

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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R.A./CP/NO.....2019
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SECTION OFFICER (JUDL.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 129 /2009

2. Miscellaneous Petition No

3. Contempt Petition No

4. Review Application No

Applicant(S) Sri Sudhir Ch Modak

Respondant(S) U.O.I - & ors

Advocate for the Applicant(S): Mr. B.C. Choudhury

Advocate for the Respondant(S): 6

Rly. Standing Counsel

Notes of the Registry	Date	Order of the Tribunal
<p>this application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No.....<u>326</u>.....<u>410354</u> Dated.....<u>1.7.09</u>.....</p> <p><u>2/7/09</u> Dy. Registrar</p> <p><u>2.7.09</u> 5 (Five) copies of application received with small size of envelopes with out valid fare ticket. Copy served.</p> <p><u>3/7/09</u> Received copy Sudhir Ch. Modak Applicant</p>	<p>02.07.2009</p>	<p>On being mentioned by Mr B.C. Choudhury, learned Counsel for the Applicant (made in presence of Dr J.L. Sankar, learned Standing Counsel for the Railways) this matter is taken up.</p> <p>Heard the learned Counsel for the parties. For the reasons recorded separately, this O.A. stands disposed of.</p> <p><u>3/7/09</u> (M.R. Mohanty) Vice-Chairman</p>

✓
3.7.07

Copy of the order
alongwith copy of
the application sent
to the D/Sec - for
issue the same
to the Respd. No 1 to
4 by Spl Messengers
and by Regd. Post
to the Respd. No 5
and free copy to
the L/Advocate
for the parties.

W.L. D/Wa 3727 do
3732 dtd 3/7/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.129 of 2009

Date of Order: This the 2nd day of July 2009

The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman

Shri Sudhir Ch. Modak,
Son of Shri Mukunda Ch. Modak,
P.O.- Rest Camp,
Railway Quarter No. GDS 16 D,
Maligaon, Guwahati-781012,
Dist.- Kamrup, Assam.

..... Applicant


By Advocate Mr B.C. Choudhury

- vs -

1. The N.F. Railway, represented by the
General Manager,
Maligaon, Guwahati-11.
2. The Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati-781011.
3. The Controller of Stores (P).
N.F. Railway, Maligaon,
Guwahati-781011.
4. The Deputy Chief Materials Manager
N.F. Railway, Pandu,
Guwahati - 781012.
5. Shri M.J. Deka (Manohjyoti Deka)
Depot Material Superintendent II
Under, Deputy Chief Materials Manager,
N.F. Railway, Pandu,
Guwahati-781012.

..... Respondents

By Advocate Dr J.L. Sarkar, Railway Standing Counsel.



.....

O.A.No.129/2009

ORDER (ORAL)

02.07.2009

M.R. MOHANTY, VICE-CHAIRMAN

On being mentioned by Mr B.C. Choudhury, learned Counsel for the Applicant (made in presence of Dr J.L. Sarkar, learned Standing Counsel for the Railways) this matter is taken up.

2. On the oral prayer of Mr B.C. Choudhury, learned Counsel for the Applicant, the existing Respondent No.1 is permitted to be substituted/replaced by:

"North East Frontier Railways,
represented by its General Manager,
At Maligaon, Guwahati - 11."

Mr B.C. Choudhury is permitted to make necessary corrections on the cause title page of the O.A. and its copies in presence of the Court Officer today.

3. Heard Mr B.C. Choudhury, learned Counsel for the Applicant and Dr J.L. Sarkar, learned Standing Counsel for the Railways (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

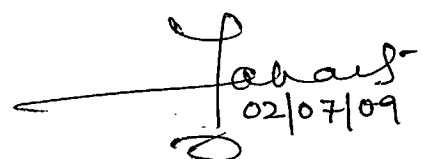
4. Alleging that he has been superseded by his junior (Respondent No.05) in the matter of promotion to the post of DMS II, the Applicant has approached this Tribunal with the present O.A. filed (on 02.07.2009) under Section 19 of the Administrative Tribunals Act, 1985. Before approaching this Tribunal the Applicant, it is stated, represented to the authorities time and again and his last

representation was submitted on last 13.06.2009 addressed to the Chief Personnel Officer of N.F. Railways.

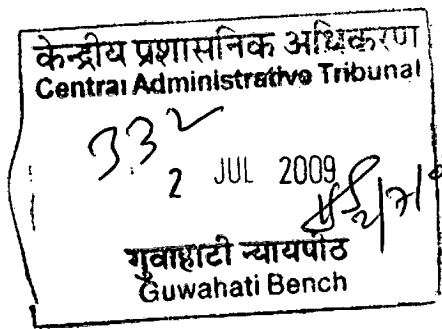
5. It is stated by Mr B.C. Choudhury, learned Counsel for the Applicant, that, while the representations are pending with the Respondents, the Applicant is going to retire from service on 31.08.2009 on attaining the age of superannuation.

6. Since it is the positive case of the Applicant that his grievances (as raised in his representations) are still pending undisposed with the Respondents and since the Applicant is going to retire from service by end of August 2009, without any waste of time, this case is disposed of by remitting the matter to the Respondents for giving expeditious consideration in the matter (relating to non-grant of promotion to the Applicant) and, on consideration of the matter, the Respondents should pass orders, as due and admissible under the Rules, by 14.08.2009 under intimation to the Applicant.

7. Send copies of this order to the Respondent Nos. 01 to 04 (alongwith copies of this O.A.) by Special Messenger and to Respondent No.05 by Registered Post. Free copies of this order be also supplied to the Applicant (by post) and to the Advocates appearing for the parties.


02/07/09

(M. R. MOHANTY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI :

Original Application No. 129 of 2009.

Sri Sudhir Ch. Modak,

... Applicant.

- Versus -

Union of India & Ors,

... Respondents.

- SYNOPSIS -

The Original application is filed by the Applicant seeking direction from the Hon'ble Central Administrative Tribunal to the Respondents to consider his promotion of service from DMS - III to DMS - II as the applicant is at the verge of retirement i.e. 31/08/09.

Hence this original Application.

Filed by -

B. C. Choudhury

Advocate,

2.7.09

Sudhir Ch. Modak

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI :

(An application under Section 19 of the Administrative
Tribunal Act, 1985)

Original Application No. 127 /2009

Sri Sudhir Ch. Modak,
... Applicant.

- Versus -

Union of India & Ors,
... Respondents.

- LIST OF DATES -

<u>Sl.No.</u>	<u>Date -</u>	<u>Particulars.</u>
1.	14-6-74.	- Applicant was appointed as substitute Khalasi/Watchman. Annexure- A, page - 13 to 14
2.	02-09-74.	- Applicant was appointed in Class-IV category. Annexure- A, page-14
3.		- Applicant promoted to DMS- II. Annexure- page-15 to 16
4.	03-06-2003.	- Applicant was intimated for selection for the post of DMS-II. Annexure-B, page-15 to 16
5.	19-05-2005 } 1709-2005 } 12-1-2005 }	- Official communication in case of promotions by Non-Selection method. Annexure- C, C1, 17 to 18 page- 17 to 18
6.	12-04-05.	- The Respondent No. 5 he private Respondents has been promoted to DMS - II. Annexure- D, page- 17 to 19

contd.....

7. 27-04-05)
02-07-07)
20-03-09)
12-12-09)

- Applicant has made representation to know the restruchriy of cadre for promotion to the post of DMS-II

Annexure- E, E₁, E₂, E₃ page- 20 to 23

8. 26-07-08.

- List of provisional promotional list showing the name of the Applicant.

Annexure- F, page- 24

9. 13-06-09.

- Last representation to consider the name of the Applicant.

Annexure- G, page- 25 to 26

Filed by -

B. C. Choudhury,
Advocate,

2.7.09

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI :

ORIGINAL APPLICATION NO. 129 OF 2009.

Sri Sudhir Ch. Modak, ... Applicant.

- Versus -

THE UNION OF INDIA & ORS, ... Respondents.

- I N D E X -

<u>Sl.No.</u>	<u>Particulars of Documents</u>	<u>Annexure No.</u>	<u>Page No.</u>
1.	Original Application.		- 1 to 11
2.	Verification.		- 12
3.	Appointment Letters.	Annexure-A, A ¹ .	- 13 to 14
4.	Intimation letter for selection for the post of DMS - II.	Annexure-B.	- 15 to 16
5.	Official communication in case of promotion by Non-Selection Method.	Annexure-C, C ¹ , D	- 17 to 19
6.	Representation filed by the applicant to know about the list of promotions.	Annexures-E, E ¹ , E ² , E ³	20 to 23
7.	Provision seniority list of DMS - III.	Annexure-F.	- 24
8.	Applicant's last representation to consider his name for promotion to the post of DMS - II.	Annexure-G.	- 25 to 26

Filed by -

B. C. Chowdhury,
Advocate.

2.7.09

Sudhir Ch. Modak

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by the
Applicant
through
B.C. Choudhury
2-7-09 Advolcate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
GUWAHATI.

(Application Under Section 19 of the Administration
Tribunal Act, 1985).

ORIGINAL APPLICATION NO. 127 OF 2009.

Sri Sudhir Ch. Modak,
Son of Sri Mukunda Ch. Modak,
P.O. - Rest Camp,
Railway Quarter No. GDS 16D,
Maligaon, Guwahati - 781012
Dist.- Kamrup, Assam.

... Applicant.

- VERSUS -

1. The ~~Union of India~~ ^{N.F. Railway}
represented by the ~~Chairman~~ ^{General Manager},
Railway Board, Maligaon, Guwahati-11
Ministry of Railways, New Delhi.

2. The Chief Personal Officer,
N.F. Railway, Maligaon,
Guwahati - 781011

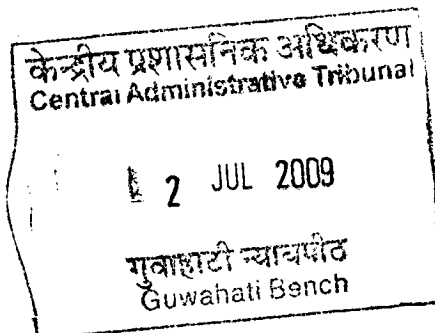
3. The Controller of Stores (P),
N.F. Railway, Maligaon,
Guwahati - 781011

4. The Deputy Chief Materials Manager,
N.F. Railway, Pandu,
Guwahati - 781 012.

R Copy

For Dr. J.L. Sankar,
2/7/09

Sudhir Ch. Modak



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5. Sri M.J. Deka, (Manabjyoti Deka)
Depot Material Superintendent II
(in short DMS-II)
Under, Dy. Chief Materials Manager,
N.F. Railway, Pandu, Guwahati - 12.

78012

... Respondents.

DETAILS OF APPLICATION.

1. Particulars of the Order against which the application is made.

The applicant is aggrieved by the impugned order bearing Office Order No.E/196 dated 12th April, 2005 passed by the Deputy Chief Materials Manager, N.F. Railway, Pandu, Guwahati- 12, where by the Respondent No. 5 was promoted to D.M.S. II from D.M.S. III who is much Junior to the applicant as well as non-consideration of his case for promotion to the post of D.M.S. II.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redress is within the jurisdiction of the Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

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Sudhir Ch. Modak

2 JUL 2009

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Guwahati Bench

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4. Facts of the Case : -

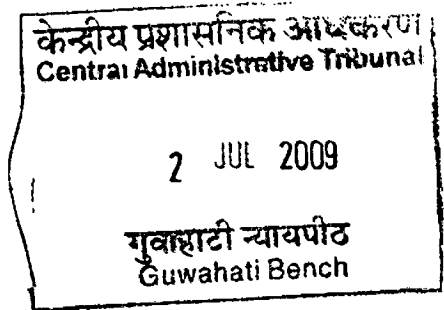
4.1. That, the applicant is a Citizen of India and a permanent resident of Maligaon, Guwahati, in the District of Kamrup, Assam, Guwahati - 12 and as such is entitled to all the rights and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2. That, the applicant entered the service under N.F. Railway in the year 1974 on usual terms and conditions as a substitute Khalashi/Watchman in the Class-IV Category under DCOS/PNO after the Selection/Sereening held on 9th, 10th February/74 and 7th April/74 vide Order No. E/S/227 dtd. 14-06-74 and after being found medically fit and Police the service of the applicant had been regularized vide Office Order No. E/131. dated 02-09/74.

Copies of the appointment Orders dated 14-06-74 and 02-09-74 are annexed hereto and marked as Annexure - A & A1.

4.3 That, the applicant has an unblemished and spotless service career of more than 34 years and has received the appreciation of his superior authorities for his sincere and duteous nature. Till date he has worked with attentively and nothing against him was reported before his superior authorities derogatory to his ability and the fashion of work. Now he is in verge of retirement from his service.

contd.....4



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4.4. That, the applicant is now serving in the post of DMS - III in the Office of the Deputy Chief Materials Manager, N.F. Railway, Pandu, Ghy.-12 and his promotion is due. The Respondent No. 4 had prepared a list of 19 employees in the post of DMS - III for selection to the Post of DMS- II vide letter No. E/S/254/Pt XXV dtd. 03-06-2003 passed by Deputy Chief Materials Manager. In the aforesaid list the applicant name was shown in serial No. 9 and the private Respondent i.e. Respondent No. 5 was placed in serial No. 19 which was issued to the prospective employees to be promoted on seniority basis.

The letter dated 03-06-2003 is annexed hereto and marked as Annexure - B.

4.5. That, the applicant begs to state that the post hold by the applicant i.e. DMS III and the next superior post i.e. DMS II the promotion are made by Non-selection method and promotion are made on the basis of seniority-cum-fitness and concept of merit is not involved in such promotions. In this respect it is clarified from the letter of correspondence between the Respondents authority. The letter correspondence vide letter dated 19-05-2005 and 17-09-2007. It is clear date in case of promotions by Non Selection Promotions are made on the basis of seniority-cum-fitness and the concept of merit is not involved in such promotions.

Copies of the letter of correspondence between the Respondents authority are annexed hereto and marked as Annexure - C, C₁.

2 JUL 2009

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Guwahati Bench

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4.6. The applicant begs to state that the applicant is far senior than the private respondent. Though, the applicant is senior than the private Respondent in spite that the applicant was deprived from his due promotion to the next post i.e. D.M.S. II. In the time the Office Order No. E/S/254/Pt XXVI dated 12-04-2005 the private respondent, Sri Manob Jyoti Deka was promoted to the post DMS - II by the Deputy Chief Materials Manager with immediate effect and posted as is where is basis.

Copy of the promotion order dtd.12-04-2005 is filed hereto and marked as Annexure- D.

4.7. That, the applicant begs to state that being deprived by the Respondent's authority he made several representation stating that the post DMS - II is departmentally controlled and promotion is considered on Intere - seniority of DMS - III. The applicant prayed for promotional panel for the post of DMS - II on Restructuring of cadre as there was no seniority list was circulated for information of Staff and the applicant further stated that he was kept in dark in respect of his placement in the interse seniority. Being aggrieved by the non-consideration of his case of promotion on seniority basis, the applicant submitted number of representations from time to time before the respondents which however have failed to evoke any response so far. In this connection, the applicant submitted representations through proper channel to the controller of stores, N.F. Railway,

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Sushir Ch. Madab

2 JUL 2009

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Guwahati Bench

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Maligaon, highlighting his present grievance regarding non-consideration of promotion, however, sadly enough, the said representations failed to bear any result.

Copies of the representations ^{and promotion to DMS III} dt. 27-04-05, 30-06-07, 20-03-09 ^{12.12.98} are annexed hereto and marked as Annexures - E, E₁ & E₂. ^{E₃}

4.8. The applicant begs to state that the Respondents authority vide Office order No. E/S/255/Pt XVII dt. 26-05-08 issued the provisional seniority list of DMS - III and asked to submit any representation he/she may do so within one months of issue of the seniority list. In this provisional seniority list the applicant is placed in serial No. 2.

Copy of the provisional senior list dated 26-06-08 is annexed hereto and marked as Annexure - F.

4.9. That, the applicant begs to state that from some confidential source the applicant came to know that Sri Tarun Das who is placed first in the seniority can't be promoted to the next promotional post due to some reasons and then the applicant is the only person left out from the benefit of promotion, although he is eligible in all respects. The action of the respondents therefore, suffers from the vide of discrimination and is hit by Article 14 of

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Sudhir Ch. Modak

2 JUL 2009

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Guwahati Bench

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the Constitution of India. The applicant has made a representation through proper channel to the Respondents No. 1 and 2 vide dated 13-06-2009.

Copy of the representation dt. 13-06-2009
is filed hereto and marked as Annexure- G.

4.10. That, the failure on the part of the respondents to consider the case of the applicant.

5. Grounds for relief with legal provision : -

5.1. For that, the respondents have failed to consider applicant's representation for providing promotion in accordance with the provision of promotions by Non-selection method i.e. the applicant should be promoted on the basis of seniority-cum-fitness and concept of merit is not involved in such promotions.

5.2. For that, the applicant was deprived for non consideration his promotion and the applicant was superseded by his much Junior which is the violation of Article 14 and 16 of the Constitution of India. Despite the constitutional obligations, the respondents have miserably failed to consider the case of the applicant of his promotion to the next post.

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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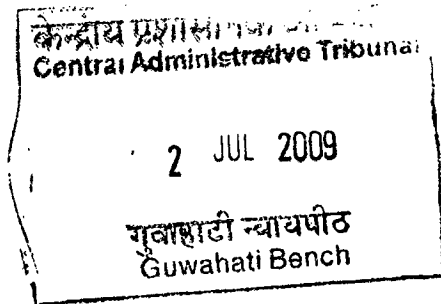
5.3. For that the Apex Court in Council of Scientific and Industrial Research V K.G.S. Bhatt (reported in (1989) 4 SCC 635) held :

" It is often said and indeed, adroitly, an organisation public or private does not 'hire a hand' but engages or employs a whole man. The person is recruited by an organisation not just for a job, but for a whole career. One must, therefore, be given an opportunity to advance. This is the oldest and most important feature of the free enterprise system. The opportunity for advancement is a requirement for progress of any organization. It is incentive for personal development as well. (See principles of personnel Management, Filipo, Ednin B., 4th Edn, P.246) Every Management must provide realistic opportunities for promising employees to move upward. The organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administrative costs, misallocation of personnel, low morale, and ineffectual performance, among both non-managerial employees and their supervisors. (See personnel Management, Dr. Udai Pareek P 277). There cannot be any modern Management much less any career planning, manpower development, management development etc. which is not related to a system of promotions".

In the instant case, the respondent ought to have looked into the representation and granted the promotion to the applicant who fulfils the eligibility criteria and the failure in this regard has violated the fundamental and other legal rights of the applicant.

contd...9

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Sudhir Ch. Modak



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5.4 For that the respondents have developed a very unhealthy practice of sitting quietly over a representation although the Govt. of India in several office Memorandum has clarified that representation filed by an employee should be attended promptly, in any case it should be disposed of within a maximum period of six weeks. In the instant case, the respondents have neither disposed of the representation submitted by the applicant nor did they provide promotion to him.

5.5 That, the applicant has been made to suffer for no fault of his. Due to administrative failure, the applicant was deprived of his promotion to the post of DMS II. Had the respondents acted in accordance with law and considered the case of the applicant for promotion to the post of DMS II when it was due, then in that case the applicant would have got his promotional benefits from the time when the private respondent had got the benefit.

5.6 For that, the action of the respondents suffers from the vice discrimination, it is affected by bias and is not free from arbitrariness because of the other the private Respondent No. 5 serving in the same department, junior to the applicant have already been granted the promotion long back but the applicant who has been serving for the last 34 years in the some post without any promotion has been denied the promotion though he is eligible for the same.

contd....10

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Sudhir Ch. Modak

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Sudhir Ch. Medak

6. Details of the remedies exhausted : -

The applicant declares that he has availed of all the remedies available to him under the relevant service rules.

7. Matters not previously filed or pending with any other Court.

The applicant declares that he had not previously filed any application Writ petition or suit, regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application. Writ petition or suit is pending before any of them.

8. Relief Sought : -

In the premises aforesaid, it is most respectfully prayed that your Lordships may be graciously pleased to admit this application, issue necessary notices, call for the records of the case and after hearing the cause/causes being shown and upon perusal of the records, your Lordships may -

- i) To direct the respondents to grant promotion to the applicant as per the list of seniority and as applicable in case of promotion by Non-selection method.
- ii) Cost of the application.
- iii) grant any other relief to which the applicant is entitled under the facts and circumstances of the case.

And for this act of kindness, the humble petitioner as in duty bound shall ever pray.

2 JUL 2009

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Guwahati Bench

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9. Interim order, if any prayed for :

Pending disposal of the application the applicant prays for the following interim relief.

The applicant is at the verge of retirement so the respondents may be directed to promote the applicant for the time being.

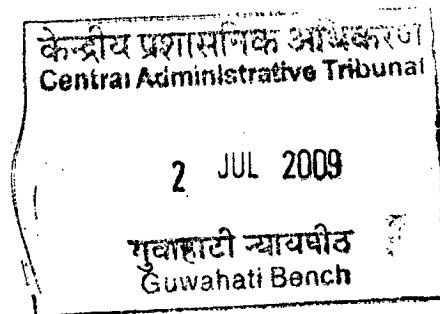
10. Particulars of Bank Draft/Postal order.

- i) I.P.O. No. 396 410354
- ii) Date of issue. 1.7.2009
- iii) Issued from General Post Office, Guwahati
- iv) Payable at. Central Administrative Tribunal
Guwahati Bench, at Guwahati
78005

11. List of enclosures : As stated in the Index/List of Date.

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Sudhir Ch. Modak



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VERIFICATION.

I, Shri Sudhir Ch. Modak Son of Shri Mukunda Modak,
DMS - II, N.F. Railway, Pandu, aged about - 59 years,
resident of rest Camp, Maligaon, Guwahati - 12 in the
District of Kamrup, do hereby verify that the contents
of paragraphs - 4.1 to 4.10 are true to my know-
ledge and paragraphs 5.1 to 5.6 are believed to
be true on legal advice and that I have not suppressed
any material fact.

Date : 2-7-09

Place : at Guwahati

Sudhir Ch. Modak

Signature of the applicant.

Sudhir Ch. Modak

NORTHEAST FRONTIER RAILWAY.

No. E/S/227

Dated 14 -6- 74.

To

Shri

~~Sudhji Chandras. Modak~~

S/o Sri/Late

~~Sudhji Chandras. Modak~~

Vill.

Aly. Ins. No. 35/1, Rest Camp Colony,

P.O.

Gurati-11

Distt.

Kamrup, Assam.

Sub:- Engagement as Substitute.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

You are hereby directed to report to the undersigned for temporary engagement on usual terms and conditions as a Substitute Khalashi/ Watchman on Rs. 196/- p.m. in Scale Rs. 196-232/-(R.P.S) plus usual allowances as admissible from time to time and posted at PNO/ GHY Stores Depot against existing vacancy under DSK/I/PNO, DSK/Forms/GHY with immediate effect.

Since you have been approved for appointment in the Class IV Category under DCOS/PNO in the Selection/Screening held on 9th, 10th February/74 and 7th April/74, your said engagement will be regularised on receipt of Police verification and Medical report.

In case you donot report by 25.6.74 - the above offer will be treated as cancelled.

Distt. Controller of Stores,
N.F. Railway, Pandu.

Copy for information & necessary action to:-

- 1) FA & CAO/Maligaon.
- 2) DSK/I/PNO.
- 3) DSK/GHY.
- 4) P. Case.
- 5) Bill Clerk.

DCOS/PNO.

certified to be true
B. C. Choudhary,
Advocate
2.7.09

(4) CDMS/GHY

P.T.O

DY. CMM/PNO.

N.F. RAILWAY

OFFICE ORDER NO E/1/71

Dated 2-9-74

On being found medically fit and since there is no adverse against him in the Police Report the undermentioned screened candidates, for appointment in Class IV category in the screening test held on 9th May/74 and 7th April/74, are hereby temporarily appointed as temporary Malasi with effect from the date as noted against each i.e. the date from which they are engaged as substitute vide this office L/No.E/S/3 dt. 14.5.74 on Rs.196/-p.m each in scale Rs.196-232/- (RPS) plus usual allowances as admissible from time to time and posted at PNO Stores spot against existing vacancy under DSK/1/PNO.

- | | | |
|-----------------------|---------------------------|-----------------|
| 1. Sri Babul Ch. Das | S/O Sri Jiban Hari Das, | w.e.f. 18.6.74. |
| 2. " Dadal Ch. Ghosh | S/O " Chitta Ranjan Ghosh | -do- |
| 3. " Sudhir Ch. Modak | S/O " Mukunda Ch. Modak | -do- |
| 4. " Mewalal Mahato | S/O " Rajgiri Mahato | 20.6.74. |

DCOS/PNO.

No. E/S/227

dt 2-9-74

Copy for information and necessary action to :-

- 1) FA & CAO/Maligaon.
- 2) DSK/1/PNO.
- 3) Staff Concerned.
- 4) Bill Clerk/Office.
- 5) P.Case.

DCOS/PNO.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

certified to be true
B.C. Choudhary
Advocate
2.7.09

(3) CDMS/PNO

(4) CDMS/CHY

P.T.O

DY. CM/PNO.

-15-

2 JUL 2009

গুৱাহাটী ন্যায্যবীঠ
Guwahati Bench

N.F. Railway

Office of the

Dy. Chief Materials Manager,
Pandu, Guwahati-781012.

No. E/S/254/PLXXV

Dated: 03.06.2003

To

Block
By the
Administ-
-stration
Promoted
Next my
Seniority

- | | | | |
|-------------------------|-------------|-----------------------------|-------------|
| ✓ 1. Sri Bisahy Ch. Das | DMS/III/PNO | 11. Sri Gobinda Ram Das | DMS/III/PNO |
| ✓ 2. „ M.C. Baishya | -do- | 12. „ Montosh Roy Chowdhury | -do- |
| ✓ 3. „ M.L. Mazumder | -do- | 13. „ A.R. Choudhury | -do-/NGC |
| ✓ 4. „ Dhancawar Boro | -do-/GHY | ✓ 14. „ Jibanta Kr. Neog | DMS/III/PNO |
| 5. „ Tarun Das | -do-/NGC | 15. „ Ashral Bin Hussain | -do-/NGC |
| 6. „ Siba Prasad Dey | -do-/PNO | 16. Smt. Hemaprava Das | DMS/III/PNO |
| 7. „ Pradyut Kr. Das | -do- | 17. Sri Dipak Ch. Deka | -do- |
| 8. „ Gobinda Pd. Roy | -do- | 18. „ Kishore Nath | DMS/III/PNO |
| 9. „ Sudhir Ch. Modak | -do- | 19. „ Manab Jyoti Deka | -do-/GHY |
| 10. „ Dharma Nath Deka | -do- | | |

Junior

Sub :- Selection for the post of DMS/II in scale Rs. 5500-9000/- in Store Deptt.

Ref :- GM(P)/MLG's notification No. E/254/IV/94(S) dated 26.5.03.

certified to be true
B. C. Chowdhury
Advocate
2.7.09

GM(P)/MLG vide his above quoted notification has informed that written test for the post of DMS/II in scale Rs. 5500-9000/- will be held on 21.6.03 and absence on 5.7.03 in COS/MLG's office at 10.00 hrs.

You are hereby spared on 21.6.03 and directed to appear in the said selection on a stipulated time and date.

If you are unwilling to appear in the written test, you should informed the same in written immediately.

A copy of the syllabus is enclosed herewith.

DA : One syllabus.

Copy forwarded for information and n/action

- to :- (1) GM(P)/MLG (2) EMM/D/NGC
(3) CDMS/PNO (4) CDMS/GHY

3/6/03
DY. CMM/PNO
3/6/03
DY. CMM/PNO

P.T. O

Office of the
General Manager(P)
Mishra, Guwahati 11

Resv. -57

No. E/210/Resv/Court/Pl. II

Date: 19.07.2009

To
All PHODs, HODs
All DRMs, DRM(T)s, Sr.DPO/DPOs & DFM's
GM/CON/MLG
FA & CAO/MLG
DY.CPO (CON) & DY.CEE (CON)/MLG
Principal/ZRTI/APDI, Dy.CME/MDQ, DRWS,
WM/EWS/BNGN, All ARMs
Sr.DME/DNGC, MLDT, SCLB
DCOS/NJB, NBQ, PNO
JMT/IDH, ACOS/BLST
AMP & S/KGN
Sr.DEN/MLG, DY.CE/Bf.Line/MLG, DSTEAM/MLG, APO/LC/MLG
All SPOs, APOs of 'P' Branch
GSNTRU, NFRMU, AISCTREA, OBCTREA/MLG

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Subj: Reservation in promotion - Treatment of SC/ST candidates promoted on their own merit.

Ref: Board's letter No. 99-E(SCT) 1/25/13 dated 07-08-2002 and 20-06-2003.

A copy of Railway Board's letter No. 99 E(SCT) 1/25/13 Dated 6-05-2005 on the above subject is forwarded for information and guidance please. The Board's earlier letter referred in their present letter was circulated vide this office letter as under :-

Rly. Board's letter no. & date

Circulated vide GM(P)'s letter no. & date

1. 99-E(SCT)-1/25/13 dated 07.08.2002

Resv-32

E/210/Resv/Court/Pl. II dated 17-9-02.

2. 99-E(SCT)-1/25/13 dated 20-06-2003

Resv-41

E/210/Resv/Court/Pl. II dated 11-7-03

(R. Narzary)

SPO/RI

for General Manager(P)/MLG

(Copy of Rly. Board's letter No. 99-E(SCT) 1/25/13, New Delhi dated 6-05-2005)
RBE NO. 77/2005.

Subj:- Reservation in promotion- Treatment of SC/ST candidates promoted on their own merit.

Ref:- Board's letter No. 99-E(SCT)1/25/13 dated 07.08.2002 and 20.06.2003.

Please refer to Board's letters quoted above wherein it has been clarified that SC/ST candidates promoted on their own merit will be adjusted against unreserved points. In this connection it is further clarified that instructions contained in Board's letters of even number dated 07.08.2002 and 20.06.2003 shall take effect from 07.08.2002. However, the cases where SC/ST candidates promoted on their merit before 07.08.2002 have been adjusted against unreserved points need not be reopened.

2. It is also clarified that since in the case of promotions by Non Selection promotions are made on the basis of seniority-cum-fitness and the concept of merit is not involved in such promotions, instructions contained in Board's letter dated 07.08.2002 and 20.06.2003 referred to above do not apply to the promotions made by Non Selection method.

Please acknowledge receipt.

certified to be true
B.C. Choudhury
Advocate
2-7-09

(R.D.S. Negi)
Director, Estt.(Res.)

Date: 19-05-2005

- 17 -

S/No-4
Annexure - C
182/

To
All PHDs, HODs
All DEAs, DDM(Ps), Sd/POs/DeAs
AM/CON/MLG
TA & CAO/MLG
DY.CPO (CON) & DY.CEE (CON)/MLG
Principal/ZRT/APD, Dy.CME/NBQ, DBWS,
AM/WS/BNGN, All ARMs
Sd/ME/ENCC, MLDI, SGU
Dy.OS/NBQ, PNO
AM/IDH, ACOS/BLST
AM/PS/SGN
Sd/EN/MLG, DY.CE/De.Linc/MLG, DSTE/MW/MLG, APO/LO/MLG
All SPOs, APOs of 1st Branch
GSE/REU, NFRMU, AISCTREA, OBCRE/MLG

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Subj: Reservation in promotion - Treatment of SC/ST candidates promoted on their own merit.

Ref: Board's letter No. 99-E(SCT)/125/13 dated 07-08-2002 and 20-06-2003.

A copy of Railway Board's letter No. 99-E(SCT)-1/25/13 Dated 6-05-2005 on the above subject is forwarded for information and guidance please. The Board's earlier letter referred in their present letter was circulated vide this office letter as under:

Rly. Board's letter no. & date	Circulated vide GM(P)'s letter no. & date
1. 99-E(SCT)-1/25/13 dated 07.08.2002	Resv-32 E/210/Resv/Court/Pt. II dated 17-9-02.
2. 99-E(SCT)-1/25/13 dated 20-06-2003	Resv-41 E/210/Resv/Court/Pt. II dated 11-7-03

(R. Narasimha)
SPOARP

for General Manager(P)/MLG

Copy of Rly. Board's letter No. 99-E(SCT)-1/25/13, New Delhi dated 6-05-2005;
RBE NO. 77/2005.

Subj:- Reservation in promotion- Treatment of SC/ST candidates promoted on their own merit.

Ref:- Board's letter No. 99-E(SCT)/125/13 dated 07.08.2002 and 20.06.2003.

Please refer to Board's letters quoted above wherein it has been clarified that SC/ST candidates promoted on their own merit will be adjusted against unreserved points. In this connection it is further clarified that instructions contained in Board's letters of even number dated 07.08.2002 and 20.06.2003 shall take effect from 07.08.2002. However, the cases where SC/ST candidates promoted on their merit before 07.08.2002 have been adjusted against unreserved points need not be reopened.

2. It is also clarified that since in the case of promotions by Non Selection promotions are made on the basis of seniority-cum-fitness and the concept of merit is not involved in such promotions, instructions contained in Board's letter dated 07.08.2002 and 20.06.2003 referred to above do not apply to the promotions made by Non Selection method.

Please acknowledge receipt.

(R.B.S Negi)
Director, Estt./Res.M

certified to be true
B. C. Chowdhury,
Ad vocate
2. 7.2009

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

New Delhi, dated 17.09.2007

No. 99-E(SCT)/I/25/13

The General Managers(P),
All Indian Railways and Production Units including CORE/Allahabad, Metro Rly./ Kolkata
N.E.Rly. (Cons)/Maligaon
The Director General/ RDSO/Lucknow
The CAO, DCW, Patiala
The CAO: MTP(Rlys.), Mumbai and Chennai

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub: Reservation in promotion- treatment of SC/ST candidates promoted on their own merit.

Ref: Board's letter No.99-E(SCT)/I/25/13 dated 07.8.2002, 20.06.2003 and 06.05.2005.

Attention is invited to Board's letter of even number dated 06.05.2005 clarifying that in case of promotions by Non-selection method, promotions are made on the basis of seniority-cum-fitness and concept of merit is not involved in such promotions, as such instructions contained in Board's letters of even number dated 07.08.2002 and 20.06.2003 will not apply. In this connection, a number of references have been received from the Zonal Railways/Production units seeking clarifications as to how to regulate the excess promotions of SCs/STs during the intervening period i.e. 07.08.2002 to 06.05.05.

The matter has been under examination in consultation with the Nodal Department i.e. DOP&T. In order to take a view in the matter, the DOP&T has requested that the details of the SC/ST candidates who have been promoted in excess of reservation prescribed for them in all the Groups i.e. A, B, C and D between the period 07.08.2002 and 06.05.2005 who in terms of Board's letter dated 06.05.2005 should not have been promoted may be furnished immediately.

The requisite information(group-wise) may please be furnished by 14.09.2007 positively. It is further requested that details of the Court cases if any, filed on the issue and its outcome may also be furnished.

D.A.: Nil

General Manager

Date

Date

पुस्तक भंडार, मालिगाँव, गुवाहाटी-११
N. L. Railway

(R.B.S. Negi)
Director Estt.(Res.)
Railway Board

certified to
be true
B.C. Choudhury
Ad Volante
2.7.2009

Office of the
Dy. Chief Materials Manager
N.F. Railway, Pandu, Guwahati-781012

Office Order No. E/196

Date : 12th April, 2005

Consequent on restructuring of DMS cadre of Stores depot the following DMS/III in scale Rs. 5000-8000/- are hereby promoted to officiate as DMS/II in scale Rs.5500-9000/- effective for 01-11-2003 & posted 'as is where is basis' for a period of six months vide GM(P)/MLG's office order No. 158 (E/Stores) & circulated no. E/254/V/94(S) DT.29/3/05.

SN	Name	Design.	Present place of posting
1.	Shri Pradyut Kr. Das	DMS-II	PNO depot.
2.	Shri Gobinda Prasad Roy	DMS-II	PNO depot.
3.	Shri A. N. Roy Chowdhury	DMS-II	NGC depot
4.	Shri Jayanta Medhi	DMS-II	PNO depot
5.	Shri J.K. Neog	DMS-II	PNO depot
6.	Shri Dipak Ch. Deka	DMS-II	PNO depot
7.	Shri Kishore Kr. Nath	DMS-II	PNO depot

This is penel post.

The following DMS/III in scale Rs. 5000-8000/- are hereby promoted as DMS/II in scale Rs. 5500-9000/- with immediate effect and posted 'as is where is basis'.

SN	Name	Design	place of posting	Remarks
1.	Shri Manab Jyoti Deka	DMS-II	PNO depot	Most Senior S/No-19 For a period of six month on adhoc basis.
2.	Shri Bishay Ch. Das	DMS-II	PNO depot	do
3.	Shri Madhab Ch. Baishya	DMS-II	NGC depot	do
4.	Shri Mihir Lal Mazumdar	DMS-II	PNO depot	do
5.	Shri Dhaneswar Boro	DMS-II	GHY depot	do

This is Restructuring post. effective 01-11-2003

The staff concerned may exercise their option for fixation of pay from the date of next increment in their substantive grade within one month the date of issue of the order.

Dy.CMM/PNO

No. E/S/254/Pt.XXVI

Date 12-04 - 2005.

Copy forwarded for information and necessary action to:-

- | | |
|--------------------|------------------------|
| 1. FA & CAO/MLG. | 7. CDMS/PNO |
| 2. GM(P)/Maligaon. | 8. C/Steno/PNO |
| 3. COS/Maligaon. | 9. E/P/III at office. |
| 4. AMM/D/NGC | 10. P/Case |
| 5. Chief OS(G)/PNO | 11. Staff concerned. |
| 6. CDMC/GHY, | 12. Office order Book. |

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Dy.CMM/PNO

certified to be true
B.C. Chowdhury
Ad vocat
2.7.2009

The Controller of Stores,
N.F. Railway/Maligaon.

Through: Proper Channel.

Sir,

Sub:- Promotional Panel for the post of DMS-II on Restructuring
of Cadre.

.....

Most respectfully, I beg to place the following for favour of
your kind and sympathetic consideration and necessary orders.

That a panel has been formed for promotion of DMS-III to DMS-II
recently.

That the post of DMS-II is departmentally controlled and as
such promotion is considered on Interse-seniority of DMS-III.

That no seniority list was circulated for information of staff
and as such I have been kept in dark in respect of my placement in the
interse-seniority.

That the names of the earlier empanelled persons (selected
under normal selection procedure) have also appeared in the promotion
orders issued by GM(P)/Maligaon for filling up of the vacancies of
DMS-II.

That the nos. of posts due to be filled up- showing separately,
the two blocks of staff due promotion from 1.11.03 and with immediate
effect has not been complied for which I can not manually ascertain my
promotional prospect.

I shall be glad if your good office very kindly arrange to
supply me the following informations:-

- (1) The nos. of DMS-II posts to be filled up from 1.11.03.
- (2) The nos. of DMS-II posts to be filled up with immediate
effect.
- (3) Nos. of staff belonging to SC were due to get promotion
as DMS-II.
- (4) If the person belonging to SC who failed in the selection
but considered as best amongst the failed candidates can
be considered for promotion on application of Modified
Selection Rules.

Thanking you,

Dated, Pandu
the 27 April/05.

Yours faithfully,

Sudhir Ch. Modak
DMS/III

न्याय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

गुवाहाटी न्यायपीठ
प. पी. डी. सि. सि.
Chief Deputy Registrar Guwahati
N. F. Railway Bench.
Guwahati 781012.

Record Copy

Certified to be true
B. C. Choudhury
Advocate
2.7.2009

..... dated 07.06.2002, 20.06.2003, 06.05.2005 and 17.09.2007.

The Controller of Stores,
N.E. Railway/Maligaon, Guwahati-11.

Through: Proper Channel.

Sir,

Sub:- Reminder for promotional panel for the post of DMS-II
on Restructuring of Cadre.

Most respectfully, once again I beg to place the following
for favour of your kind and sympathetic consideration and
necessary orders.

That a panel has been formed for promotion of DMS-III to
DMS-II recently.

That the post of DMS-II is departmentally controlled and
as such promotion is considered on Interse-seniority of DMS-III.

That no seniority list was circulated for information of
staff and as such I have been kept in dark in respect of my
placement in the interse-seniority.

That the names of the earlier empanelled persons (selected
under normal selection procedure) have also appeared in the
promotion orders issued by GM(P)/Maligaon for filling up of the
vacancies of DMS-II.

That the nos. of posts due to be filled up showing separately,
the two blocks of staff due promotion from 1.11.03 and with
immediate effect has not been compiled for which I can not
manually ascertain my promotional prospect.

I shall be glad if your good office very kindly arrange to
supply me the following informations.

- (1) The nos. of DMS-II posts to be filled up from 1.11.03.
- (2) The nos. of DMS-II posts to be filled up with immediate
effect.
- (3) Nos. of staff belonging to SC were due to get promotion
as DMS-II.
- (4) If the person belonging to SC who failed in the selec-
tion but considered as best amongst the failed candida-
tes can be considered for promotion on application of
Modified Selection Rules.

Encls: 5 (Five) Application
Dated, Pandu
the 30th June/07.

Yours faithfully,
Sudhir Ch. Modak
(Sudhir Ch. Modak)
DMS-II, under Dy. GM(P)/PAG.

100 PPT/100/100/100
100 PPT/100/100/100
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100 PPT/100/100/100

Circular dated 07.08.2002, 20.06.2003, 06.05.2005 and 17.09.2007.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

certified to
be true
B.C. Choudhury,
Aetvo call
2.7.2009

-22-

S/No-13. 32

To
The Controller of Stores (P),
N.F.Railway/ Maligaon
Guwahati-11.

Reminder-III

Amexure 2

(Thro: Proper Channel).

Sir,

Sub:- Reminder for Promotional Panel for the post of DMS-III
against Restructuring Cadre.

Ref:- My earlier application dated 21.4.05 & 30.6.2007.

With due respect I beg to state the following few lines for
your kind consideration and sympathetic order.

In my earlier application I have stated that the promotion
of DMS-III and DMS-II on restructuring cadre.

The DMS-II post is departmentally controlled and on the basis
of that such promotion is considered of Interse-seniority of DMS-III.
At that time, no seniority list was circulated to the staff and as
such I have been kept in dark in placement of my interse seniority.

The earlier unpanelled persons (selected under normal selec-
tion procedure) appeared in the promotional orders issued by GA(P)/
MLG for filling up the vacancy of DMS-II.

That the no. of posts due to be filled up showing separately,
the two blocks of staff's promotion due from 1.11.03 with immediate
effect has not been complied for, for which I cannot ascertain my
promotional prospect.

I shall be glad if your good office kindly arrange to supply
me the following aspects:-

1. No. of DMS-II posts to be filled up from 1-11-03.
2. No. of DMS-II posts to be filled up with immediate effect.
3. No. of staff belongs to SC were due to get promotion as
DMS-II.
4. If the staff belonging to SC who failed in the selection
but considered as best amongst the failed candidates for
promotion on application of Modified Selection Rule.

Enclo:- 5(five).

Dated; Pandu the
20th March'09.

Copy to:-

COS/MLG for information please.

Yours faithfully,

Sudhir Ch. Modak

(Sudhir Ch. Modak)
DMS-III under Dy.CMA/PNO.

Sudhir Ch. Modak

(Sudhir Ch. Modak)
DMS-III under
Dy. CMA/PNO.

Forwarded

20.03.09

certified to
be true

B.C. Choudhury
Advocate

2.7.2009

Circular dated 07.06.2002, 20.06.2003, 06.05.2005 and 17.09.2007.

MEMORANDUM

Sub:- Result of the suitability test for
the post of DSK-III in scale Rs.5000-8000/-
of Dy.COS/PNO's unit held on 12.12.98.

The following Sr. Clerks(G)/SVC in scale
Rs. 4500-7000/- of Dy.COS/PNO's unit have been found
qualified in the suitability Test held on 12.12.98 for
promotion to the post of DSK-III in scale Rs.5000-8000/-
Their names are arranged in order of seniority.

- 1) Shri Prodyot Kr. Das, SVC (DSK-III adhoc)/PNO
- 2) " Gobinda Prasad Roy, Sr.Clerk(G) (")/PNO
- 3) " Sudhir Ch. Modak, SVC/PNO
- ✓ 4) " Gobinda Ram Das, SVC/PNO
- 5) " Manotosh Roy Choudhury, SVC/PNO
- " Dharma Narayan Deka, Sr.Clerk(G) (DSK-III
adhoc)/PNO

कन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

2 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Dy.COS/PNO

No:- E/S/254/Pt.XXIV

Dt. 12/1/99

Copy forwarded for information to:-

- 1) ACOS(D)/NGC
- 2) DSK-I(G)/PNO
- 3) DSK-I/BK/PNO
- ✓ 4) Staff Concerned

Dy.COS/PNO

certified to be true
B.C. Choudhury
Advocate
2.7.09

Provisional seniority list of DMS/III in scale Rs. 5000-8000/- under Dy.CMM/PNO as on 01-04-2008.

Sl No.	Name	Designation/ Station	Community	P.F. No.	Date of Birth	Date of Appointment	Date of promotion to the grade	Remarks
1	Sri Tarun Das	DMS/III/NGC	UR	01853211	01-10-49	02-09-74	03-07-96	
2	Sri Sudhir Ch. Modak	DMS/III/PNO	UR	01853272	06-08-49	18-06-74	24-03-98	
3	Sri Dharma Narayan Deka	DMS/III/GHY	UR	01884323	01-05-59	01-09-82	24-03-98	
4	Sri Gobinda Ram Das	DMS/III/PNO	UR	01852942	31-12-54	20-06-74	05-02-99	
5	Sri Mantosh Roy Choudhury	DMS/III/PNO	UR	01853338	10-02-52	29-08-74	10-02-99	
6	Sri Ashraf Bin Hussain	DMS/III/NGC	UR	01941835	30-05-72	12-01-00	12-01-00	
7	Smt. Hema Pratha Das	DMS/III/PNO	OEC	01941811	30-06-73	12-01-00	12-01-00	
8	Sri Pradip Das	DMS/III/PNO	SC	01910991	10-12-58	09-09-83	13-02-06	
9	Sri Gojendra Easumatary	DMS/III/PNO	ST	01886241	01-01-60	06-09-82	13-02-06	
10	Sri Shyamal Banerjee	DMS/III/GHY	UR	01918886	20-01-60	10-12-90	06-12-07	

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
2 JUL 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Dy. Chief Materials Manager
N.F. Railway, Pandu, Guwahati-12

No. E/S/255/PLXVII dt 26-05-2008

Copy for information and necessary action to :-

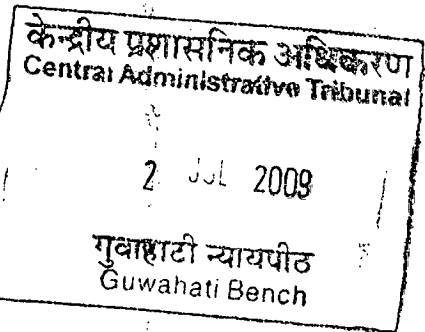
- | | | | |
|--------------|----------------|--------------------|--------------------------------------|
| 1) COS/MLG | 4) DAMM/GHY | 7) CH OS/G/PNO. | 10) GS/NFRMU/PNO, GS/NFRELI/PNO, |
| 2) GM(P)/MLG | 5) CCMS/IC/PNO | 8) NOTICE BOARD | 11) GS/NFRSC/ST Union, GS/AIOBCA/MLG |
| 3) AMM/D/NGC | 6) C/STENO | 9) STAFF CONCERNED | |

N.B:- If any staff desires to submit any representation, he/she may do so within a month from the date of issue of the seniority list. Representation received after one month will not be entertained.

certified to be true
B.C. Choudhury
Advocate
2.7.09

Dy. Chief Materials Manager
N.F. Railway, Pandu, Guwahati-12

4-04/5



Dated: 13.06.2009

Advance copy
By hand to
CPO/MLG
on-15.6.09

To,

1. The Chief Personal Officer
N.F. Railway, Maligaon
Guwahati- 11.
2. The Controller of Stores (P)
N.F. Railway, Maligaon
Guwahati-11

(Through proper channel)

Sub. :- Consideration for promotion to the post of DMS-II on Restructuring cadre w.e.f. 1.11.2003

Ref. :- My earlier representation dated 27.04.2005, 21.06.2005, 30.06.2007 and 20.03.2009 addressed to the Controller of Stores (P), N.F. Railway, Maligaon

Sir,

With due reference and profound submission, I, the undersign most humbly and respectfully beg to lay the following few lines for your kind consideration and appropriate action.

That Sir, I have been working continuously in the post of Deputy Store Keeper-III, now redesignated as Depot Material Superintendent w.e.f. 24.03.1998 under the Deputy Chief Material Manager/ Pandu, N.F. Railway.

That Sir, the next promotional post from the post of DMS-III is DMS-II. The normal procedure for promotion to the post of DMS-II is on the basis of the Selection from the cadre of DMS-III. It is pertinent to mention herein that no seniority list is published and circulated by fixing the inter-se seniority for the post of DMS-III for long time. It learned that all the person senior than me has already been promoted to the post of DMS-II, who participated in the selection procedure or restructuring basis except one Sri Tarun Das, (Sri Tarun Das has not been promoted due to his ACR). Even person who is much junior than me, namely Manab Jyoti Deka has also been promoted to the post of DMS-II.

That Sir, although my case was required to be considered for promotion to the post of DMS-II by non-selection method i.e, promotion required to be made on the basis of seniority -cum-fitness where the concept of merit is not involved, my case has not yet consider for promotion on the said basis inspite of issuance and various circulars by the Railway Board i.e. Circular dated 07.08.2002, 20.06.2003, 06.05.2005 and 17.09.2007.

certified to be
true
B.C. Choudhary
Advocate
2-7-09

2 JUL 2009

S/No-14

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গুৱাহাটী ন্যায্যবীঠ
Guwahati Bench

That Sir, my case is required to be considered for promotion against restructuring cadre w.e.f. 01.11.2003; but the same has not done inspite of my repeated representations as referred above.

That Sir, as there was no gradation list prepared for such a long time, I had preferred the above referred representations with a request to furnish some documents and position to me to ascertain my promotional prospect; but the same has not been supplied to me inspite of my repeated request/ approach.

That Sir, now I am at the verge of retirement and going to be retired on 31.08.2009 due to superannuation. As such, my case is required to be considered for promotion to the post of DMS-II on restructuring basis. It is pertinent to mention herein that the Provisional Seniority list of DMS-III in the scale of Rs. 5,000/- - 8,000/- under the Deputy CMM/PNO as 01.04.2008 has already been published by the Deputy CMM, N.F. Railway, Pandu vide order No. E-S/255/Pt-XVII dated 26.05.2008, wherein, my name is figured at serial no.2. The person whose name appeared at Serial no.1 namely Tarun Das is not entitled for promotion as I have learned from the reliable sources and hence, I am the senior most person in the cadre of DMS-III in the Office of the Deputy CMM/PNO.

Under the aforesaid facts and circumstances and considering the fact that less than 3 months is there to the date of my retirement, my case is required to be considered for promotion forthwith without any further delay. So that, my pension papers and other relevant documents could be processed together and I can atleast seat in the promotional post before the date of my retirement for a few days.

I hope and trust that your honour may be kind enough to consider my case before the date of my retirement and obliged.

Thanking You.

Yours faithfully

Copy To :- Dy CMM/PNO.
N.F. Railway.

Sudhir Ch. Madak
(Sudhir Chandra Madak)
DMS-III
Office of the Deputy CMM/PNO

Dispatch from Dy CMM/PNO through F/Memo
No- E/S/254/Pt. XXVII dt-15.06.09 to CPO/MLG
& COS/P/MLG - on-17/06/09.

certified
to be true
B.C. Choudhary
Advocate
2.7.09