assam Office, Guwahati Kamrup, Assam. do hereby verify the contents of the statements of this accompanying Original Application as true to the best my belief and knowledge. And I sign this verification on this day of 16th ^{MAY 2007} ~~APRIL 2007~~.

Sri Biraj Kr. DAS.

Shri Biraj Kr Das

N. F. RAILWAY.

Amesbury

As

OFFICE ORDER SNTNE/FKE

- 11 -

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 28.11.2002.

In terms of this Office letter of even No. dated 3.9.2002, the dates for selection tests and screening test for filling up vacancies of ASM in scale Rs. 4500-7000/- are fixed to be held on the days as mentioned below. The following candidates as opted for, are hereby advised to attend the test as mentioned below on the scheduled date and time positively.

A. Selection.

(a) 15% LDCS quota - (5 UR + 1 SC + 1 ST) 7 posts.
Written Test - 17.12.2002 at 10.00 hrs. in DRM(P)'s office/TSK.
Viva-Voce test - 31.12.2002. " "
Candidate called for
Written test - Shri H. Jush Bhattacharjee, Jr. Clerk/Optg.
under Sr. DCM/TSK.
No more optees available.

(b) 25% DF Quota - (9 UR + 2 SC + 1 ST) 12 posts.
Written Test - 18.12.2002 at 10.00 hrs. in DRM(P)'s office/TSK.
Absentees
Written test - 23.12.2002 -do- -do-
Viva-Voce test - 31.12.2002 -do- -do-
Candidates called
for Written test -

| | | |
|-----|---|----------|
| 1. | Shri Ratan Kr. Bora (ST), Sr. TNC under | SS/FKG. |
| 2. | " Gilbert Quish, -do- | CHC/TSK. |
| 3. | " Binanda Ch. Hazarika, -do- | SS/FKG. |
| 4. | " Utpal Chakraborty, -do- | SS/NTSK. |
| 5. | " Kunai Kr. Ghosh, -do- | CHC/TSK. |
| 6. | " Arun Kr. Nandi, -do- | -do- |
| 7. | " Prahlad Kr. Fanning, (ST) -do- | SS/MXN. |
| 8. | " Khageswar Fanning, (ST) -do- | -do- |
| 9. | " Dorajuddin Ahmed, C/Men under | SS/GMA. |
| 10. | " K. R. Borgohain, -do- | SS/SPK. |
| 11. | " Chandan Kt. Phukan, -do- | SS/LXA. |
| 12. | " Tinkuwar Bora, Sr. TNC under | SS/TSK. |
| 13. | " Haroswar Berman, C/Men-II " | SS/TSK. |
| 14. | " Jiba Ch. Gam, (ST), LR F/Men 'A' " | SS/TSK. |
| 15. | " Sarbaswar Saikia, F/Men 'A' " | SS/LLO. |
| 16. | " Apurba Kr. Das, C/Men-II under | SS/MJN. |
| 17. | " Sanjit Kr. Das, F/Men 'A' " | SS/NAM. |
| 18. | " Jadav Ch. Saikia, -do- | SS/NAM. |
| 19. | " Banamali Gogoi, C/Men under | SS/MTG. |
| 20. | " Sukumar Nath, -do- | SS/TTT. |
| 21. | " Girindra Nath Sarmah, C/Men-II " | RAC/TSK. |

B - Screening Test.

60% DR Quota - (22 UR + 4 SC + 2 ST) 28 posts.
Date of screening test - 31.12.2002 at 10.00 hrs. in DRM(P)'s office/TSK.
Candidate called - 1. Shri Biraj Kr. Das, (SC), Sr. TNC/FKG under SS/FKG.
No more optees available.

The staff on leave or sick list, must be intimated about the selection by their Sr. Subordinates.
Concerning SS/Sms, CHC/TSK and RAC/TSK to spare the candidates timely to attend the selection/screening test without fail.

(Contd... P/2)

Required to be true Copy

M. K. Das
Advocate

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(Page/2.)

The written declaration of unwillingness if any must reach this office within 10 (ten) days from the date of issue of this order.

The candidate those who come out successful in the written test will be called in Viva-Voce test.

This has the approval of competent authority.

[Signature]
for Divl. Railway Manager (P),
N. E. Railway, Tinsukia.

No. 5/43 (ASM) D.R. Pt. II.

Copy for information and necessary action please.

- (Page/1)
1. Sr. DOM/TSK.
 2. DOM/TSK.
 3. DHO/TSK.
 4. AHO/E/TSK. The written declaration of unwillingness if any must reach this office within 10 (ten) days from the date of issue of this order.
 5. T.T. SSK, M.N.
 6. Staff concerned through their respective SS & SAs.
 7. CH/TSK control. in Viva-Voce test.
 8. SS/MN, CH, SSK, EXA, TSK, LLO, M.N, NAM, MRG, TII.
 9. HAO/TSK. This has the approval of competent authority.

[Signature]
for Divl. Railway Manager (P),
N. E. Railway, Tinsukia.

Completed
28/11/92

No. 5/43 (ASM) D.R. Pt. II.

Copy for information and necessary action please.

- (Page/1)
1. Sr. DOM/TSK.
 2. DOM/TSK.
 3. DHO/TSK.
 4. AHO/E/TSK. The written declaration of unwillingness if any must reach this office within 10 (ten) days from the date of issue of this order.
 5. T.T. SSK, M.N.
 6. Staff concerned through their respective SS & SAs.
 7. CH/TSK control. in Viva-Voce test.
 8. SS/MN, CH, SSK, EXA, TSK, LLO, M.N, NAM, MRG, TII.
 9. HAO/TSK. This has the approval of competent authority.

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

N. E. Railway.

OFFICE ORDER

Office of the
Civil Railway Manager (P),
Tinsukia, Dated. 18.06.2003.

Sri Diraj Kumar Das, Sr. TNC/PAG is hereby booked to undergo promotional course training of ASM in initial grade Rs.4500-7000/- against 60% A.R. Quota.

He must report to Principal, ZTC/APDJ well in advance to undergo the training commencing from 24.7.2003 to 16.12.2003.

If he fail to qualify himself in prescribed courses for ASM training, his promotion will not be considered under any circumstances.

[Signature]
18.6.03

Civil Railway Manager (P),
N. E. Railway, Tinsukia.

No. 943 (ASM) D.P. Pt. II dt. 18.06.2003.

Copy for information and necessary action to:-

1. ✓ Sri. Diraj Kr. Das, Sr. TNC/PAG thro. SS/PAG.
2. SS/PAG.
3. Principal, ZTC/APDJ.
4. DM/TSM.
5. 3/Pess at office to issue necessary duty pass in favour of Sri. Diraj Kr. Das, Sr. TNC/PAG.
6. Dealer of TNC at office.

[Signature]
18.6.03

for Civil. Railway Manager (P),
N. E. Railway, Tinsukia.

18603.ps.

Certified to be true Copy

[Signature]
Advocate

4500/75 7000/-
5000/- 8000/-
Base Pay 21

14
N.P. Railway

TNC / TSK C
Office of
Civil Railway Manager(P)
Tinsukia, dt. 7.3.2003

OFFICE ORDER

Sub:- Result of the screening test for promotion to the post ASM in scale Rs 4500-7000/- against D.A. Quota.

Ref:- SR L.A./TNC's note No: P/CON/BU/selection/O/TSK/10 pt. II dated. 5.3.2003.

As a result of the screening test held on 4.3.2003, Shri Biraj Kr Das Sr TNC/PKG in scale Rs 4000-6000/- has been found suitable for the post of ASM in scale Rs 4500-7000/- after he passes the required training.

This issues with the approval of the competent authority.

For Divisional Railway Manager(P)

No:- E/43(ASM) D.A. pt. II dt. 7.3.2003.

Copy for information and necessary action please to:-

1. Shri Biraj Kr Das, Sr TNC/PKG. ✓

2. SR L.A./TNC.

3. DOM/TSK.


For Divisional Railway Manager(P)

Certified to be true Copy


Advocate

11/1/2004

4500/15 7000/-
Scale of pay = 5000/- - 8th
Basic Pay 21

-15-
19/11/09
Zonal Training Centre, N.F. Railway.

OFFICE ORDER

Result of ASM (TP) Promotional Course examination held at ZTC/APDJ on 11.11.2003.

The following candidates have passed:

| SN | Name S/Shri- | Designation & Station | Merit |
|----|-------------------------|-----------------------|------------------|
| 01 | Dwipen Ch. Boro. | Sr. TNC/GHY | 1 st |
| 02 | Mahesh Prasad Das. | C/Man/KIR | 2 nd |
| 03 | Madhu Sudhan Chowdhury. | P.Man'A/NBQ | 3 rd |
| 04 | Bioul Ch. Das. | P.Man'A/JID | 3 rd |
| 05 | Gurajit Sarma. | Box PTR/GHY | 3 rd |
| 06 | Biraj Kr. Das. | Hd. TNC/TSK | 4 th |
| 07 | Ashim Nath. | Sr. TNC/APDJ | 5 th |
| 08 | Pradip Kr. Haloi. | P.Man'A/CGON | 6 th |
| 09 | Ranadhir Choudhury. | C.Man/BNV | 7 th |
| 10 | Subhasis Basak. | LR/P. Man/APDJ | 8 th |
| 11 | Bhagwan Prasad Mourya. | C.Man/APDJ | 8 th |
| 12 | Malindra Nath. | Sr. TNC/NBQ | 9 th |
| 13 | Diganta Kr. Roy. | Jr. TNC/NBQ | 9 th |
| 14 | Dinamani Singha. | LR/C.Man/SJRR | 9 th |
| 15 | Dayamoy Mukherjee. | P.Man'A/LMG | 10 th |
| 16 | Kamakhya Ranjan Das. | RG/C.Man-II/LKG | 11 th |
| 17 | Brojo Mani Singh. | Sr. TNC/DMR | 11 th |
| 18 | Md. Safiqur Rahman. | PTR/HCK | 11 th |
| 19 | Kamal Bhowmick. | C.Man/FKM | 12 th |

The following candidates have failed:

| SN | Name- S/Shri- | Designation & Station |
|----|--------------------|--------------------------|
| 01 | Madhu Sudhan Dey. | P. Man'A/LMG |
| 02 | Samir Ch. Keot. | P. Man'A/GLPT |
| 03 | Swapan Kr. Biswas. | LR/P. Man'A/GUZ |
| 04 | Dilip Kr. Paul. | P. Man'A/LMG |

No. Z/TR/32/Pt-XIII.

Copies for information and necessary action please to:

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

(P. Dutta)
Principal/ZTC/APDJ
Dt. 20.12.2003.

(P. Dutta)
Principal/ZTC/APDJ.

Certified to be true Copy

Advocate

Office of the
Principal/ZTC/APDJ
Dated. 11.11.2003

OFFICE ORDER

The following staff and Compassionate Ground candidates who were directed for undergoing Promotional & Initials course of ASMs training at ZTC/APDJ. on completion of their training, are hereby directed to their respective divisions for further practical field training at 2/3 stations for 1½ months.

| Sn. | Name S/Shri. | Designation | Posting in Division. | Remarks |
|-----|-----------------|---------------|----------------------|----------------------------|
| 1 | S. Basak. | LR/P.Man/APDJ | APDJ | |
| 2 | A.Nath | Sr.TNC/APDJ | APDJ | |
| 3 | B.P.Morya. | LR/C/Man/APDJ | APDJ | |
| 4. | K.Bhoumick. | C/Man/FKM | APDJ | |
| 5 | D. Singha | LR/C/Man/SJRR | APDJ | Hospitalised from 11.11.03 |
| 6 | R.Choudhury | C/Man/BNV | APDJ | |
| 7 | S.K.Biswas. | LR/P/Man/GUZ | APDJ | |
| 8 | P.K.Halio | P/Man A/CGON | RNY | |
| 9 | D.K.Roy | Jr/TNC/NBQ | RNY | |
| 10 | M.Nath | Sr/TNC/NBQ | RNY | |
| 11 | M.S.Chowdhury. | P/Man A/NBQ | RNY | |
| 12 | S.C.Keot. | P/Man/GLPT | RNY | |
| 13 | G.Sarma | Box.PTR/GHY | LMG | |
| 14 | D.C.Bora | Sr/TNC/GHY | LMG | |
| 15 | B.C.Das. | P/Man A/JID | LMG | |
| 16 | M.S.Dey | P.Man/LMG | LMG | |
| 17 | D.K.Paul | P/Man A/LMG | LMG | |
| 18 | D.Mukherjee | P/Man A/LMG | LMG | |
| 19 | K.R.Das | Rg/C/Man/LKG | LMG | |
| 20 | B.Singha | TNC/DMR | LMG | |
| 21 | B.K.Das | H/TNC/FKG | TSK | |
| 22 | M.P.Das | C/Man/KIR | KIR | |
| 23 | Md.S.Rahman. | Porter/HCR. | KIR | |
| 24 | Md. Shekh Arif. | Tr.ASM/KIR. | KIR | |
| 25 | Dipak Mandal. | ... | KIR | |
| 26 | Bishal Chettri. | ... | KIR | |

(B.K. Pal)
(SEN/ZTC)
for Principal/ZTC/APDJ
Dt. 11.11.2003

No. Z/TR/Pt.II/AP (OP).

- Copy to: -
1. CFTM/MLG for kind information.
 2. Dy.COM/G/MLG for kind information.
 3. Sr. DOM/KIR. APDJ. RNY. LMG & TSK for information please.
 4. DSO/KIR. APDJ. RNY. LMG & TSK for information please.
 5. DRM (P)/KIR. APDJ. RNY. LMG & TSK for information and necessary action please.
 6. SS/APDJ. RNY. KIR. HCR. GHY. JIL. FKM. GLPT. SJRR. LMG LKG. BNV. GUZ.
 7. CHC/APDJ. GHY. DMR.
 8. Candidates Concern for information and guidance. They are to report to their respective divisional HQrs Office for further order regarding their field practical training at different stations.

B.K. Pal
(B.K. Pal)
(SEN/ZTC)
for Principal/ZTC/APDJ

N. E. RAILWAY

OFFICE ORDER:

Office of the
DN(P)/Tinsukia.
Date: 05.02.2004.

Being found fit to work as ASM independently by DOM/TSK on 05.02.2004, the following Pr. ASM at Office have been posted as under -

- ✓ 1. Shri Biraj Kr. Das, Tr. ASM at Office has been posted as LR.ASM/MJN under TI/MJN. He should report to TI/MJN for duty.
2. Shri Sanjib Ghain, Tr. ASM at Office has been posted as LR.ASM/TSK under TI/TSK. He should report to TI/TSK for duty.

Sgt 7/2/04
for DRM(P)/Tinsukia.

No. ES/B-172

dated 5.02.2004.

Copy for information and necessary act on to:

1. Staff concerned
2. DOM/TSK
3. TI/TSK & MJN
4. E/Bill(1) at Office
5. JEM/TSK

Sgt 7/2/04
for DRM(P)/Tinsukia.

Certified to be true Copy

M. K. B.
Advocate

N. E. RAILWAY.

No. B/43 (ASM) D.P. II.

Divl. Railway Manager (PD)
Tinsukia Dated 12.7.2004.

To,
The Deputy Chief Scientific Officer/T,
N. E. Railway/Maligaon.

Sub: Psycho test of ASM.

Ref: Your office Note No. T/2/48/Pt. VIII dated 1.7.2004.

-000000-

In reference to your office Note quoted above the following
Tr. ASM who were selected against 25% D.P. Quota and 60% D.R. Quota are
herby directed at yours for their psycho test to be held from 19th to 23rd
July/2004.

The names of the candidates with their photographs are shown
as under -

| | | |
|---|--|--|
| <p>No. B/43 (ASM) D.P. II.</p> <p>Deputy Chief Scientific Officer/T,</p> <p>N. E. Railway/Maligaon.</p> | | |
|---|--|--|

1. Sri B. C. Hazarika,
Sr. NC/FKG.

2. Sri Sarbaswar Saikia,
P. Man'A/I/O.

3. Sri. Biraj Kr. Das,
LR ASM/MJN.

as under -

for Divl. Railway Manager (PD)
N. E. Railway, Maligaon.

Copy for information and necessary action to:-

1. SS/FKG, ILO, TI/MJN at TSK, TI/HQ/TSK - they are advised to above staff for the test please.
2. DOM & ADM/TSK - please direct the above staff for attending the psychotest at MLC.
3. Sri. Dinanda Ch. Hazarika, Sr. NC/FKG. They are advised to report at MLC on 19.7.04 without fail.
4. " Sarbaswar Saikia, P. Man'A/I/O. " " " "
5. " Biraj Kr. Das, LR ASM/MJN. " " " "
6. E/Pass to issue necessary duty pass from ex. MLC to GMY and back.

for Divl. Railway Manager (PD)
N. E. Railway, Maligaon.

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Advocate

49 -
N. F. Railway.

E. Annexure G
Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 8.9.2004.

No. E/43 (ASM) D.P. Pt. II.

Sub: Final result for the post of ASM after
conducting Aptitude Test.

Ref: a) ~~Ext~~ Sr. DOM/TSK's Note No. T/CON/E.O./Selection/
O/TSK/10 Pt. II dated 5.3.04.

b) This office Order of even No. dated 7.3.03.

-00000-

As a result of Aptitude Test conducted by Hd. Qr/MLG
vide GM(P)/MLG's Confidential letter No. E/227/81/Tr. ASM (T)
Pt. I dated 2.8.04, Shri Biraj Kumar Das, (SC), Hd. TNC/FKG in
scale Rs. 5000-8000/-, now working as LR ASM/MJN in scale 4500-7000/-
has been found disqualified for the post of ASM after appearing
in the Aptitude Test.

(U. N. Mishra)
APO/II/TSK.
for DDM(P)/Tinsukia.

Copy for information and necessary action to:-

- ✓ 1. Shri Biraj Kumar Das, LR ASM/MJN thro. TI/MJN.
- 2. DOM/TSK.
- 3. TI/MJN.

60000
9/9/04,
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

Certified to be true Copy

MKG
Advocate

N. F. Railway.

Annexure

OFFICE ORDER.

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 14.09.2004.

Being disqualified in Aptitude Test for the post of ASM in scale Rs. 4500-7000/- Shri Biraj Kr. Das, Hd. TNC/FKG who was promoted to the post of ASM in scale Rs. 4500-7000/- now has been put back to his former post of Hd. TNC and posted at FKG.

His pay as Hd. TNC in scale Rs. 5000-8000/- as under.

Pay fixed in scale Rs. 5000-8000/- on Rs. 5000/-

~~Pay fixed in scale Rs. 5000-8000/- on~~

w.o.f. 18-6-2003 i.e. Date of promotion as Hd. TNC.

Pay raised to Rs. 5150/- w.o.f. 1-8-2004.

This is as per orders of the competent authority.

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

No. RS/B - 172 dt. 14.9.2004.

Copy for information and necessary action to:-

- 1) Shri Biraj Kr. Das, Hd. TNC/FKG at office.
- 2) SS/FKG.
- 3) S/ML (T) at office.
- 4) DOM/TSK.

2/10/04
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

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M. K. Das
Advocate

- 21 -

N. P. Railway.

Annexure I

**Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 13.04.2005.**

No. E/43 (ASM) D.P.

**Sub: Result for the post of ASM after conducting Aptitude
Test against D.P. Quota.**

-ooooo-


In terms of Sr. DM/TSK's Office Note No. E/3-17/285/
Optg./COM/Pt.III dt. 1.4.2005, the following D.P. Quota candidates
have been disqualified for the post of ASM after appearing in
Aptitude Test.

1. Shri B. K. Das, Hd. TMC/WFO.
2. " Sarbeswar Saikia, P. Man. A/LIO.

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

Copy for information and necessary action to:-

1. Staff concerned.
2. Sr. DM/TSK.


15/4/05
for Divl. Railway Manager (P),
N. P. Railway, Tinsukia.

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Advocate

22-

SM 116/13
Annexure J 29

Annexure-I

RYESTT.N. 144/03

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS-
(RAILWAY BOARD)

No. E(NG)/I/2002/PM1/31

New Delhi, 22-08-2003

The General Managers,
All Indian Railways.

Sub: Psychological Test in Departmental selections.

In terms of this Ministry's letter No. E(NG)/I/92/PM1/22 dt. 26.09.94, the serving staff are required to be subjected to psycho-test at the stage of promotion to the post of Switchman, ASM, Diesel/Elec. Asstts., Goods Driver, Motorman and at the stage of deployment of Drivers on Rajdhani/Shatabdi Express trains. In this Ministry's letter No. E(NG)/I/98/PM1/4 dt. 13.07.99 it was clarified that psycho test wherever prescribed will be of qualifying nature and part of the selection meaning thereby that a person who fails in the psycho test is not eligible to be included in the panel.

2. The scope of Psycho Test and its effect on the eligibility of staff for empanelment have been considered by a high level Committee. The recommendations of the Committee have been considered by the Board and following decisions have been taken:-

- (i) The Psycho Test should henceforth be called as 'Aptitude Test'.

So far as in-service employees are concerned, the Aptitude test will now be applicable at the stage of promotion as ASM, Diesel/Elec. Asstts. and Motorman (EMU/ MEMU/ DMU) and at the stage of deployment of Drivers on high speed trains running above 110 kmph. While the Aptitude test need not be given to Drivers of Rajdhani/Shatabdi Express trains running at lower speeds, the Drivers for deployment on non-Shatabdi/Rajdhani trains also running over 110 kmph should be subjected to the Aptitude Test.

- (iii) The Aptitude test should be given a weightage of (20%) in the selection for promotion as ASM, Diesel/Elec. Asstt. and Motorman and should be integrated in the selection proceedings. In other words, the Aptitude test will no more be of qualifying nature.

2/-

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Md. K.
Advocate

23

SN-116/9

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2.1. It has been decided further that weightage of 20 marks, that is required to be given to Aptitude test in the selection for promotion to the above categories should be given in lieu or by bifurcating the heading/marks under the heading Personality, address, leadership and academic/technical qualifications. Accordingly in the case of selection for promotion as ASM and Diesel/Elec. Assts. covered by procedure laid down for general (selection) posts, the existing heading *Personality, address, leadership and academic/technical qualifications should be bifurcated as under:-

| | <u>Max. Marks</u> | <u>Qualifying Marks</u> |
|---|-------------------|-------------------------|
| i) Academic/technical qualifications..... | 10 | Nil |
| ii) Aptitude Test..... | 20 | Nil |

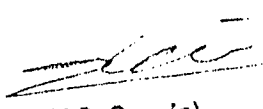
In the case of selection for promotion as Motorman the existing heading *Personality, address, leadership and academic/technical qualifications should be deleted and substituted by the following:-

| | <u>Max. Marks</u> | <u>Qualifying Marks</u> |
|----------------------|-------------------|-------------------------|
| *Aptitude Test | 20 | Nil |

3. It has also been decided that only the staff who clear the written test held as part of the selection should be subjected to Aptitude Test.

4. The Indian Railway Establishment Manual should also be amended as in the ACS No. 149 enclosed.

Please acknowledge receipt.


 (J.S. Gusain)
 Joint Director, Estt.(N)
 Railway Board

Encl: As above.

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SN-116/11

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INDIAN RAILWAY ESTABLISHMENT MANUAL, VOLUME I, 1989 EDITION

Section 'B', Chapter II – Promotion of Group 'C' Staff

Advance Correction Slip No. 149

I. Insert the following as Note (v) after the existing Note (iv) below the existing para 219 (g):

"(v) in the case of selection for promotion as Motorman, substitute the following for the existing heading 'Personality, address, leadership and academic/technical qualifications' in the table below para 219 (g):-

| | Max. Marks | Qualifying Marks |
|-----------------|---------------|---------------------|
| * Aptitude test | 20 | Nil |

II. Insert the following as Note (iv) after the existing Note below para 219(j):

"(iv) In the case of selection for promotion to the post of Diesel/Elect. Asstts. and ASMs, the heading (2) above shall be bifurcated as under:-

Max. marks Qualifying marks

| | | | |
|-----|---------------------------------------|----|-----|
| (a) | Academic/ Technical Qualifications | 10 | Nil |
| (b) | Aptitude Test | 20 | Nil |

(Authority: Ministry of Railways letter No. E(NG)/I/2002/PM1/31 dt. 22-08-2003)

To,

The Divisional Railway Manager,
(for personal attention of Mr. W.K. Pradhan, honourable DRM/TSK)

Dated, 10-04-07

Subj:- Deprivation of promotional benefits after successful completion of promotional course raining of ASM at ZTC and more than 7 months service in ASM, s cadre, in violation of Rly. Board, s L/No. E(NG)/I/2002/PMI/31 dt 22-08-03, circulated vide Advance correction slip no. 149 to IREM Vol. I, 1989 edition.

Honourable Sir,

With due respect & humble submission, I beg to lay before you the following case of my misfortune and deprivation with requests for your kind reviewal and justice

That Sir, I was selected for the post of ASM against DP quota vide Sr. DOM/TSK, s note no. T/CON/I/Q/Selection/O/TSK/10 pt. II dt 5-3-03. Accordingly I had undergone promotional course training of ASM at ZTC vide E/43(ASM)DP pt. II dt 18-06-03, commencing from 24-07-03.

That Sir, on successful completion of the course at ZTC, I was directed to TSK division for further practical field training of 45 days vide no. Z/TR/pt. II/AP(OP) dt 11-11-03

That Sir, being found fit to work independently by Sr. DOM/TSK on 05-02-04, I was posted as L-R-ASM/MJN under TI/MJN vide L/NO. ES/B-172 dt 05-02-04 after which I have worked satisfactorily in the capacity of ASM for a period of 7 months and 4 days.

That Sir, on 09-09-04 I was again disqualified for the post of ASM vide No. E/43(ASM)DP pt. II dt 9-9-04 as a result of Aptitude Test conducted by HQ/MLG in accordance with GM(P)/MLG, s L/no. E/227/81/TR ASM(T) pt. I dt 2-8-04.

That Sir, it is clearly mentioned in the Rly. Bd, s letter and Advance correction slip no captioned above that Aptitude test applicable for promotion as ASM will NO MORE BE OF QUALIFYING NATURE & there should not be any qualifying marks. Aptitude test should be given a weightage of 20% in the selection proceedings only.

That Sir, I believe that a huge amount of resources involved in training up a full fledged ASM. Had the issue of utilization of resources was a priority, I could have expected at least one alternative post in commercial category, to save me from humiliation in the society. But to my utmost misfortune, the Rly Bd's letters and the corresponding Advance correction slip no 149 could not rescue me from being thrown to my original post of TNC, dis-regarding the question of utilizing my knowledge of commercial subjects, so as to minimize the loss of resources involved thereto. Moreover there was no acute shortage of TNC in the division at that time and the category is a diminishing one.

Under the above circumstances I cordially request you to kindly review the case of my promotion as ASM once again in the light of Advance correction slip no 149 and for which act of kindness I shall remain ever grateful to you.

Yours faithfully

Biraj Kr. Das,
(Biraj Kr. Das)
Hd/TNC/Forkating.

10/04/07

Meer

Certified to be a true Copy

Advocate

PROFILE OF SURPLUS TNCs & SIGNALERS AS ON 03-12-2004

| DEPARTMENT | SN | NAME OF STAFF | Present Designation & Station | Present Medical category | Scale of Pay | Date of Birth | Date of 1st Appl. on the Rty. | Educational or Technical Qual. of the staff | Date of Retirement |
|------------|----|--------------------------|-------------------------------|--|--------------|---------------|-------------------------------|---|--------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| OPERATING | 1 | SRI CHITTA RANJAN DAS | CH/ITSK | Fit in A/1 and below | 6500-10500 | 01-08-58 | 16-01-78 | HSLC | 31-07-2018 |
| OPERATING | 2 | SRI PROMODE CH. RABHA | HO SIGNALER/MXN | Fit in A/1 and below | 5000-8000 | 01-01-51 | 10-02-78 | HSLC | 31-12-2010 |
| OPERATING | 3 | SRI RAMESWAR BORO | HO SIGNALER/MXN | Fit in A/1 and below | 5000-8000 | 01-01-54 | 04-07-78 | PU | 31-12-2013 |
| OPERATING | 4 | SRI LAKHINDRA NATH BORAH | HO SIGNALER/TSK | Fit in A/1 and below | 5000-8000 | 10-05-55 | 04-07-78 | HSLC | 31-05-2015 |
| OPERATING | 5 | SRI MUNINDRA CH. BORO | HO SIGNALER/MXN | Fit | 5000-8000 | 01-08-50 | 05-07-78 | HSLC | 31-07-2010 |
| OPERATING | 6 | SRI DWARIKA PRASAD | HO SIGNALER/OBT | Fit in A/1 and below | 5000-8000 | 15-04-59 | 07-10-78 | HSLC | 30-04-2019 |
| OPERATING | 7 | SRI HEMADHAR SONOWAL | HO SIGNALER/OBT | Fit in A/1 and below | 5000-8000 | 01-06-51 | 16-10-78 | HSLC | 31-05-2011 |
| OPERATING | 8 | SRI UPEN HAZARIKA | HO SIGNALER/TSK | C/1 | 5000-8000 | 03-01-56 | 28-11-78 | HSLC | 31-01-2016 |
| OPERATING | 9 | SRI SUOHIR DEY | HO SIGNALER/MXN | Fit in A/1 and below | 5000-8000 | 01-09-59 | 30-07-79 | HSLC | 31-08-2019 |
| OPERATING | 10 | SRI TAPAN KR. SINGH | HO SIGNALER/MXN | UN FIT (colour defective) | 5000-8000 | 03-07-50 | 30-07-79 | HSLC | 31-07-2020 |
| OPERATING | 11 | SRI DULAL CH. DEY | HO SIGNALER/MXN | Unfit in A/1 due to immature cataract & IHD to get treatment for IHD | 5000-8000 | 13-11-48 | 20-08-71 | HSLC | 30-11-2008 |
| OPERATING | 12 | SRI SUNIL KR. DUTTA | HO SIGNALER/SLGR | Fit in A/1 and below | 5000-8000 | 01-08-47 | 22-10-70 | HSLC | 31-07-2007 |
| OPERATING | 13 | SRI SACHIN DEKA | HO SIGNALER/TSK | Fit | 5000-8000 | 30-12-57 | 02-09-85 | PU | 31-12-2017 |
| OPERATING | 14 | SRI R. K. BORAH | HO TNC/ITSK | Fit in A/1 and below | 5000-8000 | 01-01-55 | 2-12-78 | HSLC | 31-12-2014 |
| OPERATING | 15 | SRI BIRAJ KR. DAS | HO TNC/FN3 | A/3 | 5000-8000 | 01.11.66 | 03.03.97 | M.COM | 31.10.2006 |
| OPERATING | 16 | SRI PRADIP GOSWAMI | HO TNC/TSK | Fit in A/1 and below | 5000-8000 | 01-03-56 | 24-06-85 | | 28-02-2016 |
| OPERATING | 17 | SRI MAHESH CH. DAS | HO TNC/ILLO | Cataract left eye unfit at | 5000-8000 | 19-06-57 | 10-07-85 | HSLC | 30-06-2017 |
| OPERATING | 18 | SRI ARUN CH. NANDI | HO TNC/TSK CONTL | Fit in A/1 and below | 5000-8000 | 04-03-66 | 10-11-86 | HSLC | 31-03-2028 |
| OPERATING | 19 | SRI RANJIT BOSE | HO TNC/OBT | Fit in A/1 and below | 5000-8000 | 29-01-68 | 22-12-86 | HSLC | 31-01-2028 |
| OPERATING | 20 | SRI P. DUTTA CHOWDHURY | HO TNC/TSK | Adv. Treatment for HPT & D/V & IHD | 5000-8000 | 27-01-56 | 11-12-78 | HSLC | 31-01-2016 |
| OPERATING | 21 | SRI PRAHALAD KR. PANGING | HO TNC/MXN | Fit in A/1 and below | 5000-8000 | 01-12-63 | 20-09-88 | HSLC | 31-11-2023 |
| OPERATING | 22 | SRI BADAN CH. DUTTA | HO TNC/ITSK | Fit | 5000-8000 | 01-10-59 | 03-07-89 | HSLC | 30-09-2019 |
| OPERATING | 23 | SRI GILBERT QUIAH | SR TNC/TSK CONTL | Fit | 4000-6000 | 02-10-61 | 04-07-89 | HSLC | 31-10-2021 |
| OPERATING | 24 | SRI UTPAL CHAKARBORTY | SR TNC/ITSK | Adv to come on 22-12-2004 | 4000-6000 | 30-01-65 | 03-07-89 | HSLC | 31-01-2025 |
| OPERATING | 25 | SRI KUNAL KR. GHOSE | SR TNC/AR/TSK | Fit | 4000-6000 | 02-06-68 | 12-07-89 | HSLC | 30-06-2028 |
| OPERATING | 26 | SRI PREM GOWALA | SR TNC/ITSK | Fit | 4000-6000 | 06-05-71 | 22-03-90 | HSLC | 31-05-2031 |
| OPERATING | 27 | SRI PARIKHIT GOGOI | SR TNC/TSK CONTL | Fit in A/1 and below | 4000-6000 | 8/5/71 | 12-3-91 | HSLC | 31-5-2031 |
| OPERATING | 28 | SRI SANJIB LIKSAN | SR TNC/CONTROL | Fit in A/1 and below | 4000-6000 | 10/12/76 | 13-5-97 | HSLC | 31-12-2036 |
| OPERATING | 29 | SRI P. RAHA CHOWDHURY | SR TNC/TSK CONTL | A/3 | 4000-6000 | 13-2-75 | 3-6-97 | HSLC | 28-2-2035 |
| OPERATING | 30 | SRI RANJIT DAS | HO TNC/ITSK | Adv for fundus Examination | 5000-8000 | 1-11-68 | 10-5-90 | HSLC | 31-10-2028 |
| OPERATING | 31 | SRI MOHIT CH SAIKIA | HO TNC/TSK | Adv for glass | 5000-8000 | 1-7-58 | 13-11-86 | HSLC | 30-6-2018 |

Certified to be true Copy

Advocate



10 AUG 2007

গুৱাহাটী কেন্দ্রীয়
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

O. A. NO. 127/2007

Shri B.K. Das

- Vs -

U. O. I & Ors.

Divisional Personnel Officer
Sd/-, Rly. Tinsukia

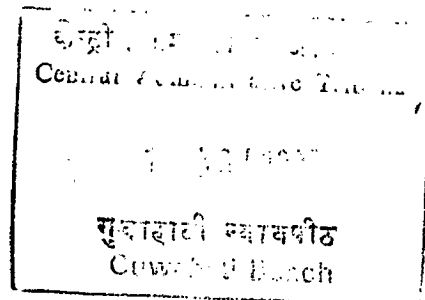
Written statement of the respondents

The respondents most respectfully beg to
state as under :-

1. That the respondents have gone through the original application and understood the contents thereof.
2. That the O.A. is barred by limitation and ^{be} deserves to ~~be~~ dismissed. As such, Statements in para 3 is not correct.
3. That in reply to statements in paragraphs 4(d), 4(e), 4(f) and 4(g) of the O.A., the respondents state that as one time exception a screening was conducted for appointment to the posts of ASMs from

Contd....2/-

Filed by the respondents
through S. N. Thakur
(Adv) for Rly SC
14/11/07



2

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Divisional Personnel Officer
उ.ए. रेलवे, तिनसुकिया
U.E. Ry. TINSUKIA

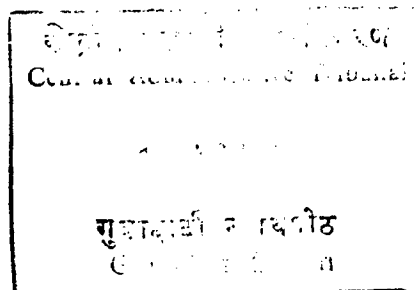
surplus Trains clerks. No written test was conducted.

It is stated that posts of ASM is a safety category and the ASM, are assigned duties of Train passing/Train movement. Life of passengers, and safety of of goods movement Train are involved in the duties of ASM. The Railways have designed scientific aptitude tests for the appointment in the job, and qualifying in such test is mandatory.

The applicant was given two chances to pass the Aptitude test/psychological test, he could not qualify in the selection after giving 20% weightage. The overall qualifying marks is 60% which he could not secure even after giving 20% weightage. He was therefore, put back to his former post.

3. That it is stated that he was surplus staff and as such endeavour was made to provide him alternative post as ASM in which he was disqualified. ASM's scale is Rs. 4500-7000/-. He has been promoted as Head Trainsclerk in scale Rs. 5000-8000/-.


Contd...3/-



4. That the posts of ASMs are operational posts and required to be filled up regularly. The applicant's promotion in his original channel of promotion has been given in a scale higher than ASM's scale of pay. After long lapse of time there is no scope or rule to post him as ASM. The O.A. is misconstrued in facts, and grossly time barred.

5. That under the circumstances the O.A. deserves to be dismissed with cost.

Contd...4/-


 Divisional Personnel Officer
 ए.सी. रेडवे, तिनसुकिया
 N.F. Rly. TINSUKIA

15/09/07

मुद्रांकित 24/09/07

4

VERIFICATION.

I, Shri *V. N. Mishra*

aged about *48* years, do hereby verify
that the statements made in paragraphs 1 to 5 above
are true to my knowledge.

28.9.2007.

Signature

[Signature]
Divisional Personnel Officer
पु.सी. रेखवे, तिनसुकिया
P.F., Rly. TINSUKIA