

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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by applicant DD/Jan/15

SECTION OFFICER (JUDL.)

✓
10-8-2015
2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 122/08
2. Mise Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Haladhar Swargiary vs Union Of India & Ors

Advocate for the Applicant(s): B. Ramchary, D.C. Talukdar

Advocate for the Respondant(s): Railway advocate

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs 50/- deposited via IPO AD No 29G 345275	21.07.2008	Mr. D. C. Talukdar, learned counsel appearing for the Applicant states that he will produce gradation list ^{and} on the relevant rules governing the promotion. In order to produce the same, he seeks an adjournment.
Dated 21.7.08		Call this matter on 14 th August, 2008.
<i>By Registrar</i>		<i>Khushiram</i> (Khushiram) Member(A)
Petitioners copies for issue notices are received with envelope. Copy served.		<i>Y</i> (M.R. Mohanty) Vice-Chairman
	14.08.2008	Heard Mr. D. C. Talukdar, learned counsel appearing for the Applicant and Dr. J. L. Sarkar, learned Standing Counsel for the Railways (on whom a copy of this O.A. has already been served) and perused the materials placed on record. To-day the Advocate for the Applicant has filed list of dates and additional statements being duly verified by the Applicant. Mr. D. C. Talukdar, learned counsel for the

Contd/-

Contd/-

14.08.2008

Dt. 14.8.08
 Pl. issue notice to the respondents & to collect this O.A. and addl. affidavit with the enclosed Annexures.

14.8.08

19. 8. 08
 An additional affidavit filed by the Applicant. Copy served.

19.8.

Copies of additional statements with Annexures, order dt. 14/8/08 along with the notices sent to D/Section for issuing to the respondents by regd. A/D post.

Case 26/8/08. D/No-3742-46

Dt=26/8/08.

6(mix)
 Applicant undertakes to file copies of the additional statements with Annexures, in course of the day. A copy of the additional statement has already been supplied to Dr.J.L.Sarkar, learned Standing Counsel for the Railways.

Issue notice to the Respondents requiring them to file their reply by 30th September, 2008. While sending notice to the Respondents, Registry should send copies of this O.A. and additional affidavit with the enclosed Annexures.

Call this matter on 30.09.2008.

✓
 (M.R. Mohanty)
 Vice-Chairman

Mr.D.C.Talukdar, learned counsel appearing for the Applicant is present. None appears for the Respondents/ Railways. No written statement has yet been filed by the Respondents in this Case.

Call this matter on 11.11.2008 awaiting written statement from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A.

✓
 (S.N.Shukla)
 Member(A)

✓
 (M.R. Mohanty)
 Vice-Chairman

Pl. send copies of this order to the respondents in the addl. given in the O.A.

W/S not filed.

✓
 10.11.08.

3
O.A. 122 of 08

11.11.2008. Mr. Talukdar, learned counsel appearing for the Applicant is present. No written statement has yet been filed by the Respondents in this case.

Call this matter on 18.12.2008 awaiting written statement from the Respondents.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

W/S not filed.

lm


17.12.08.

18.12.2008 No written statement has been filed by the Respondents in this case. On the prayer of Dr. J. L. Sarkar, learned Standing Counsel for the Railways, call this matter on 06.02.2009 awaiting written statement from the Respondents.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

No W/S filed.

lm


5.2.09.

06.02.2009

On the prayer of Dr.J.L.Sarkar, learned Standing counsel for the Railways, call this matter on 18.03.2009 awaiting written statement from the Respondents.

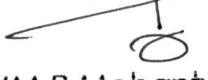
N/S not filed.


17.3.09.

/bb/

W/S and rejoinder filed by the parties.


29.5.09.


(M.R. Mohanty)
Vice-Chairman

18.03.2009 Despite four adjournments no written

statement has yet been filed by the

Respondents/Railways. On the prayer of

learned counsel for the Railways time till

30.04.2009 is granted to the Respondents, as

a last chance to file written statement.

M.R. Mohanty

Dear 18.3.09
 Pls. send copies of this order to the Respondents in the address given in the O.A.

Order dt. 18.3.09
 is prepared & sent
 to D/Section for issuing
 to Respondent by post

on 20.3.09 M.A.O. 1329 to 1334 lm
 Dated 23.3.2009

Send copies of this order to the Respondents in the address given in the O.A.


 (M.R. Mohanty)
 Vice-Chairman

30.04.2009 Mr.T.C.Talukdar, learned counsel for the Applicant is present. Dr.J.L.Sarkar, learned Standing counsel for the Railways is also present.

In this case written statement has already been filed.

Heard. Subject to legal pleas to be considered at the final hearing, this case is admitted.

On the prayer of Mr.D.C.Talukdar, Advocate for the Applicant, call this matter on 01.06.2009 awaiting rejoinder from the Applicant.

Send copies of this order to the Applicantand also to the Respondents in the address given in the O.A.

 (M.R. Mohanty)
 Vice-Chairman

18.5.09
 Rejoinder filed
 by the Applicant
 through his Adv.
 Copy served.

/bb/

18/5/09

O.A.122/2008

01.06.2009

Mr.B.Ramchhary, learned counsel appearing for the Applicant, is present. Dr.J.L.Sarkar, learned Standing counsel for the Railways is also present.

9-6-09

1. W/S & Rejoinder filed.
2. No W/S from R.No.586 (Part. Resps.).

*On
9-6-09*

/bb/

10.06.2009

On the prayer of Mr.B.Basumatary, call this matter on 10.06.2009 for orders.

M.R.Mohanty
(M.R.Mohanty)
Vice-Chairman

11.6.09

Send copies of this order to the Applicant and also to the Respondent urgently.

*D
M.R.Mohanty*

In this case written statement and rejoinder have already been filed by the parties.

Call this matter on 05.08.2009.

Applicant has filed a petition M.P.57/2009 to seek certain records from the custody of the Respondents. A copy of the said M.P.57/2009 has already been served on Dr.J.L.Sarkar, learned Standing counsel for the Railway.

Heard. Records specified in M.P. No.57/2009 be kept ready with the learned Standing counsel for the Railways to be produced at the hearing for perusal of the Bench.

Send copies of this order to the Applicant and also to the Respondents in the address given in the O.A.; along with copies of this M.P. No.57/2009 (Mr.D.C.Talukdar, learned counsel for the Applicant undertakes to file six copies of the M.P. 57/2009 and required postages in course of the day). Free copies of this order be also supplied to learned counsel appearing for both the parties.

M.R.Mohanty
(M.R.Mohanty)
Vice-Chairman

11.6.09
Rs. 923/- (One hundred
twelve) deposited
vide Receipt No.2905
by the Advocate for
the Applicant as per
order dt 10.6.09 for
the charges of issue
order to the Respondent
No.1 to 6 by speed post.

/bb/

8/11/09

-6-
04.12.08

91.6.09

Copy of the order
dtd 10.6.09 along-
with copy of the
Application in MP No
57/09 send to the
D/sec for issue the
same to the Resps
No 1 to 6 by speed
post at the cost of
the Applicant and
a copy of the order
to the Applicant and
free copy to the H/Adm
for the parties.

11/6/09 vide NO-3184 to 3190
dt. 15.6.09

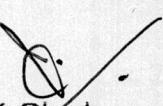
05.08.2009

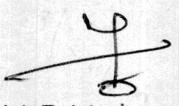
In this case written statement and rejoinder having been filed, case was otherwise ready for hearing. Applicant called for certain records from the custody of the Respondents. Dr.J.L.Sarkar, learned Standing counsel for the Railways produced certain records including the answer scripts of the Applicant and the selected candidates in court today.

Heard Mr.B.Ramchary, learned counsel appearing for the Applicant and Dr.J.L.Sarkar, learned Addl. Standing counsel for the Railways and perused the materials placed on record and produced by Dr.J.L.Sarkar in court today. The answer scripts of the Applicant and that of the selected candidates, which were produced in sealed cover, were opened and were also perused. Learned counsel for the Applicant also perused the same.

13/08/09

Hearing concluded. For the reasons recorded separately, this case is disposed of.


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman

Judgment order
dtd 05/08/09 copies send
to the D/section for
issuing to the Resps
and applicant by Regd.
post. /bb/
D/NO. 9732-9740
dtd 24-8-09 Regd 13/8/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 122 of 2008.

DATE OF DECISION: 05-08-2009.

Sri Haladhar Swargiary

.....Applicant/s

Mr B. Ramchiary

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Dr J. L. Sarkar, Railway standing counsel.

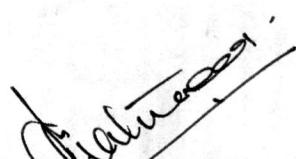
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

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.


Vice-Chairman/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 122/2008.

Date of Order : This the 5th Day of August, 2009.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Haladhar Swargiary,
S/o Late Sobha Ram Swargiary,
R/o Thaikarakuchi, P.O. Sathisamuka,
P.S. Barama, Dist. Baksa (BTAD)
Presently residing at Railway Colony,
Qr. No.125-D, P.O. & P.S. Sorbhog,
Dist. Barpeta, Assam.Applicant

By Advocate Sri B. Ramchiary

-Versus-

1. The N.F.Railway
represented by General Manager(P),
N.F.Railway, Maligaon,
Guwahati-11.
2. The Divisional Railway Manager (P)
N.F.Railway, Rangia,
Pin – 781354.
3. The Chief Medical Superintendent,
Office of the Divisional Medical Officer,
N.F.Railway, Rangia,
Pin. 781354.
4. The Senior Medical Officer,
N.F.Railway, Sorbhog – 781317.
5. Smt Renu Bala Boro, Aya,
Office of the Chief Medical Superintendent,
N.F.Railway, Rangia,
Pin 781354.
6. Shri Ranjan Basumatary, Safaiwala
under H& M.I, N.F.Railway,
North Lakhimpur-787002.Respondents

By Dr. J.L.Sarkar, Railway Standing counsel.

ORDER

M.K.CHATURVEDI, MEMBER(A)

By this application the applicant makes a prayer for his promotion/appointment to the post of Dresser Grade III category on the basis of seniority cum merits. It was further prayed that the appointment/promotion order of Smt Renu Bala Boro and Shri Ranjan Basumatary (who were appointed vide order dated 27.06.2007 to the post of Dresser Gr. III) be quashed and justice be done.

2. We have heard the rival submissions of Mr B.Ramchiary, learned counsel for the applicant and Dr J.L.Sarkar, learned Standing counsel for the Respondents.

3. It has been alleged in the O.A. that the aforesaid private Respondent Nos.5 and 6 were appointed by the respondents authorities to the post of Dresser Gr. III without following the prescribed norms and that the Applicant was not provided with required informations. Finally, it was prayed on behalf of the Applicant that the answer scripts of the Applicant and private Respondent Nos.5 & 6 and result sheet of the selection test/interview and select list on merit be called for and perused by this Tribunal to find out whether the prescribed norms were followed in making the appointment or not.

4. Dr J.L.Sarkar, learned Standing Counsel for the Railways/Respondents produced before us the selection records and answer scripts. Those records were also shown to the learned counsel for the Applicant. After perusal of the said records learned counsel for



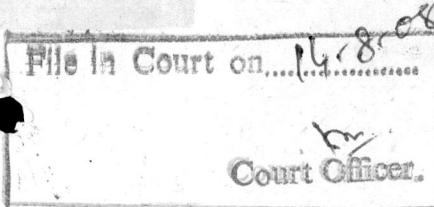
the Applicant stated that there was no violation of the norms in making appointment/promotion in respect of Respondents Nos. 5 and 6. We also found no infirmity in the selection.

5. In view of the above, we do not find any merit in the O.A. and, as such, the same is hereby dismissed. No costs.

Malwani
(M.K.CHATURVEDI)
ADMINISTRATIVE MEMBER

Hooley
(M.R. MOHANTY)
VICE CHAIRMAN

pg



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 122 /2008

Shri Haladhar SwargiaryApplicant/Petitioner.

- Vs-

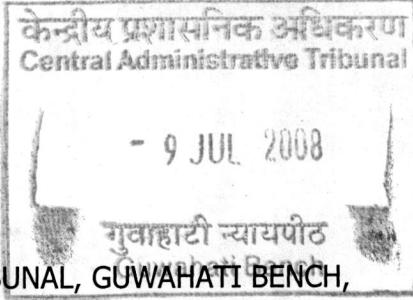
The N. F. Railway & ors.Respondents.

LIST OF DATES

<u>Dates:</u>	<u>Particulars</u>	<u>Annexure</u>
22.07.1988:	Initial appointment order of the applicant,	vide Annexure- C
30.04.2004:	Experience certificate of the applicant,	vide Annexure-D
07.10.2005:	Empanelled list of the candidates for promotion,	vide Annexure E
03.11.2006	Notification for filling up of the vacant post	
&30.11.2006:	of dresser Grade III.	vide Annexure F&G.
21.03.2007:	Interview Call letter of the applicant along with other candidate,	vide Annexure H.
27.06.2007:	Impugned promotion order of the private respondent .	vide Annexure I.
27.06.2007:	Joining Report of the private respondent,	vide Annexure J.
02.07.2007:	Applicant's representation.	Vide Annexure K.
12.07.2007:	Applicant's representation	vide Annexure L
29.10.2007:	Another Advertisement for filling up of the one post of Dresser Grade III,	Vide Annexure M.
06.02.2008:	Call letter for the 2 nd Interview.	Vide Annexure N

Filed by

Saripura Ch. Talukdar
Advocate, G.H.C.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. 122/2008

Shri Haladhar SwargiaryApplicant/Petitioner.

- Vs -

N. F. Railway & ors.....Respondents .

I N D E X

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Filed by

Dwipen Ch. Talukdar
Advocate, G.H.C.

- 9 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. 122/2008

Shri Haladhar SwargiaryApplicant./Petitioner.

-Vs-

N. F. Railway & ors.Respondents.

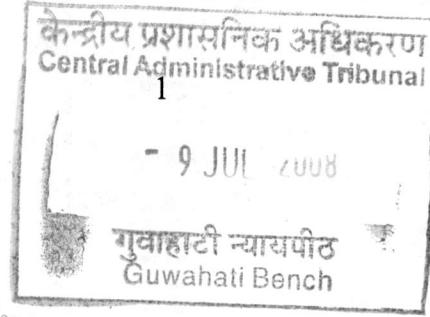
SYNOPSIS

1. The particulars against which this application is made:

This is an application under section 19 of the Central Administrative Tribunal, Act, 1985 against the Office Order.No.E/Med/254/RN/Dresser, dated 27.06. 07 by which the Private Respondents more junior to the petitioner have been promoted from the Grade IV state to Grade III post of Dresser without following the prescribed guide line on the basis of Seniority cum- merit basis and for a direction to the respondent authorities to enquire into the matter calling upon the records of the Selection Test (Written Examination) for the post of Dresser/III held on 07.04.2007 at Divisional Railway Manager (P) / Rangiya's Office, vide- Office Notification No.E/Med/254/RN/Dresser, dated 21.03.2007 by setting aside/quashing the impugned Office Order.No.E/Med/254/RN/Dresser, dated 27.06. 07 and to fill up the said posts by promoting the candidates of Grade IV Staff on Seniority cum merits basis as per norms prescribed in the Notification. The private Respondents Nos.5 & 6 have been appointed by the Respondent authorities to the posts of Dresser Grade- III for the reasons best known to the concerned authorities in not following the prescribed norms/procedure of the Notification. Inspite of representations filed by the petitioner dated 07.07.2007 and another one jointly with other candidates dated 12.07.2007 duly forwarded by the authorities, but no response has been received by the petitioner from the Respondents authorities nor any action has been taken by the Respondents in this regard till date. Hence, this original application has been filed for seeking justice.

Filed by

Swipen Ch. Talukdar
Advocate,



Filed by

Haladhar Swargiary
through
Dr. Dipen Ch. Tolukdar
9/908 Advocate, Esq.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act.)

ORIGINAL APPLICATION NO. 122/2008

Between-

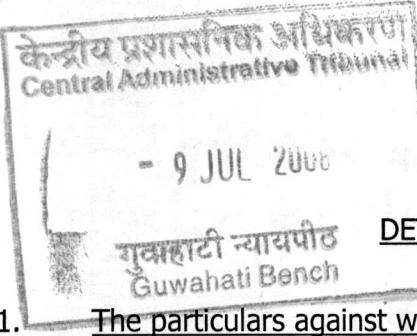
Shri Haladhar Swargiary s/o Late Sobha Ram Swargiary, R/o Thaikarakuchi, P.O.- Sathisamuka, P.S.-Barama, Dist- Baksa,(BTAD) presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam.

.....Applicant/Petitioner.

- Vs-

1. The N. F. Railway represented by the General Manager (P), N.F. Railway. Hd. Qrs., Maligaon, Guwahati- 11.
2. The Divisional Railway Manager (P), N. F. Railway, Rangiya. Pin - 781354
3. The Chief Medical Suptd., Office of the Divisional Medical Officer, N. F. Railway, Rangiya, Pin - 781354.
4. The Senior Medical Officer, N. F. Railway, Sorobhog . 781317
5. Smt. Renu Bala Boro, AYA, Office of the Chief Medical Suptt., N. F. Railway, Rangiya. Pin- 781354
6. Shri Ranjan Basumatary, Safaiwala, under H & M. I., N.F. Railway, North Lakhimpur, 787001

.....Respondents.

DETAILS OF APPLICATION1. The particulars against which this application is made:

This is an application under section 19 of the Central Administrative Tribunal, Act, 1985 against the Office Order.No.E/Med/254/RN/Dresser, dated 27.06. 07 by which the Private Respondents more junior to the petitioner have been promoted from the Grade IV state to Grade III post of Dresser without following the prescribed guide line on the basis of Seniority cum- merit basis and for a direction to the respondent authorities to enquire into the matter calling upon the records of the Selection Test (Written Examination) for the post of Dresser/III held on 07.04.2007 at Divisional Railway Manager (P) / Rangiya's Office, vide- Office Notification No.E/Med/254/RN/Dresser, dated 21.03.2007 by setting aside/quashing the impugned Office Order.No.E/Med/254/RN/Dresser, dated 27.06. 07 and to fill up the said posts by promoting the candidates of Grade IV Staff on Seniority cum merits basis as per norms prescribed in the Notification. The private Respondents Nos.5 & 6 have been appointed by the Respondent authorities to the posts of Dresser Grade- III for the reasons best known to the concerned authorities in not following the prescribed norms/procedure of the Notification. Inspite of representations filed by the petitioner dated 07.07.2007 and another one jointly with other candidates dated 12.07.2007 duly forwarded by the authorities, but no response has been received by the petitioner from the Respondents authorities nor any action has been taken by the Respondents in this regard till date. Hence, this original application has been filed for seeking justice.

2 Limitation:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

3 Jurisdiction :

The applicant further declares that the subject matter of the case is within the jurisdiction of this Hon'ble Administrative Tribunal.

4. Facts of the case:

4.1 That the applicant is a citizen of India and permanent resident of above mentioned location of Assam. The applicant is hailing from a

Cotd. to.....p/3

Swargang
Haladhar

- 9 JUL 2008

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very poor family of Scheduled Tribes (P) belong to Bodo Kachari community of Assam and as such he is entitled to all rights, privileges, protection, guaranteed under the Constitution of India and statutory rules /relevant provisions of rules of law laid down by the Central Government.

A copy of Caste Certificate is annexed herewith as Annexure A.

4.2. That the applicant passed his H.S. L. C. Examination in the year, 1988 but due to the financial crises of the family of the petitioner, he could not go for his further study and he was compelled to in search of any job to support his family as well as his lively hood.

A copy of Passed Certificate of H.S. L.C Examination issued by the Head Master is annexed herewith as annexure B.

4.3 That the applicant in response to a local Advertisement of the N. F. Railway for filling up the posts of Health Attendants, Grade- IV category under the Medical Department, N. F. Railway, Alipurduar Division, applied and appeared in the interview and as he was selected in the interview and being found medically fit, he was appointed to the post of Health Attendant in Scale of Rs.750/- 940/- (RS/86) plus other allowances and was directed to report the Divisional Medical Officer, N.F. Railway, Rangapara Jn.(RPAN), vide-Appointment Order No.E/227/10(AP) 0Comp, dated 22.07.1988.. Pursuant to the said order, the petitioner reported and joined on and from 27.07.1988 at Rangapara Jn.. Since then the petitioner has been rendering his Service continuously to the satisfaction of the Respondent authorities without any break nor any complaint from any corner till date at different Stations, presently he has been attached under Sr. D. M. O., N.F. Railway, Sorobhog.

A copy of Appointment order dated 22.07.1988 is annexed herewith as Annexure C.

4.4 That the applicant begs to state that he had already completed one month Dresser Grade III Training in O.T. on 30.04.04. In this regard he has been issued an experience Certificate by the Medical Supdt., N. F. Railway, New Bongaigaon. Thereafter the petitioner being found suitable in the modified selection/suitability test, he was

Cotd. to.....p/4

Halodhar Swarup

Holadhar Swaraj

empanelled/enlisted along with other candidates for promotion to the restructuring cadre with retrospective effect, i.e. w. e. f. 01.11.2003 in Scale of Rs.2650- 4000/- shown against each, vide- Memorandum No.E-Med/210/RN/HA-AYA/8, dated 07.10.2005 issued by the DRM (P), N.F. Railway, Rangiya.

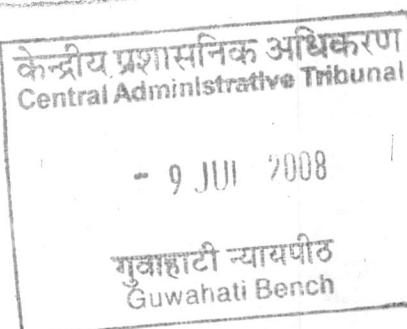
Copies of the Experience Certificate dtd. 30.04.04 said Memo dated 07.10.2005 are annexed herewith as Annexures - D & E respectively.

4.5. That the applicant begs to state that the Divisional Railway Manager (P), Rangiya, vide his Notification No.E/Med/254/RN/Dresser, dtd. 03.11.2006, followed by notification of even No. dated 30.11.2006 for the purpose of filling up the vacant posts of Dresser Grade- III, lying vacant at different stations under Medical Department of Rangiya Division.

Copies of Notifications dated 03.11.2006 and 30.11.06 are annexed herewith as Annexure F & G respectively.

4.6. That the petitioner begs to state that pursuant to the Notifications cited above, the Respondents authorities, vide – Office Memo No. E/Med/254/RN/Dresser, dtd. 21.03.2007, the petitioner along with other candidates who have already opted/applied had been called for appearing Selection Test(Written) to be held on 07.04.2007 for filling up 2(two) posts of Dresser/III in Scale Rs.3050- 4500/- learned to be back log posts for reserved categories for S.T.(P) candidates. Accordingly, the petitioner, along with other candidates appeared in the said Selection test on 07.04.2007 and in the said Selection Test (Written), the petitioner had done well so far knowledge of the petitioner. In this regard, the petitioner also further begs to state that he(petitioner) joined his Service in the year, 1988 and is the senior most Grade IV staff among the S.T.(P) candidates as well as Second in general seniority. On the basis of Seniority cum merit basis the petitioner was to be promoted from Grade IV to Grade III categories. But surprisingly, without following the prescribed procedure, the Respondents authorities for the reasons best known to them, the private candidates, Respondents No.5 & 6 who are more junior to the present petitioner learnt to be joined only after 2000, have been promoted/appointed to the post of Dresser III

Cotd. to.....p/5



on the basis of said impugned Office Order vide No.E/Med/254/RN/Dresser, dtd. 27.06.2007. Pursuant to the said impugned order the Private Respondents joined on the very day, i.e., on 27.06.2007.

Copies of Interview Call letter dated 21.03.2007, impugned order, dated 27.06.2007 and Joining report dated 27.06.2007 is annexed herewith as Annexure- H, I & J respectively

4.7 That the applicant begs to state that against the said impugned, Office Order, the applicant filed representation on 02.07.2007 and followed by another representation jointly along with other candidates on 12.07.2007 but inspite of representations filed by the applicants duly forwarded by the authorities, no response has been received by the petitioner from the Respondents authorities nor any action has been taken by the Respondents in this regard till date. However, just to avoid the irregularity appointment of the private respondents, the Respondents authorities, vide- Advertisement No. E/Med/254/RN/Dresser, dtd. 29.10.2007 invited application from Grade IV staff of Medical Department of Rangiya Division, for filling up of one post of Dresser III (U/R) on or before 15.11.2007 positively. Pursuant to the said advertisement, the applicant also applied for the same and accordingly the petitioner along with other candidates were called for appearing the Selection Test(Written) to be held on 01.03.2008. The applicant appeared in the said Selection test also but since the said post was unreserved category, and the applicant being the second position in general seniority, the senior most, unreserved candidate has already been appointed/promoted to the post of Dresser, Grade III post. Now, the applicant being the Senior most candidate of Grade IV staff amongst the S.T.(P) as well as in general, has been deprived of getting promotion from Grade IV to Grade- III. Hence, the applicant finding no way, is compelled to file this application for justice.

Copies of Representations dated 02.07.2007, 12.07.2007, Advertisement along with Syllabus dated 29.10.2007 and Call letter dated 06.02.2008 are annexed herewith as Annexure-K, L, M & N respectively.

5. Grounds for relief with legal provisions:

5.1 For that the respondent authorities have violated the provisions of ~~reservation to~~ ^{in Railway Services} Scheduled Caste and Scheduled Tribes by not following the prescribed Rules/Seniority cum merits etc.

Savangiaj

Sri. Haldar

20

9 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Swargy

Haldhar

Sri

5.2 For that there is a strong suspicion of manipulation of records of Test examination, held on 07.04.2007, favoritism/nepotism/ undue consideration in promoting the private Respondents Nos.5 & 6 from Grade IV Staff to the post of Dresser Grade III category superseding the Senior most Grade IV candidates having long experience /efficient /qualified/eligible to be promoted from grade IV staff to the posts of Dresser Grade III category.

6. Matter not previously filed or pending in any other court:

The applicant further declares that no any application/Writ petition or Suit in this regard has been filed in any other court or any other Bench of the Tribunal except this one.

7. Relief Sought for:

Under the facts and circumstances of the case stated above, it is prayed that your Lordship would graciously be pleased to admit this application, call for records of the Selection Test(Written) held on 07.04.2007, and after perusing/hearing both the parties the following relieves may be granted to the applicant :-

- .(i) to promote/ appoint the present applicant to the post of Dresser Grade III category on the basis of seniority cum merits according to prescribed Rules/procedure in practice by set aside/ quashing the said impugned order dated 27.06.2007 and.
- (ii) cost of application.
- (iii) any other relief/relieves, and/or pass such appropriate order or orders as your Lordship may deem fit and proper:-

8. Interim Order prayed for:

That applicant during the pendency of this instant Original application prays for interim order directing the Respondents to stay the operation of the impugned order dated 27.06.2007.

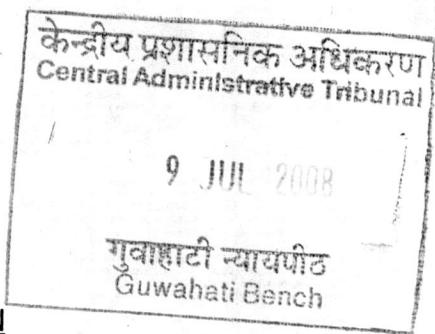
9. Particulars of IPO:

- (a). I.P. O. No. 39G 345275 of Rs.50.00 dated 08.07.2008
- (b) Date : 08.07.2007
- © Payable at : G.P.O., Guwahati- 1.

10. List of enclosure:

As stated in the index.

Cotd. to.....p/6A



6A

VERIFICATION

I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby verify that the contents of paragraphs¹.....to¹⁰ ...believed to be true an legal advise and that I have not suppressed any material facts.

AND, I sign this verification on this th day of July, 2008 at Guwahati

Sri Haladhar Swargiary
Signature of applicant

AFFIDAVIT

Cotd. to.....p/7



7

AFFIDAVIT

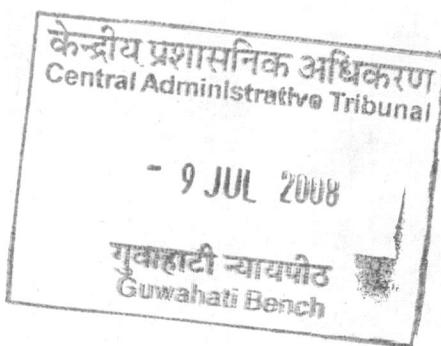
I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam.
Assam, do hereby solemnly affirm and declare as follows :-

1. That I am the applicant/petitioner in the instant Original Application and as such, I am well acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs 1,2,3 (4.1)(4.2)(4.4)(4.5) are true to the best of my knowledge and those statements made in paragraphs 4.3,4.5,4.6, are matter of records which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

AND, I sign this affidavit on this 9 th day of July, 2008 at Guwahati.

Identified by
Zaripen Ch. Talukdar
Advocate's Clerk :

Haladhar Swargiary
D E P O N E T



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

ALL ASSAM TRIBAL SANGHA

REGD. NO. 504/1976-77.

Hd. Office : TRIBAL REST HOUSE, PALTAN BAZAR, Gau- 8
Nalbari Dist. Tribal Sangha.

Address: Vill. Singrapara P.O. Barimakha
Dist. Kamrup Assam

Date 6/3/81

No:

This is to certify that Sri/Srimati Haladhar Swangiyary Son/daughter
wife of Shri Sabha Swangiyary of village Thakar Kuchi
Mouza Namati Mura Sub-Division Nalbari Dist. Kamrup
in the state Assam belongs to Bodo Kachari caste
community which is recognized as Scheduled Tribe under the constitution (Schedule Tribes)
orders, 1950 and Scheduled castes and Scheduled Tribes orders (Amendment) Act. 1976. As
amended by the Scheduled castes and Scheduled Tribes list. (modification) orders 1956 and
the Scheduled castes and Scheduled Tribes orders, (Amendment) Act. 1976.

2. Sri Haladhar Swangiyary and his/her family ordinarily resides in village
Thakar Kuchi P.O. Zati zamindia P.S. Barama Dist. Kamrup

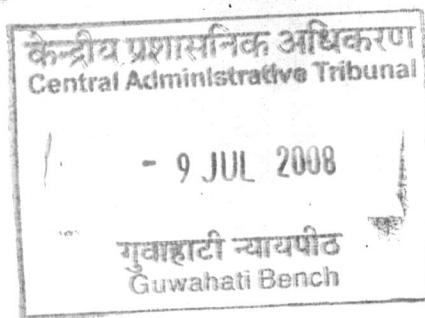
in State Assam

Countersigned
By. Commissioner/S.D.O.

Q/3/81

ASST. SECY
16/6/08
Nalbari Dist. Tribal Sangha

President/Secretary,
Nalbari Dist. Tribal Sangha.
(Seal)



- 9 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

9

Annexure - B

26

Govt. Aided Hirimba Bodo High School Thaikarakuchi

Estd. — 1981

P.O. — Mathkuchi

Dist. — Nalbari

Sl. No.

138

Certificate No.

Certified that Sri/Smt. Haladhar Swargay
Son/daughter of Sri/Smt Sobha Ram Swargay has/had
not Passed the H.S.L.C. Examination, 1988, under Roll P-7
No. 159 as a regular/private candidate from Govt. Aided
Hirimba Bodo High School and was placed in the III
Division.

His/Her date of Birth is 9-1-67 according to the school
record.

His/Her conduct and character have been Good
I wish him/her success in life

Date 26/11/91 19

Alleged
Date 06/6/08
Himanshu Divisional Medical Officer
to the Govt. of Assam
W. B. M. S., Borbari

Headmaster
Thaikarakuchi

Sworn to be true

Sw.

Annexure 2 C.

N. F. RAILWAY

Office of the
Divl. Railway Manager (P),
Alipurduar Junction.

No. E/227/10 (AP) comp

Dated: 22-7-1988

To - Shri/Smt. Halcather. Sarangiary.

4/.. D.Tarani... Sarangiary. ex/ Galimau. S.S/BNGN.

Sub:- Temporary appointment as HA/RPAN
Department Medical on pay Rs.750/-
in scale Rs.750-940/- (RS/86) plus usual
allowance as admissible from time to
time. Appointment is considered on
Compassionate ground/Handicapped quota.

On being found medically fit in category _____, you
are hereby temporarily appointed as HA/RPAN
specified above and directed to report D.MC/RPAN
for further orders.

The other terms and conditions of your service will be
the same as stated in this office letter No. E/227/10 (AP) comp.
dated 22-7-88

.....
(Signature & Rubber Stamp of
Appointing Authority.)

N. F. Rly. Alipurduar

APD/

..... forwarded for information and necessary action to :-

1) D.MC/RPAN..... The candidate's prescribed Attestation
form in triplicate along with the enclosures and medical
'Fit' Certificate is enclosed for record. The candidate
is appointed on Compassionate ground/Handicapped quota
pending Police Verification which should be got completed
as early as possible. The offer of appointment letter is
enclosed.

DA/ as above.

2) D.MC/RPAN for bill.....
3) D.A.A./APD).....
4) D.MC/RPAN.....
5) cc/E/ Med. APD)

The above named candidate is directed to you for appointment
as HA/RPAN. Please necessary
medical examination before for DIVL. RLY. MANAGER(P), in
(SI/5288) appointment him.
ALIPURDUAR JUNCTION.

.....

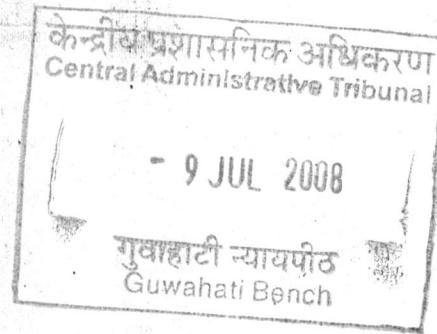
2

.....

29
Annexure D

FOR WHOM IT MAY CONCERN.

It is certified that Sri Haladhar Swargiory, HA/Med/SBE has
complited 1 month ⁱⁿ Dresser ~~Guji~~ training OT. satisfactory on 30-4-04.



Medical Supdt.
N. F. Rly. New Longsaigaon.

Medical Superintendent
29 वी. रेल न् यायपीठ
E. RAILWAYS NEW LONGSAIGAON

Bimal
Bimal
79/10/08

certified to be true copy

2

Northeast Frontier Railway

Office of the
Divisional Railway Manager(P),
N.F. Railway, Rangiya.

MEMORANDUM

The following staff of Medical department of RNY division are found suitable in the modified selection/suitability test and empanelled /enlisted for promotion to the following categories as noted against each, in connection with the restructuring of cadre w.e.f 01.11.2003 vide Railway Board's letter No.PC-III/2003/CRC6 dated 09.10.2003.

This has the approval of competent authority.

(A) Category:- HA/AYA in scale Rs. 2650-4000/- (NBQ, BNGN, SBE, RNY).

SN	Name & Shri	Designation	Scale, Rs.	Working under
01	Ram Bhajan Harijan, (SC)	HA/AYA	2610-3540/-	MS/NBQ
02	Dheni Lal Choudhury, (UR)	-do-	-do-	-do-
03	Jaldi Ram Raju, (ST)	-do-	-do-	-do-
04	Urtal Danga, (UR)	-do-	-do-	Sr. DMO/BNGN
05	Rupa Deb, (UR)	-do-	-do-	MS/NBQ
06	B.N. Bonowar, (ST)	-do-	-do-	Sr. DMO/RNY
07	Brojen Boro, (ST)	-do-	-do-	Sr. DMO/BNGN
08	Haladhar Swargiary, (ST) ✓	-do- ✓	-do- ✓	Sr. DMO/SBE ✓
09	Ramesh Basumatary (ST)	-do-	-do-	MS/NBQ
10	Gangamma, (SC)	-do-	-do-	-do-
11	G. Appaiar Samma, (SC)	-do-	-do-	-do-

(B) Category:- HA/AYA in scale Rs. 2610-3540/- (NBQ, BNGN, SBE, RNY)

01	T. Venkata Ramana, (SC)	HA/AYA	2550-3200/-	MS/NBQ
02	Rina Nurzary, (ST)	-do-	-do-	-do-
03	Raj Narayan Prasad, (UR)	-do-	-do-	-do-
04	Priadip Kumar, (SC)	-do-	-do-	-do-
05	Anil Roy, (UR)	-do-	-do-	-do-
06	Farapada Barman, (UR)	-do-	-do-	-do-
07	Anandita Bala Roy, (UR)	-do-	-do-	-do-
08	Renu Bala Boro, (ST)	-do-	-do-	Sr. DMO/RNY
09	Gita Rai, (UR)	-do-	-do-	MS/NBQ

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

- 9 JUL 2008

No.E-Med/210/2008/HA-AYA/8
Copy to for information to:-

1. DFM/RNY, 2. CMS/RNY, 3. MS/NBQ, 4. MS/IC/RPAN,
5. Divl. Secy NFRMU/RNY, 6. Convenor/NFRMU/RNY, 7. Divl. Secy/AISCTREA/RNY.
8. Sr. DOM/BNGN, RNY, SBE. 9. Staff concerned. 10. P/case.

(SG071005)

(S. Sarmah)
APO/I/RNY

For DRM(P)/RNY
Dated. 7.10.2005

For DRM(P)/RNY

45

2
2008

8239192

Central Administrative Tribunal
Guwahati Bench

5 JUL 2006

सर्वाधीन सायर्स
Guwahati Branch

N. F. Railway

NO E/Med/254/RN/Dresser

Office of the
DRM(P)/RNY

Dated 03-10-2006

CMS/RNY
MS/NBQ, RPAN,
Sr.DMO/RNY, BNGN, RPAN, NLP, SBE
H&MI/RNY, NBQ, BNGN, RPAN, NLP.

Sub:- Selection test (Written examination) for the post of Dresser/III.
Ref:- This office's letter No. E/MED/254/RN/Dresser dt. 1-10-05.

In reference to this office's Notification of even Number dated 4-10-05, the selection test(written examination) for promotion to the post of Dresser/III, in scale Rs. 3050-4590/-, has been fixed on 09 10 2006 (Saturday) at DRM(P)/RNY's office from 10-00 hrs to 11-30 hrs.

The following eligible optees are advised to keep themselves ready to appear in the said written test accordingly. There will be no absentee test.

SN	Names of candidates S/Sbu.	Desgn.	Caste	Working under
01	Haladhar Swargiary	HA/SBE	ST	Sr.DMO/SBE
02	Bhupendra Nath Konowar	HA/NLP	ST	Sr.DMO/NLP
03	Kaneri Swargiary	AYA/RPAN	ST	MS/RPAN
04	Bipul Boro	Safaiwala	ST	H&MI/RPAN
05	Mukul Ch. Kalita	Safaiwala/RPAN	UR	H&MI/RPAN
06	Kima Narzari	AYA/NBQ	ST	MS/NBQ
07	Reeti Bala Boro	AYA/RNY	ST	CMS/RNY
08	Sharati Boro	Safaiwala/RPAN	ST	MS/RPAN
09	Ramjan Basumatary	Safaiwala/NLP	ST	H&MI/RPAN
10	Remesh Ch. Barman	HA/RNY	UR	CMS/RNY

Two optees namely Bandi Ramana, HA/NBQ expired on 02-06-2006 and Sri Arun Kr. Dab, Safaiwala/BNGN promoted as Jr.Clerk/G, in scale Rs.3050-4590/-.

A pre-promotional training should be imparted by the concerned Controlling Officers to the SC & ST candidates working under them for a minimum period of 3 weeks.

Controlling Officers are requested to arrange for last 3 yrs. Working reports & DAR/SPE/Vig. clearance for all the above optees and send the same to this office early.

(A.K. Chatterjee)

APD-III

For DRM(P)/RNY

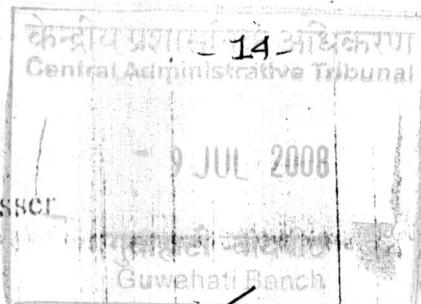
1. Divl. Secy/NFREU/RNY 2. Divl. Convenor/NFRMU/RNY 3. Divl. Secy/AIRSCTEA/RNY

Staff Concerned.

पूर्ण मालारेल गवर्नर (पा)
1. Divisional Railway Manager (P)

प. स. रेल्वे, रायगढ़

N. F. Railway



NOTIFICATION

NO. E/Med/254/RN/Drossel

110

CMS/RNY,
MS/NBQ, RPAN

MS/NDQ, R.F.A.E. ✓
SIR EDMUND BROWN BROWN, SIR, N.P., D.M.C., M.I.E., G.I.P.T.

II & MI/ NBQ, BNGN, RNY, RPAN, NLP.

Sub:- Selection for filling up 02 posts of Dresser/III, in scale

Rs.3050-4590/-.

Ref: This office's letter of even number dated 4-10-05 & 21-10-05.

中中中中中中中中中中

Notification calling options from eligible staff was issued on 4-10-05 extended further vide this office's letter of even number dated 21-10-05 for the post of Dresser/Gr.III, in scale Rs.3050-4590/- As directed by CMS/RNY to-day, further options are hereby invited from the staff who fulfils the following criteria:-

(A) Educational qualification : Matriculate/HSC pass.

(B) Length of service :- Rendered not less than 2 yrs. continuous service as on 01-01-1976.

12-2006. Written test will be conducted on a date to be notified later on based on enclosed syllabus. The examination will be for 50 marks for 1hr.30mts. in bilingual form in Hindi & English.

The Controlling Officer should give wide publicity of this notice amongst the eligible staff under their control and ensure submission of option (counter signed by him/her with official seal) to this office on or before 15.12.2016 positively.

Accordingly written test to be held on 09-12-2006 is deferred. Options received by this office after the target date, incomplete or incorrect will not be entertained under any circumstances.

DA: -2 (two)

(A. K. Chatterjee)

ΔP(0)-III

For DRM(P)/RBY

Copy forwarded for information and necessary action:-

1. Divl. Secy/NFREU/RNY, 2. Convenor/NFRMU/RNY,
3. Divl. Secy/AISC/TREA/RNY.

For Divl. Ry. Manager(P)

N.F.Rly; Rangiyu.

MS/NB2

- 15 -

N.F.Railway

No.E/Med/254/RN/Dresser

TO

CMS/RNY
MS/NBQ & RPAN
Sr.DMO/SBE, BNGN, NLP
H&MI/NLP, BNGN, RPAN

केन्द्रीय प्रशासनिक अधिकारपा
Central Administrative Tribunal

- 9 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Office of the
DRM(P)/RNY
Dt: 21-3-07

Annexure - H 31

Sub:- Selection test (Written) for the post of Dresser Gr.III in scale Rs.3050-4590/-.

Ref:- This Office's letter of even number of dated 04-10-05, 3-11-2006 and 30-11-2006.

...

In reference this Office's Notification of even number dated 4-10-05, 3-11-06 and 30-11-06, the Selection test (written examination) for promotion to the post of Dresser Gr.III in scale Rs.3050-4590/-, has been fixed on 07-04-2007 (Saturday) at DRM(P)/RNY's Office from 10.00 hrs.

The following eligible optees may be spared to appear in the said written test accordingly.

There will be no absentee test.

SN	Name of Candidates	Design	Caste	Working under.
<u>S/Shri</u>				
1.	Basanta Kr.Talukdar	HA	UR	MS/NBQ
2.	Haladhar Swargiary	HA	ST	Sr.DMO/SBE
3.	Bhupendra Nath Konwar	HA	ST	Sr.DMO/NLP
4.	Smt.Kansri Swargiary	AYA	ST	MS/RPAN
5.	Bipul Boro	Safaiwala	ST	H&MI/RPAN
6.	Mukul Ch.Kalita	Safaiwala	UR	H&MI/RPAN
7.	Smt.Rina Narzari	AYA	ST	MS/NBQ
8.	Smt.Renu Bala Boro	AYA	ST	CMS/RNY
9.	Smt.Bharati Boro	Safaiwala	ST	MS/RPAN
10.	Ranjan Basumatary	Safaiwala	ST	H&MI/NLP
11.	Ramesh Ch.Barman	HA	UR	CMS/RNY

Controlling Officers are requested to arrange for sending last 3 years Working reports and DAR/SPE/Vig. clearance for all the above optees to this office early.

Head Clerk Dr. P. N. Mallick
Clerk on duty on 10th March 2007
and night on 11th March 2007
M. P. 213107

(G. K. Kalita)
APO/I/RNY
for DRM(P)/RNY

Copy to:-

- Divl.Secy/NFREU/RNY
- Divl.Convenor/NFRMU/RNY
- Divl.Secy/AIRSCTREA/RNY
- Staff concerned.

for DRM(P)/RNY

2

2

R/94
27-6-07

N. F. Railway

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

Annexure - I

- 9 JUL 2008

Office of the
DRM(P)/RNY
Dated: 27.06.07

OFFICE ORDER

गुवाहाटी न्यायपीठ
Guwahati Bench

On being empanelled for promotion to the post of Dresser Gr. III, in Scale Rs. 3050-4590/-, vide this Office's Memorandum No. E/Med/254/RN/Dresser dated 21.05.2007, the following Staff are hereby appointed to the post of Dresser Gr. III, in Scale Rs. 3050-4590/- and posted as noted against each with immediate effect.

1. Smt. Renu Bala Boro (ST), AYA/RNY on Pay Rs. 3030/- in Scale Rs. 3050-4590/-, is posted as Dresser Gr. III in Scale Rs. 3050-4590/-, against the Temporarily variated post of Dresser Gr. III, from Sub-Division Hospital/NBQ, vide Memorandum No. E/Med/254/RN/Dresser dated 27.06.07.
2. Sri Ranjan Basumatary, Safaiwala under II & MI/NLP is posted as Dresser Gr. III at Health Unit/NLP, against the temporarily variated post, vide Memorandum No. E/Med/254/RN/Dresser dated 27.06.07.

This has the approval of ADRM/RNY & CMS/RNY.

No. E/Med/254/RN/Dresser

(G. K. Kalita)
APO/I/RNY
For DRM(P)/RNY
Dated 27.06.07

Copy to :-

1. CMS/RNY	2. MS/NBQ, RPAN	3. Sr. DMO/NLP, RNY
4. H&MI/NLP	5. OS/I/E	6. Staff concerned
7. Divl. Secy/NFREU/RNY		8. Convenor/NFRMU/RNY


For DRM(P)/RNY

AP 944
28-6-07.

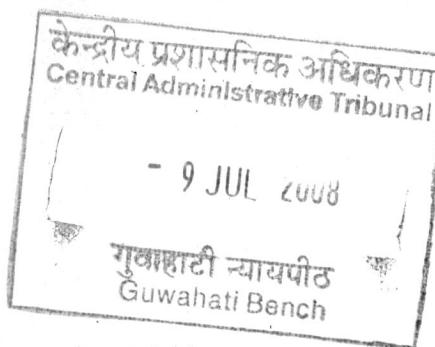
-17-

Annexure- J

No. H/10/RNY/34

Office of the
Sr. DMO/RNY
Date:- 27.06.07.

To
DRM(P)/RNY



Sub:- Joining Report of Smt. Remu Bala Boro,

Ref:- Order No. E/Med/254/RN/Dresser dt. 27.06.07 of
DRM(P)/RNY.

On joining as Dresser Gr.III, of Smt. Remu Bala Boro has
been allowed to join as Dresser Gr.III at RNY Polyclinic on
27.06.07.

Sr. DMO/RNY

Copy to :- DPM/RNY
DRM/RNY
ADM/RNY
CMS/RNY

✓ 27/06/07
Sr. DMO/RNY

Med 22/2008
27/06/07

To.

The Divisional Railway Manager (P)
N.F. Railway, Rangiya
Thro: Proper Channel.

Sub: Selection test (written) for the post of Dresser Gr. III in scale Rs. 3050 – 4590/-.

Ref: 1) Your letter No. E/Med/254/Rn/Dresser dt. 21.3.07
2) Your memorandum No. E/Med/254/Rn/Dresser dt. 21.3.075.

Respected Sir,

I have the honour to inform you the following few lines for your kind sympathetic and urgent action please.

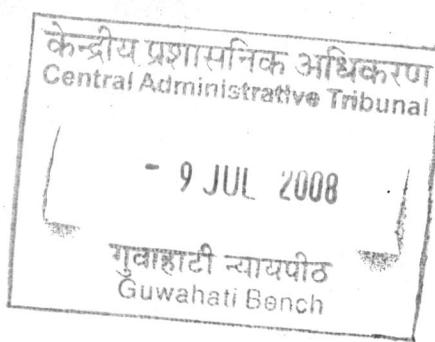
- 1) That Sir, as per your letter No. E/Med/254/Rn/Dresser dt. 3.10.06 I am top most senior in the category of HA.
- 2) That sir, in reference to your letter No. vide under reference I have appeared in the above selection and done well.
- 3) That Sir, question paper was given in the written test consist of 3 parts having total 70 marks shown on the top of question paper & to be done within 90 mins. On the other hand, total marks by adding 3 parts becomes 90 marks, matter in contradictory.
- 4) That sir, I have completed 01 month Dresser Gr.- II training satisfactorily on 30.4.04 as certificate is being provided to me by M/S NBQ.

On Considering the above, you are requested to look in to the matter and arrange to let me know why myself deprived from the promotion for the post of dresser Gr.- II and the junior most have been promoted for the same.

Your early action will be highly solicited.
Thanking you.

Copy to :

CMS/RNY
MS/IC/NBQ
CMD/MLG
Sri DMO/SBE
DRM/RNY



Yours faithfully,

sri Haladhar Swargiary.

(Sri Haladhar Swargiary)

HA/SBE *Verbal Sr. DMO/SBE*

To,

The Divisional Railway Manager (P)
N.F. Railway,
Rangiya.

(Through proper channel)

- 9 JUL 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub:- Irregularities in the selection held on 07.04.2007 for promotion to the post of Dresser Gr. III.

Ref:- Letter No. E/Med/254/RN/Dresser dated 21.03.2007 and memorandum No. E/Med/254/RN/Dresser dated 21.05.07

Sir,

With reference to the letter mentioned above we beg to submit following few lines regarding large scale irregularities committed in the selection test held on 07.04.2007 for promotion to the post of Dresser Gr-III for your kind consideration and redressal of grievances.

That Sir, in terms letter dated 21.03.2007 a written test for selection/promotion to the post of Dresser Grade-III was held on 07.04.2007 from the end of Chief Medical Superintendent, N.F. Railway, Rangiya and we participated in the written test held on 21.03.2007 but we were deprived of selection/promotion to the post of Dresser Grade-III due to grave irregularities/manipulation conducted at the instance of Dr. Hiken Basumatary, Sr. DMO, Rangiya in the said selection to promote Smti Renu Bala Boro and Sri Ranjan Basumatary to the post of Dresser Grade III.

That Sir, as per notification of selection the written examination was to be conducted on 50 marks with time limit of 1.30 hrs whereas selection paper was set

on 70 marks with same time duration. Therefore this is irregularity in the selection test and clear violation of selection procedure. Moreover, in the selection test

Smti. Renu Bala Boro and Sri Ranjan Basumatary could not answer their answer script properly in the written examination and most of the answers script left blank

in the examination but later on their answer script was filled up by some other persons at the instance of Dr. H. Basumatary, Sr. DMO to provide undue benefit promotion to Smti Renu Bala Boro and Sri Ranjan Basumatary. It is also to be relevant to mention here that although answer is to be made in English but Renu

12/10/07
F.R.I.Y. NEW BOY
पुस्ति रेनु बाला बरो
Medical Superintendent
N.F.R.Y. Rangiya

12/10/07
Ranjan Basumatary

Bala Boro cannot write English properly and her answer script was filled up by some other person, therefore, a large-scale irregularity is made in the selection held on 07.04.2007 to provide undue benefit of promotion to Renu Bala Boro.

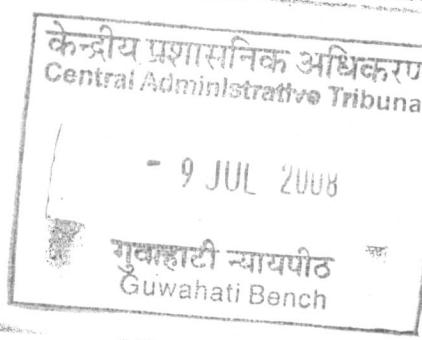
Moreover, answer script of Sri Ranjan Basumatary was also manipulated by Dr. H Basumatary to provide selection/promotion to Sri Ranjan Basumatary.

That Sir, out of 2 vacancies of Dresser Gr-III, 1 post was reserved and 1 post was unreserved but 2 vacancies was filled up by ST candidate at the instance of Dr. H Basumatary and in this way deprived eligible unreserved candidate, this is against the reservation policy and also against the departmental rule, therefore the selection is also vitiated by way non-observing reservation rule.

That Sir, promotion order of Smti. Renu Bala Boro was issued by DRM (P)/RNY vide letter No. E/Med/254/RN/Dresser dated 27.06.07 and on the same day Sr. DMO/RNY sent the joining report of Renu Bala Boro as Dresser Gr. III to DRM (P)/RNY vide Sr. DMO/RNY letter No. H/10/RNY/34 dated 27.06.207, actually without obtaining joining report from Smti Boro.

That Sir, it is also stated that there is no scope of promotion to the post of Dresser Gr.III from the post of Safiwalla but Sri Ranjan Basumatary being a Safaiwal called for appear in the interview for promotion to the post of Dresser Gr. III and after gross irregularity and manipulation in the selection test he is promoted to the post of Dresser Gr. III, although there are many senior Dresser expecting their promotion to the post of Dresser Gr-III but they were deprived from consideration due to filling up of the post of Dresser Gr-III from Safiwalla in violation of rule.

That Sir, if proper investigation is made from the departmental vigilance or by C.B.I every thing regarding irregularities/manipulation done in the selection test held on 07.04.07 to provide undue benefit of promotion to Smti R. Boro and Sri R. Basumatary will come out. It is further stated that if Renu Bala Boro and Sri Ranjan Basumatary is asked to answer same question paper before the investigation agency we are sure that they will not able to answer in writing but they were declared passed in the selection by way of irregularities in the selection test held on 07.04.07. Therefore, the entire selection test held on 07.04.07 to



promote Smti. Renu Bala Boro and Sri Ranjan Basumatary is liable to be cancelled and a fresh selection is liable to be conducted to provide justice to those who fairly appeared in the selection test held on 07.04.07 for promotion to the post of Dresser Gr-III.

That Sir, to accommodate Smti Renu Bala Boro one post of Dresser Grade-III has been varied from SDH/NBQ of Polyclinic/RNY vide DRM (P)/RNY's memorandum No. E/Med/254/RN/Dresser dated 27.05.2007, on the same day when promotion order of Smti Renu Bala Boro was issued wherein it is mentioned that the variation has the approval of CMS/RNY but in fact no approval was given by CMS/RNY and the case file was lying with the CMS/RNY upto 29.06.2007 without his approval of post variation. As such it is a gross irregularity committed to provide undue benefit of promotion to Smti Renu Bala Boro and Sri Ranjan Basumatary.

Under the facts and circumstances as stated above we pray for detail inquiry of the selection test held on 07.04.07 and thereafter to cancel selection/promotion of Smti. Renu Bala Boro and Sri Ranjan Basumatary to the post of Dresser Grade-III and further be pleased to hold the selection of Dresser Grade-III afresh.

And for this act of kindness we shall remain grateful to you.

Yours faithfully

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
Date:

- 9 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Copy to:-

CMS/RNY for information and necessary action.

① Babanta Kr. Talukdar HA/II/Med/NBQ

② Sri Haladhar Swarisiary HA/II/Med/SB/E

③ Deomani Mr. Boruah HA/II/Med/SB

④ Sri Mukul Ch. Kalita S/IC/RPAN

⑤ Bhawali Boro S/IC/RPAN

⑥ Kansri Swargery - F/HA/Med/RPN

PP: Bipul Boro - S/IC/E/H/2/RPAN

(S) Rina Maryang F/IIA/Med/NB/S

2
44

N. F. Railway

No. E/Med/254/RN/Dresser

To,

MS/NBQ, RPAN
Sr.DMO/RNY, BNGN, SBE, NLP, DMC, MJBT
CHI/NBQ, BNGN, RNY, RPAN, NLP
N. F. Railway.

Office of the
Divl. Rly. Manager(P)
N.F.Railway/Rangiya
Dated : 29.10.07

Dated : 29.10.07

9.10.07

कान्त्राय प्रश्न
Central

Sub :- Selection for filling up of 01 post of Dresser/Gr.III in Scale Rs. 3050-4590/-

It is decided to hold a selection to fill-up 01 (One) post (UR) of Dresser/III, in Scale Rs. 3050-4590/- of Medical Department of RNY Division. The mode of selection will be written test. Syllabus for written examination is enclosed. Question paper will be bi-lingual i.e. Hindi and English. It will be open to the candidate's choice to write in any one of these languages. The candidate should clearly indicate his/her choice of language in the space of the option/application format.

Hence, options are invited from Group-D staff of Medical department of RNY division, who have rendered not less than 2(two) years non- fortuitous service as on 30.09.2007 and possess educational qualification of Matriculate, in terms of Railway Board's letter No. E/(NG)I-2000/PM 10/2 dated 26.08.2004.

The controlling officer should give wide publicity of this notice amongst the eligible staff under their control and ensure submission of option (counter signed by him/her with official seal) to this office in a bunch so as to reach this office on or before 15.11.2007 positively. Options received by this office after the target date and incomplete and incorrect option will not be entertained under any circumstances.

DA: 02(Two)

(G. K. Kalita)
APO/I/RNY
For DRM(P)/RNY

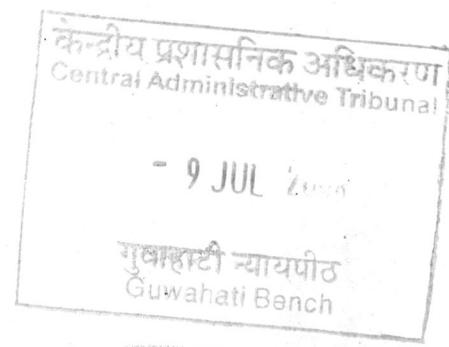
Copy forwarded for information to :-

1. GM(P)/MLG
2. Divl. Secy/NFREU/RNY
3. Convenor/NFRMU/RNY
4. Divl. Secy/AISCTREA/RNY

(G. K. Kalita)
APO/I/RNY
For DRM(P)/RNY

SYLLABUS FOR DRESSER/GR.III EXAMINATION

- 1) What is Bacteria
- 2) What is virus.
- 3) What is infection.
- 4) Type of injuries
- 5) Identification of instrument
 - (i) Chitele forcep.
 - (ii) Needle holder
 - (iii) Cutting needle
 - (iv) Different threads
 - (v) Scissors, forcep & use
6. Bandage Technique
 - (i) Curbunkle bandage
 - (ii) Breast bandage
 - (iii) Scrotum bandage etc
7. Disinfectants
8. Sterilisaiton procedures, Auto clave boiling etc.
- 9) What is pus
- 10) What is grannutation tissue
- 11) What is boil, absecess Ulcer
- 12) What is difference between
 - (i) Virus bleeding
 - (ii) Arterial bleeding
- 13) First aid in snake bite
- 14) What is first aid
- 15) What is first aid in burn injury
16. What is first aid in fainting.



2000

2.

NO. E/Med/254/RN/Dresser

Office of the
DRM(P)/RNY
Central Administrative Tribunal

DT : 06-02-08

To

CMS/RNY
MS/NBQ & RPAN
Sr.DMO/SBE, BNGN, NLP
H&MI/NLP, BNGN, RPAN

- 9 JUL 2000
गुवाहाटी न्यायपीठ
Guwahati Bench

Sub:- Selection test (written) for the post of Dresser Gr.III in scale Rs. 3050-4590/-.

Ref:- This Office's letter of even number ~~even~~ dated 29-10-07.

In reference to this Office's Notification of even number dated 29-10-07, the Selection test (written examination) for promotion to the post of Dresser Gr.III in scale Rs. 3050-4590/-, has been fixed on 01-03-08 (Saturday) at DRM(P)/RNY's Office from 10.00 hrs.

The following eligible optees may be spared to appear in the said written test accordingly.

There will be no absentee test.

SN	Name of candidates	Designation	Caste	Working under
<u>S/Shri</u>				
1.	Basanta Kr.Talukdar	HA	UR	MS/NBQ
2.	Haladhar Swargiary	HA	ST	Sr.DMO/SBE
3.	Bhupendra Nath Konwar	HA	ST	Sr.DMO/NLP
4.	Nabin Basumatary	HA	ST	MS/RPAN
5.	Smt.Kansri Swargiary	AYA	ST	MS/RPAN
6.	Smt.Rina Narzari	AYA	ST	MS/NBQ
7.	Smt.Bharati Boro	Safaiwala	ST	MS/RPAN
8.	Ramesh Ch.Barman	HA	UR	CMS/RNY

Controlling Officers are requested to arrange for sending last 3 years working reports and DAR/SPE/Vig.clearance for all the above optees to this office early.

(G. K. Kalita)
APO/I/RNY
for DRM(P)/RNY

Copy to:-

- 1) Divl.Secy/NFREU/RNY (2) Divl.Convenor/NFRMU/RNY
- 3) Divl.Secy/AISCTREA/RNY (4) Staff concerned

for DRM(P)/RNY

19 AUG 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

AT GUWAHATI

File in Court on... 14.8.08

km
Court Officer.

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 122 /2008

Shri Haladhar SwargiaryApplicant/Petitioner.

- Vs-

The N. F. Railway & ors.Respondents.

AND

IN THE MATTER OF:-

An additional affidavit filed by the applicant for submission of Gradation List and specifying the main grounds of grievance of the applicant.

I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby solemnly affirm and declare as follows :-

1. That I am the applicant/petitioner of the instant case and as such, I am well acquainted with the facts and circumstances of the case. I have been informed by my Advocate to submit Gradation Lists of the candidates involved in the instant case and List of Dates which were not submitted at the time of filing of the instant case and to specify the main grounds of grievances of the case as per order of this Hon'ble Tribunal dated 21.07.2008 and as such, I have furnished herewith the Gradation Lists and the List of Dates in the form of an additional affidavit as follows:-

2. That the deponent respectfully begs to state that at the time of filing the instant case the Gradation list of the candidates could not be submitted to the Advocate of the deponent and as such, the Gradation List could not be annexed along with the Original Application of the instant case as the same was not available with the deponent. However, the Gradation Lists have been collected by the deponent latter on and the same have been furnished herewith. It reveals from the Gradation List of the candidates involved in the instant case that the name of the private respondent No.5 , namely Smti Renu Bala Boro, AYA, has not been appeared in the Gradation List prepared in the year of 2004. However, it is learnt from the reliable source that her appointment and joining Service is in the year, 2001. The date of joining Service of Respondent No.6, namely, Shri Ranjan Basumatary

Contd. to.p/2

2
Swargiary
For Dr. J. I. Sastha
S.C. Railways

Filed by
Sri Haladhar Swargiary
through
Swapan Ch. Talukdar
Advocate, G.S.Y., 14/8/2008.

is 02.02.2002, vide - Sl. No.12 in the Gradation List of Safaiwala and the deponent's date of joining is 27.07.1988, vide- Sl. No. 12 of the Gradation List of Health Attendant/AYA. So, it is seen from the Gradation Lists the deponent is more senior to the private respondents No.5 & 6.

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
गुवाहाटी न्यायालय
Guwahati Bench

Copies of Gradation Lists are annexed herewith as Annexure- A & B respectively.

19 AUG 2008

That, regarding the grounds of grievances, the deponent respectfully begs to state that the interview /Written Test held on 07.04.2007 for promotion to the post of Dresser Grade III was a Selection post, from Grade IV staff to Grade III category and as such, the selection of the candidates was to be made on merit giving seniority marks in Group 'C' promotion amongst the S.T. candidates since the said posts are reserved for S. T. (p) candidate as per Roster Point so far knowledge concerned of the deponent. But the procedure has not been followed in the said Section Test and also there was grave irregularities /manipulation etc. in the Selection Test/ interview, in this regard the deponent as well as other candidates of the said Interview had already filed representations before the concerned authority but no response from the authority's end, vide- Representations dated 02.07.2007 and 12.07.2007 (Annexure- K & L of the Original application). For the grounds of grievance mentioned above, the deponent has filled the instant case seeking proper enquiry on records and to give justice as per procedure of rules.

And signed on this additional Affidavit on this 13th day of August, 2008 at Guwahati.

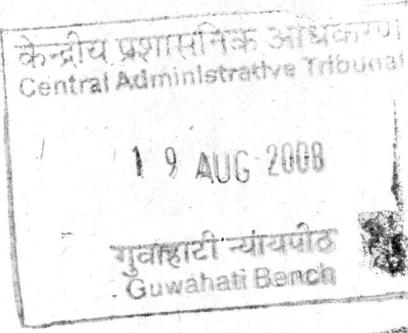
Identified by

Advocate, Ghy.

Sri Haldhar Scangiaray
DEPONENT

Scangiaray

Sri Haldhar
Sri

VERIFICATION

I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby verify and found the contents of the additional affidavit made in paragraphs 1 to 3 are true to the best so far my knowledge concerned and information received.

AND, I sign this verification on this 13th day of August, 2008 at
Guwahati

Sri Haladhar Swargiary
Signature of applicant/Deponent

Category: Sanjivala (Conservancy) in serial no. 2554-3267/-
sanctioned: 15.

1158 J. Neurosci., June 1, 2005

卷之三

38. $W/255/132/7/(He^2)/52$

✓ Copy forwarded for information and /action to:
1. DIA(D)/R&R, 2. DIA(D)/AP-4, 3. DIA(D)/ALP, 4. DIA(D)/USAID, 5. DIA(D) Secy/AFRIN/EM/IRIN,
6. DIA(D) Secy/AFRIN/EM/IRIN, 7. Staff copy- any complain if any they are requested to
submit "unauthorised" this office within one month from the date of publication of
"this list" failing which it will be treated as final.

2024-01-01 09:52:24

Certified to be true copy
D. /
Associate, Guwahati

(4) :-

1	2	3	4	5	6	7	8	9
		S/Shri,						
16.	Apurba Sengupta	subst.	APDJ	31.8.58	4.5.85	4.5.85		
17.	Sekhar Deb	"	APDJ	24.2.60	6.5.85	6.5.85	Offg.	
18.	Smt. Kalyani Raha	U/R	APDJ	25.8.58	1.1.91	1.1.91	"	
19.	Adhilaxmi	S/C	APDJ	21.5.57	8.1.91	8.1.91	"	
20.	Kamakhye Prosad	U/R	APDJ	1.7.62	12.1.91	12.1.91	"	
21.	Chhaya Kar	U/R	APDJ	31.10.57	21.1.84	24.1.91	"	
22.	John Parshuram Pali	S/C	APDJ	11.11.58	5.8.79	5.8.79	"	
23.	Panchami	U/R	NCB	21,12.53	24.4.89	24.4.89	"	
24.	Jyotisha Panigrahi	U/R	APDJ	10.2.56	1.7.80	1.7.80	"	

Changed his category
from S/Cleaner to HA
at his own request.

Tfd. from Engg. Deptt.

Tfd. to HSA on bottom
seniority under Major.

M.S./NBQ/Unit H.A./Aya Rs.750-940/- = 16 P + 1 T

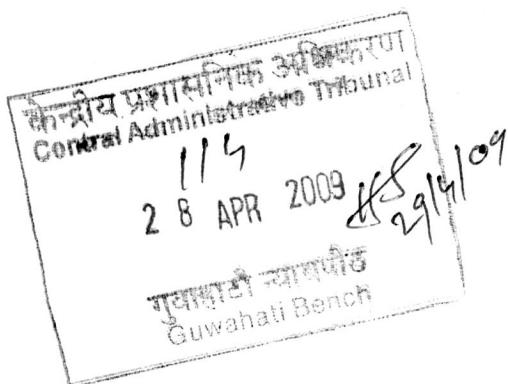
✓ 1.	Smt. Dipali Dey	U/R	NBQ	5.6.55	3.10.77	3.10.77	Conf.	Promoted.
✓ 2.	Basanta Talukder	U/R	NBQ	1.1.62	22.7.81	22.7.81	Offg.	Promoted.
✓ 3.	Bachu Keot	"	NBQ	10.4.53	30.5.74	11.1.82	"	Promoted.
4.	Ram Bhaju Harizan	S/C	NBQ	1.10.62	26.8.84	26.8.84	"	
5.	Dhanilal Chowdhury	"	NBQ	15.2.56	3.8.84	26.8.84	Conf.	
6.	Jaldi Kamraju	"	NBQ	1.7.60	15.5.80	23.11.84	"	
7.	B.P. Singh Balmiki	"	NBQ	4.5.57	16.7.80	3.12.84	"	Tfd. to as Masalchi.
8.	Urta Durga	"	BNGN	27.3.54	12.11.77	14.12.84	"	
9.	Rupa Deb	"	NBQ	3.3.62	17.11.85	17.11.85	"	
10.	Bhupendra Nath Konowar	S/T	RNY	3.3.59	26.6.86	26.6.86	Offg.	
11.	Brojen Boro	S/T	BNGN	1.3.66	22.9.89	22.9.89	"	
12.	Haladhar Sarangi	S/T	SBE	8.1.65	27.7.88	27.7.88	"	Tfd. from RPAN at his own request.

(contd...5..)

Certified to be true copy
✓
Advocate G.W.

45

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI.



O. A. No. 122/08

Sri Haladhar Swargiary

- Vs -

U. O. I & ORS.

Written statement on behalf of Respondent No. 1, 2,
3 and 4. The respondents most respectfully beg to state
as under :

1. That the respondents have gone through the ^{O.A.} W.S. and understood the contents therein.
2. That in reply to statements in para 4.1 to 4.6 Respondents begs to state that applicant in this O.A. along with other candidates appeared in the selection test for two post of Dresser Grade-III as shown below:

Total No. post	- 2
Un Reserved	- 1
Reserved(ST)	- 1

*I undertake
to serve a copy
of the W.S. on
the counsel for the
applicant for the*

It is denied that the above vacancies were backlog vacancies. Against two post two candidates were selected on the basis of merit. Smt. Ranu Boro was selected against the unreserved post as she secured marks for unreserved post. Another candidate was against reserved category. There is no irregularity in view of the guideline issued by the administration that candidate ^{who} _{to} belonged from reserved categories who obtains marks above those specified for unreserved category may be selected against the post.

28 APR 2009

गुवाहाटी न्यायालय
Guwahati Bench

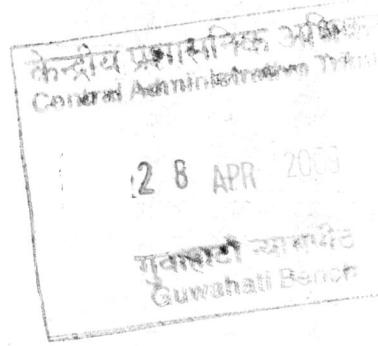
- 2 -

3. That in reply to statements in para 4.7 respondents beg to state that the administration would not cancel and process a fresh selection if it is procedurally correct. The representation if any, should have been submitted just after the selection and before declaration of the result. In this case the representation has been submitted when the candidate come to know that he has not been empanelled. It is also ^{denied} ~~desired~~ that Railway respondents invited application from Grade-IV staff of Medical Department of Rangiya Division for filling up 1 (One) post of dresser-III (UR) on or before 15.11.2007 vide notification No. E/MED/254/RN/Dresser at 29.10.07 just to avoid the irregular appointment of private respondents through previous selection. It is to be mentioned that the applicant has appeared this time also but could not come out successful in the selection test. Hence the applicant was not selected for promotion to Dresser-III.

4. That under the circumstances explained above the O.A. should be dismissed with cost.

Chanchal
Jomeh

महाकार्यकाल अधिकारी
Divisional Personnel Officer
N. F. Railway, Rangiya



VERIFICATION.

I, Smt. Somesh Chakrabarty, son of Late. Sandeep Chakrabarty, aged about 27 years, working as Assistant Personnel Officer, do hereby say that I am conversant with the facts of the case, and have been authorised by respondents No. 1/... to verify and sign this verification. Accordingly I verify that the statements in paragraphs 1 to 4 are true to my knowledge and that I have not suppressed any material facts.

I sign this verification this 28th day of April, 2009 at Rangia.

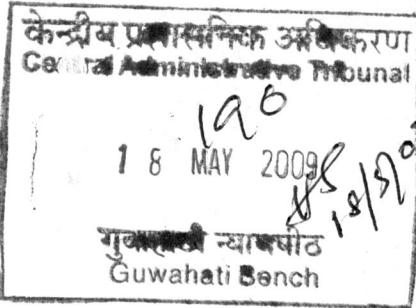
Signature.

মন্তব্য কাৰ্যক অধিকাৰী

Divisional Commercial Officer

মু. সী. রেলওয়ে, রংগিয়া

N. F. Railway, Rangia



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

ORIGINAL APPLICATION NO. 122 /2008

Shri Haladhar SwargiaryApplicant/Petitioner.

- Vs-

The N. F. Railway & ors.Respondents.

I N D E X

<u>Particulars</u>	<u>Annexure</u>	<u>Page</u>
Representation filed by the applicant, dated 11.06.2007 praying for reassessment of Answer script of the interview for the Dresser, Grade- III held on 07.04/2007.	Annexure- I	5
Representation filed by the applicant, dated 02.07.2007 stating his seniority position having experience etc. and to let him know about the promotion etc.	Annexure- II	6
Representation filed by the candidates jointly including the present petitioner complaining of irregularities in the selection held on 07.04.2007 for promotion to the post of Dresser, Grade- III, vide - dtd. 12.07.2007.	Annexure- III	7- 9

*R
For S.C. Railway*

Filed by

Advocate, G.H.C.

18 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI

IN THE MATTER OF:-

Original Application No. 122 /2008

Shri Haladhar SwargiaryApplicant/Petitioner.

- Vs -

The N. F. Railway & ors.Respondents.

AND

IN THE MATTER OF:

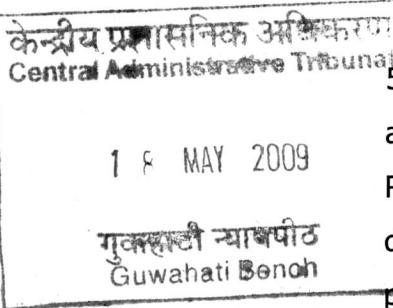
An affidavit in- reply filed by the applicant/petitioner against the Written Statement/Affidavit in- opposition filed on behalf of the Respondents 1 to 4 in connection with the aforesaid Original Application

I, Shri Haladhar Swargiary, s/o Late Sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby solemnly affirm and state as follows :-

1. That I am the applicant/petitioner in the instant Original Application and as such, I am well acquainted with the facts and circumstances of the case. I have been served with a copy of an affidavit in opposition/Written Statement by the Counsel of the Respondents through my Advocate and I have gone it and understood the contents thereof.
2. That I do not admit any of the averments of the affidavit - in - opposition filed on behalf of the Respondents Nos.1 to 4 save and except which are matter of records and which are specifically admitted by me in this affidavit in reply and those statements which are based on no records and specifically not admitted by this affidavit in reply shall be deemed to have been denied by me.
3. That in regard to the statement made in paragraph 1 in the affidavit in opposition of the Respondents, the deponent offers no comment.

Filed by
Sri Haladhar Swargiary
through
Dipen Ch. Talukdar
Affd. of the applicand
125
3/5/09

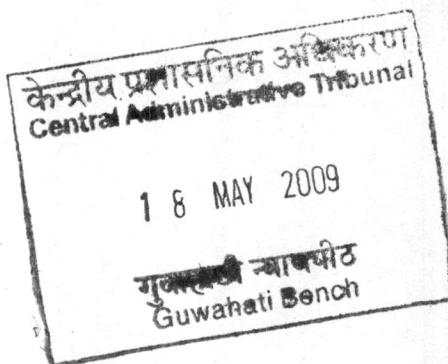
4. That in regard to the statement made in paragraph 2 of the affidavit in opposition, the deponent begs to state that the actual facts of the case have not been reflected in the said statement and which is not acceptable without examining the records of the written examination/interview held on 07.04.2007 whether there is any irregularity in the said interview. Hence, the records of the said selection test/interview held for promotion to the post of Dresser, Grade- III category are essentially required to be called for.



5. That in regard to the statements made in paragraphs 3 and 4 of the affidavit in opposition, the deponent has denied the claim of the Respondents and in this regard I beg to state that before and after declaration of the result officially and prior to empanelled the names of the private Respondents Nos. 3 & 4 for promotion to the post of Dresser, Grade III, the deponent, filed representation for reassessment of the Answer of the interview/written test before the concerned Respondent authority on 11.6.2007 and 02.07.2007 individually and jointly on 12.07.2007 (copies enclosed). But the Respondents have not taken any step to against the said said representations till date. Rather, the Respondents Nos.3 and 4 have been promoted to the post of Dresser, Grade- III who are irregularly declared qualified in the interview also more junior to the present deponent. Further, it is to be mentioned here that the Respondents for avoiding the complaints/representations, invited applications for another one unreserved vacant post, Grade - III category which is not related with the earlier interview. Although deponent also appeared and did well in the said interview, the Senior most General candidate has been selected and promoted to the Grade III category on the basis of Seniority for which the deponent has been deprived of getting promotion to the post of Dresser, Grade III, held earlier interview against the Reserved category for S.T.(P). Moreover, the procedure of interview as per guide line has not been followed in the said Selection Test and also there was grave irregularities /manipulation etc. in the said Selection Test/ interview. Hence, the Hon'ble Tribunal may be pleased to examine all the records of the said interview at the time of hearing.

Copies of representations dated 11.6.2007, 02.07.2007 and 12.07.2007 are annexed herewith as Annexure- I, II & III respectively.

6. That the above statements made in paragraphs 1 to 5 of this affidavit in reply are true to the best my knowledge and so far information received from the reliable sources.

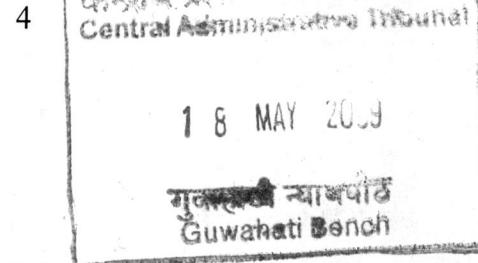
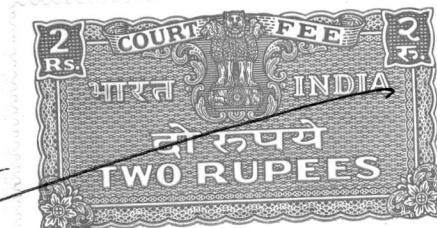


VERIFICATION

I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby verify and found the contents of the affidavit in reply against the affidavit in opposition of the Respondents made in paragraphs 1 to 5 are true to the best so far my knowledge concerned and information received.

AND, I sign this verification on this 12th day of May, 2009
at Guwahati

Sri Haladhar Swargiary.
Signature of Deponent



AFFIDAVIT

I, Shri Haladhar Swargiary, s/o Late sobha Ram Swargiary, aged about 41 years, Service by profession, presently residing at Railway Colony, Qr. No.125-D, P.O.- & P.S.-Sorobhog, Dist- Barpeta , Assam, do hereby solemnly affirm and declare as follows :-

1. That I am the deponent in this affidavit in reply as well as applicant/petitioner in the instant Original Application and as such, I am well acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs 1, 2, 3, 4, 6 are true to the best of my knowledge and those statements made in paragraphs 5 are matter of records which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

AND, I sign this affidavit on this 12th day of May, 2008 at Guwahati.

Sri Haladhar Swargiary

Identified by

Darpan Ch Talukdar
Advocate's Clerk : 12/5/09

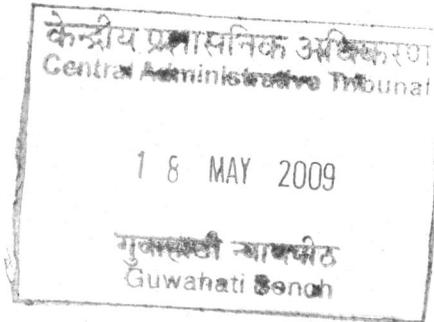
D E P O N E N T



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME
ON IDENTIFICATION OF ADVOCATE
DATE:

12/05/09

Sanjeeb Kumar Choudhury
NOTARY
KAMRUP (Metro) GUWAHATI



Annexure - I

To,

DRM/RNY,
N.E. RLY.

Sub: - Re-assessment of my Answer Script for the post of Dresser Gr.-III
in scale of Rs. 3050-4590/- which was held on 07/04/2007.

Ref:- DRM(P)/RNY's No.E/Med/254/RN Dresser dated 21/03/2007.

Respected Sir,

With reference to the above-cited subject, the undersigned would like to draw your kind attention that I had appeared the Dresser Gr.-III Written Examination which was conducted by your kind administration on 07/04/2007. In the written examination of Dresser Gr.-III it is myself confidant that I had done well means I would have passed. Secondly Sir, as the seniority and experience was also in the top of list. No. 1 published in where my result is not there. In this regard, myself appeal to your kind administration to kindly arrange to make Re-assessment of my Answer Script to my own satisfaction please.

Yours faithfully,

Sri Haradhar Swarnary

HA/1/Med/SBE

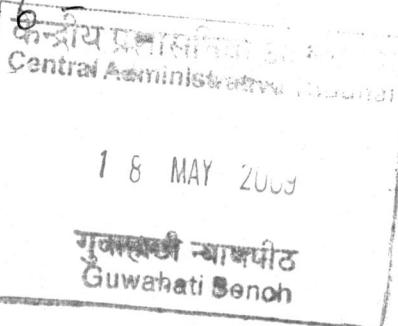
dt=11-06-07

Copy to:

EU/RNY This is for your kind information please.

~~11/06/07~~

True copy
Certified to be true copy
Advocate



Annexure - II(b)

the Divisional Railway Manager (P)
N.E. Railway, Rangiya
Thro' Proper Channel.

Sub: Selection test (written) for the post of Dresser Gr. III in scale Rs. 3050 - 4590/-

Ref: 1) Your letter No. E/Med/254/Rn/Dresser dt. 21.3.07
2) Your memorandum No. E/Med/254/Rn/Dresser dt. 21.3.07

Respected Sir,

I have the honour to inform you the following few lines for your kind sympathetic and urgent action please.

- 1) That Sir, as per your letter No. E/Med/254/Rn/Dresser dt. 3.10.06 I am top most senior in the category of HA.
- 2) That sir, in reference to your letter No. vide under reference I have appeared in the above selection and done well.
- 3) That Sir, question paper was given in the written test consist of 3 parts having total 70 marks shown on the top of question paper & to be done within 90 mins. On the other hand, total marks by adding 3 parts becomes 90 marks. matter in contradictory.
- 4) That sir, I have completed 01 month Dresser Gr. - III training satisfactorily on 30.4.04 as certificate is being provided to me by M/S NBQ.

On Considering the above, you are requested to look in to the matter and arrange to let me know why myself deprived from the promotion for the post of dresser Gr. - II and the junior most have been promoted for the same.

Your early action will be highly solicited.
Thanking you.

Yours faithfully,

Sri Haladhar Swargiary.

(Sri Haladhar Swargiary)

HASBE *rendu Sr. DMO/SBE*

Copy to:

CMS/RNY
MS/IC/NBQ
CMD/MLG
Sri DMO/SBE
DRM/RNY

Enclosed.

0202807
Divisional Medical Officer
Sri. D. M. Borthakur
W. B. B. I. T. Borthakur

1/1

- - 7

Central Adminis

Annexure - II

18 MAY 2009

Guwahati Bench

To,
The Divisional Railway Manager (P)
N.F. Railway,
Rangiya.

(Through proper channel)

Sub:- Irregularities in the selection held on 07.04.2007 for promotion to the post of Dresser Gr. III.

Ref:- Letter No. E/Med/254/RN/Dresser dated 21.03.2007 and memorandum No. E/Med/254/RN/Dresser dated 21.05.07

Sir.

With reference to the letter mentioned above we beg to submit following few lines regarding large scale irregularities committed in the selection test held on 07.04.2007 for promotion to the post of Dresser Gr-III for your kind consideration and redressal of grievances.

That Sir, in terms letter dated 21.03.2007 a written test for selection/promotion to the post of Dresser Grade-III was held on 07.04.2007 from the end of Chief Medical Superintendent, N.F. Railway, Rangiya and we participated in the written test held on 21.03.2007 but we were deprived of selection/promotion to the post of Dresser Grade-III due to grave irregularities/manipulation conducted at the instance of Dr. Hiken Basumatary, Sr. DMO, Rangiya in the said selection to promote Smti Renu Bala Boro and Sri Ranjan Basumatary to the post of Dresser Grade III.

That Sir, as per notification of selection the written examination was to be conducted on 50 marks with time limit of 1.30 hrs whereas selection paper was set

on 70 marks with same time duration. Therefore this is irregularity in the selection test and clear violation of selection procedure. Moreover, in the selection test Smti. Renu Bala Boro and Sri Ranjan Basumatary could not answer their answer script properly in the written examination and most of the answers script left blank in the examination but later on their answer script was filled up by some other person at the instance of Dr. H. Basumatary, Sr. DMO to provide undue benefit of promotion to Smti Renu Bala Boro and Sri Ranjan Basumatary. It is also to be relevant to mention here that although answer is to be made in English but Renu

Medical Superintendent
N.F.R. R.D.A.
Guwahati
F.R.Y. NEW BORO

12/07/07
K.M. B.

Certified to be true copy
Advocate

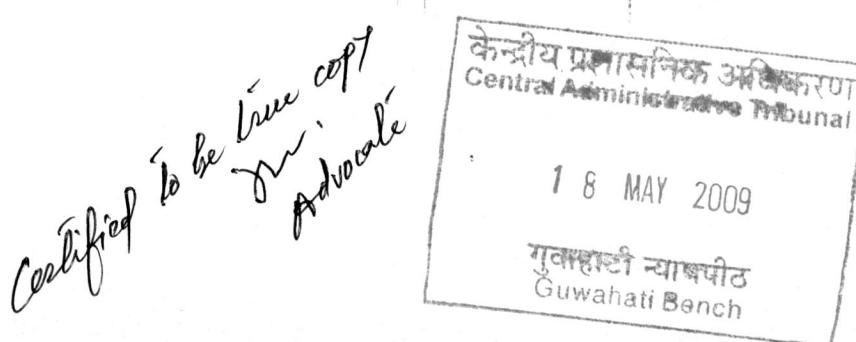
Bala Boro cannot write English properly and her answer script was filled up by some other person, therefore, a large-scale irregularity is made in the selection held on 07.04.2007 to provide undue benefit of promotion to Renu Bala Boro. Moreover, answer script of Sri Ranjan Basumatary was also manipulated by Dr. H. Basumatary to provide selection/promotion to Sri Ranjan Basumatary.

That Sir, out of 2 vacancy of Dresser Gr-III, 1 post was reserved and 1 post was unreserved but 2 vacancies was filled up by ST candidate at the instance of Dr. H. Basumatary and in this way deprived eligible unreserved candidate, this is against the reservation policy and also against the departmental rule, therefore the selection is also vitiated by way non-observing reservation rule.

That Sir, promotion order of Smti. Renu Bala Boro was issued by DRM (P)/RNY vide letter No. E/Med/254/RN/Dresser dated 27.06.07 and on the same day, Sr. DMO/RNY sent the joining report of Renu Bala Boro as Dresser Gr. III to DRM (P)/RNY vide Sr. DMO/RNY letter No. H/10/RNY/34 dated 27.06.207, actually without obtaining joining report from Smti Boro.

That Sir, it is also stated that there is no scope of promotion to the post of Dresser Gr-III from the post of Safiwalla but Sri Ranjan Basumatary being a Safiwalla called for appear in the interview for promotion to the post of Dresser Gr. III and after gross irregularity and manipulation in the selection test he is promoted to the post of Dresser Gr. III, although there are many senior Dresser expecting their promotion to the post of Dresser Gr-III but they were deprived from consideration due to filling up of the post of Dresser Gr-III from Safiwalla in violation of rule.

That Sir, if proper investigation is made from the departmental vigilance or by C.B.I every thing regarding irregularities/manipulation done in the selection test held on 07.04.07 to provide undue benefit of promotion to Smti R. Boro and Sri R. Basumatary will come out. It is further stated that if Renu Bala Boro and Sri Ranjan Basumatary is asked to answer same question paper before the investigation agency we are sure that they will not able to answer in writing but they were declared passed in the selection by way of irregularities in the selection test held on 07.04.07. Therefore, the entire selection test held on 07.04.07 to



promote Smti. Renu Bala Boro and Sri Ranjan Basumatary is liable to be cancelled and a fresh selection is liable to be conducted to provide justice to those who fairly appeared in the selection test held on 07.04.07 for promotion to the post of Dresser Gr-III.

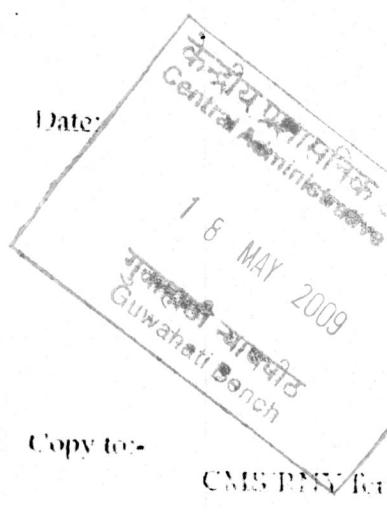
That Sir, to accommodate Smti Renu Bala Boro one post of Dresser Grade-III has been varied from SDH/NBQ of Polyclinic/RNY vide DRM (P)/RNY's memorandum No. E/Med/254/RN/Dresser dated 27.05.2007, on the same day when promotion order of Smti Renu Bala Boro was issued wherein it is mentioned that the variation has the approval of CMS/RNY but in fact no approval was given by CMS/RNY and the case file was lying with the CMS/RNY upto 29.06.2007 without his approval of post variation. As such it is a gross irregularity committed to provide undue benefit of promotion to Smti Renu Bala Boro and Sri Ranjan Basumatary.

Under the facts and circumstances as stated above we pray for detail inquiry of the selection test held on 07.04.07 and thereafter to cancel selection/promotion of Smti. Renu Bala Boro and Sri Ranjan Basumatary to the post of Dresser Grade-III and further be pleased to hold the selection of Dresser Grade-III afresh.

And for this act of kindness we shall remain grateful to you.

Yours faithfully

Date:



Copy to:

CMS/RNY for information and necessary action.

① Babanta Kr. Talukdar HA/1/Med/NBQ

② Sri Haladhar Swarney HA/1/Med/SIBS

③ Parimal Ch. Bhattacharya HA/1/Med/SY

④ Sri M. K. J. Ch. Kalita SIC/PRAM

⑤ Bhawali Bora SIC/PRAM

⑥ Kansri Swargoy - t/HA/Med/PRAM

*Certified to be true copy
for
Advocate*

17/ Bipul Boro 8/6/CH/2/PRAM

② Rina Maryang F/1/Med/NBQ