

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. DA/171/2007

R.A./C.P No.

E.P./M.A No. 11/2010

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SECTION OFFICER (Judl.)

Kaly
04/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH

ORDER SHEET

1. Original Application No. 171/07

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant (SI Pankaj Kr. Datta vs Union of India & Ors

Advocate for the Applicant (S) M. Chanda

U.S. Le. Datta

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

Notes of the Registry	Date	Order of the Tribunal
	27.6.2007	

Application is in form
is I/O/C F. Ar Rs. 50/-
deposited vide IPO/BB
No. 346/654231
Dated 18.6.07

Registrar

Petitioner's brief
for issue notices
are received with
envelopes.

25/6/07

The Applicant, a Senior Clerk working under the Chief Commercial Manager (General), N.F. Railway, Maligaon was promoted to Head Clerk w.e.f. 1.6.1994 vide order dated 23.8.1994 (Annexure-I). Vide order dated 3.10.1994 his promotion was shown to have given effect from 23.8.1994 instead of 1.6.1994. Thereafter a corrigendum was issued making his promotion w.e.f. 29.7.1994. Now, his grievance is that in total disregard to the corrigendum and his eligibility Annexure-12 has been passed by the Respondents stating that the date of promotion of the Applicant is taken as w.e.f. 23.08.1994. Hence this O.A.

Heard Mr.M.Chanda, learned counsel for the Applicant. Dr.J.L.Sarkar, learned Standing counsel appearing for the Respondents submitted that notice should be issued to the Respondents.

Contd...

Notice & order sent
to D/Section for
issuing to R-4 to
11 by regd. A/D
post.

D/No-707 to 719

6/7/07 Dt= 17/7/07.

Recd for
R-1, 2, 3.
21/7 /bb/

Notices for R-1, 2, 3
received by hand by
Dr. J. L. Sarkar Rly-S.C.
on 24/7/07.

6/7/07.
24/7/07.

24.9.07

Notice duly served
on R-1, 2, 3, 4, 10, 11.

6/7/07.
30/7/07.

Notice for resp. no-6
received back as
unserved with
postal remark-4
"Expired."

6/7/07.
30/7/07.

no W/S filed.

on
W/S not filed.

3.10.07

lm

Considering the issue involved in
the view that the O.A. has to be admitted. Admit
the O.A. Issue notice to the Respondents.
Notice shall be served upon Dr.J.L.Sarkar as far
as the official Respondents are concerned.
Applicant will take step for issuance of notice
for private Respondents.

Post on 10.8.2007.

Vice-Chairman

Call on 4.10.07 awaiting acknowledgement
of notice/WS from the respondents.

Vice-Chairman

04.10.07. Despite notices, no reply has yet been filed
by the Respondents.




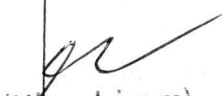


Send copies of this order to all the
Respondents (excepting Respondent No.6)
requiring them to file reply by 29.11.07.
Applicant to take steps relating to Respondent
No.6, in the meantime; ^{as} it has been reported by ~~the~~
the Postal Authority that the Respondent No.6
had expired, in the meantime.

Call this matter on 29.11.07 awaiting
reply from the respondents.

(Khushiram)
Member(A)

Monoranjan Mahanty
Vice-Chairman

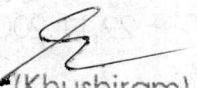
- 3 -
O-A 171/07

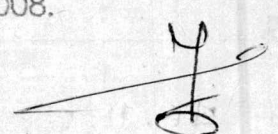
Notes of Registry	Date	Order of the Tribunal
<p><u>26.11.07</u> W/s filed by the Respondents Nos. 1, 2 and 3. Copy served.</p>	29.11.2007	<p>Dr.J.L.Sarkar, learned Railway Standing counsel filed written statement after serving a copy thereof on Mr.S.Nath, learned counsel for the Applicant. Mr.Nath wants six weeks time to file rejoinder.</p>
<p><u>16/11/07</u> ① 1013 filed by A.No-1 to 3, other respondent from awaiting.</p> <p><u>28.11.07.</u></p>	/bb/	<p>Call this matter, accordingly, on 17.01.2008 for filing of rejoinder.</p> <p> (Khushiram) Member (A)</p>
<p><u>3.1.08</u> Rejoinder submitted by the Applicant. Copy served.</p>	17.01.2008	<p>Written statement and rejoinder having already been filed; this matter may be called for hearing on 18.02.2008.</p>
<p><u>16.1.08.</u> Rejoinder filed.</p>	/bb/	<p> (Khushiram) Member (A)</p> <p> (M.R.Mohanty) Vice-Chairman</p>
<p><u>16.1.08.</u> Ready for hearing.</p>	18.02.2008	<p>Call this matter on 01.04. 2008.</p>
<p><u>16/1/08</u> The case is ready for hearing.</p>	<p> (Khushiram) Member (A)</p>	<p> (Khushiram) Member(A)</p> <p> (M.R.Mohanty) Vice-Chairman</p>
<p><u>15.2.08.</u> The case is ready for hearing.</p>	01.04.2008	<p>Call this matter on 04.04.2008</p>
<p><u>31.3.08.</u></p>	lm	

O.A.171/2007

04.04.2008

On the request of the parties the matter stands adjourned to 21.05.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

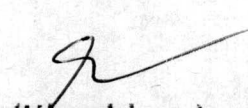
The case is ready
for hearing.


21.05.2008


On the prayer of Mrs. U. Dutta, learned counsel appearing for the Applicant, call this matter on 07.07.2008 for hearing.

The case is ready
for hearing.

lm


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

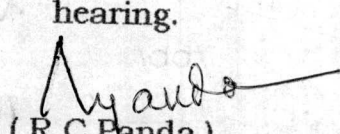

04.07.08

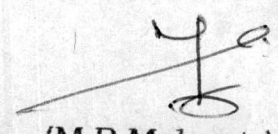
07.07.08


Mr M.Chanda, learned counsel for the Applicant is present. Learned Railway standing counsel is on accommodation.

The case is ready
for hearing.

Call this matter on 07.08.2008 for hearing.


(R.C. Panda)
Member(A)


(M.R. Mohanty)
Vice-Chairman


6.08.08

pg

21.7.8.08

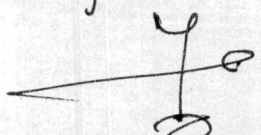
07.08.2008

Pl. send copies of this order to the respondents to come ready on 19.9.08.

Mrs U.Dutta, Advocate is present representing the Applicant. None appears for the Respondents.

Call this matter on 19.09.2008 for hearing.

Send copies of this order to the Respondents to come ready on 19.9.2008 for hearing.


(M.R. Mohanty)
Vice-Chairman

order dated 7/8/08 sent to D/Section for issuing to respondents by post.

Copy 18/8/08. D/No-3517 to 3527
D/- 19-8-08

pg

The case is ready
for hearing. 18.9.08.

OA 171/07

- 5 -

19.09.2008 Mrs U. Dutta, learned Counsel appearing for the Applicant, is present. Mr Tamuli is present representing the Standing Counsel for the Railways.


Call this matter on 21.11.2008 for hearing.

The case is ready for hearing.

20.11.08.

nkM


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman


21.11.2008 Mr. M. Chanda, learned counsel appearing or the Applicant is present. None appears for the Railways. It is stated that Dr. J. L. Sarkar, learned Standing Counsel for the Railways, has got some difficulty to-day, for which he has not been able to attend the Court to-day.


The case is ready for hearing.

2.11.09

lm

for hearing.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

09.01.2009 Mrs. U. Dutta, learned counsel for the Applicant is present. Mrs. M. Das, learned Addl. Standing Counsel is also present.

Call this matter on 18.02.2009.

The case is ready for hearing.

17.2.09.

lm


(M.R. Mohanty)
Vice-Chairman

O.A. No. 171/07

18.02.2009

Call this matter on 09.04.2009.

(M.R. Mohanty)
Vice- Chairman

lm

Rejoinder not
filed.

09.04.2009

Call this matter on 28.5.2009.

(M.R. Mohanty)
Vice- Chairman

lm

The case is ready
for hearing.

28.05.2009

On the prayer of learned counsel
for the parties call this matter on
22.07.2009.

27.5.09.

(N.D. Dayal)
Member (A)

(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

22.07.2009

Mr. M. Chanda, learned counsel for the
Applicant is present. Dr. J. L. Sarkar, learned
Standing counsel for the Railways is also
present.

21.7.09

On the prayer of learned counsel for
the Applicant and with the consent of the
Standing counsel for the Railways, call this
matter on 03.08.2009 for hearing.

The case is ready
for hearing.

31.7.09

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/bb/

03.08.2009

On the prayer of the learned counsel for both the parties, call this matter on 10.08.2009 for hearing.

The case is ready for hearing.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

3
15.8.09.

10.08.2009

On the prayer of, learned counsel appearing for the Applicant, call this matter on 16.09.2009 for hearing.

The case is ready for hearing.

(M.K.Chaturvedi)
Member(A)

(M.R.Mohanty)
Vice-Chairman

/lm/

29
15.9.09

16.09.2009

Call this matter on 19.11.2009.

The case is ready for hearing.

(M.K.Chaturvedi)
Member (A)

/lm/

3
3.12.09

19.11.2009

On the written request of Dr J.L.Sarkar, learned counsel for the respondents the case is adjourned to 4.12.09.

The case is ready for hearing.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

29
8.12.2010

04.12.2009

On the request of Mrs U.Dutta, learned counsel for the applicant case is adjourned to 11.1.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

O.A. No. 171 of 2007

11.01.2010

Proxy counsel for Respondents prays for an adjournment and stated that Dr. J.L. Sarkar is unable to attend the court today.

Adjourned to 27.01.2010.

The case is ready for hearing.

25/1/2010

/PB/

27.01.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Applicant's grievance is that initially he was promoted to the post of Head Clerk w.e.f. 01.06.1994, changed to 29.07.1994 has again been changed to 23.08.1994. Despite corrigendum issued on 15.03.1994 (Annexure-VI) whereby the date has again been shifted from 23.08.1994 to 29.07.1994, yet once again, his date of promotion has been treated as 23.08.1994. This was reflected vide communication dated 06.07.1996 (Annexure-XII) which has been reiterated subsequently vide communications dated 09.11.2006 and 17.01.2007, Annexures - XVIII and XX respectively.

The contention raised by Mr.M.Chanda, learned counsel for the Applicant, is that his date of promotion in the grade of Head Clerk ought to have taken as 29.07.1994, as reflected vide aforesaid corrigendum which have not yet been implemented. Said date was again tempered with and substituted with 23.08.1994 without affording any opportunity or issuing any show cause notice to him. If said date of promotion, i.e., 29.07.1994 is given effect to, it will affect his future promotion to next higher grade.

Contd...

SA.171/2007

Contd.
27.01.2010

Dr.J.L.Sarkar, learned Standing counsel for the Railways states that the action of the Respondents as reflected in the reply as well as in the aforesaid communications dated 06.07.1996, 09.11.2006 and 17.01.2007 is not borne out of the record. In other words, the stand taken by the Respondents that Applicant's date of promotion is to be 23.08.1994, as reflected vide aforesaid communication is not justified. Our attention was also drawn to order dated 29.07.1994 (Annexure-IV) to support the contention of the Applicant that there existed 8 vacancies in the Office of the CCM (General) as same number of persons were promoted to the next higher grade vide aforesaid order and therefore, it has a bearing on the Applicant's claim, namely, his promotion ought to have been from 29.07.1994, particularly when 8 vacancies existed on 29.07.1994 in the cadre concerned. We find prima facie justification in the corrigendum in view of the fact that 8 vacancies had existed and the Applicant's promotion has been antedated from 29.08.1994 to 29.07.1994. Respondents should file an affidavit how said vacancies were filled and by whom, including date of the order, details of the officials etc. This shall be done within 10 days.

Copy R on 3/2/2010
Copy of order dated
27/01/2010
[Signature]
3/2/2010

The case is ready
for hearing.

[Signature]
8.2.2010

List on 09.02.2010. Copy of this order be made available to Dr.J.L.Sarkar, learned Standing counsel for the Respondents.

[Signature]
(Madan Kumar Chaturvedi)
Member (A)

[Signature]
(Mukesh Kumar Gupta)
Member (J)

/bb/

O.A. No. 171/2007

9.2.2010

An affidavit has been filed by the Official Respondents in the court copy served.

11/9/2010

09.02.2010

List the matter on 11th March 2010.

(Madan Kumar Chaturvedi)
Member (A)

/PB/

The case is ready for hearing.

11.03.2010

None for the applicant. Affidavit, as directed vide order dated 27th January 2010 has been filed and copy has been served on the applicant's counsel. Since the matter has already been heard in detail and exhaustive order was passed on 27th January 2010, list for further hearing on 29th March 2010.

(Mukesh Kumar Gupta)
Member (J)

The case is ready for hearing.

26.3.2010

/pb/

29.03.2010

Mr.M.Chanda, learned counsel for the applicant prays for adjournment, which is not opposed by Dr.J.L.Sarkar, learned Standing counsel for Railways.

List on 06.04.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

The case is ready for hearing.

5.4.2010

/bb/

06.04.2010

For the reasons recorded separately, this O.A. stands disposed of. No costs.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

Recd. 13/4/10

13/4/10

CA, 171/2007.

28-4-2010.

Judgment/Final order
dated 6/4/2010 prepared
and sent to the Dispatch
Section for issuing the all
the respondents by Post
and send the to advocates
both in counsel.

vide No 1059 to 1062

dated 3-5-2010

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 171 of 2007

DATE OF DECISION: 06.04.2010

• Sri Pankaj Kumar Dutta
.....Applicant/s.
• Mrs.U.Dutta
..... Advocate for the
Applicant/s.

- Versus -

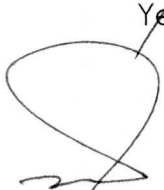
U.O.I. & Ors
.....Respondent/s
Dr.J.L.Sarkar for Respondents 1-3
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)
THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

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

Judgment delivered by


Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 171 of 2007
&
Misc. Application No. 11 of 2010

Date of Decision: This, the 6th day of April, 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Sri Pankaj Kumar Dutta
S/o Late Surendra Kumar Dutta
R/o Rly. Qtr. No.DS/67-A
Rest Camp, Pandu, Guwahati-12
Presently working as Office
Superintendent/Gr.II (OS-II)
Office of the Chief Commercial Manager (General)
North Eastern Police Academy
N.F.Railway, Maligaon
Guwahati-781 011.

...Applicant

By Advocate: Mrs.U.Dutta

-Versus-

1. The Union of India
Represented by General Manager
N.F.Railway, Maligaon
Guwahati-11.
2. Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati-11.
3. Chief Commercial Manager (P)
N.F.Railway, Maligaon
Guwahati-11.
4. Smt. Anurupa Banerjee
Working as OS-I
Office of the Chief Commercial
Manager (Rates)
N.F.Railway, Maligaon
Guwahati-11.
5. Smt. Bani Sarkar

Working as OS-II
Office of the Chief Commissioner
Manager (Rates)
N.F.Railway, Maligaon
Guwahati-11.

6. Smt. Purabi Dey
Working as OS-II
Office of the Chief Claims Officer
N.F.Railway, Maligaon
Guwahati-11.

7. Shri S.Banerjee
Working as OS-II
Office of the Chief Claims Officer
N.F.Railway, Maligaon
Guwahati-11.

8. Shri A. Rahman
Working as OS-II
Office of the Chief Claims Officer
N.F.Railway, Maligaon
Guwahati-11.

9. Shri P.C. Barman
Working as OS-II
Office of the Chief Claims Officer
N.F.Railway, Maligaon
Guwahati-11.

10. Shri Sekhar Sarkar
Working as OS-II
Office of the Chief Commercial
Manager (General)
N.F.Railway, Maligaon
Guwahati-11.

11. Smt. Dipali Biswas
Working as OS-II
Office of the Chief Commercial
Manager (General)
N.F.Railway, Maligaon
Guwahati-11.

.. Respondents

By Advocate : Dr.J.L.Sarkar, Railway Standing counsel for Respondent
Nos.1 -3

ORDER (ORAL)

MUKESH KUMAR GUPTA, MEMBER (J):

The matter was heard at length on 27.01.2010. Vide said order, respondents were directed to clarify certain aspects, which has been done by filing additional affidavit on 09.02.2010.

2. Mrs.U.Dutta, learned counsel for applicant points out that vide paragraph 3 of aforesaid affidavit it has been admitted in specific that there existed 8 vacancies of Head Clerks in the office of CCM/General's Office w.e.f. 29.07.1994 and applicant's promotion was antedated by corrigendum dated 15.03.1995.

3. In the above premise, it is contended that one of the prayer made and relief sought had been to direct the respondents to implement said corrigendum dated 15.03.1995 and to regulate applicant's seniority.

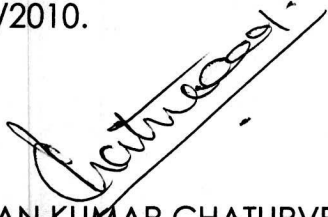
4. We have heard Mrs.U.Dutta, learned counsel for applicant and Dr.J.L.Sarkar, learned counsel for respondent nos.1 to 3 and perused the pleadings.

5. In view of categorical statement made by respondents that there existed 8 vacancies of Head Clerks in the office of CCM/General's Office w.e.f. 29.07.1994 and corrigendum had been issued on 15.03.1995 antedating applicant's promotion, both sides agree that matter can be disposed of as no further grievance survives. Therefore, we dispose of present O.A. with direction to respondents to implement said corrigendum dated 15.03.1995 and regulate applicant's seniority appropriately with all consequential benefits.

6. O.A. is disposed of accordingly. No costs.

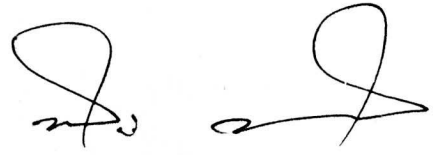
In view of disposal of O.A., no further order is required in M.P.

No.11/2010.

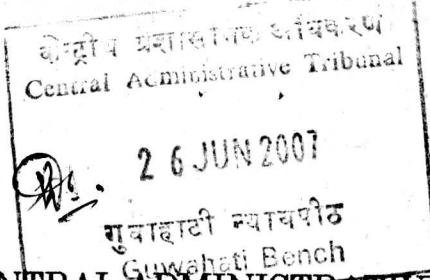


(MADAN KUMAR CHATURVEDI)
MEMBER (A)

/BB/



(MUKESH KUMAR GUPTA)
MEMBER (J)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A.No. 171 / 2007

Shri Pankaj Kumar Dutta

-Versus -

Union of India & Ors.

Synopsis

The applicant was appointed as Senior Clerk w.e.f. 15.4.1985 under Chief Commercial Manager (General). That during 1994 respondents due to administrative error made two (2) excess promotion to Head Clerk against reserved quota for which applicant's promotion was delayed. This error was rectified by giving the applicant promotion as Head Clerk w.e.f. 1.6.1994 (Annexure 1). This date was changed to 23.8.1994. But after thorough consideration date of promotion as head clerk was made w.e.f. 29.7.94 (Annexure V & VI). The seniority list was accordingly corrected. But subsequently this corrigendum was not acted upon and he was not given promotion to the post of Office Superintendent II (OS II) according to the correct date of promotion as head Clerk. Therefore his juniors got promotion as OS II and also as OS I. Provisional seniority list has not taken into consideration the correct date of promotion in the corrigendum. The applicant submitted representation and also application before Grievance Adalat constituted by the respondents (annexure XV). The order of the adalat has not been announced. He submitted representation 20.9.06 which has been rejected by letter dated 9.11.06. Further representation dated 29.12.06 has again been rejected by letter dated 17.1.07 (Annexure XX). The letter 9.11.06 and 17.1.06 are cryptic and unreasoned order. The applicant prays for promotion with reference to the promotion of juniors as O.S II and OS I with payment of arrear pay and allowances and finalization of the seniority list with correct dates.

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A.No. 171 / 2007

Shri Pankaj Kumar Dutta

-Versus -

Union of India & Ors.

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

(An application Under Section 19 of the Administrative Tribunal Act – 1985)

O. A. No.....171...../2007

Shri Pankaj Kumar Dutta.

Aged about 47 years

S/O – Late Surendra Kumar Dutta.

R/O – Rly. Qr. No. DS/67-A,

Rest Camp, Pandu, Guwahati-12

(ASSAM).

Presently working as Office

Superintendent/Gr.II (OS/II) in the Office of

the Chief Commercial Manger (General),

N.F.Railway, Maligaon, Guwahati – 781011.

..... Applicant.

- V E R S U S -

- (I) Union of India
Represented by General Manger
N. F. Railway
Maligaon
Guwahati – 11
- (II) Chief Personnal Officer
N. F. Railway
Maligaon
Guwahati – 11
- (III) Chief Commercial Manager (P)
N. F. Railway
Maligaon
Guwahati – 11

SC for Rly
took note

Contd.....2

Filed by the applicant
through U. Dutta, advocate

Pankaj Kumar Dutta

- ✓
(IV) Smt. Anurupa Banerjee
Working as OS – I
Office of the Chief Commercial
Manager (Rates)
N. F. Railway
Maligaon,
Guwahati – 11
- (V) Smt. Bani Sarkar
Working as OS – II
Office of the Chief Commercial
Manger (Rates)
N.F.Railway
Maligaon
Guwahati – 11
- (VI) Smt. Purabi Dey
Working as OS – II
Office of the Chief Claims Officer
N.F. Railway
Maligaon
Guwahati – 11
- (VII) Shri S. Banerjee
Working as OS – II
Office of the Chief Claims Officer
N.F. Railway
Maligaon
Guwahati – 11
- (VIII) Shri A. Rahman
Working as OS – II
Office of the Chief Claims Officer
N.F. Railway
Maligaon
Guwahati – 11

Pandaji Kumar Dutta.

(IX) Shri P. C. Barman
Working as OS – II
Office of the Chief Claims Officer
N.F. Railway
Maligaon
Guwahati – 11

✓
(X) Shri Sekhar Sarkar
Working as OS – II
Office of the Chief Commercial
Manager (General)
N.F. Railway
Maligaon
Guwahati – 11

✓
(XI) Smt. Dipali Biswas
Working as OS – II
Office of the Chief Commercial
Manger (Rates)
N.F. Railway
Maligaon
Guwahati – 11

Pandey Keman Datta

..... Respondents.

DETAILS OF THE APPLICATION :

(1) PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION IS MADE :

The application is made for promotion of the applicant and payment of pay and allowances (with arrears) and enforcing the correct seniority issued by the respondents by Corrigendum dated 15.03.1995 which is controlling the field and for publishing the corrected seniority list of Head Clerks and OS – II.

(2) JURISDICTION OF THE TRIBUNAL :

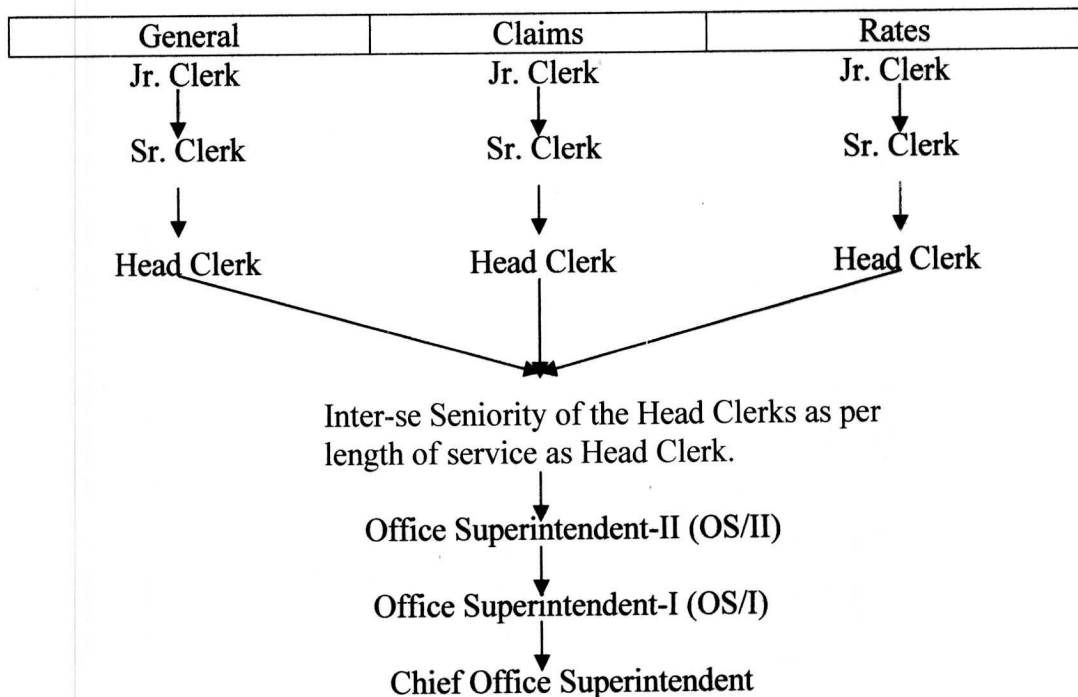
The applicant declare that the subject matter of the present application is within the jurisdiction of the Hon'ble Tribunal.

(3) LIMITATION :

The applicant declare that the present application is well within the period of limitation Under Section 21 of the Administrative Tribunal Act – 1985.

4. **FACTS OF THE CASE :**

- 4.1. That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India.
- 4.2. That the applicant was appointed as Senior Clerk in the Office of the Chief Commercial Manager (General), N.F.Railway, Maligaon w.e.f. 15.04.1985. He belongs to Unreserved Category. He was a direct recruitee to Senior Clerk.
- 4.3. That there are three main branches in the Office of the Chief Commercial Superintendent viz. General, Claims and Rates. These separations are for functional needs of the Commercial Branch of the Railways. The 'General' branch deals with the management and policy affairs of the Commercial Branch. The 'Claims' branch deals with the claims preferred by railway user in the matter of loss, damage etc. in the matter of transshipment of consignments. The 'Rates' branch deals with the matter of fairs, allotment of coaches for goods travel, students concession etc. These functions are outlines only and include other ancillary functions. The Group 'C' category start from Junior Clerk and promotion to Senior Clerk, then Head Clerk, then Office Superintendent-II (OS/II), then Office Superintendent-I and then Chief Office Superintendent. Up to the level of Head Clerks the cadres of the above three branches are separate. Therefore the promotion of Junior Clerks to Senior Clerks and Senior Clerks to Head Clerks in the General Branch shall be confined to the same branch only. Same is the promotion in the other two branches viz. Claims and Rates. For the next promotion i.e. to the post of OS/II, an inter-se seniority list of the Head Clerks of the said three branches shall be prepared and from that inter-se seniority list promotion for OS/II, OS/I and then Chief Office Superintendent would be considered as per rules. The position is explained by the following diagram.



Pankaj Kumar Sharma

In the year 1994 and 1995 the separate cadre strength for Head Clerks of the three cadres (General, Claims and Rates) were as under :

CCM(General)/Maligaon – 16

CCM(Rates)/Maligaon – 16

CCM(Claims)/Maligaon – 71

Total = 103

The promotion of the applicant as Head Clerk was in the cadre of CCM(General) against the 16 post. This had no nexus with the other two cadres up to Head Clerks. There are vacancies for promotion of the applicant in 1994, but due to administrative error the applicant was ignored for promotion and one Shri Biswajit Kar was also ignored. This administrative error was due to operation of wrong roster for reservation.

- 4.4. That as already stated the applicant was Sr. Clerk w.e.f. 15.04.1985. One Shri Biswajit Kar was senior to the applicant and Shri T.C. Das was a Schedule Caste candidate was junior to the applicant, his date of promotion as Senior Clerk was 11.06.1985. It is stated that as a result of cadre review it was found that one SC and one ST candidates were found excess according to the Reservation Roster as Head Clerk . To set right the Administrative error, Shri Biswajit Kar and the applicant were approved for promotion as Head Clerk against available vacancies. The approval for such promotion was accorded on 06.04.1994. Shri Kar was given promotion w.e.f. 13.04.1994 and the applicant was given promotion w.e.f. 01.06.1994. The applicant's promotion was against the resultant vacancy on retirement of Shri G. Das, OS/I w.e.f. 31.05.1994, to set right the administrative error.

- 4.5. That in this connection it is stated that the promotion to the post of Head Clerk is done under procedure which is called non-selection i.e. one candidate shall be considered for one post to examine suitability for promotion. By office order dated 23.08.1994 the applicant was promoted as Head Clerk w.e.f. 01.06.1994. The promotion was of regular nature. This effect of promotion w.e.f. 01.06.1994 was accorded after due consideration and decision by competent officer by authoritative notes.

Copy of the Office Orders dated 23.08.1994
is enclosed as Annexure – I.

Contd.....6.

Panigrahy Kumar Dutta

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- 4.6. That suddenly without any show cause notice to the applicant an office order dated 03.10.1994 was issued by which date of promotion of the applicant as Head Clerk was shown as 23.08.1994 instead of 01.06.1994. In this connection it is stated that under the Railway Rules the promotion should be effective from the date of vacancies or as close to it as possible. When promotion of the applicant was approved on 06.04.1994 there was no reason to deny his promotion w.e.f. 01.06.1994. The applicant need not suffer for inaction, if any, for keeping abeyance the promotions in different cadres. The respondents were highly confused in the matter of promotion and giving effect to the dates of such promotions. After receive of the said order dated 03.10.1994, the applicant as a disciplined employee personally met his controlling officer who passed the promotion order i.e. The Senior Commercial Manager (General), Maligaon who was kind enough to give a patient hearing and express that he has no knowledge about such modification and also confirmed that his earlier decision was correct and that subsequently there were promotion of seven (7) Head Clerks by Office Order dated 23.08.1994. The applicant thereafter submitted a representation dated 16.11.1994 explaining the position where he has specifically mentioned the views expressed by the then SCM(G).

Pandey Heman Datta.

Copies of the office order dated 03.10.1994 and the representation dated 16.11.1994 are enclosed as Annexure - II and III respectively.

- 4.7. That the respondents had issued office order dated 29.07.1994 promoting Head Clerks to OS/II with immediate effect. The SCM(G) was also kind enough to express that this promotion order also confirm his views that vacancies were available for Head Clerk.

Copy of the promotion order OS/II dated 29.07.1994 is enclosed as Annexure - IV.

- 4.8. That by letter dated 15.02.1995 the applicant was informed that his date of promotion as Head Clerk had been antedated from 23.08.1994 to 29.07.1994 stating as from the availability of first vacancy. His seniority as Head Clerk after such antedating was also re-fixed by issue of Corrigendum dated 15.03.1995. As a result of the said Corrigendum, the seniority list of Head Clerks as on 01.02.1995 stood amended and the position of the applicant was upgraded as 71A instead of Serial No. 97. Applicant reconciled with the position though his date of promotion should be w.e.f. 01.06.1994.

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Copies of letters dated 15.02.1995 and Corrigendum dated 15.03.1995 are enclosed as Annexure – V and VI respectively.

Copy of Seniority List of Head Clerk as on 01.02.1995 is enclosed as Annexure – VII.

- 4.9. That the representations by other staff after the antedating of promotion of the applicant as explained above was considered by the respondents and letters dated 07.04.1995 were issued to them stating therein that the applicant's promotion was as Head Clerk in the cadre of CCM(G)/Maligaon office and his date of promotion to the post of Head Clerk was approved on 06.04.1994 against the vacancies of CCM(G)'s office.

Copy of the letter dated 07.04.1995 is enclosed as Annexure – VIII.

- 4.10. That by letter dated 03.07.1995 the applicant was informed that the seniority position of the applicant as Head Clerk after the correction was under review. The applicant thereafter submitted representation explaining that vacancy of Head Clerk arose in his seniority unit due to promotion of Head Clerks to OS Grade-II w.e.f. 29.07.1994 from which date his seniority as Head Clerk was regulated. Although he was shouldering the higher responsibility from much earlier date. He submitted that the length of service in each separate cadre would be relevant for the inter-se seniority. The persons promoted subsequently in other cadres could not claim seniority over him. He also submitted examples of other Departments viz. Stores and Engineering Departments as under :

- (a) In the Stores Department, the post of Head Clerks are controlled in two different units viz. DCOS/Pandu & COS/Maligaon. The promotion to Head Clerk if delayed in the respective unit, the benefit of length of service as Senior Clerk etc. cannot arise. The incumbent promoted as Head Clerk in the respective office would get the seniority from the date of such promotion got effected.
- (b) Similarly in the Engineering Department, the post of Head Clerk are controlled office wise in as much as the Sr.DEN/Maligaon's office and CE/Maligaon's office maintained their own cadre of Head Clerk. But for further advancement inter-se seniority is taken into account where in date of promotion is strictly followed as a criteria for fixing seniority of Head Clerk.

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Pandey-Karna Ditta.

The resultant vacancies of Head Clerk occurred in the Sr. DEN/Maligaon's office due to the promotion of Head Clerk as OS/II was not filled up for last two years but in the CE/Maligaon's office such resultant vacancies were filled up immediately. For the purpose of inter-se seniority the staff belonging to CE/Maligaon's office got benefit over Sr. DEN/Maligaon's office.

Copies of letter dated 03.07.1995 and representation dated 16.04.1996 are enclosed as Annexure-IX and X respectively.

- 4.11. That the provisional seniority list of Head Clerk as on 01.07.1996 was published where the position of the applicant was shown against serial No. 58 although his position should be at 34. This was done ignoring the corrected date of promotion as Head Clerk by Administrative Sanction of Competent Authority and issue of formal Corrigendum. It is stated that the even to day the formal Corrigendum is controlling the field and the same has not yet been cancelled or rescinded. No procedure for such cancellation has ever been taken nor the principle of law has ever been followed to deprive the applicant of the right to seniority and consequent promotion. No sanction of Competent Authority to take away the right of the applicant earned and conferred by the Corrigendum has ever been taken. The respondent have been acting arbitrarily and whimsically. The applicant submitted representation dated 27.08.1996 against the said Seniority List.

Copy of the representation dated 27.08.1996 is enclosed as Annexure – XI.

- 4.12. That by later dated 06.07.1996 which is shown as 06.07.1996 as marked as 28.08.1996, the applicant was informed that his date of promotion as Head Clerk has been taken as w.e.f. 23.08.1994. This letter is the result of an after thought and after the issue of the above Seniority list and the representation of the applicant. It is stated that the comprehensive case of the applicant was never placed before the Competent Authority to alter the correct Administrative decision already taken in the matter granting due seniority to the applicant, nor the administrative decision by competent authority to promote the applicant by setting right the administrative error mentioned above was viewed or altered (i.e. the promotion w.e.f. 01.06.1994).

Copy of the letter dated 28.08.1996 (also showing 06.07.1996) is enclosed as Annexure – XII.

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Pandey Kumar Dutt

- 4.13 That by an order dated 06.12.1996 the result of the selection for promotion as Office Superintendent-II was declared and the applicant's name appeared in the serial No. 24. This is due to the incorrect seniority position of the Seniority List dated 30.07.1996. The position of the applicant shall be against serial No. 15 i.e. after Smt. Asha Ganguli. On the basis of the said incorrect panel position, the applicant was promoted as OS – II w.e.f. 01.03.1997 by an Office Order dated 21.02.1997.

Copies of the panel dated 06.12.1996 and the Office Order dated 21.02.1997 are enclosed as Annexure – XIII and XIV respectively.

- 4.14. That a Grievance Adalat was constituted for settlement of grievances and the applicant formally submitted his case before the said Adalat by application dated 27.06.2002. In a said application, the applicant explained the details of the matter and the Corrigendum of the Competent Authority. He explained the factual position there. The sanction of the Competent Authority was also recorded in PP-21 to PP-26 of GM(P)/Maligaon's Case No. E/283/171/Pt.V (T). He has also enclosed the relevant documents for consideration of the Adalat. The applicant could come to know that the Grievance Adalat could not resolve the matter because no document was available in support of alteration of the Administrative Decision in PP-21 to PP-26 of the GM(P)/Maligaon's file No. mentioned above and the Corrigendum dated 15.03.1995 (Annexure – VI) issued with approval of the Competent Authority. It is stated that this Corrigendum is validly controlling the seniority of the applicant as Head Clerk and he is entitled to consequential service benefit i.e. promotion as OS/II and OS/I etc. In the circumstances, the Grievance Adalat did not decide on the matter and kept it pending. The Grievance Adalat did not give the applicant any detail hearing, did not allow to inspect the records and kept the matter pending for want of records, as the respondent could not produce records for altering the decision of promotion w.e.f. 01.06.1994 and the Corrigendum dated 15.03.1995.

Copies of application before Grievance Adalat are enclosed as Annexure – XV.

- 4.15. That in this connection applicant beg to state the provisional Seniority List of OS/II was circulated on 12.06.2002 in which his position was shown against serial No. 24 instead of serial No. 15 due to ignoring the due date mentioned in the Corrigendum (Annexure-VI). This fact was also placed before the Grievance Adalat by the applicant. But as already explained above, the same was left undecided and pending. Corrigendum continue to control the field.

Contd.....10.

Pandey Kumar Datta.

Copy of the Seniority List dated 12.06.2002
(extracted portion for OS/II) is enclosed as
Annexure – XVI.

- 4.16. That the applicant submitted a comprehensive representation dated 20.09.2006 to the Chief Personal Officer(Administration)/N.F.Railway, Maligaon praying for relief in the matter of his seniority and promotion. The said representation was replied to in a non-speaking and cryptic letter without disclosing anything and no relief was granted. It is stated that the facts were not placed before the Competent Authority and the said letter was signed by an Officer of Senior Scale.

Copies of the representation dated
20.09.2006 and GM(P)/Maligaon's letter
dated 09.11.2006 are enclosed as Annexure
– XVII and XVIII respectively.

- 4.17. That the applicant submitted representation dated 29.12.2006 in reply to letter dated 09.11.2006. The same letter was also rejected by the same Officer by letter dated 17.01.2007 in a cryptic and non-speaking manner. The applicant submitted another representation dated 28.03.2007 to which no reply has been issued.

Copies of the representation dated
29.12.2006, letter dated 17.01.2007 and
representation dated 28.03.2007 are
enclosed as Annexure – XIX, XX and XXI
respectively.

- 4.18. That the provisional Seniority List of OS/I as on 01.04.2007 and provisional Seniority List of OS/II as on 01.04.2007 has been circulated by list dated 05.04.2007. The applicant has received copy on 21.05.2007. The name of the applicant is against Serial No. 8 of the Seniority List of OS/II. The correct position shall be that he shall find place in serial No. 19 i.e. above Smt. Anurupa Banerjee of the Seniority List of OS/I. It is stated that the promotion of OS/I is on the basis of Seniority-cum- Suitability. As the applicant has no stigma or blemish in the service carrier and his service has always been efficient and his efficiency acknowledged by the Railways with formal reward. The applicant has submitted a representation against the Seniority List of OS/I and OS/II on 20.06.2007.

Pandey Kumar

4.19. That the promotional date applicant as Head Clerk should be 01.06.1994. But as already stated the applicant has reconciled with the date 29.07.1994. Because the employee viz. Smt. Asha Ganguli would be junior to the applicant on the basis of the date 01.06.1994, as she is retired from service.

4.20. That after due promotion as OS/I, the applicant shall be entitled to fixation of the pay as OS/I in relation to the respondent No. 4.

4.21. That the applicant is suffering financial loss and facing hardship every month for the inaction of the respondent which is causing hardship for the family expenses and education of children.

5. **GROUND WITH LEGAL PROVISION :**

5.1. For that the applicant is entitled to relief as a result of administrative decision taken by competent authority.

5.2. For that neither the decision to promote w.e.f. 01.06.1994 nor the Corrigendum dated 15.03.1995 has been altered by the competent authority and in any event of the matter the applicant was never given any scope to explain his case/ hearing under the principles of natural justice.

5.3. For that the promotion w.e.f. 01.06.1994 has given to rectify administrative error by which earlier promotion of the applicant as Head Clerk was not given due to wrong operation of Reservation Roster.

5.4. For that the respondents have not dealt the case connecting all records and office notes.

5.5. For that the action of the respondent is the result of non-application of mind.

5.6. For that the order dated 09.11.2006 and 17.01.2007 are cryptic and non-speaking and without disclosing any reason.

5.7. For that applicant's rights under Article – 14 and 16 of the Constitution of India have been violated.

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Pankaj Kumar Dutta

6. **DETAILS OF THE REMEDIES EXHAUSTED :**

There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievances.

7. **MATTERS NOT PREVIOUSLY PENDING BEFORE ANY OTHER COURT :**

The applicant declare that he has not file any original application/petition before any Tribunal/Court.

8. **RELIEF (S) SOUGHT FOR :**

The applicant prays for the following reliefs :

- 8.1. The letters dated 09.11.2006 (Annexure- XVIII) and 17.01.2007 (Annexure-XX) be set aside and quashed.
- 8.2. The seniority of the applicant should be fixed correctly with reference to the Corrigendum dated 15.03.1995 (Annexure - VI) issued by the respondents.
- 8.3. The applicant be promoted as OS/I w.e.f. the date of promotion of respondent No.4 with consequential financial benefits.
- 8.4. The promotion of the applicant as OS/II shall be antedated w.e.f. the date of his junior (Respondent No. 4) with consequential financial benefits.
- 8.5. The seniority list of Head Clerks, OS/II and OS/I should be finalized on the basis of the correct date of promotion as Head Clerk in the Corrigendum or ⁱⁿ any event on the basis of the Corrigendum.

The above reliefs are sought for on the basis of the ground stated in Para 5 above.

9. **INTERIM RELIEF (S) SOUGHT FOR :**

In the facts of the case the applicant does not pray for any interim relief now and prays for an early hearing.

10. This application has been filed through an Advocate.

11. **PARTICULARS OF THE IPO**

- (I) IPO No. ...34.51.65.4.331...
- (II) Date of issue ...18/6/07.....
- (III) Issued from ...Ghy.....
- (IV) Payable at ...G.P.O. Ghy.....

12. Enclosures as stated in the Index.

Pandey Rama-Dutta

VERIFICATION

I, Pankaj Kumar Dutta, Son of Late Surendra Kumar Dutta aged about 47 years, working in the office of the Chief Commercial Manager (General) N.F.Railway, Maligaon, Guwahati, District Kamrup being duly authorized and competent to sign this verification, do hereby solemnly affirm and verify that the statements made in Para 1, 4, 6 to 12 are true to my knowledge, belief and information and those made in Para 2, 3 and 5 are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 24th day of June 2007 at Guwahati.

Pankaj Kumar Dutta.

Office of the
General Manager(P)
Maligaon: Gauhati-11.

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OFFICE ORDER.

The following senior Clerks in scale Rs.1200-2040/- attached to CCM/G/MLG who have been found suitable for promotion to the post of Head Clerk in scale Rs.1400-2300/-(RPS) are hereby temporarily promoted to officiate as Head Clerk in same station with immediate effect/against the existing vacancy.

<u>SN.</u>	<u>Name.</u>	<u>Community.</u>	
1.	Sri P.K.Dutta. ✓	UR	/except Shri PK Dutta who will also get the benefit of promotion wef 1-6-94.
2.	" D.R.Boro.	ST	
3.	" Chandan Das.	UR	
4.	" P.Parial.	UR	
5.	" K.Rajbangshi.	UR	
6.	" B.N.Das.	UR	
7.	" P.C.Sarmah.	UR	
8.	" N.C.Kalita.	UR	

All the staff mentioned above are entitled to opt for fixation of their pay from the date of next increment in their substantive grade within one month from the date of issue of this orders.

Option received beyond the target date shall not be entertained.

This has the approval of competent authority.

for General Manager(P):MLG.

Ng.E/283/171/Pt.V(T).

Maligaon, dated 23-8-94.

Copy forwarded for information and necessary action to :-

1. RA & CAO/MLG. (2) Dy.CCM/G/MLG. (3) SCM/G/MLG.
4. ET-Bill in duplicate. (5) OS/Commml./MLG.
6. Staff concerned through OS/Commml./MLG.

ad/-16.8.94

for General Manager(P):MLG.

NORTHEAST FRONTIER MILITARY.OFFICE ORDER.

In partial modification of this office order of even number dt. 23-8-94 Shri A. K. Dutta, Ex. Sr. Clerk under COM/8/MIS who was shown promoted to the post of Hd. Clerk w.e.f. 1-6-94 is now shown to be promoted w.e.f. 23-8-94 due to the reason that as OS Gr.II and Hd. Clerk was promoted vice vacancy of OS Gr.II w.e.f. 1-6-94 and accordingly no vacancy of Hd. Clerk was available on 1-6-94 under COM/8/MIS.

for GENERAL MANAGER (FIN).

M. H. Gnan, dated, 3-10-94.

NO. 2/257/11/11.7(2).

Copy to :- 1) F&C/MIS.

2) M.COM/8/MIS.

3) COM/8/MIS.

4) M/111 In duplicate.

5) OS/Comd./MIS.

6) Staff concerned through OS/Comd./MIS.

for GENERAL MANAGER (FIN).

3/10-94.

Attended
M. H. Gnan
date

Received
on 5/10/94.

modified order

23/8/94

AD

To
The Chief Commercial Manager -16-
N.F. Railway, Maligaon
Guwahati- 11.

Annexure - III

(Through Proper channel)

Sir,

Sub :- Prayer for promotional effect in the post
of Head Clerk from 1.6.94.

With due respect I would like to bring to your
kind notice the following facts for kind consideration and
orders please.

That Sir, I have been given promotion of Head Clerk
w.e.f. 1.6.94 as per GM(P)'s office order No. E/293/171/Pt.V(T)
dated 23.8.94 (copy enclosed) This is, as I learnt has been
finalised alongwith other Two staff of my office i.e. CCM(G)'s
office while processing for order of promotion during the Month
of April/94.

Sir, It is unfortunate that vide another office order
No. E/293/171/Pt.V(T) dated. 3/4.10.94 GM(P) intimated that the
earlier order of my promotion has been modified and accordingly
my promotion in the post of Head Clerk will be effective from
23.8.94 on the ground that ~~the~~ no OS/Gr.II and Head Clerk was
promoted vice vacancy of OS/Gr.I & OS/Gr.II and no vacancy of
Head Clerk was available on 1.6.94 under CCM(G)/MLG (copy enclosed)

Sir, I would like to bring to your notice that there
were 8 vacancy of Head Clerk available w.e.f. 29.7.94 arising
out of OS/Gr.II's selection order No. E/259/87/Pt.V(T) dated.
29.7.94 against long pending vacancy of OS/Gr.II (copy enclosed).

On getting my modified order I personally met with
my controlling officer i.e. SCM(G) who has passed our promotion
order and revealed that he has no knowledge about this modifi-
cation.

Moreover he confirmed me his earlier stand while
passing out of promotion order of another 7 Head Clerks .

Sir, I therefore, finding no other way, pray before your
honour to kindly examine the above fact and consider for antida-
ting of my promotional effect from 1.6.94 so that I am not
deprived of my seniority and pay benefits.

With regards,

Encls:- 3 (Three)
12-11-94
Copy to :- GM(P)/Welfare.

Yours faithfully,
Pankaj Kumar Gupta.

11/6/94

Musto
Mulla
Adv

NORTHEAST FRONTIER RAILWAY.

OFFICE ORDER.

The following Head Clerks in scale Rs.1400-2300/-(RPS) of Commercial Deptt. who have been found suitable for promotion to the post of Office Supdt(II) in scale Rs.1600-2660/-(RPS) vide this Office Memorandum of even number dated 25.7.94 are hereby temporarily appointed to officiate as OS(II) in scale Rs.1600-2660/-(RPS) and posted as under with immediate effect. Before implementing promotion order it should be ensured by their immediate Controlling Officer(s) that the staff concerned are free from DAR/SPE/Viz. case and have completed 2(two) year service in the immediate lower grade as per extant rules.

Sl. No.	Names	Comm. - nity	Working under	Posted under.
1.	Sri S.M.Mahanta	UR	CCM/Claims/MLG	CCM/Claims/MLG.
2.	" S.K. Paul	UR	-do-	-do-
3.	" A.Ghosh	UR	CCM/Rates/MLG	-do-
4.	" H.D.Phukan	UR	-do-	CCM/Rates/MLG.
5.	" S.K.Dutta	UR	-do-	CCM/Claims/MLG.
6.	" A.C.Naug	UR	-do-	CCM/Rates/MLG.
7.	" S.Ali	UR	-do-	-do-
8.	" M.C.Bora	UR	-do-	CCM/Claims/MLG.
9.	" T.C.Dutta	UR	-do-	CCM/Gen/MLG.
10.	" G.P.Nag	UR	-do-	CCM/Claims/MLG.
11.	" P.C.Sarma	UR	CCM/Genl/MLG	CCM/Claims/MLG.
12.	" Lal Chand Ram	SC	CCM/Rates/MLG	-do-
13.	" Rajeswar Das	SC	CCM/Claims/MLG	-do-
14.	Smt.Manika Konwar	ST	-do-	-do-
15.	Shri S.P.Barua	SC	-do-	-do-
16.	" A.K.Seal	UR	-do-	-do-
17.	" R.M.Roy	UR	-do-	-do-
18.	" B.B.Das	UR	-do-	-do-
19.	Smt.P.Ramchiary	ST.	CCM/Genl/MLG	CCM/Genl/MLG.
20.	Shri K.S.Chakraborty	UR	CCM/Rates/MLG	CCM/Rates/MLG.
21.	" M.C.Borah	UR	CCM/Claims/MLG	CCM/Claims/MLG.
22.	" J.L.Kshetry	UR	CCM/Genl/MLG	CCM/Genl/MLG.
23.	" S.R.Dey.	UR	-do-	-do-
24.	" T.C.Talukder	UR	CCM/Claims/MLG	CCM/Claims/MLG.
25.	Smt.S.Choudhury,	ST	-do-	CCM/Genl/MLG.
26.	" Chinu Bose	ST	CCM/Genl/MLG	-do-
27.	" A.Basumatary	ST.	CCM/Genl/MLG	-do-
28.	" Manju Das	SC	-do-	-do-
29.	Shri P.R.Rakshit	UR	CCM/Claims/MLG	CCM/Claims/MLG.
30.	" M.C.Dutta	UR	-do-	-do-
31.	Smt.Nilima Das	ST.	-do-	-do-
32.	Sri B.R.Deka	UR	-do-	-do-
33.	Sri Sadhan Ch.Das	UR	CCM/Genl/MLG	-do-
34.	" S.Sengupta.	UR	CCM/Claims/MLG	-do-

Contd....2

- 2 -

55
The above mentioned staff concerned may exercise their option for fixation of their pay from the date of next annual increment in their substantive grade within one month from the date of issue of this Office Order. Options received beyond that date shall not be entertained.

This issues with the approval of Competent Authority.

(Sd/- Mandy)
AF (C)
for GENERAL MANAGER(P).

No.E/259/87/Pt.V (T) Dated the 29th. July, 1994.

Copy forwarded for information and necessary action to :

1. FA & CAO/MLG (2). CCM(Genl)/MLG. 3). Dy.CCM(Claims)/MLG.
4. Dy.CCM(R&M)/MLG. 5). Mrs.D.Roy, HC/ET. 6). Mrs.C.Banerjee, HC/ET
7. Mr.B.Kumar, HC/ET 8). ET Bill in duplicate. 9). Staff concerned through respective Controlling Officer.
10. Spare copies for Personal Case of each of the staff concerned.

(Sd/- Mandy)
for GENERAL MANAGER(P),
MALIGAON.

29/7 B 29/7
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NORTHEAST FRONTIER RAILWAY

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

No: E/233/17/1/Pt.V(T)

dated: 15/2-1995.

To,

✓ Sri Ranaj Kumar Batta
Head Clerk,
Under COM/C/MLG.

Through OM/ST/MLG

Sub: Antidating of promotion to the post
of Head Clerk under COM/C/MLG.

Ref: Your application dt. 13.11.94.

....

Your date of promotion to the post of Head Clerk in the
scale Rs. 1400-2300/- has been antedated from 23.8.94 to
29.7.94 i.e. the date of availability of first vacancy of
Head Clerk under COM/C/MLG.

You are allowed to submit your option within one
month from the date of next increment in the substantive
grade for fixing up your pay/the post of Head Clerk /to
in scale Rs. 1400-2300/- (Rs.).

for General Manager(P)/MLG.

Copy forwarded for information and necessary action to:-

1. FA & CAO/MLG

2. COM/C/MLG.

12/11 RT/BILL (In duplicate)

4. Mrs. Masanari for endorsement in the S/ sheet.

Attested
Date
Adv

for General Manager(P)/MLG.
G.F. RAILWAY/MALIGAON.

NORTHEAST FRONTIER RAILWAY.CORRIGENDUM.

Due to antidating of promotion to the post of Hd. Clerk in scale Rs. 1400-2300/- from 23.8.94 to 29.7.94 vide GM(P)/MLG's letter No.E/283/17/1/Pt.V(T) dated 15/17.2.95, the seniority position of Shri Pankaj Kumar Dutta Hd. Clerk under CCM(G)/MLG has been fixed at SL No.71/A below Smt. Asha Ganguly SL No. 71 and above Shri S.K. Choudhury SL No.72 in the interse provisional seniority list of Hd. Clerk in scale Rs.1400-2300/- (RPS) as on 1.2.95 of HQs unit of Commercial department published vide GM(P)/MLG's endorsement No.E/255/87(T) dated 10.2.95.

This issues with approval of competent authority.

[Signature] 15/3/95
for GENERAL MANAGER (P).

No.E/255/87(T).

Maligaon, dt. 15-3-1995.

Copy forwarded for information and necessary action to :-

1. GM(Con)/MLG . (2) GM(MTP) Calcutta (3) Dy. CCM(Claims) (General) & R&M/MLG.
4. THE GS/NFREU & NFRMU/RNO with 10 spare copies each.
5. Shri P.K.Dutta, Hd. Clerk through SCM(G)/MLG. This disposes his representation dated 14.3.95 addressed to the GM(P)/MLG.
6. Staff concerned (mentioned at SL No.72 to 96) through their controlling Officer. They are at liberty to prefer representation if any, within 10 days from the date of issue of this corrigendum through their respective Controlling Officer. Representation recieved beyond 10 days will not be entertained.

[Signature] 15/3/95
for GENERAL MANAGER (P).

*Attested
Hdt
Hnt*
Hnt/15.3.95.

accept

Sanctioned Strength.

(1) CCM (Claims) MLG = 71
 (2) CCM (Genl.) MLG = 16
 (3) CCM (Rates.) MLG = 16
 = 103

N. T. Railway.

Interse provisional seniority list of Head Clerk in
 scale Rs. 1400-2300/- (RPS) as on 01.02.95 of Hd. Qrs.
 Unit of Commercial Department.

SN	N a m e	Commu- nity.	Desig- nation	Working under.	Date of birth.	Date of apptt.	Date of promotion as Sr.Cl.	Date of promotion as Hd.Cl.	Remarks.
1	2	3	4	5	6	7	8	9	10
1.	Sri D.N.Das.	UR	Hd.Cl.	CCM (Rates.)	1.5.41	23.8.62	2.6.75	1.1.84	
2.	" Anirudha Das.	SC	-do-	CCM (Claims)	1.2.41	16.8.62	1.10.80	1.1.84	
3.	Smt. Ave Mandal.	SC	-do-	-do-	3.4.54	28.11.74	1.10.80	1.1.84	
4.	" H. Daswary.	ST	-do-	-do-	1.1.56	19.7.77	10.3.82	1.1.84	
5.	Sri M.R. Mall.	SC	-do-	-do-	30.11.38	4.10.63	12.5.82	7.1.86	
						as Resn 5.1.73 as Clerk.			
6.	Smt. D. Hazarika.	SC	-do-	-do-	1.5.50	6.5.78	10.5.82	15.12.86	
7.	" Swapna Das.	UR	-do-	CCM (Genl.)	1.3.47	11.2.66	10.10.80	22.4.88	
8.	Sri M.K. Gupta.	UR	-do-	-do-	1.3.38	22.10.62	1.10.80	25.5.88	
9.	" K.K. Das.	SC	-do-	-do-	16.2.45	26.3.66	1.10.80	25.5.88	
10.	Smt. B.K. Rabha.	ST	-do-	CCM (Claims)	1.1.53	20.8.77	10.5.82	6.7.88	
11.	Sri D.K. Sinha.	UR	-do-	CCM (Rates.)	19.1.38	11.9.56	1.10.80	13.3.89	
12.	Smt. Malina Das.	SC	-do-	CCM (Clms.)	20.7.55	6.5.78	1.8.83	22.5.89	
13.	Sri P.C. Das.	SC	-do-	CCM (Genl.)	30.6.40	11.9.63	27.2.82	1.9.89	

(Contd....2/-)

Shrestha
Aditya
Aditya

LB

47

: 2 :

1 2 3 4 5 6 7 8 9 10

14.	Sgt A. Chatterjee.	UR	14.01.	COM	11.11.58	13.9.58	30.3.80	1.2.90	
15.	"	UR	-dg-	-dg-	13.3.58	1.10.80	1.2.90		
16.	"	UR	-dg-	-dg-	7.6.39	13.9.58	1.10.80	1.2.90	
17.	Sgt. Maya Roy.	SC	-dg-	-dg-	24.2.47	29.11.75	1.3.84	1.2.90	
18.	"	SP	-dg-	-dg-	7.7.53	12.9.77	9.9.87	1.2.90	
19.	Sgt M. C. Manjhi	SC	-dg-	-dg-	20.1.44	4.12.68	24.4.82	10.4.90	
20.	"	UR	-dg-	-dg-	15.7.38	6.10.58	1.10.80	18.6.90	
21.	"	UR	-dg-	-dg-	7.2.37	8.10.58	1.10.80	18.6.90	Now GM (COM) HLG
22.	"	UR	-dg-	-dg-	1.10.37	14.10.55	1.10.80	18.6.90	
23.	Smt. Anna Des.	SC	-dg-	-dg-	7.7.53	1.7.80	7.1.86	18.6.90	
24.	"	UR	-dg-	-dg-	15.12.38	8.2.59	1.10.80	1.7.90	
25.	S. Sita Ram.	SC	-dg-	-dg-	14.7.37	23.12.58	3.11.88	26.12.90	
26.	Smt. Doshi Erava Lalita.	UR	-dg-	-dg-	26.8.57	20.4.77	26.4.82	27.2.91	
27.	Sgt A.K. Deb.	UR	-dg-	-dg-	1.12.50	18.7.77	26.4.82	27.2.91	
28.	"	SC	-dg-	-dg-	1.10.62	19.3.85	3.11.88	25.4.91	
29.	"	UR	-dg-	-dg-	30.1.40	28.3.64	1.10.80	1.11.91	
30.	"	SC	-dg-	-dg-	9.3.54	24.4.85	24.4.85	27.2.92	
31.	"	SP	-dg-	-dg-	13.7.54	27.5.78	22.5.89	5.5.92	
32.	"	SC	-dg-	-dg-	23.11.63	11.6.85	11.6.85	18.6.92	
33.	"	UR	-dg-	-dg-	1.11.41	1.5.62	1.10.80	11.11.92	

(Contd....3/-)

: 3 :

1	2	3	4	5	6	7	8	9	10
34.	Sri A.K.Dutta.	UR	Hd.Clerk CCM/Cls.	1.5.43	12.5.62	1.10.80	11.11.92		
35.	Smt.Minati Dutta.	UR	-do-	-do-	11.6.41	7.7.62	1.10.80	11.11.92	
36.	Sri R.D.Sarma.	UR	-do-	-do-	30.11.42	18.7.62	1.10.80	23.11.92	
37.	" R.Chamugah.	UR	-do-	-do-	31.3.42	23.7.62	1.10.80	23.11.92	
38.	" H.C.Das.	UR	-do-	-do-	18.2.44	22.2.63	10.3.82	23.11.92	
39.	" S.Purkeyastha.	UR	-do-	-do-	1.11.43	22.2.63	10.3.82	23.11.92	
40.	" Sudhamay Dey.	UR	-do-	-do-	1.2.41	16.3.63	10.3.82	23.11.92	
41.	" G.P.Dutta.	UR	-do-	-do-	1.12.39	22.3.63	10.3.82	23.11.92	
42.	B. S.G.Chowdhury.	UR	-do-	-do-	11.2.44	21.3.63	10.3.82	23.11.92	Now GM(MTP) Cal.
43.	Smt.Kum Kum Sengupta.	-do-	-do-	-do-	18.7.44	22.3.63	10.3.82	23.11.92	
44.	Sri D.K.Sengupta.	UR	-do-	-do-	1.8.40	16.3.63	10.3.82	1.12.92	
45.	Smt.Brati Das.	UR	-do-	CCM(Rates)	26.9.43	16.8.65	1.10.80	3.12.92	
46.	" Arati Das.	SO	-do-	-do-	16.3.41	10.12.65	1.10.80	3.12.92	
47.	" Leena Talukder.	SO	-do-	-do-	1.3.39	28.5.82	11.12.85	1.1.93	
48.	Sri N.Baruah.	UR	-do-	CCM/Cls.	1.8.43	20.3.63	10.3.82	1.3.93	Now RCT/ GHY.
49.	" R.C.Baruah.	UR	-do-	-do-	1.1.40	20.3.63	10.3.82	1.3.93	
50.	Smt.B.B.Talukder.	UR	-do-	-do-	1.1.44	20.3.63	10.3.82	1.3.93	
51.	Sri Kamala Kanta Das.	UR	-do-	-do-	1.1.40	4.4.63	10.3.82	16.11.93	
52.	" H.K.Das.	UR	-do-	-do-	1.3.42	5.8.63	10.3.82	16.11.93	
53.	" B.K.Roy Chowdhury.	UR	-do-	-do-	1.8.43	26.8.63	10.3.82	16.11.93	
54.	" T.Chakraborty.	UR	-do-	-do-	2.1.38	2.12.63	10.3.82	16.11.93	
55.	" F.C.Dey.	UR	-do-	-do-	1.6.37	2.12.63	10.3.82	16.11.93	
56.	" P.K.Choudhury.	UR	-do-	-do-	31.12.40	12.7.64	10.5.82	16.11.93	

(Contd.....4/-)

: 4 :

1	2	3	4	5	6	7	8	9	10
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57.	Smt. D. B. Chatterjee.	UR	HD: Clerk CCM (Clms)	16.9.45	22.10.64	10.5.82	16.11.93		
58.	" Dyal Roy,	UR		-d3-	1.3.45	20.2.65	10.5.82	13.12.93	
59.	" R. C. Saha	UR		-d3-	1.2.44	17.8.65	10.5.82	13.12.93	
60.	" M. Puri Kayshta.	UR		-d3-	25.5.46	2.11.65	10.5.82	12.1.94	
61.	Sri S. K. Roy.	UR		-d3-	1.5.43	28.11.62	10.5.82	12.1.94	
62.	Smt. Rajni Choudhury.	UR		-d3-	1.1.44	19.1.66	10.5.82	1.2.94	
63.	Sri Sudhir Mitra.	UR		-d3-	1.10.40	28.10.64	1.8.63	1.2.94	
64.	" B. Haloi.	UR		-d3-	1.4.40	6.5.59	1.8.83	1.2.94	
65.	" B. Kar.	UR			CCM (Genl)	27.1.57	8.8.77	7.7.82	18.4.94
66.	Smt. M. Paul.	UR			CCM (Clms)	14.6.65	5.12.66	1.8.83	1.5.94
67.	Sri S. K. Dey.	UR		-d3-	1.2.44	10.8.63	1.8.83	1.5.94	
68.	" N. D. Mitra.	UR		-d3-	15.1.38	9.8.65	4.12.83	1.6.94	
69.	MA. E. Selkh.	UR		-d3-	14.3.52	27.7.70	9.12.83	1.6.94	
70.	Smt. Kallik Das.	UR		-d3-	19.1.51	25.9.71	1.5.84	1.7.94	
71.	" Asha Choudhury.	UR		-d3-	24.10.41	7.11.63	1.3.84	1.7.94	
72.	Sri S. K. Choudhury.	UR		-d3-	CCM (Rates)	21.11.39	22.5.58	24.4.82	19.8.94
73.	" S. K. Roy Choudhury.	UR		-d3-	1.9.39	9.3.59	24.4.82	19.8.94	
74.	Smt. Anurupa Banerjee.	UR		-d3-	29.8.47	20.9.66	24.4.82	19.8.94	
75.	Sri N. M. Choudhury.	UR		-d3-	1.5.40	25.10.61	24.4.82	19.8.94	
76.	Smt. Bani Sarkar.	UR		-d3-	12.7.52	18.2.72	24.4.82	19.8.94	
77.	Sri Jayananda Sarma.	UR		-d3-	1.1.50	20.6.72	12.7.82	19.8.94	
78.	" Ashish M. Das.	UR		-d3-	16.5.48	28.7.76	12.7.82	19.8.94	

(Contd...5/-)

: 5 :

1	2	3	4	5	6	7	8	9	10
79.	Smt. Purabi Dey.	UR	Hd. Clerk	CCM(Claims)	4.7.47	3.4.67	27.6.84	19.8.94	
80.	Sri S. Banerjee.	UR	-d ^o -	-d ^o -	11.12.57	17.7.82	22.2.85	19.8.94	
81.	" K. Barman.	UR	-d ^o -	-d ^o -	1.6.54	17.12.80	22.2.85	19.8.94	
82.	" Md. A. Rahman.	UR	-d ^o -	-d ^o -	1.1.61	22.7.82	22.2.85	19.8.94	
83.	" P. C. Barman.	UR	-d ^o -	-d ^o -	1.5.55	27.12.80	22.2.85	19.8.94	
84.	" M. C. Baishya.	UR	-d ^o -	-d ^o -	19.3.54	27.12.80	22.2.85	19.8.94	
85.	" Sekhar Sarkar.	UR	-d ^o -	-d ^o -	21.9.58	26.7.77	22.2.85	19.8.94	
86.	" Tapan Basak.	UR	-d ^o -	-d ^o -	1.9.54	12.12.80	22.2.85	19.8.94	
87.	" H. K. Kumar.	UR	-d ^o -	-d ^o -	10.9.61	4.3.85	4.3.85	19.8.94	
88.	Smt. Manju Das Choudhury,	UR	-d ^o -	-d ^o -	15.1.60	23.3.85	23.3.85	19.8.94	
89.	Sri R. J. Yadav.	UR	-d ^o -	-d ^o -	2.4.37	15.7.57 (Pe ⁿ)	7.1.86	19.8.94	
90.	" S. P. Bhattacharjee,	UR	-d ^o -	-d ^o -	11.2.41	10.10.63 (Pe ⁿ)	7.1.86	19.8.94	
91.	Smt. A. Dutta.	UR	-d ^o -	-d ^o -	10.2.54	24.1.73	8.8.86	19.8.94	
92.	" Minu (Swargiary) Das	ST	-d ^o -	CCM(Rates)	30.4.59	26.6.82	30.10.86	19.8.94	
93.	" Hiranya Brahma.	ST	-d ^o -	-d ^o -	15.1.54	2.7.82	12.4.89	19.8.94	
94.	" Dipali Biswas.	UR	-d ^o -	-d ^o -	18.3.61	12.7.82	26.5.89	19.8.94	
95.	" R. Khaklary.	ST	-d ^o -	CCM(Claims)	1.6.63	10.8.89	10.8.89	19.8.94	
96.	Sri P. Majumder.	SC	-d ^o -	-d ^o -	1.10.62	13.2.37	11.4.90	19.8.94	
97.	" P. K. Dutta.	UR	-d ^o -	CCM(Genl.)	25.9.59	15.4.85	15.4.85	23.8.94	
98.	" D. R. Boroo.	ST	-d ^o -	-d ^o -	1.7.40	20.3.59	30.9.85	23.8.94	
99.	" Chandan Das.	UR	-d ^o -	-d ^o -	11.10.59	17.3.69	18.8.86	23.8.94	
100.	" P. Parial.	UR	-d ^o -	-d ^o -	22.11.44	26.8.65	21.1.87	23.8.94	
101.	" R. Rajbangshi.	UR	-d ^o -	-d ^o -	1.4.53	10.8.79	21.1.87	23.8.94	
102.	" B. N. Das.	UR	-d ^o -	-d ^o -	1.4.52	19.12.80	21.1.87	23.8.94	

Continued....6/-)

: 6 :

1	2	3	4	5	6	7	8	9	10
103.	Sri P.C.Sarma.	UR	Hd: Clerk	CCM(Genl.)	1.9.63	4.5.88	4.5.88	23.8.94	
104.	N. C. Kalita.	UR	-d ^o -	-d ^o -	31.12.38	20.3.59 12.11.79 as Clerk	31.8.88	23.8.94	
105.	Smt. A. Bhawal.	UR	-d ^o -	CCM(Claims)	30.6.52	25.9.73	15.12.86	16.12.94	
106.	Smt. R. K. Roy.	UR	-d ^o -	-d ^o -	29.10.54	23-9.74	9.9.87	16.12.94	
107.	Smt. S. Desgupta.	UR	-d ^o -	-d ^o -	26.11.52	19.10.74	9.9.87	16.12.94	

for General Manager(P):MLG.

Maligaon, dated 10 -2-1995.

No.E/255/87 (T).

Copy forwarded for information and necessary action to:-

1. GM(Gen)MLG. (2) GM(MF)Cal. (3) Dy.CCM(Claims),(Gen), (R&M)MLG.

4. The CS/NERU and NERU/PNO with 10 spare copies.

Staff concerned through their respective Controlling Officer.
They are at liberty to prefer representation, if any, within one month from the date of
issue of this seniority list through their respective Controlling Officer. Representation
received beyond the aforesaid target date shall not be entertained.

for General Manager(P):MLG.

ad/-0.2.95

checked
10/2/95

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51

H. F. ALBAY.

Office of the
GENERAL MANAGER (F)
Maligaon: Guwahati-11
Dated 07-04-1995.

No. E/255/87 (A).

To,
Shri/Smt. _____
Head Clerk or
CCM(Claims)/Rate/Maligaon.

(Through - CCM(Claims/Rates)/MLG).

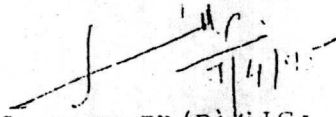
Sub:- Antidating promotion of Shri
Pankaj Kr. Dutta, Hd. Clerk,
CCM(G)'s Office vis-a-vis
alteration of seniority list
dated 10-02-95.

Ref:- Your representation dt. 23-3-95.
.....

Your case has been examined in detail by the competent authority and it is seen that the unit of seniority of the staff upto Hd. Clerk in scale B. 1400-2300/- in the wings of CCM/Genl., CCO & CCM/Rates is not same. Shri P. Dutta who was promoted to the post of Head Clerk belongs to the cadre of CCM(G)/MLG's Office and his date of promotion to the post of Hd. Clerk was approved on 6-4-94 against the vacancy of CCM(G)'s Office.

Since you are working in the different seniority unit, your request for antidating the date of promotion with reference to Shri P. K. Dutta of CCM(G)'s Office is not tenable as per extant rule.

Your representation mentioned above stand disposed.


For GENERAL MANAGER (F)/MLG:

*Attested
Dutta
Adv*

FB7495.

N.F.Railway

Office of the
General Manager (P)
Guwahati-781011

No.E/255/87(T)

Maligaon, dated 3-7-95

To : Shri P.K.Dutta,
Head Clerk under
CCM(G)/Maligaon
Through SCM(G)/MLG.

Sub:- Selection for the post of Office
Supdt/II in scale Rs.1600-2660/-(RPS)
Commercial Department of HQrs.Unit.

Ref:- 1. This office letter No.E/254/
87/Pt.VI(T) dated 15-3-95.
2. This office Corrigendum No.
E/255/87(T) dated 15-3-95.

-0000-

Please note that your seniority position as fixed
vide this office Corrigendum under reference is provisional
and subject to review. The date of effect as Head Clerk in
scale Rs.1400-2300/- with effect from 29-7-94 is under further
examination.

Your empanelment to the post of OS/II in case you
qualify, is subject to outcome of above examination. This
has the approval of CCM/Maligaon.

CC.3/7.

for GENERAL MANAGER (P)

OS/I
Pl inform Sri Dutta accordingly.
Attested
M. Dutta
Adv

577

-0000-

To,

Chief Commercial Manager(P)
H.F. Railway/Maligaon.
Guwahati-11

(Through proper channel)

Sir,

Sub: Proposed revised seniority of Head Clerk.

Ref: Your letter No.E/255/87(T) dtd.3.8.95.

In reference to your letter No.E/255/87(T) dtd.3.8.95 I am yet anxiously waiting to get your final orders, so that I may not be deprived of any legitimate claim for appearing and getting selected in the ensuing selection of OS/OR(II) according to my seniority position.

Incidentally I may be permitted to mention that due to the retirement of Shri Gufar Ali, Head Clerk w.e.f 31.3.94, seniormost senior clerk of my seniority unit Shri Biswajit Kar has been promoted against that post.

Similarly another vacancy arose in my seniority unit in the post of Head Clerk due to promotion of Head clerks to OS/OR.II w.e.f 29.7.94.

My promotion to the post of Head Clerk in my seniority unit was therefore regulated w.e.f 29.7.94 vide GM(P)/MLC's No.E/232/17/1/Pt.V(T) dtd. 15/17-2-95 though I had been shouldering the responsibility of Head Clerk from much earlier date and an order to that effect had also been issue vide GM(P)/MLC's No.E/232/17/1/Pt.V(T) dtd.23.3.94.

From your letter under reference I was given to understand that my seniority is being revised though no reason advanced for that.

You may please be appreciate that the post of Head Clerk are controlled office-wise in the Head quarter Commercial Organisation but for the purpose of further advancement inter-se-position is taken into account of such staff.

In respect to above the extant rules clearly indicate that the date of promotion will be the criteria for fixation of inter-se-seniority.

In my case I was promoted as Head Clerk on 29.7.94 vide your No.E/237/17/1/PtV(T) dtd.15/17-2-95 and such promotion is therefore confirm. Promotion of Head clerk in other offices if got effected from a subsequent date they shall have to face the consequences and cannot claim seniority over me. The vacancies of Head Clerk occurred in different offices of Comml. Branch were not due to resultant vacancies in connection with restructuring of cadre.

Contd...P/2

*Attended
Mulla
Shw*

*APo/c
check up and
10.10.10
to the
authorities
Jarmg
16/4/96*

!!! 2 !!!

It may also be noted that similar position in vogue in the stores and engineering Deptt. in as much as:-

- (a) In the stores Deptt. the post of Head Clerk are controlled in two different units viz. DCOs/PNO & COS/MLG. The promotion to Head Clerk if delayed in the respective unit, the benefit of length of service as senior clerk etc. cannot arise. The incumbent promoted as Head Clerk in the respective offices would get the seniority from the date of such promotion got effected.
- (b) Similarly in the Engineering Deptt the post of Head Clerk are controlled office-wise in as much as the senior DEN/MLG's office and CE/MLG's office maintained their own cadre of Head Clerk. But for further advancement inter-se-seniority is taken into account where in date of promotion is strictly followed as a criteria for fixing seniority of Head Clerk. The resultant vacancies of Head Clerk occurred in the sr. DEN/MLG's office due to the promotion of Head Clerk as OS(II) was not filled up for last two years but in the CE/MLG's office such resultant vacancies were filled up immediately. For the purpose of inter-se-seniority the staff belonging to CE/MLG's office got benefit over senior DEN/MLG's office.

The dispute if any in my case may be dissolved taking into account the position explained above in other establishments.

Yours sincerely,

Dated. 16. -4-1996

Pankaj Kumar Dutta,

(PANKAJ KUMAR DUTTA)

Head Clerk,

CCM/A's Office,

N. F. RD/maligaon.

To,

The General Manager (P)
N.F. Railway
Maligaon.

Annexure - XI

Through proper channel.

Sir,

Sub: Revised seniority list of Head clerk of
Comml. Deptt/MLG.

Ref: GM(P)/MLG's No. I/255/87(T)
dated 30.7.96.

It is very supprising to me to note that seniority list of Head Clerk of Commercial Deptt is published by downing my seniority position in comparison to the last seniority position. There is no intimation to me the reason behind this action before this circulation of seniority list though reference exists vide GM(P)/MLG's letter No.E/255/87(T) dtd. 3.7.96 with the approval of CCM that my seniority is under scrutinee. In addition to that I further confirmed in my appeal dtd. 16.4.96 that my claim for seniority in the post of Head clerk w.e.f 29.7.94 is justified and should accordingly be treated as well which is yet to be disposed of. In this connection as a reference I enclosed herewith GM(P)'s letter No.E/255/87(T) dt.3.7.96 and my appeal dtd. 16.4.96 may please be looked into.

In my view the seniority position should be at 34 instead of 58 as exhibited in the latest provisional seniority list circulated under GM(P)/MLG's No.E/255/87(T) dtd. 30.7.96.

I, therefore request you kindly look into the matter and finalise the same before conducting the selection test of OS/G.II

Encl: As above.

Dated,
The 27th Aug.
1996.

Yours sincerely,
Balkaji Kumar Dutta,
Head Clerk,
under CCM/MLG.

Copy to: CCM, inviting his kind attention with an expectation to get fair judgement in response to above.

Encl: as above.

Appr
On file M

Dated,
The 27th Aug.
1996.

Yours sincerely,
Balkaji Kumar Dutta,
Head Clerk,
under CCM/MLG.

27/8/96

Attended
Admission
Adm

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
GENERAL MANAGER (P),
MALIGAON :: GUWAHATI - 11.

No. E/255/87 (T)

Dated :

6 -07-1996.

To
Shri Pankaj Kumar Dutta,
HC under CCM/G/MLG.

Through OS/Comm./G at Office.

Sub: Your application dated 16-4-96.

- 1) The case has been examined.
- 2) Your date of promotion to the post of Hd. Clerk in scale Rs. 1400-2300/- shall take effect from 23-8-96, the date on which you were promoted regularly alongwith others in terms of CM (P)/MLG's O.O. No. E/283/171/P+V(T) dt. 23-8-96.
- 3) This has the approval of CCM/G/Maligaon.

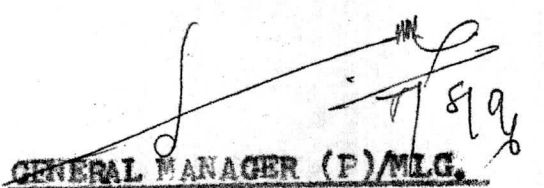

for GENERAL MANAGER (P)/MLG.

No. E/255/87 (T)

Maligaon, dated : 6 -07-1996.

Copy forwarded for information and necessary action to :-

- 1) FA & CAO/MLG.
- 2) CCM (G)/MLG.
- 3) ET/Bill in duplicate.
- 4) Staff concerned.
- 5) Mrs. K. Musahari.
- 6) Shri Pradip Das, Hd. Clerk/ET Section.


for GENERAL MANAGER (P)/MLG.

db/-

Sub:- Result of the selection for the post of
Office Supdt./II in scale Rs-1600-2660/-
(RPS) of Commercial Deptt. of HQrs. Unit.

The following Head Clerks in scale Rs-1400-2300/-
(RPS) who appeared in the above selection held on 28.9.96,
21.11.96 (written) and 4.12.96 (viva-voce) respectively are
declared successful for promotion to the post of Office-
Supdt./II in scale Rs-1600-2660/-(RPS) in Commercial Deptt.
and their names are placed in the panel as under:-

<u>Sl.No.</u>	<u>Name</u>	<u>Community</u>	<u>Working under</u>
1.	Sri Sudhamoy Dey	UR	CCO/MLG
2.	" D.K.Sengupta	UR	CCO/MLG
3.	" N.Barua	UR	ACT/GHY
4.	" R.C.Barua	UR	CCO/MLG
5.	Smt.B.B.Talikdar	UR	CCO/MLG
6.	Sri Kamala Kanta Das	UR	CCO/MLG
7.	" H.K.Das	UR	CCO/MLG
8.	" B.K.Ray Choudhury	UR	CCO/MLG
9.	" R.C.Saha	UR	CCO/MLG
10.	Smt. M.Purkayastha	UR	CCO/MLG
11.	Sri S.K.Roy	UR	CCO/MLG
12.	" Falguni Choudhury	UR	CCO/MLG
13.	Smt.Kalitara Das	UR	CCO/MLG
14.	" Asha Ganguly	UR	CCO/MLG
15.	" Amrapa Banerjee	UR	CCM/Rates/MLG
16.	" Bani Sarkar	UR	CCM/Rates/MLG
17.	" Parabi Dey	UR	CCO/MLG
18.	Sri S.Banerjee	UR	CCO/MLG
19.	Sri A.Rahman	UR	CCO/MLG
20.	" P.C.Barman	UR	CCO/MLG
21.	" Sekhar Sarkar	UR	CCO/MLG
22.	Smt.Minu Das	ST	CCM/Rates/MLG
23.	" Dipali Biswas	UR	CCM/Rates/MLG
24.	Sri P.K.Dutta	UR	CCM/G/MLG
25.	" H.Deka	SC	CCM/Rates/MLG
26.	Smt.Arati Das	ST	CCM/Rates/MLG
27.	" Pranita Majumder	SC	CCM/Claims/MLG

The panel has been approved provisionally by the competent authority on 6.12.96.

[Signature]
A.P.O.(C) 6/12/96
for GENERAL MANAGER(P)MLG

*Street
Walls
Adm*

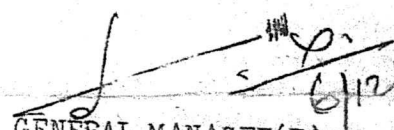
contd....

No. F/254/87/Pt. VI(1) and

Dated: 6.12.96

Copy forwarded for information and necessary action please:-

- 1) GM/Metrs Railway/Calcutta 700071
- 2) GM/Con/MLG.
- 3) COM/G/MLG
- 4) Dy. COM/Claims/MLG
- 5) Dy. COM/HQ/MLG
- 6) SCM/Rates/MLG
- 7) Asstt. Registrar/RCT/GHY
- 8) Mrs. D. Ray. OS/II/ET
- 9) Mrs. C. Banerjee, Hd. Clerk/ET
- 10) Mr. B. Kumar, Hd. Clerk/ET
- 11) Staff concerned (through respective Controlling Officers)
- 12) Spare copies for personnel cases of each of the staff concerned.


For GENERAL MANAGER(P)MLG
N.F. RAILWAY, Maligaon.

OFFICE ORDER : NO. 38/1997

1. Sh. S. Banerjee (UR), OS/II in scale Rs. 2600-2660/- attached to CCM(G)/MIG is hereby transferred in his existing pay and scale and posted under CCO/MIG Office w.e.f. 1-3-97.
2. Smt. Minu Das (ST), HC in scale Rs. 1400-2300/- under CCM(Rates)/MIG Office who was temporarily appointed to Officiate as OS/II in scale Rs. 1600-2660/- under CCM(Rates)/MIG Office w.e.f. 1-1-97 vide GM(P)/MIG's Order of even number dt. 26-12-96 is hereby granted the proforma benefit of promotion w.e.f. 1-1-97 and actual from 1-1-97 respectively consequent on the decision taken to fix her against the Roster point reserved for ST.
3. The following H.C. Clerks in scale Rs. 1400-2300/- of Commercial department who have been found suitable for promotion to the post of OS/II in scale Rs. 1600-2660/- vide this Office memo. of even number dated 6-12-96 are hereby temporarily appointed to Officiate as OS/II in scale Rs. 1600-2660/- and posted as under from the date mentioned against each subject to the condition that they are free from DAR/SPE/Vigilance cases :

Sl.No.	Name	Community	Working under	Posted under	Remarks
i)	Smt. Pranati Mazumder	SC	CCM(CI)/MIG	CCO(CI)/MIG	
ii)	Smt. Arati Das	ST	CCM/Rates	CCM/Rates	With immediate effect against Roster point reserved for (ST)
iii)	Sh. P.K. Datta	UR	CCM(G)/MIG	CCM(G)/MIG	w.e.f. 1-3-97

Smt. P. Mazumder Sl.No.(i) will get proforma benefit of promotion w.e.f. 1-1-97 consequent on decision taken to fix her against the Roster point reserved for SC and actual from the date of shouldering higher responsibility. The above mentioned staff concerned may exercise their option for fixation of their pay from the date of increment in their substantive pay within one month from the date of issue of this Office Order. Option received beyond that date shall not be entertained.

4. The promotion order of Sh. H. Deka (SC), H.C. Clerk attached to CCM(Rates)/MIG Office who has been found suitable for promotion to the post of OS/II in scale Rs. 1600-2660/- vide GM(P)/MIG's memorandum of even number dated 6-12-96 will be issued on completion of 2 years service as H.C. Clerk in terms of Railway Board's letter No. (RG)I-85/PM4/12(RRC) dt. 19-2-87 circulated vide GM(P)'s circular No. EPS/315 as per extant rule.

*Attested
Datta
Ash*

20/1/97

Contd. - 2

However, the seniority of the staff who have been empanelled for promotion to the post of OS/II shall be maintained as per senior position assigned by the Selection Committee and issued under letter of even No. dated 6-12-96.

This is issued with the approval of the Competent authority.

[Signature]
for General Manager(P)

Dated: 21-2-97

No. P/254/87/Pt. II(T)

Copy forwarded for information and necessary action to :

- 1) FA & CAO/MIG, (2) COM(G)/MIG, (3) Dy.COM/CL,
- 4) Dy.COM/HQ, (5) SCM(P)/MIG, (6) SCM(G)/MIG,
- 7) SCM(CL)/MIG, (8) Spt. Dir. Coy. OS/II(PT),
- 9) Spt. C. Bangalore,
- 10) Sh. B. Kumar, HQ(PT), (11) B. Bill of CPO/MIG,
- 12) Staff concerned through their respective controlling Officer,
- 13) Spare copy of P/case of each of the staff concerned.

[Signature]
for General Manager(P)

To
APO/W,
HQr./Maligaon.

Through Proper Channel

Sir,

Sub : Grievance Adalat - June/2002.

Ref : APO/W/MLG's Notification No.
E/207/Grievance Adalat dtd. 05.06.2002.

In response to the Notification under reference, I would like to submit the following as per proforma for fixation of my service seniority in the post of OS/II which in my opinion would be at Serial No. 15 instead of 24 vide GM(P)/MLG's Seniority List No.E/255/87(T) dtd. 12.06.2002 (copy enclosed as Annexure - A).

1. Name in full of the employee : PANKAJ KUMAR DUTTA
2. Designation & Office : OS/II under CCM(G)/MLG.
3. Details of the Grievance : There was a differences in my Seniority in the post of Head Clerk since 1994 which is effecting in the present post held by me as OS/II. Number of correspondences had been done and orders in response of those references were also issued but while fixing seniority on 30.07.1996 in the post of Head Clerk the actual benefit pertaining to me was ignored and that was supported by GM(P)/MLG vide No.E/255/87(T) dtd. 6-7/28-8-1996 with simple reason which is not correct to the best of my knowledge because my candidature for the post of Head Clerk was approved along with another Senior Clerk Shri Biswajit Kar of CCM(G)'s Office during the year April/1994 vide their letter No. E/255/87(T) dtd. 07.04.1995 also may consult PP/21 - 26 of GM(P)/MLG's case No. E/283/171/Pt.V(T) which may clearly indicate that my promotion in the post of Head Clerk w.e.f. 29.07.1994 instead of 23.08.1994 is justified and for that Order issued by GM(P)/MLG vide No. E/283/171/Pt.V(T) dtd. 15/17-02-1995 will requires to stand. FURTHER DETAILS ARE AT ENCLOSED APPEAL.
4. Copy of Documents attached :
 1. Photocopy of GM(P)/MLG's promotion order No.E/283/171/Pt.V(T) dtd. 23.08.2002. Annexure -1
 2. Photocoy of GM(P)/MLG's modified order No. E/283/171/Pt.V(T) dtd. 3/4 -10-1994. Annexure -2

Contd....2.

Recd.
27/6/02
Shri
Wally
AN

-:2:-

3. Photocopy of my appeal dtd. 16.11.94. Annexure - 3
4. Photocopy of GM(P)/MLG's letter No.E/283/17/1/Pt.V(T) dtd. 15/17-02-1995 for antedating of my promotion to the post of Head Clerk w.e.f. 29.07.1994 instead of 23.08.1994. Annexure -4
5. Photocopy of the then OS/II's selection and posting Order w.e.f. 29.07.94. Annexure-5.
6. Photocopy of Corrigendum issued by GM(P)/MLG's No. E/255/87(T) dtd. 15.03.1995. Annexure - 6
7. Photo Copy of Clarification circulated to all staffs of Claims/Rates Branch by GM(P)/MLG vide No. E/255/87(T) dtd. 07.04.1995. Annexure-7
8. Photocopy of GM(P)/MLG's re-examination notice No. E/255/87(T) dtd. 03.07.1995. Annexure - 8
9. Photocopy of my appeal dtd. 16.04.1996. Annexure - 9
10. Photocopy of Seniority List vide GM(P)/MLG's No. E/255/87(T) dtd. 30.07.1996. Annexure - 10
11. Photocopy of my appeal dtd. 27.08.1996. Annexure -11
12. Photocopy of GM(P)/MLG's reply No. E/255/87(T) dtd. 6-7/28-08-1996. Annexure -12

Date : 27.06.2002.

Yours sincerely

Pankaj Kumar Dutta.
SIGNATURE OF THE APPLICANT

(Pankaj Kumar Dutta)
OS/II under CCM(G)/MLG.

To
APO/Welfare,
HQ/Maligaon.

Received
27/6/2002
[Signature]

Through Proper Channel.

Sir,

Sub : Grievance Adalat – June/2002.

Ref : Your Notification No.E/207/Grievance Adalat
dtd. 05.06.2002.

With reference to your notification above, I hereby submit the following before the Grievance Adalat for proper examination and fixation of my service seniority judiciously.

That Sir, Presently I am holding the post of OS/II under CCM(G)/MLG against Seniority No.24 vide GM(P)/MLG's No. E/255/87(T) dated 12.06.2002 which in my view will be at 15 taking into account the factual position as under: -

1. During the course of my promotion in the post of Head Clerk, though it was approved during the month of April/94 against 2(two) UR posts but the order was issued on 23.08.1994 vide GM(P)/MLG's No. E/283/171/Pt.V(T) dtd. 23.08.1994 (Annexure-1) by giving promotion effect from 01.06.1994.
2. That Sir, it is unfortunate that the above order was modified by altering my date of promotional benefit w.e.f. 23.08.94 instead of 01.06.1994 vide GM(P)/MLG's No. E/283/171/Pt.V(T) dtd. 3/4.10.94 (Annexure-2). I raised my objection through my representation dtd. 16.11.94 (Annexure-3) against the above modification and in response GM(P)/ MLG had issued revised order No. E/283/17/1/Pt.V(T) dtd. 15/17.02.95 (Annexure-4) by antedating my promotional benefit w.e.f. 29.07.94 against first available vacancy arising out of the then selection of OS/II and posting Order w.e.f. 29.07.94 (Annexure-5). In this connection a Corrigendum was issued by GM(P)/MLG No.E/255/87(T) dtd. 15.03.95 (Annexure-6) and clarification to all staffs of Rates and Claims Branch No. E/255/87(T) dtd. 07.04.95 (Annexure-7).
3. That Sir, after finalization of everything as above, a re-examination notice was further been issued to me by GM(P)/MLG vide No. E/255/87(T) dtd. 03.07.1995 (Annexure-8) just before a OS/II's selection during the year. I appealed against that notice dtd. 16.04.96 (Annexure-9) but ignoring everything above a Seniority List of Head Clerk was published giving effect of my promotion from 23.08.94 vide GM(P)/MLG's No. E/255/87(T) dtd. 30.07.96 (Annexure - 10).

Accepted
[Signature]
Adv

Contd... 2.

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4. That Sir, I further appealed through my representation dtd. 27.08.96 (Annexure-11) against above such move but ignoring all justified facts, a letter was served to me by GM(P)/MLG No. E/255/87(T) dtd. 6-7/28-8-96 (Annexure-12) giving benefit of promotion w.e.f. 23.08.94 on the plea that I have been promoted along with other 7 Head Clerks on 23.08.94 in reference to my appeal dtd. 16.04.1996 which is absolutely incorrect if consult GM(P)/MLG's No. E/255/87(T) dtd. 07.04.95 (at Annexure-7) and PP-21 to 26 of their case No. E/283/171/Pt.V(T).
5. In view of the above, I therefore pray before you, kindly re-examine the case and arrange fixation of my service seniority in H/C judiciously and in the post of OS/II accordingly so that I could not be deprived of my legitimate benefit in the coming days ahead.

DA : As above.

Date : 28.06.2002.

Yours sincerely,

Pankaj Kumar Dutta.

(Pankaj Kumar Dutta)
OS/II under CCM(G)/MLG

: 3 :

1	2	3	4	5	6	7	8	9	10
15. Smt. Maya Roy.	SC	OS/I	CCM/Rates/MLG.	24.2.47	029.11.75	15.12.95	12.9.00		
16. " Malina Das.	SC	-do-	CCO/MLG	20.7.55	06.5.76	15.12.95	16.11.01		
17. Sri A.K. Marak.	ST	-do-	-do-	07.7.55	12.9.77	15.12.95	29.8.01		
18. " H.C. Manjhi	SC	-do-	CCM/Rates/MLG.	20.1.44	04.12.60	15.12.95	29.8.01		against ST Points No.20
19. Smt. Aruna Das	SC	-do-	CCO/MLG	07.7.53	01.7.60	15.12.95	29.8.01		
20. " S.A. Sarma.	UR	-do-	CCM/G/MLG	26.8.57	20.4.77	15.12.95	29.8.01		
21. Sri A.K. Deb.	UR	-do-	-do-	01.12.50	18.7.77	15.12.95	29.8.01		
22. " A.K. Das	SC	-do-	CCO/MLG	01.10.62	19.3.85	15.12.95	29.8.01		
23. " J.K. Das	SC	-do-	-do-	09.3.54	24.4.85	15.12.95	15.3.02		
24. " A.K. Basumatary.	ST	-do-	-do-	13.7.54	27.5.78	15.12.95	15.3.02		against SC Point No.12

.....

Sanctioned strength - TI Posts.

1. CCO/MLG	= 34	UR	= 30
2. CCM/Rates/MLG	= 07	SC	= 07
3. CCM/G/MLG	= 08	ST	= 04
Total	= 49		= 41

Provisional seniority list of Office Supdt./II in scale Rs.5500-9000/- as on 01.04.2002 of Comm. Deptt. of M. & S. Unit. (100 % D, selection.)

SN	Name in order of seniority.	Comm. nity.	Desig. nation	Working under.	Date of birth.	Date of apptt.	Date of Promotion in scale 5500-10500	Date of Promotion in scale 7450-11500	Remarks.
1	2	3	4	5	6	7	8	9	10
1.	Sri A.K. Das	SC	OS-II	CCM/G/MLG	16.2.45	26.3.66	25.5.98	15.12.95	

(Contd.....4/-)

Attested
Wd
Adw

23/05/02

Signature

: 4 :

1	2	3	4	5	6	7	8	9	10
1.	Sri. BaTan Ch. Das.	GC	OS/II	CCM/G/MLG	23.11.63	11.6.85	18.6.92	15.12.95	
2.	" A.A.Dutta.	UR	-do-	CCO/MLG	01.5.43	12.3.62	11.11.92	15.12.95	
4.	" A.D.Sarma.	UR	-do-	-do-	30.11.42	18.7.62	23.11.92	15.12.95	
5.	" H.C.Das.	UR	-do-	-do-	18.2.44	22.2.63	23.11.92	15.12.95	
6.	" S.Furakayastha	UR	-do-	-do-	01.11.43	22.2.63	23.11.92	15.12.95	
7.	" N.Barua	UR	-do-	ACT/GHY	01.8.43	20.3.63	01.3.93	11.12.96	
8.	Smt. B.B. Talukdar	UR	-do-	CCO/MLG	01.1.44	20.3.63	01.3.93	11.12.96	
9.	Sri S.A. Choudhury.	UR	-do-	-do-	01.8.43	26.8.63	15.11.93	11.12.96	
10.	" A.L.Saha.	UR	-do-	-do-	01.2.44	17.3.65	15.12.93	11.12.96	
11.	Smt. M. Furakayastha.	UR	-do-	-do-	25.5.46	02.11.65	12.1.94	11.12.96	
12.	Sri S.K.Roy	UR	-do-	-do-	01.8.43	20.11.62	12.1.94	11.12.96	
13.	Sri. Falguni Chowdhury.	UR	-do-	-do-	01.1.44	19.1.66	04.2.94	11.12.96	
14.	Smt. Kalitara Das.	UR	-do-	-do-	19.1.51	25.9.71	01.7.94	11.12.96	
15.	" Anurupa Banerjee.	UR	-do-	CCM/Rates/MLG.	29.8.47	20.9.66	19.3.94	11.12.96	
16.	" Bani Sarkar.	UR	-do-	-do-	12.7.52	18.2.72	19.8.94	11.12.96	
17.	" Furabi Dey.	UR	-do-	CCO/MLG	04.7.47	03.4.67	19.8.94	11.12.96	
18.	Sri S.Banerjee.	UR	-do-	-do-	11.12.57	17.7.82	19.8.94	11.12.96	
19.	" A.Rahman	UR	-do-	-do-	01.1.61	22.7.82	19.8.94	11.12.96	
20.	" A.C.Barman.	UR	-do-	-do-	01.5.55	27.12.80	19.8.94	11.12.96	
21.	" Sekhar Sarkar.	UR	-do-	CCM/G/MLG	21.9.58	26.7.77	19.8.94	11.12.96	
22.	Smt. Minu Das	ST	-do-	CCM/Rates/MLG.	30.4.59	28.6.92	19.8.94	11.12.96	against ST point No.(8)

[Handwritten signature]

[Handwritten signature]

(Contd.....5/-)

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1	2	3	4	5	6	7	8	9	10
39. Sri Jadav Ch.Das.	SC	OS/II	CCO/MLG	05.7.64	07.12.90	09.2.96	2.7.01		against SC Point No.30
40. " K.C.Boro	ST	-do-	-do-	01.10.65	10.8.89	09.2.96	2.7.01		against ST Point No.46
41. " Razoo Das.	SC	-do-	-do-	01.9.63	20.2.91	09.2.96	2.7.01		against SC Point No.44

N.B. :- The above seniority list has been recasted in terms of Mly. Bd's letter No.E(NG)I-97/SRG/3 (Vol-III) dt.08-03-2002 circulated vide GM(F) MLG's circular No. RESV-27/D-210/Resv./Cou. T. dt.21-03-2002.

(*Signature*)
23/05/02
(**G.Johnson.*)
Asstt. Personnel Officer (Rulling)
for General Manager(F):MLG.

No.E/255/C7(T)

Maligaon, dt. 12-6-2002

Co-y forwarded for information and necessary action to :-

1. Dy.CCM(Claims)/MLG. (2) Dy.CCM(FM)/MLG (3) Dy.CCM(G)/MLG. (4) Asstt.Registrar/RCT/GHY
5. The GS/NFREU/NFRMU/AISCTREA/NPROBCEA/MLG with 10 spare copies each.
6. Staff concerned through their respective Controlling Officer. They are at liberty to prefer representation if any within one month from the date of issue of this seniority list through their respective Controlling Officer. Representation received beyond that date shall not be entertained.

(*Signature*)
23/05/02
Asstt. Personnel Officer (Rulling)
for General Manager(F):MLG.

ad/-7.5.2002

(*Signature*)
23/05/02

-44-

: 5 :

1	2	3	4	5	6	7	8	9	10
23. Smt. Dimpali Biswas.	UR	OS/II	CCM/Rates/	18.3.61	12.7.82	19.8.94	7.1.97		
24. Sri F.K. Dutta.	UR	-do-	MLG.	25.9.59	15.4.85	23.8.94	1.3.97		
25. " Hareswar Deka	SC	-do-	CCM/G/						
			MLG.						
26. Smt. Majumder	SC	-do-	CCM/Rates/	01.5.63	25.5.85	09.2.96	9.2.98		against SC
			MLG.						Point No.12
			CCO/MLG	01.10.62	13.2.87	19.8.94	11.12.96		against SC
									Point No.4
									as relaxed
									standard.
27. Sri B. Kar	UR	-do-	CCM/G/MLG	27.1.57	08.8.77	18.4.94	2.7.01		
28. " Ashis Rn. Roy	UR	-do-	CCM/Rates/	16.5.48	28.7.76	19.8.94	2.7.01		
			MLG.						
29. " K. Barman.	UR	-do-	CCO/MLG	01.6.54	17.12.80	19.8.94	2.7.01		
30. " M.C. Baishya.	UR	-do-	-do-	19.3.54	27.12.80	19.8.94	2.7.01		
31. " Tapan Basak	UR	-do-	-do-	01.9.54	12.12.80	19.8.94	2.7.01		
32. " H.K. Kumar.	UR	-do-	-do-	10.9.61	04.3.85	19.8.94	2.7.01		
33. Smt. A. Dutta.	UR	-do-	-do-	10.2.54	24.7.73	19.8.94	2.7.01		
34. " Hiranya Brahma.	ST	-do-	CCM/Rates/	15.1.54	02.7.82	19.8.94	2.7.01		against ST Point
			MLG.						No.20
35. " R. Khakhary.	ST	-do-	CCO/MLG	01.6.63	10.8.89	19.8.94	2.7.01		against ST Point
36. Sri Satya Ram Das.	SC	-do-	CCM/Rates/	26.1.59	30.4.87	24.9.96	2.7.01		No.34
37. " B. Deka	SC	-do-	MLG.						against SC Point
			CCO/MLG	25.7.65	19.11.90	09.2.96	2.7.01		No.17
38. " Subal Ch. Das.	SC	-do-	CCM/G/MLG	17.1.62	19.11.90	09.2.96	2.7.01		against SC Point
									No.24
									No.30

(Contd.....6/-)

Chief Personal Officer (Administration),
F. Railway, Maligaon

Annexure - XVII



69

Through Proper Channel.

Sir,

Sub : Prayer for fixation of Seniority and promotion.

With due respect I would like to lay before you the following few lines for your kind perusal and consideration please.

That Sir, at present I am working as OS/II under CCM(G)/MLG. Consequent upon wrong fixation of my seniority in the post of Head Clerk during the year 1994-96 as well as in OS/II during 1997-98 even after several representation for correction, it is such that there is no expectation of promotion in the near future, it may even till retirement. But it could have been practicable if my Seniority was made correct in the post of Head Clerk during the promotion order issued on 1994 vide GM(P)/MLG's order No. E/283/171 Pt.V (T) dtd. 23.08.1994 and subsequent circulation of Seniority of List vide No.E/255/87(T) dtd. 10.02.1995 (copy enclosed as Annexure - I & II). It was very repellent that promotion effect as was given w.e.f. 01.06.1994 has been modified by giving effect from 23.08.1994 vide No. E/293/171/Pt.V(T) dtd. 3/10.1994 (copy enclosed as Annexure - III).

That Sir, in this connection I had submitted my representation dtd. 16.11.1994 vide Annexure - IV. It is unfortunate that even after antedating my promotional benefit in the post of Head Clerk w.e.f 29.07.1994 vide No. E/283/171/Pt.V(T) dtd.15/17.02.1995(Annexure- V) against first available vacancy on promotion of OS/II vide GM(P)/MLG's Office Order No. E/259/87/Pt.V(T) dtd. 29.07.1994 enclosed [as Annexure -V(A)] considering my eligibility criteria approved on 06.04.1994 (observing all formalities) and subsequent issue of CORRIGENDUM No. E/255/87(T) dtd. 15.03.1995 (Annexure - VI), the Seniority List was circulated based on the status of Head Clerks of entire Commercial Department as on 01.07.1996 without giving my promotional effect from 29.07.1994 vide No. E/255/87 (T) dtd.30.07.1996 (Serial No. 58, which should be at 34 instead of 58) (Annexure - VII). I had raised the issue in my representation dtd. 16.04.1996 (Annexure - VIII) and in that response I had been given to understand that my promotion to the post of HC would be w.e.f. 23.08.1994 (which is the issue date of order) as per GM(P)/MLG's order No. E/283/171 Pt.V (T) dtd. 23.08.1994 ignoring my approval for post of Head Clerk along with Shri Biswajit Kar on 6.04.94 and promotional benefit as orderd w.e.f. 01.06.94 against resultant future vacancy on retirement Shri Ghanashyam Das. OS/I vide GM(P)/MLG's No. E/255/87 (T) dtd. 06.07.1996/28.08.1996 (enclosed as Annexure - IX) even the order itself (order No. E/283/171/Pt.V(T) dtd. 23.08.94) clearly states that my promotion benefit will be effective from 01.06.1994 (copy of order enclosed as Annexure - I). But there was no subsequent correction in seniority list circulated vide No. E/255/87(T) dtd.30.07.96 (Annexure - VII). There was no reply on my representation dtd. 27.08.1996 for correction in Seniority List till date (Annexure - X).

That Sir, as per IREM, Vol-I, Chapter - III, Non-Gazetted, Rules No.319 (a) clearly states that "A railway servant, once promoted in his turn after found suitable against a vacancy, which is non-fortuitous, should be considered as senior in that grade to all others who are subsequently promoted after being found suitable. The suitability of a railway servant for promotion should be judged on the date of the vacancy in the higher grade or as close to it as possible". Copy enclosed as Annexure - XI. Based on the rules and approval of suitability on 06.04.1994 as is evident from GM(P)/MLG's letter No. E/255/87(T) dtd. 07.04.1995 (Copy enclosed as Annexure-XII), my seniority requires correction. It should be at 14 or 15 instead of 24 as per Seniority List of OS/II circulated under No.E/255/87 (T) dtd. 12.06.2002 (enclosed as Annexure - XIII).

Contd.....2.

*Atkash
Datta
Ld*

80

16/10/16.

N. F. RAILWAY

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

No. 540E/3310 (T)

Dated : 09-11-2006.

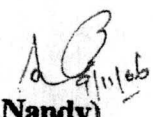
To,
Shri Pankaj Kr. Dutta,
OS/II under CCM (G)/MLG.

Through Chief Office Supdt. (Commercial).

Sub: Prayer for fixation of seniority and promotion.

Your further representation dated 20-9-06 has been carefully re - examined and CCM/MLG has up-hold the decision already communicated to you vide this office letter no. E/255/87 (T) dated 06.07.96.

This is for your information.


(S.R. Nandy)

SPO/T

for GENERAL MANAGER (P)/MLG.

Copy forwarded for information to :

- 1) Dy. CCM(PM)MLG.
- 2) Chief OS(Comml.)MLG

for GENERAL MANAGER (P)/MLG.

19
10/11/06 -

Attested
MLG
Adh


9/11/06.

To
Chief Personal Officer/Administration,
N. F. Railway, Maligaon.

Annexure - XIX

Through Proper Channel.

Sir,

Sub : Prayer for fixation of Seniority and promotion.
Ref : GM(P)/MLG's letter No. 540E/3310 (T) dtd. 09.11.2006.

In response to the letter under reference I would like to draw your kind attention on the following points for consideration:

1. If the decision taken in fixation of my promotion to the post of Head Clerk as communicated vide GM(P)/MLG's letter No. E/255/87 (T) dated 06.07.1996 has been up-hold by CCM/MLG then it is clearly established that my promotion to the post of Head Clerk had been considered w.e.f. 01.06.1994. Photocopy of the letter as above and promotion order No. E/283/171/Pt.V (T) dtd. 23.08.1994 are enclosed (Annexure-I & II).
2. That Sir, I am astonished that though my promotion was also approved by the then CCM/G w.e.f. 01.06.1994 during 1996, then why the Seniority List was not made accordingly instead my seniority status was placed below the staff promoted to the post of Head Clerk on 19.08.1994 (i.e. along with the staff promoted on 23.08.1994 in the post of Head Clerk).
3. That Sir, again a Corrigendum was issued vide GM (P)/MLG's No.E/255/87 (T) dtd. 15.03.1995 (Annexure-III) in response to my appeal dtd. 16.11.1994 wherein it was clearly stated that my promotion benefit to the post of Head Clerk was given w.e.f. 29.07.1994 based on approval accorded on 06.04.1994 vide GM(P)/MLG's No.E/255/87(T) dtd. 07.04.1995 (Annexure-IV). Subsequently the Seniority List as was published vide GM(P)/MLG's No. E/255/87 (T) dtd. 30.07.1996 showing the effect of my promotion to the post of Head Clerk on 23.08.1994 without giving any reason for the same.
4. That Sir, I repeatedly fail to understand why my seniority to the post of Head Clerk was not fixed from 01.06.1994 as approved CCM & CCM/G (point 1 & 2) or from 29.07.1994 (as stated in the Corrigendum) instead of 23.08.1994 as shown in the Seniority List.
5. That Sir, even if my promotion to the post of Head Clerk is considered w.e.f. 01.06.1994 or 29.07.1994 I would have been promoted to the post of OS/I.
6. That Sir, in this connection my appeal dtd. 27.08.1996 where request for fixation of my seniority w.e.f. 29.07.1994 as was fixed vide GM(P)/MLG's Corrigendum No.E/255/87 (T) dtd. 15.03.1995 against clear available vacancy on promotion of 34 staff to the post of OS/II vide GM(P)/MLG's Office Order No. E/259/87/Pt.V (T) dtd. 29.07.1994 may also be looked into which has not yet been disposed of by GM(P)/MLG. Besides, decision arrived at in the Grievance Adalat held during June/2006 where I had submitted my representation is also remains awaited.

I therefore pray before your honour to kindly look into the above matter and arrange correction of "Seniority List" in the post of Head Clerk circulated under GM(P)/MLG's No. E/255/87 (T) dtd. 30-07-1996 and correction in the "Seniority List" of OS/II. My promotion to the post of OS/I is due based on my promotion effect awarded under GM(P)/MLG's letter No. E/255/87 (T) dated 06.07.1996 or Corrigendum No.E/255/87 (T) dtd. 15.03.1995.

With regards,

DA : As above.

Date : 29.12.2006

Place : Maligaon.

Yours sincerely,

Pankaj Kumar Dutta

(Pankaj Kumar Dutta)
OS/II under CCM(G)/MLG

Copy to : 1. CCM/N.F.Railway, Maligaon.

2. General Secretary, N.F.Railway Mazdur Union

3. General Secretary, N.F.Railway Employees Union

4. Br. Secy/N.F. Ry EU



29/12/06

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29.12.06

29/12/06

29/12/06

N. F. RAILWAY

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

Dated : 17-01-2007.

No. 540E/3310 (T)

To,
Shri Pankaj Kr. Dutta,
OS/II under CCM (G)/MLG.

Through Chief Office Supdt. (Commercial).

Sub: Prayer for fixation of seniority and promotion.

Your further representation dated 29-12-06 has again been carefully examined and Dy.CCM(PM)MLG has up-hold the decision already communicated vide this office letter no. E/255/87 (T) dated 06.07.96.

This is for your information.

(S.R. Nandy)
SPO/T

for GENERAL MANAGER (P)/MLG

Copy forwarded for information to :

- 1.Dy. CCM(PM)MLG.
- 2.Chief OS(Comml.)MLG

for GENERAL MANAGER (P)/MLG

Attested
by
A. S.

Sent
③
18/1

21
18/1/07

To
Chief Personal Officer/Administration,
N. F. Railway, Maligaon.

Through Proper Channel.

Sir,

Sub : Prayer for fixation of Seniority and promotion.

Ref : GM(P)/MLG's letter No. 540E/3310 (T) dtd. 17.01.2007.

With due deference I would like to lay before you the following few lines for your kind perusal and decision:

1. That Sir, I am very much in pain to state that even after repeated representation for correction in fixation of my seniority, the benefit which is due to me in the post of Head Clerk w.e.f. 29.07.1994 as per GM(P)/MLG's Corrigendum No. E/255/87 (T) dtd. 15.03.1995 based on approval accorded on 06.04.1994 vide GM(P)/MLG's No.E/255/87(T) dtd. 07.04.1995 has not been considered.
2. That Sir, GM(P)/MLG's letter No. E/255/87 (T) dtd. 06.07.1996 which is repeatedly referred by you in disposal of my appeals states that my promotion in the post of Head Clerk had been considered w.e.f. 23.08.1994 along with others in terms of GM(P)/MLG's Office Order No. E/283/171/Pt.V (T) dtd. 23.08.1994 is **not correct**. Even GM(P)/MLG's Office Order itself clearly states that the benefit of promotion in the post of Head Clerk in my case will be w.e.f. 01.06.1994. Besides, it is evident vide GM(P)/MLG's letter No.E/255/87(T) dtd. 07.04.1995 that my promotion to the post of Head Clerk had been approved on 06.04.1994.

I therefore, pray before you kindly examine the case in detail and consider in awarding proper justice so that I can get my legitimate benefit in my present status of OS/II as well as due promotion in the post of OS/I.

That Sir, if the administration fails to provide me the legitimate benefit even after providing the several established facts within 20 days from the date of receipt of this letter I will be in pain having no other alternative but to file my appeal in the Royal Court of Justice.

With regards,

DA : As above.

Date : 28.03.2007

Place : Maligaon.

Yours sincerely,

Pankaj Kumar Dutta
(Pankaj Kumar Dutta)
OS/II under CCM(G)/MLG

Copy to : 1. CCM/N.F.Railway, Maligaon.

2. General Secretary, N.F.Railway Mazdur Union/PNO.

3. General Secretary, N.F.Railway Employees Union/PNO.

*Shrestha
Adulga
Adulga*

ae
28/3/07
28/3/07
N.F. Railway
Maligaon

28/3/07
28/3/07
N.F. Railway
Maligaon

-51-

কেন্দ্রীয় প্রশাসনিক আদালত
Central Administrative Tribunal
14 NOV 2007
গুৱাহাটী বেঞ্চ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI

171
O. A. NO. 169/2007

Shri P.K. Dutta

Vs.

Union of India & Ors.

Written statement filed on behalf of the
respondent Nos. 1, 2 and 3.

The respondent Nos. 1, 2 and 3 most respectfully
beg to state as under :-

1. That the respondents have gone through the O.A. and understood the contents therein.
2. That the Seniority unit in wings of Chief Commercial Manager/G, Chief Claims Officer and Chief Commercial Manager/Rates are different. The promotion up to Head Clerk in the three offices are given office/unit wise. The seniority test as for promotion to the posts of Hd. Clerks in CCM/G's Office was held on 06.04.94 on the assessment of vacancies as on 01.03.94. The vacancies assessed for the above selection was for two posts of Head Clerk but in reality the existing vacancy as on 01.03.94 was only one. Shri Biswajit Kar, Sr. Clerk and Shri P. Dutta were adjudged suitable for promotion to the posts of Hd. Clerk in scale Rs. 1400-2300/-

The existing vacancy in category of Hd. Clerk accrued
due to superannuation of Smt. C. Dey Choudhury, Hd. Clerk

Contd.....2/-

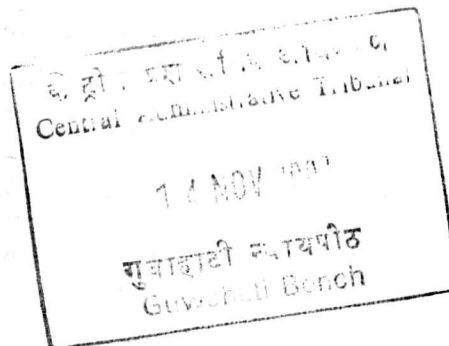
Nitya Hand Kalkar

Dr. Chief Personnel Officer/Hg

N.P. Railway, Maligaon

Guwahati-11

Filed by the respondents
through Smt. Tomukhi
Adv for Rly SC. 14/11/07

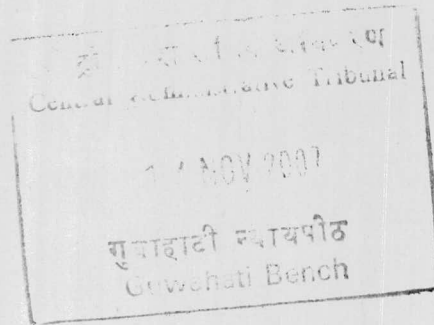


N. F. and Talwar
By Chief Personnel Officer/HQ
N. F. Railway, Maligaon
Guwahati-781 001

w.e.f. 01.02.94. The second vacancy which was taken into account due to retirement of Sri G. Das, OS/I w.e.f. 31.5.94 in scale Rs. 2000-3200/- was not in order. Because of the fact that the vacancy to be taken into account for promotion of the incumbent to the immediate higher grade i.e. from Hd. Clerk to OS/II or due to superannuation of the incumbent. Subsequently another suitability test was held for promotion of eight Sr. Clerk to the post of Hd. Clerk against the vacancies assessed as on 1.8.94. This time SCM/G passed orders for effecting the promotion of Sri P.K. Dutta w.e.f. 1.6.94 i.e. from the date of retirement of Shri G. Das, OS/II in scale Rs. 2000-3200/-. At other stage this date was further changed and the promotion was given effect from 29.7.94 against the vacancy caused as a result of promotion of Sri T. Dutta, CCM/Rates office to the post of OS/II. It is thus clear that the promotion of Shri P.K. Dutta as on 6.4.94 was not proper. It was an administrative error. Because there was no vacancies at that time. Further promotion of Shri P.K. Dutta antedated from 23.08.04 to 29.07.94 against the CCM/Rates wing was not in order. Hence the promotion of Shri P.K. Dutta w.e.f. 23.08.94 along with 7 others Sr. Clerk was proper.

3. That in reply to the statements in paras 4.4, and 4.5. It is stated that a proposal for filling up two vacancies of Head Clerk (Rs. 1400-2300/-) was processed as per assessment of vacancies as on 01.03.04. There was one vacancy of Head Clerk in G Branch and one anticipated vacancy of Head Clerk while processing promotion of Shri B. Kar and P.K. Dutta.

Contd....3/-



Hitpa Hand Taluk
 Dy. Chief Personnel Officer / HQ
 N.F. Railway, Malgaon
 Guwahati-11

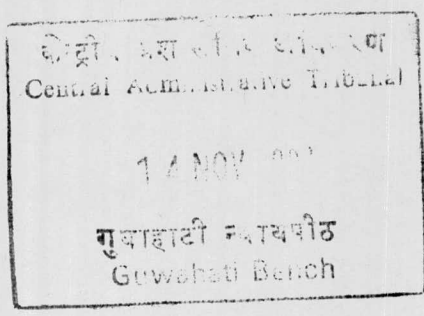
Both were found suitable. Shri B. Kar was shown promoted against clear vacancy w.e.f. 06.04.94. The promotion of P.K. Dutta was to take effect from 23.8.94 on the availability of next vacancy. But Shri Dutta was shown promoted w.e.f. 01.6.94 inadvertently. There was no vacancy as on 01.6.94. Subsequently another suitability test was held for promotion of eight Sr. Clerk to the post of Hd. Clerk against the vacancies assessed as on 01.8.94. Office Order dated 23.8.94 indicating promotion of Shri P.K. Dutta along with 7 other Sr. Clerk was issued to take effect from immediate effect. In regard to paragraph 4.5 it is stated that the promotion order dated 23.8.94 was issued after assessment of vacancies as on 01.8.94. The promotion of applicant to take effect from 01.06.94 the date of retirement of Sri G.Das, OS/I in scale Rs. 2050-3200/- as order passed by SCM/G was also not as per rule and irregular. It was an administrative error.

4. That in reply to the statements in paras 4.6 and 4.7 it is stated that when the promotion of applicant was approved on 06.04.94 there was no vacancy. There was only one clear vacancy and one anticipated vacancy. Suitability was done on 6.4.94 on the assessment of vacancy as on 01.3.94. The representation submitted by applicant has been replied to by this office letter dated 2/4.10.94. In regard to para 4.7 of the O.A. it is stated that promotion of the applicant w.e.f. 29.7.94 was irregular. As because the promotion of application against vacancy caused due promotion of Sri T.C. Dutta, CCM/Rates to the post of OS/II w.e.f. 29.7.94 was against the Rule. Because promotion in General Branch/Rates Branch/Claims Branch are unit wise up to Head Clerk.

Contd....4/-

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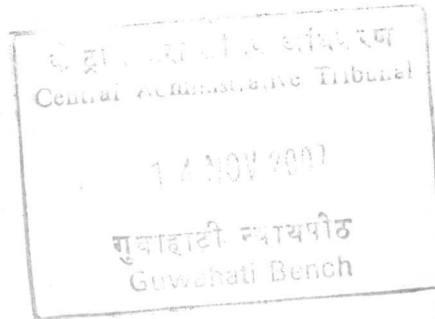
Not Hand Taken
by Chief Personnel Officer/HQ
N.F. Railway, Maligaon
Guwahati-11 28

Post created in Rates Branch cannot be filled up by General Branch candidates and vice versa.

5. That in reply to statement in paras 4.8 and 4.9 it is stated though applicant's promotion as Hd. Clerk was antedated from 23.8.04 to 29.7.94 has been rectified by issue of letter dated 6.7.1996/28.08.96 (Annexure XII to OA) with the approval of Competent Authority. The applicant had already been informed vide this office letter dated 3.7.95 (Annexure IX to OA) that date of effect as Head Clerk in scale Rs. 1400-2300/- w.e.f. 29.7.94 was under examination. The reply furnished vide letter dated 7.4.95 against the representation has been given but the promotion of applicant approved on 06.04.94 was against the rule. On the date of approval of panel there was only one post in Comml. General Branch.

6. That in reply to statements in paras 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16 and 4.17. The respondents reiterate the statements made above. The applicant was rightly informed by letter dated 3.7.95 that his seniority position vide corrigendum dated 15.3.95 was provisional and subject to review. His empanelment to the post of GS/II in case he qualified was subject to outcome of the examination. The result of selection declared vide order dated 06.12.96 for the post of GS/II has rightly been declared the position of applicant has been shown correctly. In reply to the 4.14 respondents do not like to comment on the matter which is within the purview of grievances adalat. His representation dated 20.9.2006 has already been replied vide letter dated 09.11.06.

Contd....5/-

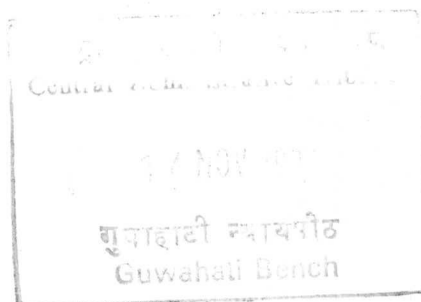


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29

Nitya Chand Thakur
Dy. Chief Personnel Officer / Hg
N.F. Railway, Maligaon
Guwahati-11

7. That in the facts and circumstances stated above the application deserves to be dismissed with cost.



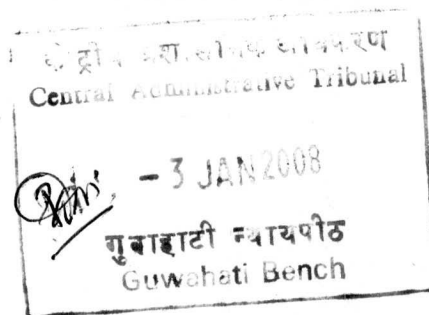
V E R I F I C A T I O N .

I, Shri ... *Nitya Nanda Thakur* ... aged about ... *57* ... years, son of *Late. Pran. Mahan. Thakur* working as *Dy. Chief Personnel Officer/149* do hereby state that I am competent swear this verification on behalf of the respondent Nos. 1, 2 and 3 and I say that I have been authorised by the respondents to verify the statements, and accordingly I verify that the statements made in paragraphs 1 to 6 are true to my knowledge, and those made in para 7 are my respectful submission the Hon'ble Tribunal.

I sign this verification this *28* ... the day of *October* ... 2007 at Guwahati.

Nitya Nand Thakur
Signature

Dy. Chief Personnel Officer / 149
N F. Railway, Maligaon
Guwahati-11



91
Filed by the applicant
through U. Dutta,
advocate on 09.01.08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

O.A. No. 171/2007

Shri Pankaj Kumar Dutta

..... Applicant

- VERSUS -

U. O. I. & ORS.

.....Respondants

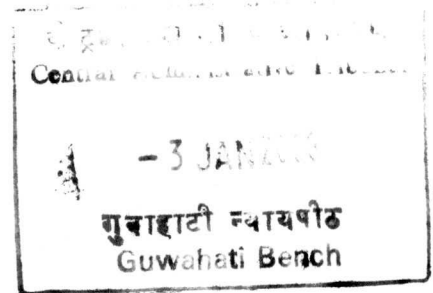
Rejoinder to the written statements by the applicant.

The applicant above named most respectfully begs to state the following in reply to the written statement filed by the Respondents.

1. That the applicant has received a copy of the W.S. and understood the contents thereof.
2. That in reply to the statements in Para-2, 3 & 4 of the Written Statement, it is stated that the Respondents have not given clear and total picture of the position of promotion from Sr. Clerk to Head Clerk. The Administrative error made by the Respondents in 1992 caused the loss of the applicant and the Respondents themselves understood and located the same and as such his promotion to Head Clerk was given w.e.f. 01.06.1994 (Annexure I of OA). Applicant was content with the same even though his promotion should have been from an earlier date i.e. 18.06.1992. He has always co-operated with the Respondents in this matter.

Contd...2.

Pankaj Kumar Dutta.



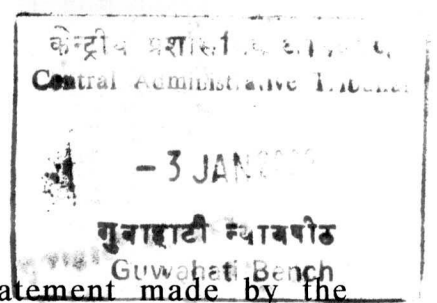
The factual position is that in March, 1994 it was detected that out of total 16 sanctioned strength of Head Clerks, 2 (two) posts for SC and 1 (one) post for ST were reserved (15% SC and 7½ % ST). But through Administrative error 3 (three) posts were given to SC and 2 (two) posts as ST were given on reservation benefit. As a result 1 (one) SC and 1 (one) ST were given in excess in the cadre of Head Clerks. These resulted in loss of promotion of one Shri Biswajit Kar and the applicant. While consideration the next promotion, the Respondents detected the same and rectified the same and applicant's promotion as Head Clerk given w.e.f. 01.06.1994.

It is also stated that in the Seniority List of Senior Clerk as on 01.04.1994, Shri B. Kar and the applicant (Shri P. K. Dutta) were against Serial No. 3 & 4 respectively. Shri Tapan Chandra Das (SC), was against Serial No. 5. Due to Administrative error Shri Tapan Chandra Das was promoted as Head Clerk on 18.06.1992 against reserved quota (not on merit). After detection of the Administrative error, Respondent should have strictly followed the rule for rectification of errors and should have promoted Shri B. Kar and the applicant w.e.f. 18.06.1992 i.e. the date of promotion of the junior i.e. Shri Tapan Chandra Das. However, the Respondents promoted Shri B. Kar w.e.f. 13.04.1994 and the applicant w.e.f. 01.06.1994 (as explained above).

It is also stated that even if Shri B. Kar was given promotion in the post of Head Clerk w.e.f. 18.06.1992 in place of Shri T. C. Das, taking the real vacancy also, applicant gets his promotion w.e.f. 13.04.1994 as vacated by Shri B. Kar. The applicant explained the above position to clearly place the facts before the Hon'ble Tribunal. However, he had accepted the promotion given w.e.f. 01.06.1994 as done by the Respondents and fully co-operated with the Respondents which shall not make much difference in service and scope of further promotion. In this connection, applicant begs to state that he was found suitable for promotion to the post of Head Clerk and before effecting the promotion w.e.f. 01.06.1994.

Contd....3.

Pankaj Kumar Dutta

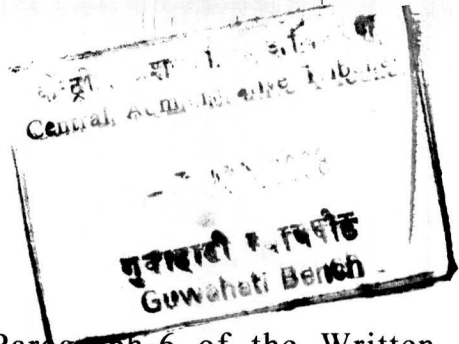


The applicant humbly states that the statement made by the Respondents in Para-3 of W.S. "Shri Dutta was shown promoted w.e.f. 01.06.1994 inadvertently" is not correct and is a wrong statement. The factual position is that the Railway Respondents office took a conscious decision in noting side of file No. E/283/171/Pt.V(T), noting side page No. 24 (PP-22 to 26) of the said file. It is therefore not correct that the promotion w.e.f. 01.06.1994 is inadvertent. The applicant denies the correctness of the statements that there was no vacancy. The Respondents have confused everything in the matter of promotion to Head Clerk in the promotional avenue of the applicant by committing repeated errors and though the officers in the relevant time tried to rectify the initial Administrative error, with the change of incumbent officers, applicant has been made to suffer to do favour to others for reasons best known to the Respondents.

Copy of Seniority List as on 01.04.1994 of Senior Clerks in CCM/G's office is enclosed as Annexure - XXII.

3. That in reply to Para No. 4 & 5 the applicant denies the correctness of the statements made in the said paragraphs. The Respondents have made misleading statements as regards Shri T. C. Dutta who has been promoted to the post of OS/II. Shri T.C. Dutta was in Rates Wing and the applicant in the General Wing. The promotion of the applicant has no link/connection with the promotion of Shri T. C. Dutta. The promotion Order dtd. 29.07.1994 clearly shows 8 (eight) persons as promoted from General Wing i.e. from Head Clerks to Office Superintendent/II. Shri P.C. Sarma is the first man from General side promoted as OS/II at Serial No. 11. Others are at Serial No. 19, 22, 23, 26, 27, 28 & 33. The Respondents have tried to deliberately mislead the Hon'ble Court that no vacancy was caused in the General side by the promotion in that Office Order w.e.f. 29.07.1994. It is stated that as per the Respondents stand also with the posting of Shri P.C.Sarma as OS/II w.e.f. 29.07.1994, the applicant was the first man to be shown against the resultant vacancy of Head Clerk which they did by letter dtd. 17.02.1995 and Corrigendum dtd. 15.03.1995 (Annexure-V & VI of OA respectively). It is stated that Respondents' statements are therefore misleading, confusing and not correct.

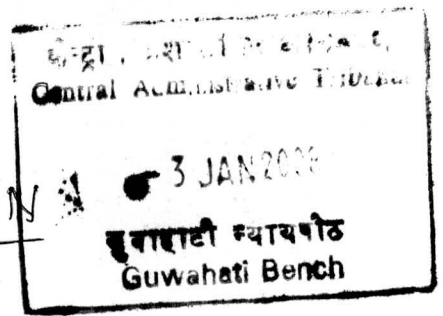
Contd. 4
Barhaj Kumar Dutta.



4. That in reply to statements in Paragraph-6 of the Written Statement the applicant begs to state that the position explained in the above paragraphs has shown the correct facts. The statements of the Respondents that "the position of applicant has been shown correctly" is not correct.
5. That in reply to the statements in Para-7 of the Written Statements the applicant humbly and respectfully submits that in the fact and circumstances of the case the OA deserves to be allowed with cost.

Pankaj Kumar Dutta.

61-5-
VERIFICATION



I Shri Pankaj Kumar Dutta, aged about 48 (forty eight) years, son of late S. K. Dutta, resident of Rest Camp, P/O- Pandu, Guwahati-12 do hereby verify that the statements made in Paragraphs 1 to 4 above are true to my knowledge, and the statements made in paragraph-5 is my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

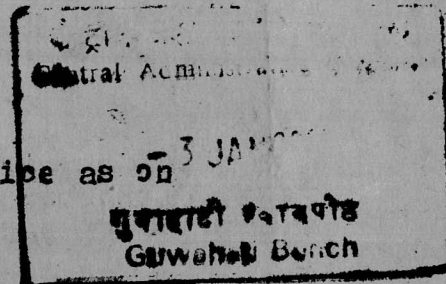
I sign this verification this 30/12 day of December, 2007 at Guwahati.

Pankaj Kumar Dutta.

Signature

N. F. Railway.

Provisional seniority list of Senior Clerks of CCM's Office as on 1.4.94 in scale Rs.1200-2040/- of Commercial Branch.



SN	N A M E	Date of Birth.	Date of apptt.	Date of promotion to grade.	Confid./ Offg.	Remarks.
1	2	3	4	5	6	7
1.	Sri Sadhan Ch.Das.	7.7.55	19.7.77	26.4.82	Confid.	Promoted to Hd.Clerk.
2.	" A.Basumatary (ST)	1.3.58	19.7.77	26.4.82	-do-	-do-
3.	" B.Kar.	27.1.57	8.8.77	7.7.82	-do-	Promoted to Hd.Clerk w.e.f. 13.4.94.
4.	" P.K.Dutta.	25.9.59	15.4.85	15.4.85	-do-	Appointed as Sr.Clerk against DA Graduate quota.
5.	" Tapan Ch.Das (SC)	23.11.63	11.6.85	11.6.85	-do-	Promoted HC on 18.6.92.
6.	" D.R.Boro (ST)	1.7.40	20.3.59	30.9.85	-do-	-do-
7.	" Chandan Das.	11.10.59	17.3.69	18.8.86	-do-	-do-
8.	" P.Pariat.	22.11.44	26.8.65	21.1.87	-do-	-do-
9.	" R.Rajbangshi.	1.4.53	10.8.79	21.1.87	-do-	-do-
10.	" B.N.Das.	1.4.52	10.12.80	21.1.87	-do-	-do-
11.	" P.C.Sarmah.	1.9.63	4.5.85	4.5.89	-do-	-do-
12.	" N.C.Kalita.	31.12.38	20.3.59 12.11.79 as Cl.	31.8.88	-do-	-do-
13.	" B.Kalita.	2.7.62	2.4.81	31.8.88	-do-	-do-
14.	" A.Jabbar.	1.7.58	21.4.82	31.8.88	-do-	-do-
15.	" Sanjib Kr.Das.	28.11.56	19.5.82	31.8.88	-do-	-do-
16.	" S.Hague.	1.12.55	3.1.81	31.3.89	-do-	-do-

True copy
Attended
S. Kumar
18/1/94
সম্পদক বাণিজ্য প্রদেপ (General)
উত্তর-পূর্ব সীমান্ত রেলওয়ে, মালগাওঁ
Northeast Frontier Railway, Malgaon
গুৱাহাটী - ৭৮১০১১

: 2 :

1	2	3	4	5	6	7
17.	Srimati Mamani Saikia - Tamil	1.7.58	28.11.85	29.6.90	Confid.	Promoted against departmental Graduate quota.
18.	" Gayetri Katak.	26.11.61	19.5.82	9.10.90	-do-	-
19.	Sri Promode Ch. Goswami.	1.5.57	24.5.82	9.10.90	-do-	-
20.	" Kalpana Pathak.	15.5.60	15.12.85	4.12.90	-do-	-
21.	" Nakul Ch. Das.	23.7.53	27.11.86	1.7.91	-do-	-
22.	" Subal Ch. Das. (SC)	17.1.62	19.11.91	19.11.91	Temp.	Appointed as Sr. Clerk against D.R. Graduate quota.
23.	" Ashit Chakraborty.	1.4.54	14.7.81 13.1.89	T. 18.6.92 Cl.		
24.	Mrs. Nazma Begum.	1.2.59	24.2.88	18.6.92		
25.	" K. Medhi.	1.1.69	18.6.90	18.6.92		
26.	Sri Sukumar Banerjee.	11.3.61	2.12.83 8.9.7.91	27.1.94		

for General Manager(P):MLG.

Maligaon, dt. 4-6-94.

No.E/255/III/113(T).

Copy forwarded for information and necessary action to:-

1. OS(Comm.) / Maligaon. (2) SCO / Maligaon. (3) GS/NFREU/PNO

4. Staff concerned through OS/Commercial/Maligaon. The staff concerned are advised to submit their representation if any within one month from the date of issue of their seniority list. No representation will be entertained if not received within the stipulated period and the seniority list will be treated as final.

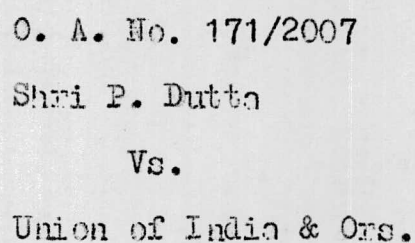
ad/-7.6.94

*True copy
Noted
J. Senapati*

मुख्य वणिज्य (साधारण)
Asst. Comm. Manager (General)
पूर्वोत्तरी रेलवे, मुम्बई
East Frontier Railway, Maligaon
Mumbai - 781011

General Manager(P):MLG.

88
मुख्य कार्यालय
Dy. C.P.O./10
पू. सी रोड, माह.
N. F. Rly/M. E.
गुवाहाटी/Guwahati



The respondent Nos. 1, 2, and 3 most respectfully beg to state as under :

1. That the date of promotion of applicant as Head clerk, w.e.f. 1.6.1994 was given for the following reason:

(i) Total sanctioned strength (of Hd. clerk) 16
in CCM/^{General}Guruchoti's office.

(ii) Share of SC @ 15%	2
------------------------	---

Share of ST @ 7.5% 1

Total SC + ST 3

(iii) Promotion given from SC and ST - $3 + 2 = 5$

There had been 2 excess promotions
for reserved employees, including
Junior of Applicant. (Shri T.C. Das)
Junior to applicant was promoted
w.e.f. 18.6.1992.)

Contd....2

Received
10/2/10

०३
व्यवसायिक अधिकारी/मुम्बई
Dy. C.P.O./HQ
श्री. सी. रेड्डी, नाट्यमि
N. F. Fly/M¹².

To rectify the administrative error of giving promotion to junior in terms of Para 228 of IREM. The promotion of the applicant as Head Clerk was given w.e.f. 1.6.1994 (Annexure-I) of the O.A., after he was found suitable for promotion as Head clerk, against next available vacancy.

The date 1.6.1994 was later altered to w.e.f. 29.7.1994 i.e. the against available vacancy (Annexure-V and VI), and the corrigendum dated 15.3.95.

2. That it is stated that by office order dated 29.7.1994 total 34 Head clerks were promoted as office Superintendent (II) with immediate effect. As a result 34 vacancies were available w.e.f. 29.7.1994. Out of these 34 vacancies 8(eight vacancies) were in CCM/Guwahati's office. The applicant's avenue of promotion was against x vacancies of CCM/General office. The promotion against the 34 vacancies in the Rates, Claims and General Wings of CCM office were given on different dates, the promotion orders in CCM/General's office were given from 23.8.1994 against the 8 vacancies w.e.f. 29.7.1994, of Sarbashri P.K. Dutta, B.R. Boro, Chandan Das, P. Parial, R. Rajbangshi B.N. Das, P.C. Sharma and H.C. Kalita.

3. That as ordered by the Hon'ble Tribunal, it is stated that 8 (eight) vacancies of Head clerks in CCM/General's office had existed w.e.f. 29.7.1994 and the promotion of the applicant was antedated by the corri-
gendum dated 15.3.1995 (Annexure-VI of O.A.)

Contd....3

90

2/2/10

न. फ. फ. य. म. ड.
पु. सी. रेलवे, नाल्हाटिगांव
Dy. C.P.O./HQ
न. फ. फ. य. म. ड.

4. That the Standing Counsel for the Railways informed of the order of filing the affidavit immediately and send the copy of the order on 4.2.2010. Hence this affidavit is filed immediately.

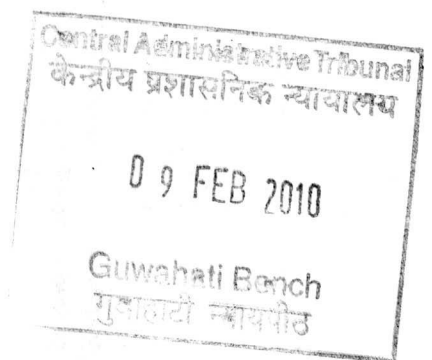
5. That this affidavit is filed for cause of justice.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
09 FEB 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

-67-

a1

A F F I D A V I T.



I, Shri A. K. Chhapolia aged
about 38 years, Son of At. Om. Prakash Chhapolia
working as Dy. CPO/HQ, Maligaon,
do hereby solemnly affirm and say that the statements
in para 1 to 5 above are true to my knowledge and that
I have not suppressed any material facts.

I sign this affidavit this 8th day of
February, 2010 at Guwahati.

Identified by me.

S.N. Tamuli
Advocate.

Signature.

[Signature]
न्याय कार्यालय अधिकारी/मुख्यालय
Dy. C.P.O./HQ
ए. सी. रेड्डी, मालीगाँव
N. F. Rly/M.H.

गुवाहाटी/Guw
Sworn in and solemnly
affirmed before me being
identified by Santanu
Nandan Tamuli Advocate,
this 8th day of February,
2010 at Guwahati.

[Signature]
Advocate.