

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 197/2009-2008  
R.A./CP/NO..... 2015  
E.P./M.P./NO..... 2015

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*Done  
2017/2015*

SECTION OFFICER (JUDL.)

FORM NO. 4  
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :  
ORDER SHEET

1. ORIGINAL APPLICATION No : 197 / 2009

2. Transfer Application No : -----/2009 in O.A. No.-----

3. Misc. Petition No : -----/2009 in O.A. No.-----

4. Contempt Petition No : -----/2009 in O.A. No.-----

5. Review Application No : -----/2009 in O.A. No.-----

6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Shri Chandan Kumar Ghatak

Respondent (S) : Union of India's in o/s

Advocate for the : Mr. S.N. Tamuli

{Applicant (S)}

Advocate for the :  
(Respondent (S))

Rly.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. P. for Rs. 50/- deposited vide IPO/ED No. <u>395424166</u> Dated.....<u>16-9-09</u></p> <p><i>N. Tamuli 17-9-09</i> Dy. Registrar <u>16/9/09</u></p> <p><u>16.9.09</u></p> <p>4 (Four) Copies of Application with envelope received for issue notices to the Respondents No. 1 to 4 with under taking to serve a copy of the same to Rly Counsel. <u>16/9/09</u></p>	18.09.2009	<p>Heard Mr.S.N.Tamuli, learned counsel appearing for the Applicant and Dr.J.L.Sarkar, learned Standing Counsel for the Railways/Respondents</p> <p>For the reasons recorded separately, this O.A. stands disposed of.</p> <p><i>(Signature)</i> (M.K.Chaturvedi) Member (A)</p>

R  
Shri  
Advocate  
18/9/09

22/09/2009

Copy of judgment  
along with Notice  
order dated 18/09/2009  
send to the D/section  
for issuing to the  
Applicant & Respondents  
by Regd. post.

Free copies of both  
side standing counsel  
by hand.

D/No. ————— <sup>Recd</sup> 22/9/09  
Dtd. ————— 1.10.09  
11,581 to 11,582

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.Nos. 197 of 2009

DATE OF DECISION: 18 -09-2009.

Shri Chandan Kumar Ghatak

.....Applicant/s

Mr S.N. Tamuli

.....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 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.

Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No. 197 of 2009

Date of Order: This the 18<sup>th</sup> Day of September, 2009.

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

Shri Chandan Kumar Ghatak  
Loco Inspector  
N.F. Railway (Lumding Division)  
P.O.- Lumding  
Dist- Nagaon  
Pin- 782447.

.....Applicant

By Advocate : Mr. S. N. Tamuly, Advocate.

-Versus-

1. The Secretary  
Railway Board  
Rail Bhawan  
New Delhi- 1
2. The General Manager  
N.F. Railway  
Maligaon, Guwahati  
Pin- 781011.
3. The Financial Advisor & Chief  
Accounts Officer (FA&CAO)  
N.F. Railway  
Maligaon, Guwahati  
Pin- 781011.
4. The Divisional Railway Manager  
N.F. Railway (Lumding Division)  
Lumding  
Dist- Nagaon  
Pin- 782447. .... Respondents

By Advocates: Dr. J.L. Sarkar, Railway Standing Counsel.

ORDER(CORAL)

M. K. CHATURVEDI, MEMBER(A):

By this O.A. Applicant makes a prayer that he should be stepped up with reference to the stepping up of his juniors in the same cadre.



2. Mr S.N.Tamuli, learned counsel appeared for the Applicant and Dr J.L.Sarkar, learned Standing counsel appeared for the Respondents. I have heard the rival submissions.

3. The Applicant initially joined Railway service as Fireman on 19.3.1975 at Lumding under Lumding Division of N.F.Railway. Subsequently Applicant got several promotions and finally he was posted as Loco Inspector. It was stated that Crew Controller and Loco Inspector are in the same cadre and in the same scale of pay.

4. Consequent upon 5<sup>th</sup> Pay Commission recommendations his pay was refixed with effect from 01.01.1996. On re-fixation it was found that Applicant and few other senior Members got less salary than some of their juniors in the same cadre. This was stated to be due to some erroneous calculation process. When these anomalies were pointed out to the concerned authorities steps were taken to step up the salaries of the senior members working in different divisions of N.F.Railway.

5. Our attention was invited on the decision of the Tribunal rendered in the case of Dulal Kanti Deb vs. Union of India & Ors., O.A. 241/2006. In this case Applicant has retired from service as Loco Inspector. Pay was fixed as per the recommendation of the 5<sup>th</sup> Pay Commission. For stepping up of salary of his juniors matter was taken up but applicant's case was not considered. He also made representation but no order on such representation was passed. It was stated before the Tribunal that since Accounts and Finance Wing of the respondents has already vetted and approved stepping up of pay vide letter dated 29.10.2002, the Applicant will be satisfied if a direction be issued to the respondents to consider and dispose of the representation of the applicant with a speaking order and if found eligible

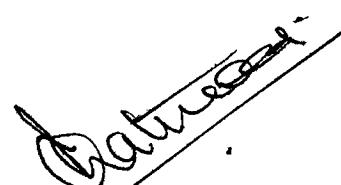


to grant the benefit. Tribunal issued the directions accordingly. The case of Dipak Chandra Bhattacharjee vs. Union of India & Ors. O.A.142/2008 dated 13.08.2008, was also decided on the same lines.

6. Dr J.L.Sarkar, learned Standing counsel appearing for the Respondents did not raise any objection in adopting such course of action.

7. Facts being identical, respectfully following the above decisions we direct the Applicant to forward the copy of this O.A as well as the representation already filed to the respondent No. 4, The Divisional Manager, N.F.Railway, (Lumding Division) Lumding forthwith, in any case within 15 days from the date of receipt of the order. On receipt of the same, the Respondent No. 4 or any other competent authority shall consider and dispose of the representation by a speaking order communicating the same to the applicant within a time frame of 3 months thereafter.

7. Original Application is disposed of as above. In the circumstances there is no order as to costs.

  
(M.K.CHATURVEDI)  
ADMINISTRATIVE MEMBER

PG

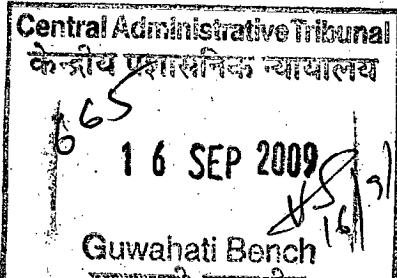
**CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH, GUWAHATI**

O. A. No. 197/2008

Shri Chandan Kumar Ghatak

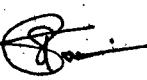
-v-  
U.O.I. & Ors



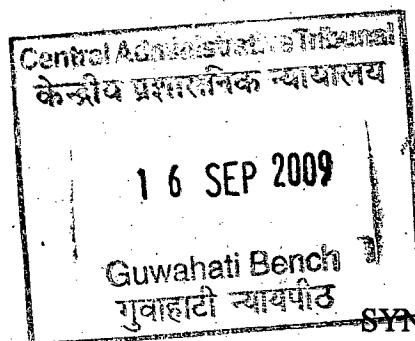
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Sl No	Particulars	Annexure
1	Original Application	
2	Verification	
3	Seniority List of CC/LI/PRC as on 1/4/2001, dated 19/3/2001	A
4	Order dated 19/2000 issued from the office of the G.M.(P), Maligaon stepping up the pay of Shri Himangshu Chakraborty to the extent of his junior Shri K. C. Roy.	B
5	Letter Dated 29/8/2001 Issued from the office of the GM(P) , Maligaon addressed to the DRM(P), Lumding to deal with the case .	C
6	Relevant portion of the minutes drawn in 92 <sup>nd</sup> Qrly PNM in which stepping up of CC to the extent of their juniors was concurred in and finalized.	D
7	Circular dated 29/8/2001 on stepping up of pay by FA&CAO, NF Railway with remarks.	E
8	Letter from the N.F.Railway Mazdoor Union to Sr DPO requesting him to implement the stepping up as agreed.	F
9	Order of this tribunal dated 20/9/2006 in O.A.No 241/06, Shri Dulal Kanti Deb -v- UOI&Ors.	G
10	Letter dated 30/10/07 & Memorandum dated 17/10/2007 stepping up of the pay of the applicant Shri Dulal Kanti Deb in OA No 241/06 to the extent of his junior Shri Himangshu Chakraborty in the same cadre.	H

I undertake  
to serve  
a copy of  
the OA  
on  
Railways  
8C  
Dr. J. L. Sarker  
16/9/09

Filed By   
S.N. Tamuli (Advocate)

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH, GUWAHATI**



O. A. No. 197/2008

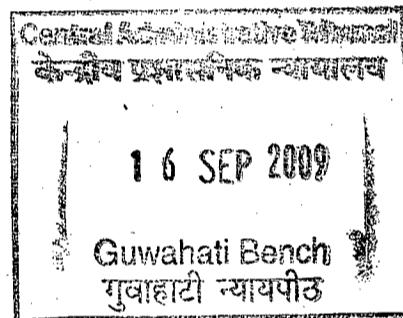
Shri Chandan Kumar Ghatak

-v-  
U.O.I. & Ors

**SYNOPSIS+LIST OF DATES**

DATES	PARTICULARS	ANNEXURS/ PARA NO
19.3.1975	Applicant joined service as Apprentice Fireman in Lumding Division of N.F.Railway on-19.3.1975.	Para4.2
2.7.89	Applicant was promoted to the post of Loco Inspector (LI) on 29/12/1994. (C.C., L.I. and P.R.C are in the same cadre.)	Para4.2
1/1/1996	5 <sup>th</sup> Pay Commission's Recommendations were adopted by Railway and salaries of its employees were re-fixed. On implementation i.e. on re-fixation it was found that applicant and few others though senior and were getting more salary prior to implementation got less salary than their juniors such as K.C.Roy , Ajit Chakraborty etc. on re-fixation.	Para4.4
.../9/2000	Shri Himangshu Chakraborty's pay was stepped up to the extent of his juniors as he was getting less salary than his juniors working in the same cadre on re-fixation, like applicant.	Para4.5, Annexure B
19/3/2001	Seniority list of CC/LI/PRC as on 1/4/2001 was published and applicant was against SL No 42.	Annexure A
29/8/2001	GM (P),N.F.Railway instructed the Divisional Railway Manager(Personal) in short DRM(P) to deal with the case of these senior members.	Para4.7, Annexure C
5/3/2002& 6/3/2002	Matter was discussed in 92 <sup>nd</sup> Qrly Permanent Negotiating Machinery in short PNM (item No 42) and was concurred on and was finalised.	Para4.8, Annexure D
29/10/02	FA&CAO gave remark that <p style="padding-left: 40px;"><i>“ the case appers to be a normal case of stepping up which could have been settled at divisional level... ”</i></p> And also state that original file in which proposal was discussed was missing. This circular further clarified	Para4.9, Annexure E

	that CC/LI/PRC are in the same cadre.	
11/11/2003	N.F.Railway Mazdoor Union requested the Sr Divisional personal Manager to implement the stepping up.	Para 4.10, Annexure F
20/9/2006	One Shri Dulal Kanti Deb similarly placed with the applicant approached this Honble Tribunal through O.A.No 241/06 and by order dated 20/9/2006 Hon'ble Tribunal directed the respondents to consider and dispose the matter with speaking order.	Para 4.10, Annexure G
2007	Applicant in O.A. No241/2006 ,Shri Dulal kanti Deb filed C.P.No11/07 in O.A.No241/06 for non implementation of the order dated 20/9/2006	Para 4.10.
30/10/2007	Respondents submitted compliance report by stepping up of the pay of the applicant/petitioner in CP.No 11/2007 in OA.No 241/06 to the extent of his junior and C.P. was subsequently dropped.	Para 4.10, Annexure H



FILED BY

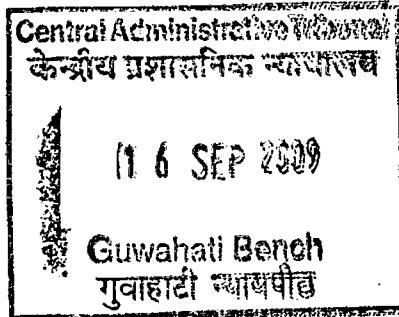
  
S.N. Tamuli  
Advocate on

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,  
GUWAHATI

O. A. No. 197/2009

Shri Chandan Kumar Ghatak  
Loco Inspector  
N.F. Railway (Lumding Division)  
P.O.-Lumding  
Dist - Nagaon  
Pin - 782447

..... Applicant



-VERSUS-

- (i) Union of India  
Represented by the  
Secretary  
Railway Board  
Rail Bhawan  
New Delhi-1
- (ii) The General Manager  
N.F. Railway  
Maligaon  
Guwahati  
Pin - 781011
- (iii) The Financial Advisor & Chief  
Accounts Officer (FA & CAO)  
N.F. Railway  
Maligaon  
Guwahati  
Pin - 781011
- (iv) The Divisional Railway Manager  
N.F. Railway (Lumding Division)  
Lumding  
Dist - Nagaon  
Pin - 782447

..... Respondents

**DETAILS OF THE APPLICATION:**

**1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:**

This application is made for stepping up of the pay of the applicant to the extent of his juniors such as Sri G.C.Kar as agreed in 92<sup>nd</sup> Qrly Permanent Negotiation Machinary (PNM in short) meeting held between N.F. Railway Administration and NF Railway Mazdoor Union on 05/03/2002 and 06/3/2002 (Annexure - D, item 42) and for similar relief granted to Shri Dulal Kanti Deb and other similarly placed staff who approached this Hon'ble Tribunal through different O.As For example O.A.No of O.A.No241/06 (Shri Dulal Kanti Deb -v-U.O.I & Ors.), decided on 20.9.06, O.A. No167/08 (Shri M.L.Banerjee-v-U.O.I. & Ors) decided on 9/8/08 and fixation of benefit given by Respondents to the applicants in the above and other O.As.

Filed by the ... Applicant  
Through S. N. Tumuli  
Advocate Date 16/9/09  
C. Ghatak

## **2. JURISDICTION:**

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

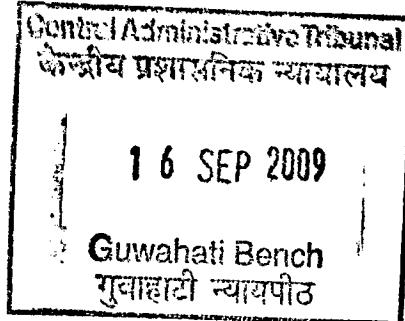
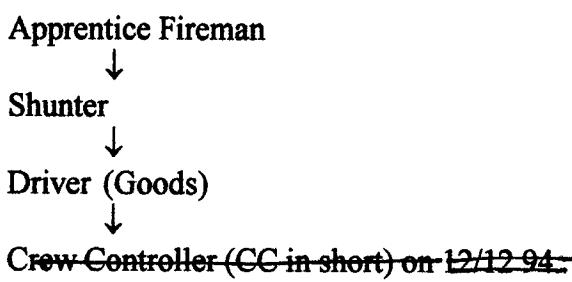
## **3. LIMITATIONS:**

The applicant declares that is within the period of limitation prescribed by Section 21 of The Administrative Tribunal Act – 1985.

## **4. FACT OF THE CASE:**

**4.1.** That the applicant is a citizen of India and as such entitled to the rights and privileges guaranteed under the Constitution of India.

**4.2.** That the applicant initially joined Railway service as Fireman on 19.3.75 at Lumding, under Lumding Division of N.F. Railway. Subsequently applicant got several promotions due to his excellent unblemished service record as given below:-



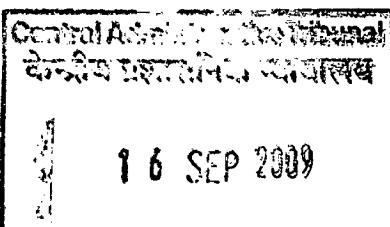
Subsequently applicant was posted as Loco Inspector (LI in short). It is stated that Crew Controller and Loco Inspector are in the same cadre and are in the same scale of pay.

**4.3.** That applicant after maintaining an excellent service record And is now working in Lumding Division of N.F. Railway.

**4.4.** That as per 5<sup>th</sup> Pay Commissions recommendation adopted by Railways, Railway authorities re-fixed the salaries of its employees including the applicant w.e.f. 1/1/1996 on November 1997. On re fixation it was found that applicant and few other senior members got less salary than some of their juniors in the same cadre. This happened due to some erroneous calculation process. For example Sri G.C.Kar who is junior to the applicant and is in the same cadre of CC/LI/PRC started getting more salary than the applicant and some other senior members in the cadre. It is stated that prior to re-fixation applicant and other senior members were getting more salary than their juniors including those mentioned above as an example in the same cadre. As per seniority list published in the year 2001 as on 1/4/2001 applicants seniority position was against SI No.5 Shri G.C.Kar was SI. No. 72. It is stated that similar anomalies occurred in different divisions of N.F.Railway's due to erroneous method of calculation adopted by Railways as per 5<sup>th</sup> CPC recommendation.

A copy of the seniority list dated 19/3/2001 as on 1/4/2001 is enclosed as Annexure A.

4.5. That as soon as administration came to know about these anomalies they took steps to step up the salaries of these senior members working in different divisions of N.F. Railways who got less salary after re fixation than their juniors. One Shri Himangshu Chakraborty (Sl. No. 46 in the above mentioned seniority list) working in H.Q. division of N.F. Railway and was getting less salary than his junior Sri K.C. Roy, PRC (Power Controller in short) (Sl. No. 56 in the said seniority list as on 1/4/2001, Annexure A) after re fixation. It is stated that prior to re fixation Shri Chakraborty was also getting more salary than Sri Roy. By a memorandum dated \*\*/9/2000 issued from the office of General Manager (P), N.F. Railway Shri Himangshu Chakraborty's pay was stepped up to the extent of his junior Shri K.C.Roy. As a result of re fixation i.e. stepping up the pay of Shri Himangshu Chakraborty became equal to Sri K.C.Roy. It is stated that this applicant is senior to both Sri Himangshu Chakraborty and Sri K.C. Roy. As applicants pay was not stepped up his salary remain lower than his Junior Sri G.C.Kar. It is humbly stated that Shri G.C.Kar is junior to the applicant in the same cadre and was getting less salary than the applicant prior to such re fixation as per the recommendation of the 5<sup>th</sup> CPC. There were cases in other divisions of N.F.Railways also. Measures for the stepping up was taken in other divisions also in order to remove such anomalies. But Lumding Division of N.F.Railway i.e. the Division in which this applicant and few others were working did not take any steps for re fixation/stepping up of identical cases as done in other divisions of N.F.Railway and kept the matter pending. One such case was of Shri Dulal Kanti Deb (applicant in O.A.241/06) in the same cadre as that of the applicant. Such cases were being delayed though vetted by the Accounts Dept of N.F.Railway on the plea that the original file was missing. It may be mentioned here that Shri Himangshu Chakraborty (Sl. No.46 in the seniority list dated 19/3/2001, Annexure A) is junior to the applicant (Sl. No.42 in the seniority list dated 19/3/2001, Annexure A) in the same cadre. It may also be mentioned here that PRC, CC, and LI are in the same cadre and same was confirmed by the letter dated 29/10/2002 of Dy. Chief Accounts Officer.



A copy of the memorandum dated  
\*\*/9/2000 issued by GM (P) is  
enclosed as Annexure B

4.6. That though different divisions of N.F. Railway took steps for stepping up of pay of the seniors to the extent of their juniors getting more salary on re-fixation as stated in the above para citing example of Sri Himangshu Chakraborty but Lumding Division of N.F. Railway did not implement the same with regard to the applicant and few others in the same cadre working under Lumding division. It may be mentioned here that though applicant was similarly placed and in the same cadre and was senior to Shri Himangshu Chakraborty his case was not considered for stepping up as mentioned above which is in violation to the principle of natural justice and constitutional provisions i.e. Article 14 and 16 and Directive Principles of State Policies. Authority concerned deprived the applicant in most discriminatory manner from his legitimate pay scale. This caused a great financial loss to the applicant and continuously affecting him by affecting his salary and other allowances and as such it is a continuous wrong. It is stated that

due to wrong fixation of pay applicants pension was also fixed at a lower rate and ultimately getting less salary than others similarly placed persons such as Sri G.C.Kar.

4.7. That applicant and other senior members submitted several representations through their union i.e. N.F. Railway Mazdoor Union who espoused their case with the authority concerned. The applicant also submitted individual representation which are still pending. The issue of stepping up of pay of CC (Crew Controller)/LI (Loco Inspector)/PRC (Power Controller) in the same cadre to the extent of their juniors was initially discussed in the 89<sup>th</sup> Qrly PNM (Permanent Negotiating Machinery). Vide letter dated 29/8/2001 issued from the office of the GM (P), N.F. Railway to the DRM (P), Lumding it was instructed to deal with the case.

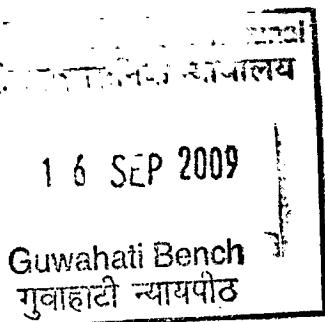
A copy of the letter dated 29/8/2001 is enclosed as **Annexure C**.

4.8. That matter was again discussed in 92<sup>nd</sup> Qrly PNM (Item no 42) held on 5/3/2002 and 6/3/2002. Minutes drawn in the aforesaid PNM item 42 reads as under:

**“STEPPING UP OF PAY OF CREW CONTROLLERS TO THE EXTENT OF THEIR JUNIORS IN LUMDING DIVISION.**

The Union was informed that the proposal for stepping up of pay has already been concurred on and division had been intimated vide no. PNO/EN-R/Loose/Pt-1 dated 4/3/2002.

(FINALISED)"



Hence H.Q. and G.M. had already gave concurrence to the stepping up of pay of the senior members of Crew Controller/Loco Inspector/PRC in the same cadre, but Lumding Division did not implemented the same in most discriminating manner depriving the applicant and others from their legitimate claim.

A copy of the minutes (relevant page Only) drawn in 92<sup>nd</sup> Qrly PNM dated 21/3/2002 is enclosed as **Annexure D**

4.9. That by a circular dated 29/10/2002 issued from the office of the General Manager (P) it was clarified that CC, PRC & LI are in the same cadre and also stated that no proposal for concurrence was sent to finance for concurrence. FA & CAO after examining the matter unilaterally gave remark that

*“The case appears to be a normal case of stepping up which could have been settled at divisional level .....*

*It was also stated in the said letter that the original case of LMG division in which the proposal was being discussed is missing.*

But Lumding Division did not take any step to implement the same by stepping up the pay of the applicant along with few other similarly placed persons though other divisions of N.F.Railway implement the same with regards to persons similarly placed and stepped up the pay of such persons for example in the case of Shri Himangsu Chakraborty.

A copy of the letter dated 29/10/02 is enclosed as Annexure E.

**4.10.** That though the matter reached its finality and concurrence was given by the HQ and FA & CAO but Lumding Division kept the matter pending without implementing the same in most arbitrary and discriminatory manner. Railway Mazdoor Union again vide letter dated 11/11/03 informed the Sr. Divisional Personal Officer, Lumding about the non implementation of stepping up which had already been concurred in by the HQ and was finalized at Zonal PNM with GM Level and request him to implement the same. But Divisional Railway authority despite of repeated request and also after receiving concurrence from HQ did not implement the said stepping up till today in case of the applicant in total violation of rules of natural justice and Constitutional Provisions. Being aggrieved one Shri Dulal Kanti Deb (Sl. No.43 in the seniority list dated 19/3/09, Annexure A of this O.A) approached this Hon'ble Tribunal through O.A. No.241/06 for stepping up of his pay to the extent of his juniors which was disposed by an order dated 20/9/2006. The operative portion of the said order is quoted below.

*.....Considering the submissions made as above and in the interest of justice I direct the applicant for forward a copy of this O.A. as well as the representations already filed by him to the second respondent forthwith in any case within 10 days from today. On receipt of the same the second respondent or any other competent authority shall consider and dispose of the representations by a speaking order and communicate the same to the applicant within a time frame of three months thereafter....".*

But the respondents kept the matter pending without disposing the same. Than applicant in the said O.A. filed Contempt Petition which was registered as C.P.11/2007.

Respondents immediately implemented the order of the Hon'ble Tribunal. And as per the direction of the Hon'ble Tribunal respondents had stepped up the pay of the applicant to the extent of his junior Shri Himangshu Chakraborty and others w.e.f 1/1/1996. Subsequently the above C.P. was dropped.

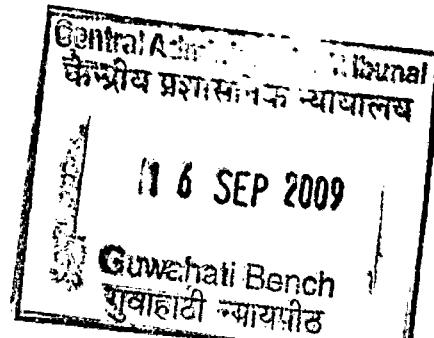
Copy of the letter dated 11/11/03 is enclosed as Annexure F

Copies of the orders dated 20/9/2006 in O.A. 241/06 and compliance order dated 30/10/07 are enclosed as Annexures G & H respectively.

4.11 That few other similarly placed staff namely Shri Bimal Chandra Ghosh, Shri M.L.Banerjee, approached this Tribunal through different O.As and the Hon'ble Tribunal was pleased to dispose the O.As following the judgment passed in O.A.No 241/06.

Copy of the order dated 13/8/08 & 9/9/08 are is enclosed as Annexure K & 1 respectively.

4.12 That the applicant humbly begs to state that he is entitled to get his pay fixed (stepped up) to the extent of his junior Sri G.C.Kar who is junior to the applicant and belongs to the same cadre as stated in the above paras.



#### **5. GROUNDS AND LEGAL PROVISIONS:**

5.1. For that pay of the applicant should be stepped up with reference to the stepping up of pay of his juniors in the same cadre who were getting less salary before re-fixation under 5<sup>th</sup> Pay Commissions recommendations.

5.2. For the Account Department has vетted the stepping up of the applicant's and others pay.

5.3. For that when pay of others in the same cadre had been stepped up as per 5<sup>th</sup> Pay Commission's recommendations their no reason why the pay of the applicant shall not stepped up.

5.4 For that non fixation of correct pay the applicant has suffered loss of pay compared to his juniors and loss of service benefits which is in violation of Article 14 and 16 of the Constitution of India.

5.5 For that missing of the relevant file in the division application cannot be made victim of financial loss.

5.6 For that in a similar matter in O.A. No.241/06 (Shri Dulal Kanti Deb -v-U.O.I. & Ors) on the direction by the Hon'ble Tribunal the pay of the applicant in that case was re-fixed granting him the relief by the Respondents.

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

There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievances. The matter was discussed in the annual PNM and was finalized but divisional authority did not implement the same despite of reminders from the union.

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

The applicant declares that they have not filed any original application or petition in any Tribunal or Court.

**8. RELIEFS SOUGHT FOR :**

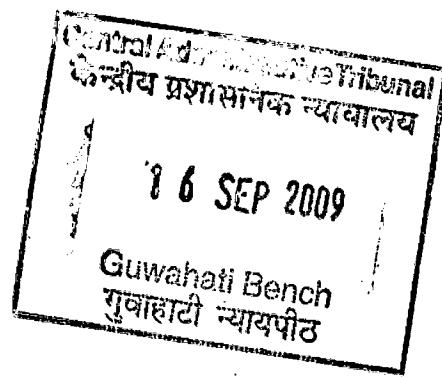
Under the facts and circumstances mentioned above applicant pray for the following reliefs:

- (8.1) The pay of the applicant be stepped up with reference to the pay of his juniors (eg Sri G.C.Kar) in the same cadre i.e. CC/LI/PRC and arrear paid with interest.
- (8.2) The last pay drawn after the stepping up be taken in to account for calculation and payment of all other benefits from the retrospective date i.e. the day from which his pay has been stepped up and the difference with the amount already paid, with interest.
- (8.3) The any other relief/reliefs that the Hon'ble Tribunal deem fit and proper.

9. This application is filed through an advocate.

**10. PARTICULARS OF THE POSTAL ORDER**

- I. IPO No: 39 G.424168
- II. Date of issue: 14/9/09
- III. Issued From: General Post Office.
- IV. Payable at : GPO Guwahati.

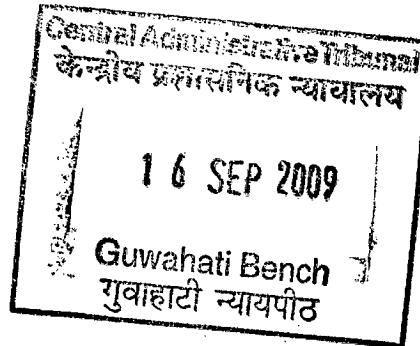


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## VERIFICATION

I, Chandan Kumar Ghatak, aged about 54 years, working as Loco Inspector in Lumding Division of N.F. Railway, Nagaon (Assam), do hereby solemnly affirm and verify that the statements made in Para 1,3,4,6 to 12 are true to my knowledge, belief and information and those made in Para 2&5 are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 5<sup>th</sup> day of September 2009 at Guwahati.



C. K. Ghatak.

Signature

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ANNEXURE A

Guaranteed by the undersigned  
PROVISIONAL LIST OF DATES OF PTC/CC/SLI IN SCALE AS ON 1-4-2001.

Sno.	Name of the employee with community, i.e. SC, ST	Classification of post	Selection	Ciriteria:-		Remarks.
				Design & Station	Dt. of birth	
1.	2.	3.	4.	5.	6.	7.
1. " Sri A. T. Nath		CC/BPB	1-4-45	25-1-64	1-1-86	Promoted & posted as CCR, SD in scale Rs. 7450-11500/-
2. " B.C.S.C. Sanyal		SLI/NJP	20-10-45	20-1-64	22-1-86	Promoted & posted as SLI(D) in scale Rs. 7450-11500/-
3. " K.N. Deb		PHC/KIR	1-5-47	17-4-64	10-1-86	Promoted & posted as SLI(HQ) in scale Rs. 7450-11500/-
4. " B.K. Saha		LI/LNG(Diesel)	1-1-44	20-4-64	2-7-89	Promoted & posted as SLI(HQ) in scale Rs. 7450-11500/-, Post affd to LNG temporarily.
5. " C.K. Ghatak	Indraswari Breyan	LI/Trg/LNG	11-1-53	12-3-75	10-	Promoted & posted as SLI(D) in scale Rs. 7450-11500/-
		CPRC/TSK	1-6-41	12-1-60	9-89	Promoted & posted as CPRC/TSK in scale Rs. 7450-11500/-
		CC, KIR	15-6-49	18-3-75	10-	Promoted & posted as SLI(D) MLT in scale Rs. 7450-11500/-
6. " Ashok Saha		LI/NJP	14-5-41	13-2-59	9-89	
7. " B. Dutta		LI, MN	1-4-41	5-5-62	10-	
8. " S.K. Majumder		CC, BNGN	20-10-42	13-1-66	10-	
9. " S.K. Bhawalick		PH/HQ	23-5-51	7-7-76	10-	
10. " Pradip Dutta		LI, GHY	11-1-54	12-3-76	10-	
11. " K.K. Biswas		PTC/HQ	26-4-56	21-2-75	10-	
12. " P.B. Choudhury						P.t.o..2

18 SEP 2009

Guwahati Bench  
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Attested

Advocates

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ANNEXURE A

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14.	Pari D.N.Majumder	✓	LI/EPB	31-6-41	1-8-63	21-9-59					
15.	" B.C. Chatterjee	✓	CC/MLDT	1-5-43	25-3-64	-do-					
16.	" S.K. Ghosh	✓	PH/EPB	25-1-44	5-5-62	10-4-90					
17.	" A.K. Das	✓	LI/RPAN	21-10-41	5-6-63	10-4-90					
18.	" S.K. Chakraborty	✓	LI/MLDT(D)	24-9-54	28-10-74	12-5-90					
19.	" P.C. Ghosh	✓	CC/LMG	24-12-45	25-10-64	-do-					
20.	" A.Chakraborty	✓	CC/MLDT	4-5-55	20-3-75	7-8-90					
21.	" B.M. Mohon Singh	✓	LI/KIR	4-9-55	6-4-76	-do-					
22.	" J.Dibakar Das	✓	LI/SGUJ(D)	6611-52	6-11-74	23-1-91					
23.	" B.K. Ghosh	✓	-do-	15-1-59	16-1-78	-do-					
24.	" G.C. Ghosh	✓	CC/EPB	120-1-43	28-10-64	12-4-91					
25.	" B.R. Guha	✓	LI/WB/NBQ	8-3-41	6-12-57	22-7-91					
26.	" S.K. Lahiri	✓	CC/NFP	17-8-52	21-5-77	22-4-92					
27.	" S.S. Bardhan	✓	LI/NJP	17-8-61	12-3-75	-do-					
28.	" M.M.Chakraborty	✓	LI/S/LMG	2-8-42	28-4-63	-do-					
29.	" M.K.Kundu	✓	PHC/RPAN	5-2-54	23-3-75	-do-					
30.	" P.Chakraborty	✓	LI/SGLJ	5-2-53	22-3-75	-do-					
31.	" G.C.Sribastava	✓	LI/S/KIR	1-9-41	21-2-61	14-12-93					
32.	" B.C. Dey	✓	PPC/FSK	14-2-53	21-3-75	-do-					
33.	" V.K. Tiwary	✓	CC/MLDT	1-7-57	7-2-75	-do-					
34.	" T.C. Dey	✓	PHC/LMG	19-2-50	26-3-75	-do-					
35.	" T.K. Das	✓	LI/MLDT(D)	25-1-57	14-2-75	-do-					
36.	" T.S. Roy	✓	CC/MLDT	12-12-58	1-4-75	-do-					

At. No. 3

1 SEP 2009

Guruhati Bench  
গুৱাহাটী জায়গাঠ

Attested

Advocate

ANNEXURE A

1	2	3	4	5	6	7
74.	Mr. Bimal Roy (SC)	CC/ALU	3-2-44	1-4-64	4-3-67	
75.	" Samir Ananta Kar (SC)	CC/ALU	10-7-42	10-6-65	1-4-64	
76.	" L. S. Mitra	LI/TG/RB	11-2-43	3-1-64	1-4-64	
77.	" S. Paswan (SC)	PRC/NB	5-4-47	28-6-65	1-4-64	
78.	" Brajgawati Prasad (SC)	PRC/HJ	22-1-55	26-3-76	1-4-64	
79.	" K.K. Biswas (SC)	LI/3H	27-6-43	8-9-65	1-4-64	24/4/66
80.	" H.P. Gupta	LI/TG/RK	17-4-42	25-5-60	12/8/61	97
81.	" C.C. Chetia	LI/TSK	13-2-45	16-3-65	1-4-64	
82.	" Ram. Das	SC/TSK	16-8-44	28-8-65	1-4-64	
83.	" Ghosh Kumar	LI/KIR	21-7-42	10-4-62	1-4-64	
84.	" G.C. Kar	CC/LNG	1-4-44	19-4-63	1-4-64	
85.	" K. Dose V/A	LI/NGC (U)	1-8-46	14-12-64	1-4-64	
86.	" K. K. Dey	SC/BP3	1-8-44	31-3-63	1-4-64	
87.	" S. Nandy	PRC/BP3	6-2-46	18-8-65	1-4-64	
88.	" Balai Kr. Dey	PRC/BP3	1-4-46	17-4-65	1-4-64	
89.	" G. Chownee	LI/33/67/16A	1-11-42	28-8-65	1-4-64	
90.	" P.N. Chatterjee	PRC/RK	15-6-45	17-4-63	1-4-64	
91.	" B.N. Mukherjee	LI/NP	9-11-44	17-4-63	1-4-64	
92.	" S. Ch. Dey	CC/LNG	10-10-44	15-2-66	1-4-64	
93.	" P.C. Dey	LI/NGC (U)	5-6-45	19-2-66	1-4-64	
94.	" A.P. Singh	CC/RK	31-12-43	19-6-63	1-4-64	

above staff appear above is according to panel position and the date of promotion of the concerned in pream the staff concerned if any earliest the above seniority list will be enclosed after 14 within one month of the publication of this list. No objection will be made from the date of issue.

1. O. 4/255/111/42 (4) Pt.  
2. Copy - 25/4/42 for info  
3. 1) Dr. P. J. IR, 2) J. IR, 3) and 4) necessary section to :-  
4) 1) Dr. P. J. IR, 2) Dr. P. J. IR, 3) Dr. P. J. IR, 4) Dr. P. J. IR, 5) Dr. P. J. IR  
5) The General Secretary SK 1) Dr. P. J. IR, 2) Dr. P. J. IR, 3) Dr. P. J. IR  
6) The General Secretary 1) Dr. P. J. IR, 2) Dr. P. J. IR, 3) Dr. P. J. IR  
7) Dr. P. J. IR, 8) Dr. P. J. IR, 9) Dr. P. J. IR, 10) Dr. P. J. IR, 11) Dr. P. J. IR, 12) Dr. P. J. IR, 13) Dr. P. J. IR, 14) Dr. P. J. IR, 15) Dr. P. J. IR, 16) Dr. P. J. IR, 17) Dr. P. J. IR, 18) Dr. P. J. IR, 19) Dr. P. J. IR, 20) Dr. P. J. IR

They are required to  
this is necessary in

Attested  
  
Advocate

- 142

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**ANNEXURE - 6**

N<sub>2</sub>       $\frac{1}{2}$       RAILWAY

MELISSA RAY

In terms of extent provision in 5th pay commission rule, the pay of Shri Hemangshu Chakrabarty, PRC under C.M.C's officer/ME in scale Rs. 6500-10500/- is stepped up from 1/C/3 and awards to the extent of pay of his junior Sri C.K. Ray, PRC in scale Rs. 6500-10500/-

Sl.	Name & Designation of Jr. person	Pay already fixed as drawn	Pay stepped up to the extent of pay of PRC	Name & Designation of Sr. person	Pay fixed as drawn
1.	SRI HImangshu Chakraborty PRC	Rs. 6900/- 1/7/96 Rs. 7100/- 1/7/96 Rs. 7300/- 1/7/97 Rs. 7500/- 1/7/98 Rs. 7700/- 1/7/99 Rs. 7000/- 1/7/2000	Rs. 8100/- 15/3/96 Rs. 8300/- 1/3/97 Rs. 8500/- 1/3/98 Rs. 8700/- 1/3/99 Rs. 8900/- 1/3/2000	SRI C.R. Roy PRC	Rs. 3100/- 15/3/96 Rs. 3300/- 1/3/97 Rs. 3500/- 1/3/98 Rs. 3700/- 1/3/99 Rs. 3900/- 1/3/2000

This has been vetted by FA & C2O/ENCA with endorsement dtd. 12/9/2000 and approved by competent authority!

for GENERAL MANAGER (P)  
MALIGAON  
date: 13/2009

14 SEP 2009 Copy forwarded for information and necessary action to:

General Bench 4. Bill Clerk EM (in duplicate)

GENERAL MANAGER (P)  
MALIGBON

Attested

Advocate

N. F. RAILWAY.

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

Dated: 29.8.2001

No. E/205/Fixation(M)

To

DRM(P)/LMG, NFRMU, PNM, GM

and others in scale

Sub: Stopping up of pay of Crow Controller  
to the extent of junior in LMG Divi-  
sion PNM item No.17/89th Orly. GM-PNM  
of NFRMU, PNM, GM

The case of stepping up of pay of Shri B.C. Ghose and others in scale Rs.6500-10500/- to the extent of their junior Shri Arun Chandra Dey, CC in scale Rs.6500-10500/- was submitted to FA&CAO for obtaining concurrence on the proposed stepping up of pay of the CC of LMG Division but FA&CAO/HLG has returned the case with observation that the staff concerned are working under accounts control of DAO/LMG and the case may be sent to DAO/LMG for vetting. However if there is any appropriate reasons the case may be re-submitted duly complied with as under:-

1. Associated Accounts vetting or their remarks may be obtained.

You are therefore requested to deal the case as per FA&CAO's above observation.

Sd/-

( S. CHAKRABORTY )  
Asstt. Personnel Officer (M/S)  
for General Manager(P) Maligaon.

DA: As above.

Copy to:-1) CPO/IR for information, this is a PNM item 17/4 of 89th Orly.  
2) GS/NFRMU/PNO for information, this in ref. to his letter No. MU/C/PNM/IMP/Pt.IX dt. 7.8.01.

NO. MU/C/PNM/IMP/Pt.IX

Sd/-  
for General Manager(P) Maligaon.

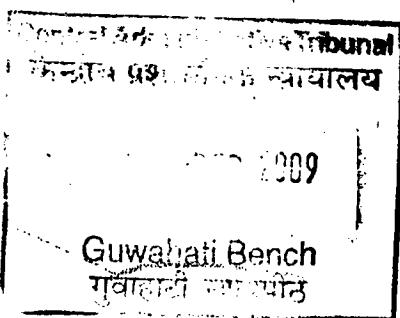
Date: 6.9.2001

Copy to:-1) The Branch Secretary/NFRMU/Lundia Branch for information please. He is pursue the case with DAO/LMG for further action please.  
✓ 2) One copy PNM/Skeleton file-item 17 of 89th Orly Zonal PNM meeting.

FOR GENERAL SECRETARY  
N. F. RAILWAY MAZDOOR UNION  
PANDU. 6/6

Attested

Advocate



Copy to: NFRMU L-14

N. E. RAILWAY

Office of the  
General Manager(P)  
Mangnolia: Guwahati-11

No. E/301/O/PNM/21(U)

Dated: 21-03-2002

CIL, CME, COM CCM, FA&CAO, SDOM, CEE, COS,  
CSTM, CMD, CSC, CSO, CE/CON, DGM/3

Sub:- Minutes of 92<sup>nd</sup> Qtrly. PNM meeting held between NF Railway  
Administration and NF Rly. Mazdoor Union on 03-03-2002 and  
06-03-2002.

A copy of the minutes of 92<sup>nd</sup> Qtrly. PNM meeting held with NFRMU is enclosed  
herewith.

SECTION-A: INTRODUCTORY SPEECH  
SECTION-B: PNM ITEMS  
SECTION-C: REVIEW ITEMS

Follow up action against each of the items including Introductory speech pertaining to your  
department may be taken up expeditiously and completion/latest progress report may be sent to  
CPO/IR/Mangnolia on or before 05-04-2002, so that GM can be apprised of the position.

The target as laid down above may please be adhered to.

PLEASE NOTE THAT TRIPPLICATE COPIES OF ALL THE CIRCULARS/  
REFERENCE/MEMORANDA/OFFICE ORDERS/LETTERS ETC. ISSUED WHICH HAVE BEEN  
REFERRED TO THE REMARKS MUST INvariably BE ENCLOSED ALONG WITH THE  
TRIPPLICATE COPIES OF THE REMARKS OFFERED.

FEED BACK OF THE FINALISED ITEMS SHOULD ALSO BE SENT ALONG WITH THE  
REMARKS.

It is suggested that an Officer at least in JA grade is nominated by the respective PHOD for  
his Dep't. to co-ordinate the follow up action and submission of the detailed remarks by the target  
date. While submitting the remarks kindly refer to CPO's L/No. E/301/O/PNM/Pr-III dt 01-07-99.

DA/As above.

*D. C. Bhattacharjee*  
(D. C. Bhattacharjee)  
APO/Union  
for GENERAL MANAGER(P)

Copy to:

1. GS/NFRMU/PNO-GHY-12 for information with 40 spare copies please.

2. GS/NERFU/PNO-GHY-12 for information with 5 spare copies please.

3. DRM/KJM, APDJ, LMG & TSK

4. DRM(P)/MIR, APDJ, LMG & TSK } for information please.

5. MD/CH/Mangnolia for information please.

6. Dy. CPO/TQ } for information & necessary action please.

7. Dy. CPO/CM/MLO. }

8. SPO/W/Recd, Engr.

9. APO/T, M&B., Stores, Ruling.

Admn, M&P.

} They are requested to submit the remarks on  
the minutes by 5-4-2002 to CPO/IR positively.

*D. C. Bhattacharjee 21/03*  
for GENERAL MANAGER(P)

Attested

*[Signature]*

Advocate

(B) The Union was informed that due to problem with the WSEB authority, the work is getting delayed. However, the same is likely to be completed before next financial year.

37. 90/12 ARBITRARY DOWN GRADATION OF DUTY ROSTER OF OPERATING STAFF.

CPO The job analysis of Points-men and Gate-men of Salbari, Koj and DTX in NJP-NBQ section has been fixed between 1.3.2002 to 25.5.02. The Union has been informed vide letter No.E/301/30/91(U) dated 25.2.02.

38. 90/17 DISHONOURING OF NEGOTIATED SETTLEMENT IN TINSUKIA DIVISION (BOUNDARY WALL).

CE The Union mentioned that boundary wall has already been constructed at DEN/Burpheta Road and in Kutiher besides Bunglows at TSK and MXN. After detailed discussion it was informed to the Union that Sr. DENs will be asked to examine the above aspect and stop making boundary wall as per para 811 of IRWM/2000.

39. 90/20 RE-INTRODUCTION OF FACILITIES OF WORKMAN SHUTTLE BS-1 AND BS-2 CAUSING HARDSHIP TO WORKMAN.

CME The Union was informed that a total of 38 surplus staff of BORA is being utilized at the ROH/NJP and two at NG Shed/NJP and the number of staff residing at BORA are 13 who are commuting by Bus/train. The bus fare ex. BORA to SGUJ is about Rs.5/-.

CPO Another 33 staff have recently joined at Diesel Shed/SGUJ out of which 18 staff are residing at Bagdogra.

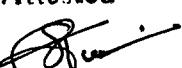
It was appreciated that running of Shuttle train is not beneficial due to the reduction in staff strength for the travel.

After discussion, Union requested the administration to reimburse the bus fare, being made by the staff, as far as feasible and for this a reference may please be made to the Railway Board for their consideration. The administration agreed to make a reference to the Board. (FINALISED)

40. 90/21 REGULARISATION OF SERVICE SUBSTITUTE TEACHER AFTER COMPLETION OF 3 YEARS SERVICE.

CPO The Union was informed that the Screening Committee has been formed to adjudge the eligibility & suitability of Shri D. Sengupta for regularisation as teacher. The date of screening has been fixed on 20-03-2002 (FINALISED)

Attested

  
Advocate

41. 89/6 SURRENDERING OF PROMOTIONAL POSTS IN THE MINISTERIAL CATEGORY WORKER UNDER LE/NEW BONGAIGAON AND DEPRIVATION FROM THE BENEFIT OF CADRE-RESTRUCTURING W. E. F. 01-03-93.

CME, CPO The point raised by the union has been examined. It is found that since the surrender of 3 vacant posts of Sr. clerk were effected w. e. f 11-2-93, before the crucial date of up-gradation i.e. 1-3-93, the same cannot be agreed to for the cadre restructuring of posts w. e. f 1-3-93

After discussion, it was agreed that the issue will be looked into.

42. 89/17 STEPPING UP OF PAY OF CRKW CONTROLLERS TO THE EXTENT OF THEIR JUNIORS IN LUMDING DIVISION.

CME, FA&CAO, CPO The Union was informed that the proposal for stepping up of pay has already been concurred in and division has been intimated vide No. PNO/EN-R/Loose/Pt-I dated 4.3.2002.

(FINALISED)

43. 88/27 STREAMLINING THE WORK OF MEDICAL DEPTT. VIS-A-VIS CENTRAL HOSPITAL AT, MALIGAON.

CMD, CPO The issue would be separately discussed with the Union.

44. 86/16 ARBITRARY WITHDRAWAL OF SHUTTLE BUS SERVICE.

COM, CPO The Union was informed that Shuttle Bus services between PNO-MLG-GHY-NNGE has already commenced from 01-03-2002 by LMG Divn.

(FINALISED)

45. 83/28 RECREATIONAL FACILITIES TO GROUP-'C' & GROUP-'D' EMPLOYEES.

CK, CFC, CPO Addl. CSC has mentioned that some additional facilities to be provided by the Engg. deptt. It has been decided that security Officer and Sr. DEN/MLG will inspect for provision of extra facilities so that the para Military forces can be shifted to the station building and the Railway Institute/PNO is vacated for recreational facilities of the staff.

46. 81/15 PROVIDING OF PROMOTIONAL PROSPECTS TO LAB. ATTENDANTS IN THE MECHANICAL DEPTT. WORKING IN SCALE Rs. 750-940/- (Rs. 2550-3200/-)

CME, CPO Based on the decision of PNM the case was sent to FA&CAO with the proposal for creation of 3 posts Lab. Assistant. But FA&CAO has returned the case with the observation that it is a case of up-gradation and hence requires Board's approval.

16 SEP 2009

Guwahati Bench  
युवाहाटी न्यायपालिका

Attested

Advocate

-22-17

42. 89/17 STEPPING UP OF PAY OF CREW CONTROLLERS TO THE EXTENT OF THEIR JUNIORS IN BUNDING DIVISION.

CME, The Union was informed that the proposal for stepping up of pay has already been concurred in and division has been intimated vide No. PNO/EN-IR  
FA&CAO, Loose/ Pt-I dated 4.3.2002.  
Reviewed on 5/3/02 (FINALISED)

(ANNEXURE - G)

Sub: 92<sup>nd</sup> Orly. PNM with NF Railway Mazdoor Union to be held on 5.3.2002 & 6.3.2002

Ref: Review Item No.42

In the Administrative remarks under the head "PRESENT POSITION" it has been mentioned that the case has been resubmitted to Finance for examination and concurrence thereof. In fact the remark is wrong because no proposal has been sent after compliance to Finance for concurrence. However, unilaterally the case has been examined by Finance and comments as follows: -

1. Shri D. Chakraborty, CC, Shri D.K. Deb, CC, Shri B.C. Ghosh, CC, and Shri A.K. Dey, CC should belongs to the same cadre i.e., in the cadre of CC, PRC and LI.

Secondly, CC, PRC & LI should be in the same cadre

2. The pre-revised and revised scale of pay of the lower and higher ~~post~~ <sup>16 SEP 2009</sup> in which they are entitle to draw pay should be identical.
3. The seniority list of CC, PRC & LI should be verified ~~to settle the claim of~~ <sup>Guwahati B.C. office</sup> stepping up.

The case appears to be a normal case of stepping up which could have been settled at divisional level. It is not known under what circumstances it has been forwarded to HQ for a decision.

Moreover, it is learnt that the original case of LMG division in which the proposal was being discussed is missing.

In view of the above, subjected to verification of the above items at divisional level, the proposal for stepping up is concurred in.

This issues with the approval of FA & CAO

Alma  
Dy. CAO/G

CPO/IR

file

PNM/Guwahati file, clear 17 aft 8.5.02 8.5.02

Attested

A. D. C. S. A. D. C. S.

E/283/1/CM (Stepping up of pay) 3-29-10. 2002  
A. D. C. S. A. D. C. S.

ANNEXURE F

N. F. Railway Mazdoor Union

LUMDING BRANCH • REGD. NO. 425

Affiliated to All India Railwaymen's Federation & Hind Mazdoor Sabha

Recognised by N.F. Railway Administration

Office of the Branch Secretary  
Lumding : Assam : Pin : 4080

Date.....

No. MU/Sr. DPO/LM-03

To

The Sr.DPO  
N.F.RLY. Lumding

Sub:- Non-implementation of Agreed Zonal PNM item No. 17<sup>th</sup> of 89<sup>th</sup>

Dear Sir,

In reference to the above one photo copy of the minutes along with Dy. CAO/G.M. G's Note No.PNO/EN/R/Loose/Pt-I of 04/03/02 are disclosed for your kind information.

It is ascertained from the above that the proposal for stepping up has already been concurred in by the HQ which also been finalized at Zonal PNM with GM level. Accordingly all such type of cases have been finalized the staff of Hd. Qr. One photo copy of stepping up (fixation) done by Hd. Qr. is also enclosed.

In view of the above your are requested to implement the decision once taken at Zonal level in PNM forum so that the benefit is extended in the staff concerned immediately.

An early positive action on the above frame your end will be highly appreciated.

DA/as above

Yours faithfully

S. G. M. 11/11/03  
(Secretary)  
N.F.R.M.U./LMG

Copy to G3/NFRMU/PNO for information please.

Attested

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ANNEXURE... 5...

Original Application No. 241 of 2006.

Date of Order: This, the 20th day of September, 2006.

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.

Shri Dula Kanti Deb  
Ex. Crew Controller/Loco Inspector  
Under SSE/ LCOO/LMG  
Lumding Kalibari  
Pukirpar (Doli Bhawan)

..... Applicant.

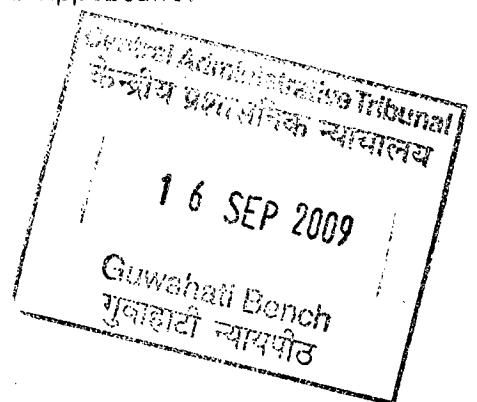
By Advocate Shri S.N.Tamuli.

- Versus -

1. The Union of India  
Represented by the General Manager  
N.F.Railways, Maligaon  
Guwahati.
2. Divisional Railway Manager (P)  
Lumding Division  
Lumding.

..... Respondents.

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



ORDER (ORAL)

SACHIDANANDAN, K.V., (V.C.)

The applicant has retired from service under the respondents as Loco Inspector on 31.12.2003 and according to him, from 01.01.1996 the pay of the Railway employees was fixed as per the recommendation of the 5<sup>th</sup> Pay Commission and the applicant and few others are getting less salary than their juniors. On representation, the Accounts and Finance Wing vetted stepping up the pay of the employees including

Attested

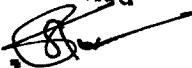
  
Advocate

that of the applicant. Stepping up of salary of his juniors like namely Sri Himangshu Chakraborty was taken up but applicant's case was not considered. He made representations on 26.10.2004 and 4.10.2005, which have not yet been considered and disposed of. Hence, this Original Application.

2. Heard Mr. S.N.Tamuli, learned counsel for the applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways.

3. When the matter came up for admission, counsel for the applicant submits that since Accounts and Finance Wing of the respondents has already vetted and approved stepping up of pay vide Annexure-B letter dated 29.10.2002 he will be satisfied if a direction is issued to the second respondent to consider and dispose of the representations of the applicant with a speaking order and if found eligible to grant the benefit. Counsel for the respondents submits that respondents have no objection in adopting such course of action. He further submits that since the applicant has retired he may be directed to forward a copy of this O.A. and also the copy of the representations so filed by him to the respondent authority forthwith.

3. Considering the submissions made as above and in the interest of justice I direct the applicant to forward a copy of this O.A. as well as the representations already filed by him to the second respondent forthwith in any case within 10 days from today. On receipt of the same the second

Attested  
  
Advocate

Central Administration Tribunal  
কেন্দ্ৰীয় প্ৰশাসন আৰাধনা  
16 SEP 2009  
Guwahati Bench  
গুৱাহাটী আৰাধনা

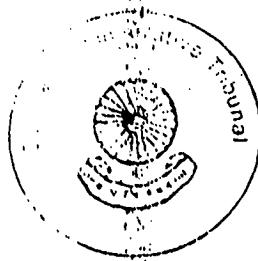
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- 25 -

respondent or any other competent authority shall consider and dispose of the representations by a speaking order communicating the same to the applicant within a time frame of three months thereafter.

The Original Application is disposed of as above.  
In the circumstances, there is no order as to costs.

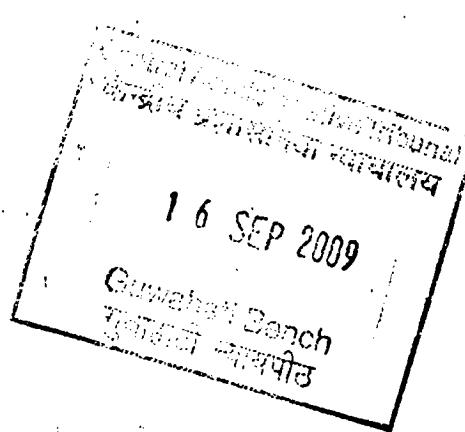
Sd/ VICE CHAIRMAN



TRUE COPY

प्रतिलिपि

20/11/06  
अनुभाग अधिकारी  
सचिवालय  
कानूनी विभाग  
सुनारामी विभाग  
विधायक विभाग  
संवादालय, दिल्ली-5  
16/11/06



Attested

Advocate

-21-

-22-

ANNEXURE H

Northeast Frontier Railway

No. E/283/1/LM (Stepping Up of Pay)

Office of the  
Divl.Rly. Manager (P)  
Lumding. Dtd. 30.10.2007

To,  
Shri Dual Kanti Deb, Ex. CC/LI/LMG  
Doli Bhushan, Phukirpar,  
Kalibari Colony,  
Po- Lumding, Dist- Nagaon, (ASSAM)

Sub :- Compliance with the Hon'ble CAT/GHY's order Dtd. 20.09.06  
passed in OA 241/06 (Dulal Kt. Deb) – VS – Union of India &  
others.

Ref :- Your representations dtd. 26.08.2004 & 04.10.05.

~~~~~  
Your above mentioned representations were gone through in compliance with the  
Hon'ble CAT/GHY's order quoted above & found that you are entitled for stepping up of  
pay to the extent of the pay of your junior Shri Himangshu Chakraborty, Ex. PRC/MLG.  
Accordingly, your pay in scale Rs. 6500-10500/- have been stepped up from 15.08.96  
and onward to the extent of your junior Shri Himangshu Chakraborty under CME's office,  
MLG in scale Rs. 6500-10500/- vide GM(P)/MLG's Memo. No. E/283/1/LM (Stepping up  
Pay) dtd. 17.10.2007 (copy enclosed). The preparation of arrear bill is under process.

This is for your kind information please.

*Dulal Kanti Deb* (10/10/07)  
(A.C.Konwar)  
APO/II/LMG  
Central Administrative Officer, Divl.Rly. Manager (P)  
N.F. Rly: Lumding

16 SEP 2009  
Guwahati Bench  
গুৱাহাটী ন্যায়পাঠ

Attested

*[Signature]*  
Advocate

- 27 -

**NORTHEAST FRONTIER RAILWAY**

**MEMORANDUM**



In terms of extant provision of Fifth Pay Commission rule, the pay of Shri D.K.Deb, Ex.CC under DRM(P)/LMG in scale Rs. 6500-10500/- is stepped up from 15.08.96 & onwards to the extent of pay of his junior Shri Himanshu Chakraborty, Ex.PRC under CME's office Maligaon, in scale Rs. 6500-10500/-.

| S<br>1 | Name &<br>Designation<br>of senior<br>person. | Pay already fixed<br>& drawn                                                                                                                                                                                                                                               | Pay step up to the<br>extent of pay of<br>PRC                                                                                                                                                                                                                      | Name &<br>Designation of<br>Junior person. | Pay fix & drawn                                                                                                                                                                                                                                                         |
|--------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | Shri<br>D.K.Deb,<br>Ex.CC                     | Rs.7100/- w.e.f.<br>1.1.96<br>Rs.7300/- w.e.f.<br>1.4.96<br>Rs.7500/- w.e.f.<br>1.4.97<br>Rs.7700/- w.e.f.<br>1.4.98<br>Rs.7900/- w.e.f.<br>1.4.99<br>Rs.8100/- w.e.f.<br>1.4.00<br>Rs.8300/- w.e.f.<br>1.4.01<br>Rs.8500/- w.e.f.<br>1.4.02<br>Rs.8700/- w.e.f.<br>1.4.03 | Rs. 8100/- w.e.f<br>15.8.96<br>Rs.8300/- w.e.f<br>1.8.97<br>Rs.8500/- w.e.f<br>1.8.98<br>Rs.8700/- w.e.f<br>1.8.99<br>Rs.8900/- w.e.f<br>1.8.00<br>Rs.9100/- w.e.f<br>1.8.01<br>Rs.9300/- w.e.f<br>1.8.02<br>Rs.9500/- w.e.f<br>1.8.03<br>(V.R. w.e.f<br>31.12.03) | Shri Himanshu<br>Chakraborty,<br>Ex.PRC    | Rs. 8100/- w.e.f<br>15.8.96<br>Rs. 8300/- w.e.f<br>1.8.97<br>Rs. 8500/- w.e.f<br>1.8.98<br>Rs. 8700/- w.e.f<br>1.8.99<br>Rs. 8900/- w.e.f<br>1.8.00<br>Rs. 9100/- w.e.f<br>1.8.01<br>Rs. 9300/- w.e.f<br>1.8.02<br>Rs. 9500/- w.e.f<br>1.8.03<br>(VR w.e.f<br>31.12.03) |

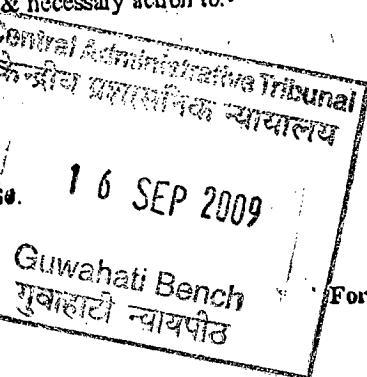
This has been vetted by FA&CAO/ENGA vide endorsement dt. 17.10.07 and approved by competent authority.

(Anvita Sinha)

Sr. Personnel Officer/Mech  
For General Manager (P)  
Maligaon, dt. 17.10.07

No. E/283/1/LM (Stepping up pay)  
Copy forwarded for information & necessary action to:-

1. FA&CAO/MLG
2. Si DME/LMG
3. Dy. CPO/HQ
4. DRM(P)/LMG
5. DTM/LMG
6. DAO/LMG
7. Bill Clerk(E)/ EM/LMG
8. Dealing Clerk(E)/LMG



Attested

Advocate

At 2018-8-8

## ANNEXURE

~~K SERIES~~  
I

### CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

R on  
8/9/08  
Bhawani

Original Application No.142 of 2008.

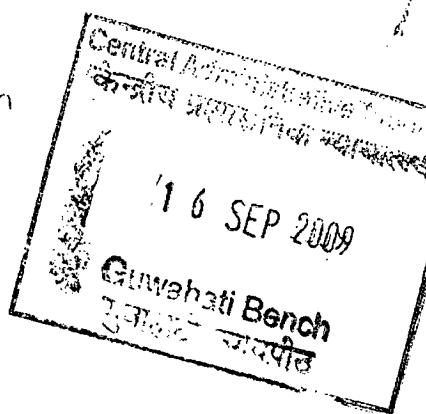
Date of Order: This, the 13th day of August, 2008.

HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

Shri Dipak Chandra Bhattacharjee  
S/O Late Sasadhar Bhattacharjee  
Ex Sr. Loco Inspector  
N.F.Railway (Lumding Division)  
Presently residing at  
Lumding Harulongphar  
Telultola (Refugee Colony)  
P.O: Lumding, Dist: Nagaon  
PIN: 782 447.

By Advocate Mr.S.N.Tamuli

... Versus -



Applicant.

- (i) The Union of India  
Represented by the Secretary  
Railway Board, Rail Bhawan  
New Delhi - 110 001.
- (ii) The General Manager  
N.F.Railway, Malgudi  
Guwahati - 781 011.
- (iii) The Financial Advisor & Chief Accounts Officer (FA & CAO)  
N.F.Railway, Malgudi  
Guwahati - 781 011.
- (iv) The Divisional Railway Manager  
N.F.Railway (Lumding Division)  
Lumding, Dist: Nagaon  
PIN: 782 447.

.....Respondents.

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

\*\*STANDING COUNSEL FOR THE

Attested

  
Advocate

ORDER (ORAL)  
13.08.2008

MANORANJAN MOHANTY, (V.C.) :



Heard Mr.S.N.Tamuli, learned counsel appearing for the Applicant and perused the materials placed on record.

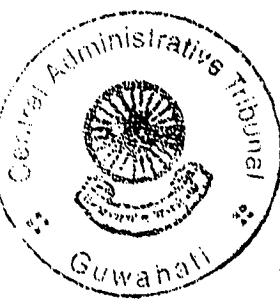
2. Applicant is a retired employee of Railways. It is the case of the Applicant that while pay revision came into effect from 01.01.1996, pay fixation were given to various railway servants and in that ~~course~~ <sup>process</sup> some of the juniors of the Applicant were given higher pay than the Applicant. It is stated that the Applicant represented the matter to the Authorities and 'Union' also took up the case of the Applicant <sup>with</sup> ~~to~~ the Authorities. It is also stated that some of the similarly placed railway servants approached this Tribunal and with the intervention of this Tribunal, Respondents considered the grievances of the Applicant of that case and gave them the actual relief during October 2007. By filing this Original Application under Section 19 of the Administrative Tribunals Act, 1985, the Applicant claims stepping up of his pay (at par with his juniors) right from 1996 and consequential revision of his pension and other retirement benefits from 2003.

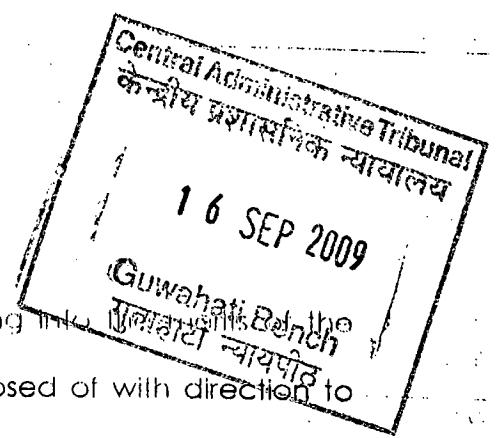
3. A copy of this Original Application has already been served on Dr. J.L.Sarkar, learned Standing counsel for the Railways; who has also been heard.

4. It appears that the question relating to stepping up of pay is being considered by the PNM and, in fact, in its meetings dated 05.03.2002 and 06.03.2002 that was in the agenda at Sl. No.42 (89/17).

Attested

  
Advocate





5. In the said premises, without entering into the merits of the matter, this Original Application is, hereby, disposed of with direction to the Respondents to look into the grievances of the Applicant, as raised in the present Original Application (by treating a copy of this Original Application to be a representation of the Applicant, to the Respondents) and grant him relief, as due and admissible under the Rules and the facts of the case, within a period of 120 days from the date of receipt of a copy of this order.

6. With the above observations and directions, this case stands disposed of at admission stage.

7. Send copies of this order to the Applicant and the Respondents (along with copies of this Original Application) in the address given in the Original Application and free copies of this order be supplied to learned counsel appearing for both the parties.

Sd/- Vice-Chairman



TRUE COPY  
प्रतिलिपि  
अनुभव अधिकारी  
Section Officer (Judl)  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench  
गुवाहाटी/Guwahati-5  
16/8/09  
K26/8

Attested  
  
Advocates

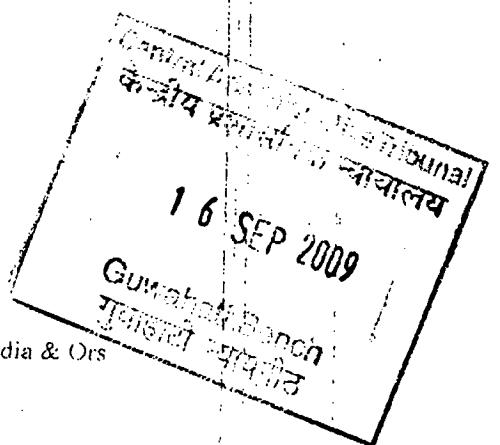
- 27 - 27  
- 31 -

ANNEXURE ~~K~~ ~~1~~

CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH;

1. Original Application No. 166/08  
2. Misc Petition No. /  
3. Contempt Petition No. /  
4. Review Application No. /

Applicant(S) Tilak Ch. Dey VS- Union Of India & Ors



Advocate for the Applicant(S) S. N. Tamuli

Advocate for the Respondent(S) Railway advocate

| Notes of the Registry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  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09.09.08 in the present Original application (by treating a copy of this Original application to be a representation of the Applicant to the Respondents) and grant him relief, as due and admissible under the Rules and the facts of the case, within a period of 4 months from the date of receipt of a copy of this order.

With the above observation and directions, this case stands disposed of at admission stage.

Send copies of this order to the Applicant and the Respondents (along with copies of this Original application) in the address given in the Original application and free copies of this order be supplied to learned counsel appearing for both the parties.

Sd/-  
KHUSHIRAM  
MEMBER (A)

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16 SEP 2009

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Guwahati Bench  
Guwahati न्यायपीठ

Central Administrative Tribunal  
Central Administrative Tribunal  
Guwahati Bench  
Guwahati

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Attested

Advocate