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5
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

felix
03.10.17

CENTRAL JURISDICTIONAL COMMISSION
COMMUNITY COURT

ORDER SHEET

1. Original Application No. 127/07

2. Misc Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) Biraj Kr. Das vs Union of India & OrsMr. G. BaishyaAdvocate for the Applicant(s) M. KhatanierAdvocate for the Respondent(s) J. L. Sarkar
Railway Advocate

Date _____ Order of the Tribunal

Notes of the Registry

This application is in form
is filed C.F. Mr. Rs. 50/-
deposited viau APC/DD
No. 34665-3763Dated 18.5.07Mr. S. K. Ray
by Registrar 25.5.07Petitions copy
for issue notice are
decreed.Off.Copy not yet served
on respondents.JK
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/-

V

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 bailed.

25.9.07

Notice not issued.
for instruction.

bn

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

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 Rejoinder, if any, may be filed by that Standing counsel, who undertook to file date.


 (Khushiram)
 Member (A)


 (M.R. Mohanty)
 Vice-Chairman

/bb/

15.11.07

W/s filed by
the Respondents.
copy served.

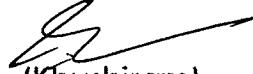


14.11.2007

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/

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.

Khushiram
30.11.07
(Khushiram)
Member (A)

/bb/

18.3.08

Ans wide D/N
1851 to 1854 D/D

19.12.07 JKA

केन्द्रीय मानविकी अधिकारी निवारण Central Administrative Tribunal
<i>(Signature)</i> 21 MAY 2007 गुवाहाटी न्यायालय
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 undergo 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. *Knows*

Applicant on coming to ^A 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

Minal Dhan

Advocate

18-5-07

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. *28/11/2003*

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.

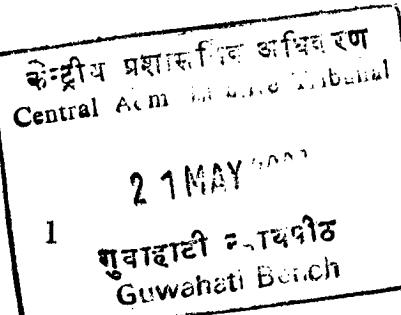
12/7/2004:- Order issued by respondent no:3 whereby it was directed that he was to undergo Psycho test in connection with his selection for the post of ASM.

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.

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(Mrinmoy Khataniar)
Signature of Advocate

For use in the Tribunals' Office.

Date of Filing:

Registration No.:

Signature:

Filed by

*Sri Birendra Kr. Das
Prashant Kumar Chakraborty
Advocate*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH

O.A. NO: 127/2004

BETWEEN:

Sri Biraj Kr. Das

S/o Late Chatradhar Das

Dhrubanagar, Station Road, Ward No: 5

P.O: Golaghat, District Golaghat,

AssamApplicant.

-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 Ferkating. 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. P
 Through Advocate
 Dhrubanagar, Assam

P.R.A. in
P.R.C. of
S.S.I.

- 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.

Sri Birendra
Kumar Das

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

SRI J. B. SINGH KARAT

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 Resrvation 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} 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

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 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. 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.

5.8) For that respondents while allowing the impugned orders to continue without there being any legal basis for the same, the respondents ought to have considered his appeal/representation and revoke the impugned orders dtd. 8/9/04 and 14.9.04 or ought to have accommodated the applicant to any other suitable equivalent post so as to mete out full and complete justice to the applicant.

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.

6. DETAILS OF REMEDIES EXHAUSTED:

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.

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

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

8. RELIEF SOUGHT FOR:

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 Resrvation Clerk (Commercial) terms of the appeal/representation filed by him on 10/4/2005 with all consequential benefit's.

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"

12
Sri Biraj Kr Das.

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} ~~APR 2007~~.

Sri Biraj Kr. Das.

Shri Biraj Kr. Das

N. F. RAILWAY.

OFFICE ORDER on TNC/TSK

- 11 -

Annexure A

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% LDCE 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 Hrush Bhattacharjee, Jr. Clerk/Optg.
under Sr. DUM/TSK.
No more optee available.

(b) 25% DF Quota - (9 UR + 2 SC + 1 ST) 12 posts.
Written Test - 18.12.2002 - at 10.00 hrs. in DUM(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 Raten Kr. Bora (ST), Sr. TNC under SS/FKG.
2.	" Gilbert Quich, -do- CHC/TSK.
3.	" Binanda Ch. Hazarika, -do- SS/FKG.
4.	" Utpal Chakraborty, -do- SS/NTSK.
5.	" Kunal Kr. Ghosh, -do- CHC/TSK.
6.	" Arun Kr. Nandi, -do- -do-
7.	" Fakhrul Kr. Fanning, (ST) -do- SS/MXN.
8.	" Khageswar Fanning, (ST) -do- -do-
9.	" Dora Juddin Ahmed, C/Man under SS/CMA.
10.	" K. K. Borgohain, -do- SS/SPK.
11.	" Chandra Kt. Phukan, -do- SS/LX.
12.	" Tuimswar Bora, Sr. TNC under SS/TSK.
13.	" Heroswar Barman, C/Man-II " SS/TSK.
14.	" Jiba Ch. Gom, (ST), L.R. F/Man " " SS/TSK.
15.	" Sarbaswar Saikia, F/Man " " SS/LLO.
16.	" Apurba Kr. Das, C/Man-II under SS/MJN.
17.	" Sanjita Kr. Das, F/Man " " SS/NAM.
18.	" Jaded Ch. Saikia, -do- SS/NAM.
19.	" Bonamali Gogoi, C/Man under SS/MRG.
20.	" Sukumar Nath, -do- SS/TT.
21.	" Girindra Nath Sarmah, C/Man-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, (ST), Sr. TNC/FKG under SS/FKG.

No more optee available

The staff on leave or sick list, must be intimated about the selection by their Sr. Subordinates.

Concerning SS/SAs, CHC/TSK and RAC/TSK to spare the candidates timely to attend the selection/Screening test without fail.

(Contd... P/2)

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Advocate

(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. K. Pt. II.

Copy for information and necessary action please.

(Page/2)

1. Sr. DOM/TSK.
2. DOM/TSK.
3. DIV/TSK.
4. AIU/I/TSK.
5. TII, LKA, MJN, MXN.
6. Staff concerned through their respective SS & SAs, called in the written.
7. LKA/TSK, control. in Viva-Voce test.
8. SS/MXN, LKA, SPK, LKA, TSK, LLO, MJN, NAM, MRG, TII.
9. RAU/TSK.

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

Concord
for Divl. Railway Manager (P),
N. E. Railway, Tinsukia.
28/11/62

No. 5/43 (ADM) D. K. Pt. II.

Copy for information and necessary action please.

(Page/2)

1. Sr. ADM/TSK.
2. DOM/TSK.
3. DIV/TSK.
4. AIU/I/TSK.
5. TII, LKA, MJN, MXN.
6. Staff concerned through their respective SS & SAs, called in the written.
7. LKA/TSK, control. in Viva-Voce test.
8. SS/MXN, LKA, SPK, LKA, TSK, LLO, MJN, NAM, MRG, TII.
9. RAU/TSK.

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

Annexure 'B'

20

N. F. Railway.

OFFICE ORDER

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

Sri Biraj Kumar Das, Sr. TNC/FAG 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/AFDJ will 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 training, his promotion will not be considered under any circumstances.

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

No. 343 (ASM) D. P. Ft. II dt. 18.06.2003.

Copy for information and necessary action to:-

1. Sri. Biraj Kr. Das, Sr. TNC/FAG thro. SS/FAG.
2. SS/FAG.
3. Principal, ZTC/AFDJ.
4. D.M./TSM.
5. Please at office to issue necessary duty pass in favour of
Sri. Biraj Kr. Das, Sr. TNC/FAG.
6. Director of TNC at office.

18.6.03
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

18603.ps.

Certified to be true Copy

Advocate

4500/-
1600/-
Total 6100/-
Ex. of pay = 500/- - 8/-
Basek Pay = 1000/-

OFFICE OF THE

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THE LAST

Office of the

Civil Railway manager (P)
Pinsukia, dt. 7. 3. 2003

Sub:- Result of the Screening test for promotion to the post ASM in scale is 4500/- 7000/- against D.R. quota.

Ref:- S.K. Env./con/2 note No; 1/CON/EN/selection/
O/TSK/10 Pg. II dated. 5-3-2003.

As a result of the screening test held on 4.3.2003, Shri Biraj Kr Das Sr TNC/FKG in scale Rs 4000-5000/- has been found suitable for the post of ASM in scale Rs 4500-7000/- after he passes the required training.

This is seen with the approval of the competent

For Divisional Railway Manager (P)

Ref: E/43(ASM) Dr. P. pt. II etc. 7-3-2003.

Copy for information and necessary action: please type -

1. Shri Surya Kr. Das, SC TNC/FKG.

26 द्वादश

3. DOM/PSK.

For Divisional Railway Manager (P)

Certified to be true Copy

McKeehan
Advocate

11/10/2008

4500 ft. 16' 7000 ft.
Scale of Pay = 5000/- - 8/-
Basek Pay =

15-
Annexure
14/11/09

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/Mani/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	8 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	9 th
16	Kamakhya Ranjan Das.	RG/C.Man-II/LKG	10 th
17	Brojo Mani Singh.	Sr. TNC/DMR	11 th
18	Md. Safiqur Rahman.	PTR/HCR	11 th
19	Kamal Bhowmik.	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

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

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.

Certified to be true Copy

Mohit
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 HQs Office for further order regarding their field practical training at different stations.

B.K. Pal 11/11/03
(B.K. Pal)

(SEN/ZTC)

for Principal/ZTC/APDJ

M.K.

N. E. RAILWAY

OFFICE ORDER:

Office of the
D.N.P./Tinsukia.
Date: 05.02.2004.

Being found fit to work as ASM independently by DOM/TSK on 05.02.2004, the following Pr. ASI 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.

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(f) at Office
5. DOM/TSK

for DRM(P)/Tinsukia.

Certified to be true Copy

W. K. S.
Advocate

N. F. RAILWAY.

N.B. B/43 (ASM) D.P. II.

Divl. Railway Manager (P)
Tinsukia Dated 12.7.2004.To,
The Deputy Chief Scientific Officer/T,
N. F. Railway/Maligaon.

Sub: Psycho test of ASM.

Ref: Your office Note No. T/2/46/Pt. VIII dated 1.7.2004.

-000000-

In reference to your office Note quoted above the following Mr. ASM who were selected against 25% D.P. Quota and 60% D.R. Quota are hereby 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 -

1. S. B. C. Hazarika, Sr. INC/FKG.	2. Sari SarbaSwar Saikia, P. Mani Al/IIO.	3. Sari Biraj Kr. Das, LR ASM/MJN.
------------------------------------	---	------------------------------------

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

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

As under -

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

Copy for information and necessary action to:-

1. SS/FKG, IIO, 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 psych test at MJG.
3. Sari Binanda Ch. Hazarika, Sr. INC/FKG. They are advised to report at MJG on 12.7.04 without fail.
4. " SarbaSwar Saikia, P. Mani Al/IIO. MJG on 12.7.04 without fail.
5. " Biraj Kr. Das, LR ASM/MJN.
6. S/Pass to issue necessary duty pass from ex. N/TSK to MJG and back.

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

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M.K.
Advocate

Ex. Annexure 'G'

N. F. Railway.

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

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

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

Ref: a) ~~Exi~~ 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
video 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. INC/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 Divl. (P)/Tinsukia.

Copy for information and necessary action to:-

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

©0000
for Divl. Railway Manager (P),
N. F. Railway, Tinsukia.

Certified to be true Copy

M.K.G.
Advocate

~~20~~
N. F. Railway.

Annexure A

OFFICE ORDER

Office of the
Div. 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 Rs.5000/-
w.e.f. 18.6.2003 i.e. Date of promotion as Hd. TNC.

Pay raised to Rs.5150/- w.e.f. 1.8.2004.

This is as per orders of the competent authority.

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

No. ES/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/MAIL (T) at office.
4) DOM/TSK.

2004/10
14/09/04

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

Certified to be true Copy

Mukherjee

Advocate

~~SECRET~~ -21-
N. P. Railway

Annexe 1

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated 15.04.2005.

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

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

-0000-

In terms of Sr. DPO/TSK's Office Note No. 2/2.17/2.65/
Optg./CON/Pt.III dt. 1.4.2005, the following D.P. Quota candidates
have been disqualified for the post of ASR after appearing in
Aptitude Test.

1. Shri B. K. Das, Hd. DIO/TSK.
2. " Sarbojyoti Saikia, P. Man. A/119.

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

Copy for information and necessary action to:-

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

~~00000~~ 54105
for Divl. Railway Manager (P),
N. P. Railway, Tinsukia.

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Advocate

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. Assts., 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. Assts. 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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M.K.G.
Advocate

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. Ass'ts. Accordingly in the case of selection for promotion as ASM and Diesel/Elec. Ass'ts. 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. Guasain)
Joint Director, Estt.(N)
Railway Board

Encl: As above.

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 (v) 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. Assts. 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)

Annexure

'K'

32

25

Dated,10-04-07

Sub:- Deprival of promotional benefits after successful completion of promotional course training 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(CP) dt 11-11-03

That Sir,being found fit to work independently by Sr.DOM/TSK on 05-02-04, I was posted as LR-ASM/MJN under TJ/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 ptII 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 25% 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 subjets, 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 ship no 149 and for which act of kindness I shall remain ever greatful to you.

Yours faithfully

Biraj Kr. Das,
(Biraj Kr. Das)
Hd/UNC/Furkating.

10/04/04

✓/eod

Certified to be true Copy

M. K. Das
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 App. on the Rpt.	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/TSK	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/DBRT	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/DBRT	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 SUDHIR 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	03-07-60	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 got 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/NTSK	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/FKG	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/LLO	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/DBRT	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	11-12-70	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/NTSK	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/NTSK	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/RTSK	Fit	4000-6000	02-06-68	12-07-89	HSLC	30-06-2028
OPERATING	26	SRI PREM GOWALA	SR TNC/NTSK	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/TSK	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

Advocate

17 NOV 2007

Guwahati Bench
Central Admin. 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 Office
Shri. Ranjeet Tinsukia
Ranjeet 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 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/-

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/-.

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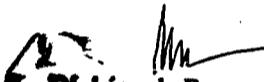
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4. That the posts of ASMs are operational posts and required to be filled up regularly. The applicant's promotion in his original channel of promotion has been given in a scale higher than ASM's scale of pay. After long lapse of time there is no scope 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/-


 Mr.
 Divisional Personnel Officer
 Mr. Tinsukia
 D.P.O. Bly. TINSUKIA

VERIFICATION.

I, Shri V. 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

Divisional Personnel Officer

मु.सी. रेलवे, तिनसुकिया
N.F. Ry. TINSUKIA