

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO.....50.....2009
R.A./CP/NO.....2015
E.P./M.P./NO.....2015

1. Order Sheets.....01.....pg.....01.....to.....01.....✓
2. Judgment/ order dtd. 25.03.2009 pg.....01.....to.....03.....✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 50/09.....page.....1.....to.....72.....✓
5. E.P/M.P.page.....to.....
6. R.A./C.P.page.....to.....
7. W.S.Page.....to.....
8. Rejoinder.....page.....to.....
9. Replypage.....to.....
10. Any other paperspage.....to.....

B.Dur
10/07/2015
SECTION OFFICER (JUDL.)

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FROM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 50 /2009

2. Mise Petition No _____

3. Contempt Petition No _____

4. Review Application No _____

Applicant(s) Dr. Abhinav Gogoi

Respondent(s) U. O.T. V.O.P.S.

Advocate for the Applicant(s): Mr. A.K. Bora,
Mr. B.K. Talukdar,

Mr. P. Pathak & Mrs. N.D. Sarma.

Advocate for the Respondent(s): 6
Rly. Standing Counsel.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.B. fee Rs. 50/- deposited in the PO/BD No. 376 dated 23.3.09 Dated 17.3.09 23.3.09 Dy. Registrar /pb/	25.03.2009	For the reasons recorded separately, this case stands disposed of.  (M.R. Mohanty) Vice-Chairman

Received: 9 (Nine) copies of Application with envelope. Copy served to the Rly. Standing Counsel and extra Charge Rs. 20/- deposited vide Receipt No. 2878 dated 23.3.09.

16/3/09

26.3.09

Copy of the order
DIA 25.3.09 along with
copy of the Application
sent to the Office for
Issue the same to the
Respondents No 1 to 8
and copy of the order
to the Applicant and
as well as to the L/Adv
for the both parties
SS.

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 50 of 2009

DATE OF DECISION : 25.03.2009

Dr. Abhinav Gogoi

.....Applicant/s

Mr. B.K. Talukdar & Mrs. N.D. Sarma

..... Advocate for the

Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Dr. J. L. Sarkar, Standing Counsel for Railways.

..... Advocate for the

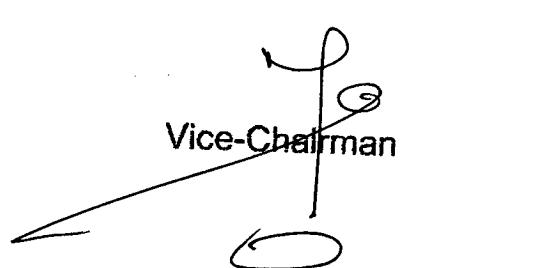
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

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

Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI :

Original Application No. 50 of 2009

Date of Order : This the 25th Day of March, 2009

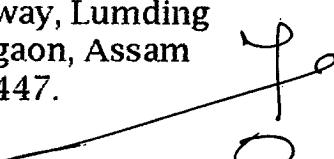
HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

Dr. Abhinav Gogoi
Son of Sri Pradip Gogoi
At present working as Senior Divisional Medical Officer,
Under Chief Medical Superintendent, N.F. Railway,
Lumding, District- Nagaon, Assam. Applicant(s)

(By Advocates: Mr. B.K. Talukdar & Mrs. N.D. Sarma)

-Versus-

1. The Union of India,
Represented by the Secretary
Railway Ministry, New Delhi- 110001.
2. The Railway Board
Represented by the Secretary
Rail Bhawan, New Delhi- 110001.
3. The Director General
Railway Health Services, New Delhi- 110001.
4. The General Manager
N.F. Railway, Maligaon, Guwahati- 7810 11.
5. The General Manager (P)
N.F. Railway, Maligaon, Guwahati- 7810 11.
6. The Chief Medical Director
N.F. Railway, Maligaon, Guwahati- 7810 11.
7. The Divisional Railway Manager
Lumding, N.F. Railway
Dist- Nagaon, Assam
Pin- 782447.
8. The Divisional Railway Manager (Personnel)
N.F. Railway, Lumding
Dist- Nagaon, Assam
Pin- 782447.



9. The Chief Medical Superintendent
N.F. Railway, Lumding
Dist- Nagaon, Assam
Pin- 782447. Respondents

(By Advocate: Dr. J.L. Sarkar, Rly. Standing counsel)

O.A. 50 OF 2009
ORDER (ORAL)
25.03.2009

Mr. M. R. Mohanty, V.C.

Heard Mr. B.K. Talukdar and Mrs. N.D. Sharma, learned counsel appearing for the Applicant, and Dr. J.L. Sarkar, learned Standing Counsel for the Railways (to whom a copy of this Original Application has already been supplied) and perused the materials placed on record.

2. Seeking a transfer, the Applicant represented to his authorities. 'No heed has been paid to his said grievances' is the subject matter of allegation in this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985. It is the case of the Applicant that, for the reason of certain Rules/Guidelines of the Railways, his case ought to be considered sympathetically and on humanitarian grounds.

3. Dr. J. L. Sarkar, learned Standing Counsel for the Railways, on the other hand, states that, having submitted representations, the Applicant ought to have waited for a reply/order of the Respondents and should not have rushed to this Tribunal prematurely.

4. In the aforesaid premises, without going in to the merits of the matter and without waste of time, this matter is remitted to the Respondents/Railways with direction (to the Respondents) to consider the grievances of the Applicant (as raised in his representations and in the

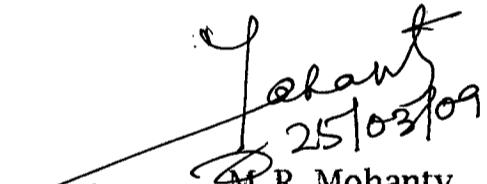


present Original Application) as expeditiously as possible and grant him (Applicant) necessary relief; as due and admissible under the Rules/Guidelines of the Railways. The entire exercise should be completed by the Respondents within 60 (Sixty) days from the date of receipt of a copy of this order.

5. With the aforesaid observations and directions, this Original Application stands disposed of.

6. Send copies of this order to the Applicant and also to all the Respondents (along with copies of this O.A.) in the address given in the Original Application.

7. Free copies of this order be also supplied to the learned counsel appearing for both the parties.



25/03/09

M. R. Mohanty
Vice-Chairman

/pb/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, AT GUWAHATI.

O.A. NO. 50 /2009

Dr. Abhinav Gogoi.

..... Applicant.

- Vrs -

The Union of India & others.

..... Respondents.

S Y N O P S I S

The applicant has been serving as Senior Divisional Medical Officer, Railway Divisional Hospital, N.F. Railway, at Lumding. The applicant's wife is also serving as Senior Divisional Medical Officer, at New Tinsukia, N.F. Railway. That the applicant after completing Post Graduate Diploma Course in Anesthesiology has been serving as an Anesthesiologist and doing general duty getting special allowances in the Railway and after serving as such for more than three years, in the year 2005 he fell with serious eye trouble as a result due to his physical inabilities the applicant surrendered the special allowances ands made prayer to allow him to serve in general duties and the authority accordingly

*R. Copy
for Railway
Court
on behalf of
Dr. J.L. Sarker.
Dr. J.L. Sarker
18/3/09*

Dr. Abhinav Gogoi

19 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 -

allowed, but presently the authority again forcefully made the applicant to serve as Specialist in Anesthesia causing serious trouble to the applicant as well as danger to the patients in the operation.

That the applicant has two children of 8 years and 1½ years respectively along with his old parents who are staying at Tinsukia at the place of present posting of his wife and the maintenance of the children and old parents become a serious trouble arose for absence of the applicant in the family at Tinsukia.

Further the applicant is presently under treatment of Doctors in Sankardev Netralaya, at Guwahati. The applicant being aggrieved at the aforesaid circumstances applied for transfer before the authorities from Lumding Division, N.F. Railway to Tinsukia Division, N.F. Railway, at Tinsukia, but of no avail and hence this application before the Hon'ble Tribunal for justice.

Filed by,
B. K. Talukdar
Advocate.

Dr. Abhijit Gogoi

LIST OF DATES

1996	The application appeared in the combined Medical Services Examination conducted by the U.P.S.C. after passing M.B.B.S. degree.
10.06.1997	The U.P.S.C. recommended the applicant for appointment as Asstt. Divisional Medical Officer of Indian Railway (General duty Medical Officer).
22.09.1997	The applicant was appointed as Asstt. Divisional Medical Officer (Group-A) in the N.F. Railway (General duty).
6.10.1997	The applicant joined in his post at N.F. Railway at Maligaon, who was sent to Dibrugarh for training. ... Annexure-A series, Page- 23
13.10.1997	The applicant reported for training at Dibrugarh Railway Hospital, N.F. Railway, Dibrugarh.
07.12.1997	The applicant was posted at New Tinsukia Railway Hospital after completion of training.
01.03.1999	The applicant got married.
05.04.1999	The applicant was posted at Tinsukia Health Unit on transfer.
06.06.2000	The applicant became father of a male baby. Annexure-D, Page- 29
30.07.2000	The applicant applied for study leave or extra-ordinary leave for Post Graduation in Anesthesiology. Annexure-B, Page- 26

Dr. Abhimanyu Goswami

19 MAR 2009

- 2 -

गुवाहाटी न्यायालय
Guwahati Bench

13.11.2000	The Authority sanctioned and granted 2 years Extra-ordinary leave (without any leave salary) with effect from 01.09.2000. Annexure-B1, Page- 27
08.07.2002	The applicant after completing training came back in service at New Tinsukia. Thereafter, he was attending in general duty as well as special duty. Annexure-C, Page- 28
21.05.2004	The applicant was transferred from Tinsukia to Lumding.
21.06.2005	The applicant surrendered the Post Graduate allowances and prayed for serving as General Medical Practitioner due to his serious eye problem. Annexure-F, Page- 43
23.06.2005	The application of the applicant regarding surrender of Post Graduate allowance forwarded for necessary action. Annexure-G, Page- 44
27.09.2005 Annexure-H Page- 45	The prayer of the applicant for surrender of special allowance of specialist in Anesthesiology was accepted and allowed the applicant to serve as General Medical Officer by arranging other person for the same by the Chief Medical Director, N.F. Railway, Maligaon. Page- 45
25.09.2006	The applicant was transferred from Lumding Railway Hospital and posted at South Health Unit/LMG vide GM(P)/MLG letter No. E/283/III130 Pt.XII(O) dated 1.03.2006. Annexure-I, Page- 46
27.09.2006 & 11.10.06	The applicant applied for mutual transfer which was duly forwarded. Annexure-J Series, Page- 47

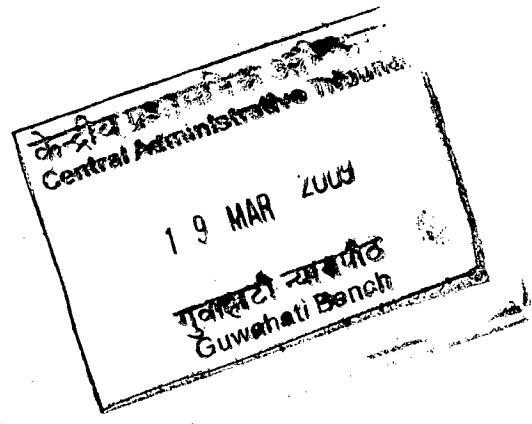
Dr. Abinav Goswami

19 MAR 2008

23.10.2006	The applicant was transferred from Lumding South Health Unit to DBRT Health Unit on mutual between the applicant and another Medical Officer of the same rank.
28.11.2006	The applicant was ordered to work at DBRT Health Unit. As Dr. H. Biswas CMP got permanent appointed at Central Service. The applicant had to continue his duty at DBRT Health Unit.
12.05.2008	The applicant was transferred from Dibrugarh to Lumding.
17.05.2008	The applicant preferred appeal before the G.M.(P), N.F. Railway, Maligaon against transfer order dated 12.05.2008. Annexure-M, Page- 53
02.06.2008	The applicant joined at Lumding Hospital. Annexure-N, Page- 54
08.09.2008	The applicant submitted application for transferring him from Lumding to Dibrugarh or Tinsukia where his wife is serving in the N.F. Railway at Tinsukia before the Railway Board. Annexure-O, Page- 55
11.10.2008	The applicant submitted reminder for transfer. Annexure-P, Page- 57
12.10.2008	The applicant submitted application for transfer before the General Manager (P), N.F. Railway, Maligaon. Annexure-Q, Page- 58
20.10.2008	The applicant submitted an application before the Chief Medical Director for transfer. Annexure-Q1, Page- 59

Dr. Abhiman Basu

30.10.2008	The D.R.M. Lumding issued letter to the Chief Medical Director, N.F. Railway, Maligaon and informed about the difficulties of the applicant for performing special duty and made request for posting an another specialist at Lumding Hospital. Annexure-R, Page- 60
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Filed by :- B. K. Talukdar
Advocate.

Dr. Abhijan Joson

केन्द्रीय द्राष्टापनिक अदायगा
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, AT GUWAHATI

O.A. NO. 50 /2009

Dr. Abhinav Gogoi.

..... Applicant.

- Vrs -

The Union of India & others.

..... Respondents.

I N D E X

SL.NO.	ANNEXURE	PARTICULARS	PAGE
1		Application.	1 - 21
2		Verification.	22-22a
3	A-series.	Joining Report dtd. 6.10.97, 16.8.2000 office order and training order	23-25
4	B-series	Application for study leave of P.G. Course dtd 30.7.2000 and sanction order dtd. 13.11.2000.	26- 27
5	C	Joining report after training dtd 18.7.02.	28
6	D-series	Birth certificates of children.	29-30
7	E-series	Documents of Medical treatment and office orders.	31 - 42

Dr. Abhinav Gogoi

9 MAR 2009

8	F	Application for surrender of Post-Graduate allowance dtd. 21.6.2005.	43	গুৱাহাটী বিধায়ক Guwahati Bench
9	G	Forwarding letter dated 23.6.2005.	44	
10	H	Official letter for arrangement of Anesthesiologist dated 27.9.2005.	45	
11	I	Transfer order dated 25.9.2006.	46	
12	J-series	Application for mutual transfer dtd 27.9.2006 and forwarding letter dated 11.10.2006.	47-48	
13	K-series	Official order for duties dated 28.11.2006 and mutual transfer order dated 23.10.2006.	49-50	
14	L-series	Transfer order dated 12.05.2008 of G.M.(P) Maligaon and official order of DRM(P), Tinsukia dated 19.05.2008 and spared order dated 21.05.2008 of the C.M. Superintendent, Dibrugarh.	51-52	
15	M	Appeal to G.M.(P) dated 17.05.2008.	53	
16	N	Joining report dated 2.06.2008 at Lumding.	54	
17	O	Appeal to the Railway Board dtd.8.9.2008.	55-56	

Dr. Abhijit Goswami

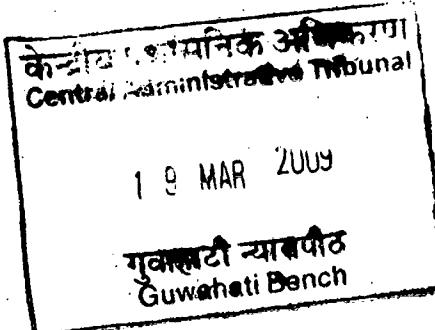
- 3 -
19 MAR 2009

गुवाहाटी अदायकरण
Guwahati Bench

18	P	Reminder dtd.11.10.08	57
19	Q-series	Appeal for transfer from Lumding to Tinsukia or Dibrugarh before G.M.(P) Dtd. 12.10.2008 and application to C.M.D., N.F.Railway, Maligaon dtd. 20.10.2008.	58-59
20	R	Letter of D.R.M., Lumding dtd.30.10.08 regarding arrangement of other Anesthesiologist at Lumding Hospital.	60-61
21	S	Circular of Railway for proper maintenance of parents of the employee dtd.28.4.05.	62
22	T	Office Memorandum for posting of Husband and Wife of the Central Government dated 3.04.86.	63-65
23	U	(Amended) Memorandum for posting of Husband and Wife of the Central Government dated 12.06.97.	66-69
24	V	Circular for posting of husband and wife of the Railway Board dtd. 8.05.98.	70-72

Dr. Abhijit Goswami

Filed By :- B.K.Tamdar
Advocate.



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, AT GUWAHATI.**

O.A. NO. 50 /2009

Dr. Abhinav Gogoi,

Son of Sri Pradip Gogoi,

At present working as Senior Divisional
Medical Officer, under Chief Medical
Superintendent, N.F. Railway, Lumding
District- Nagaon, Assam.

..... **Applicant.**

- Versus -

1. The Union of India,

Represented by the Secretary,

Railway Ministry, New Delhi. 110001

2. The Railway Board,

Represented by the Secretary,

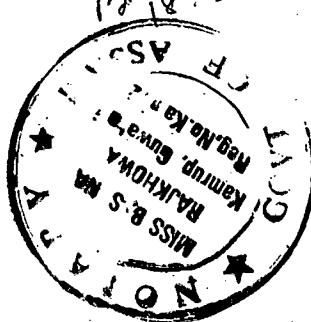
Rail Bhawan, New Delhi. 110001

3. The Director General,

Railway Health Services, New Delhi. 110001

4. The general Manager,

N.F. Railway, Maligaon, Guwahati-11.



Gauhati High Court -

B. K. Alexander Adcock

→ Throughin

Freeed by - Petitioner

Dr. A. L. Linton, 1862

19 MAR 2009

- 2 -

गुवाहाटी न्यायालय
Guwahati Bench

5. The General Manager (P), N.F. Railway,

Maligaon, Guwahati-781011.

6. The Chief Medical Director,

N.F. Railway, Maligaon, Guwahati-11.

7. The Divisional Railway Manager,

Lumding, N.F. Railway,

Dist. Nagaon, Assam. P. No 782447

8. The Divisional Railway Manager

(Personnel), N.F. Railway, Lumding.

9. The Chief Medical Superintendent.

N.F. Railway, Lumding.

Dist. Nagaon, Assam. P-782447

..... Respondents.

The humble petition of the above named applicant :-

MOST RESPECTFULLY SHEWETH :

Details of the Application :-

(1) Particulars of the order against which the application is made :—



19 MAR 2009

- 3 -

गुवाहाटी न्यायालय
Guwahati Bench

(i) For direction to the respondent Nos. 1 to 10 for posting the applicant forthwith in order to enable him to join at Tinsukia which is the station where the applicant's wife has been serving as Sr. D.M.O., N.F. Railway, Tinsukia, District – Tinsukia, Assam alongwith the minor children and old parents so that he could be able to look after them at Tinsukia or nearby station.

(ii) For taking necessary action forthwith not to force the applicant to do the specialize function of Anesthesia during operation in Railway Hospital as the applicant presently working as general Duty Medical Officer only.

(iii) For disposing of appeal/representation of the applicant dated 8.9.2008.

(2) **Jurisdiction :-**

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

(3) **Limitation :-**

The applicant declares that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act, 1989.



Dr. Abinav Goswami

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 4 -

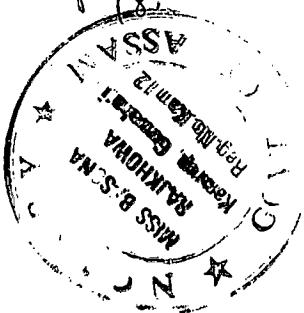
(4) **Facts of the case :-**

4.1. That the applicant is a Citizen of India and as such he is entitled to all the rights and privileges guaranteed under the Constitution of India including the rights of law of the land.

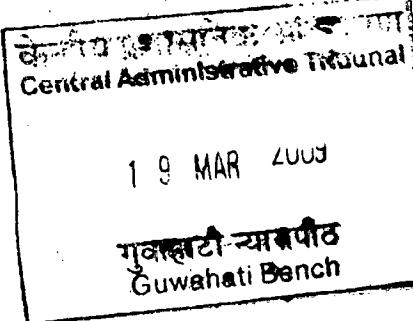
4.2. That the applicant at present has been serving as Senior Divisional Medical Officer at Lumding Divisional Hospital (Out Patient Department), N.F. Railway, Lumding, District – Nagaon, Assam. He joined his service on 6.10.1997 after selection in U.P.S.C. at Maligaon, N.F. Railway, Guwahati as Asstt. Divisional Medical Officer when he was sent for training at Dibrugarh and after completion of his training at Dibrugarh the applicant was posted at New Tinsukia Railway Hospital and accordingly he joined at that post in the month of December, 1997.

A copy of the joining report in the service along with other orders of the authorities are annexed hereto and marked as ANNEXURE-A series.

18.3.09
P.P.



Abhimanyu Gogoi
Dr.

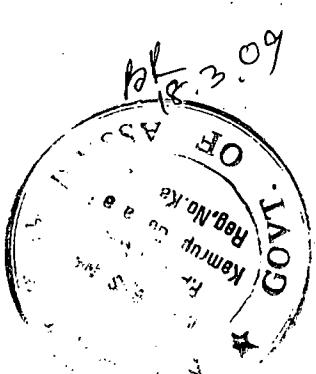


- 5 -

4.3. That in the month of August, 1998 the applicant was transferred and posted at Tinsukia Health Unit, and the applicant on 1.3.1999 got married with Dr. Minu Kumari Boro, Asstt. Divisional Medical Officer, N.F. Railway, at Dibrugarh. Then the authority on request of the applicant posted his wife at New Tinsukia, N.F. Railway.

4.4. That thereafter out of the marriage wedlock on 6.6.2000 a male baby was born to them. The applicant on 30.7.2000 applied for obtaining permission for doing Post Graduation Diploma Course in Anesthesiology and as well as prayed for granting Extra-ordinary Leave or study leave for the said course and the authority granted the said prayer of the applicant for two years (without any leave salary).

A copy of the said application dated 30.7.2000 and the copy of the sanction order dated 13.11.2000 are annexed hereto and marked as ANNEXURE-B series.



Dr. Abinash Gogoi

19 MAR 2009

- 6 -

गुवाहाटी-न्यायालय
Guwahati Bench

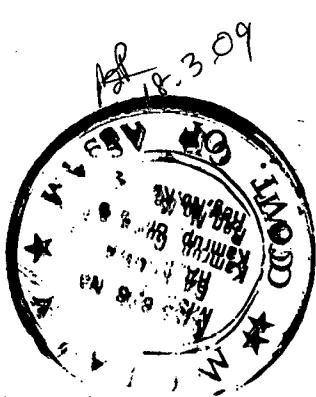
4.5. That the applicant after completion of his study in Post Graduate Diploma at Assam Medical College on 8.7.2002 and joined back in his post at New Tinsukia N.F. Railway.

A copy of the joining report dated 8.7.2002 is annexed hereto & marked as ANNEXURE-C.

4.6. That the applicant was transferred to Lumding Division from New Tinsukia on 21.5.2004 and he was staying there in Lumding Division up to the November, 2006, whereas the applicant's wife, Dr. M.K. Boro was serving at New Tinsukia N.F. Railway, along with minor children of aged less than 6 years, and has been suffering to maintain family life.

The copies of the birth certificates of the children are annexed hereto and marked as ANNEXURE-D series.

4.7. That the applicant after completion of the Post Graduation Diploma in Anesthesiology doing general duty as well as special duties since the



Dr. Abhiman Gogoi

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 7 -

year 2002 to 2005 for three years, and thereafter the applicant suffered acute eye trouble and have to take medical treatment at Sankardev Netralaya, at Guwahati. The case of the applicant was also examined by the Railway Doctors at Maligaon Railway Hospital and referred him for better treatment at Sankardev Netralaya, at Guwahati.

The copies of the aforesaid medical documents and official letters regarding the eye troubles of the applicant are annexed hereto and marked as ANNEXURE-E series.

4.8. That the applicant on 21.06.2005 submitted an application to the General Manager (P), N.F. Railway, Maligaon through proper channel and thereby informed to the authority regarding his inability due to physical trouble to perform special duty of Anesthesia and also surrendered his post graduate allowances and request to offer general duty (GDMO).



19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 8 -

A copy of the said application dated

21.06.2005 is annexed herewith and

marked as ANNEXURE-F.

4.9. That the said application of the applicant was duly forwarded by the Chief Medical Superintendent, Lumding to the Chief Medical Director, N.F. Railway, Maligaon, at Guwahati vide his letter dated 23.06.2005.

A copy of the said forwarding letter

dated 23.06.2005 is annexed hereto

and marked as ANNEXURE-G.

4.10. That the authority thereafter also forcefully made the applicant to do the special duty on Anesthesia causing him immense trouble, although the authority decided to make arrangement for doing special duty by another Anesthesiologist vide letter No. H/268/LUM/ GAZ/Pt.IV, dated 27.09.2005 issued by the Chief Medical Superintendent, Lumding to the Chief Medical Director, N.F. Railway, Maligaon within a week.



Abinav Gogoi
Dr.

केन्द्रीय प्रशासनिक अदायकाराम
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी बैठक
Guwahati Bench

A copy of the said letter dated

27.09.2005 is annexed hereto as

ANNEXURE-H.

4.11. That the authority transferred the applicant from Lumding Hospital to South Health Unit/LMG vide letter No. E/283/III/130-Pt-XII(O) dated 01.03.2006. The applicant was spared on 26.9.2006 as per letter dated 25.9.2006.

A copy of the said transfer order dated 25.09.2006 is annexed hereto and marked as ANNEXURE-I.

4.12. That on 27.09.2006 the applicant along with Dr.(Mrs) Ranta Dutta, Sr. DMO/DBRT who desire to be transferred to Lumding submitted an application for mutual transfer from Lumding to Dibrugarh which was duly forwarded by concerned authority on 11.10.2006.

The copy of the said mutual application for transfer dated 27.09.2006 and the forwarding letter dated 11.10.2006 are annexed hereto & marked as ANNEXURE-J series.



Dr. Abhiman Gogoi

19 MAR 2009

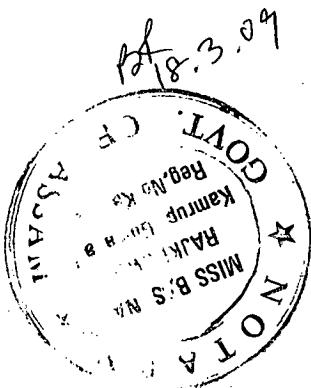
Guwahati Bench

- 10 -

4.13. That the authority thereafter duly considered the prayer of the said mutual transfer and on 23.10.2006 issued a transfer order and thereby transferred the applicant from Lumding to Dibrugarh Hospital and thereafter on 28.11.2006 vide letter No. E/41/(MED)/GAZ/02 dated 28.11.2006 issued by the Chief Medical Superintendent, N.F. Railway, Dibrugarh advise to do Health Unit duty at Dibrugarh Health Unit with effect from 29.11.2006 to 5.12.2006, but the applicant continue as such upto 21.05.2008..

A copy of the said transfer order dated 23.10.2006 is annexed hereto and marked as ANNEXURE-K series.

4.14. That thereafter the applicant was again transferred to Lumding from Dibrugarh on 12.05.2008 and spared on 21.05.2008 vide order No. E/283/II(O)/MED/GAZ issued by the Chief Medical Superintendent, N.F. Railway, Dibrugarh.



19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 11 -

A copy of the said transfer order
dated 12.05.2008 and spared on
21.05.2008 is annexed herewith and
marked as ANNEXURE-L series.

4.15. That the applicant has been serving at Lumding
as yet since 2.06.2008. Although the applicant
surrendered his extra-allowances regarding
especialise service in Anesthesia due to his acute
trouble of vision power of eyes, the authorities
forced him to perform such special duties which
caused serious trouble to the applicant as well as
make it danger to the patient as any wrong
application of Anaesthesia in the body of the
patient may kill the patient and on 17.05.2008 the
applicant submitted an appeal before the General
Manager (P), Maligaon, N.F. Railway.

The copy of the said appeal dated
17.5.2008 is annexed hereto and
marked as ANNEXURE-M.

4.16. That the applicant on 2.06.2008 joined in the post
at Lumding on being transferred from Dibrugarh.



Dr. Abhimanyu Jogen

19 MAR 2008

- 12 -

गुवाहाटी न्यायालय
Guwahati Bench

The copy of the joining report dated 02.06.2008 of the applicant is annexed hereto and marked as **ANNEXURE-N.**

4.17. That the applicant's wife is also a Railway employee serving as Sr. D.M.O. at New Tinsukia Railway Hospital and she was living there along with her minor children as well as with the old ailing parents of the applicant, and she found it difficult to maintain in the absence of the applicant. Further more the applicant was also under the medical treatment of eyes at Guwahati and therefore, being aggrieved at the aforesaid circumstances the applicant on 8.09.2008 submitted a representation before the Railway Board at New Delhi praying to consider his transfer from Lumding to Tinsukia or Dibrugarh which is nearby to the place of posting of his wife.

A copy of the appeal/representation dated 8.09.2008 submitted before



Dr. Abhimanyu Gogoi

10 MAR 2009

- 13 -

गुवाहाटी न्यायालय
Guwahati Bench

the Railway Board is annexed

hereto & marked as ANNEXURE-O.

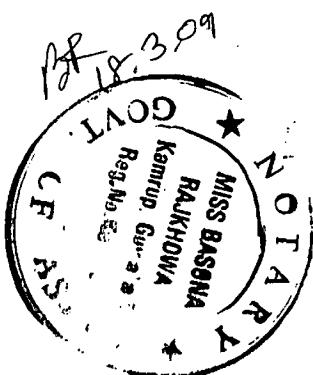
4.18. That the applicant thereafter submitted various reminders of the appeal to the authorities, but of no avail.

A copy of the said reminders dated 11.10.2008 is annexed hereto & marked as ANNEXURE-P.

4.19. That the applicant also submitted various application before the Chief Medical Director, through proper channel praying for transfer to a place nearby or in the same station at Tinsukia, where his wife has been serving, but of no avail.

The said applications dated 12.10.2008 and 20.10.2008 for transfer of the applicant are annexed hereto & marked as ANNEXURE-Q series.

4.20. That the applicant states that on 30.10.2008 the Divisional Railway Manager (DRM), Lumding by issuing a letter to the Chief Medical Director,



Dr. Abhijit Gogoi

19 MAR 2009

- 14 -

गुवाहाटी न्यायालय
Guwahati Bench

Maligaon, N.F. Railway including the General Manager, N.F. Railway, Maligaon informed about the physical difficulties of the applicant to perform special duty in Anesthesia, and requested the said authorities for posting a qualified Anesthesiologist at Lumding Railway Hospital.

A copy of the said letter dated 30.10.2008 of the DRM/LMG is annexed hereto and marked as ANNEXURE-R.

4.21. That the applicant states that the Railway authority vide its Circular No. E/53/O/ Pt.VII(C) dated 28.04.2005 issued by the office of the General Manager (P), Maligaon under reference of the Notification of the Railway Board vide No. E/206/PAC/O/Pt.IV dated 16.8.2005 issued by the Deputy Director Establishment (I & A), Railway Board, whereby it was duly clarified the responsibilities of the Railway employees towards their old parents.

PT 18.3.09



Dr. Abinash Gogoi

19 MAR 2009

- 15 -

गुवाहाटी न्यायालय
Guwahati Bench

A copy of the said Circular dated 28.04.2005 along with the Notification of the Railway Board dated 16.08.2005 is annexed hereto and marked as ANNEXURE-S.

4.22. That the applicant states that the Central Government through its Office Memorandum dated 3.04.86 issued by the Ministry of Personnel, Public Grievances and Pensions, (the Department of Personnel and Training) made it abundantly clear to the fact the husband and wife are to be posted in the same station. The said Circular also specifically mentioned to take seriously in the event of any prayer of the employees for such posting of husband and wife at the same place.

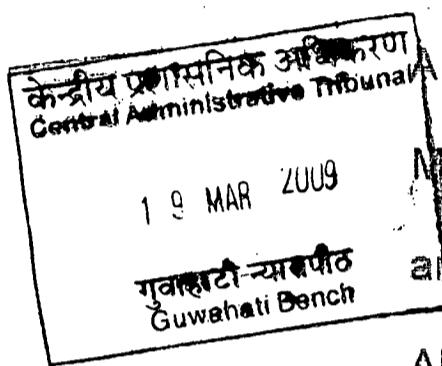
A copy of the said Office Memorandum dated 3.04.86 of the Central Government is annexed hereto & marked as ANNEXURE-T.

Par 18.3.09 4.23. That the applicant begs to state that the aforementioned Circular was again amended to



Dr. Abhijit Gogoi

the extent that in case of minor children of the employees the authority must consider the post of husband and wife in the same place for the interest of the welfare of the minor children.

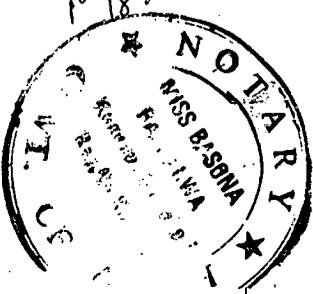


A copy of the said amended Office Memorandum dated 12.6.97 is annexed hereto and marked as ANNEXURE-U.

4.24. That the applicant further states that on 8.05.98 the aforesaid Office Memorandum of the Central Government dated 3.04.86 and 12.06.97 were directed to be implemented in the Railway employees regarding the posting of husband and wife in the same place vide Notification No.E(O)III 98 PL/4 New Delhi dated 8.05.98 issued by the Joint Secretary (G), Railway Board.

A copy of the aforesaid Notification dated 8.05.98 is annexed hereto and marked as ANNEXURE-V.

4.25. That the applicant begs to state that he has demanded justice as well as made prayer for due



Dr. Abhijan Gogoi

relief under the law and he has no other alternative or efficacious remedies other then the instant application to this Hon'ble Tribunal.

4.26. That this application is made bonafide and for the interest of justice.

(5) **Grounds for reliefs with legal provisions :-**

1. For that the respondents have not transferred the applicant without any rhyme and reasons, which caused immense hardships and mental depressions to the applicant.

2. For that the respondents after being accepted the surrender of the applicant's especial allowances as a specialist in Anesthesia considering the applicant's physical inabilities again forced the applicant to perform such special duties is unjustified and illegal.

3. For that the respondents action is not justified and bad in law as well as in fact.

4. For that the impugned actions of the respondents is malice in law as well as in fact under the circumstances of the case.



Dr. Abhiman Gogoi

19 MAR 2009

- 18 -

गुवाहाटी न्यायालय
Guwahati Bench

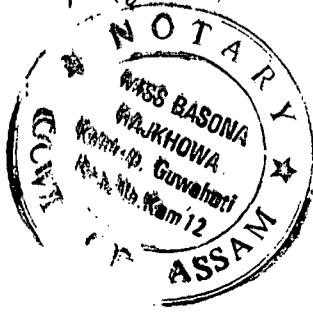
5.5. For that the applicant has suffered for not transferring him either to Tinsukia or Dibrugarh to which the applicant is entitled to such transfer according to law.

5.6 For that the impugned action of the respondents not transferring him from Lumding to Tinsukia the place where his wife is serving in the Railway along with their minor children below 9 years in age and old ailing parents is totally unjustified, unfair and also lack of administrative fair-play in action.

5.6. For that the impugned actions of the respondents is the result of arbitrariness and whimsical and unreasonable in not disposing the appeal/ representation has infringed the rights of the applicant guaranteed under Article 14 & 16 of the Constitution of India as well as such impugned action is also violative of the basic principles of natural justice.

5.7. For that unjust and unfair treatment in action of the respondents is explicit.

18.3.09



19 MAR 2009

- 19 -

गुवाहाटी-यादपीठ
Guwahati Bench

5.8. For that the deliberate violation of guidelines of the Railway Ministry issued through its Office Memo No. E(P)III 98 PL/4 dated 8.05.98 by the respondents (Annexure-V).

5.9. For that in any view of the matter, the applicant is entitled to the relief(s) sought for.

(6) Details of the remedies exhausted :-

That the applicant declares that he has presented appeal/representation and subsequent applications before the various authorities dated 8.9.2008, 11.10.2008, 12.10.2008, 20.10.2008 and having without any result and there are no other efficacious and alternative remedies under any Rule and this Hon'ble Tribunal is the only Forum to adjudicate the subject matter.

(7) Matters not previously filed or pending with any other Court :-

That the applicant declares that he has not filed any case on the subject matter before any Court, Forum or any other Institution. However, he has preferred appeal as stated above.



Dr. Abhijit Gogoi

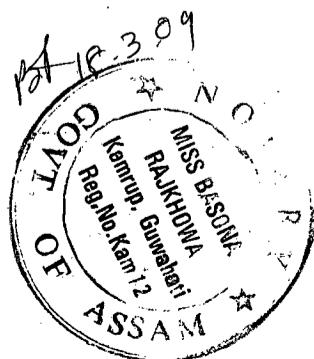
19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

(8) **Reliefs sought for :-**

Under the above facts and circumstances of the case, the applicant prays for the following reliefs :-

- 8.1. The respondents particularly the respondent Nos.2 & 7 may be directed to transfer the applicant from Lumding Division to the Tinsukia Division, N.F. Railway either at Tinsukia or at Dibrugarh as per Railway Ministry's guidelines (Annexure-V).
- 8.2. The respondents may be directed ~~not~~ to force the applicant to perform especial duty in Anesthesia and allow him to do general duty only.
- 8.3. The respondents may be directed to dispose of the appeal petitions/representations as mentioned above (dated 8.9.2008, 11.10.2008, 12.10.2008 and 20.10.2008) within a stipulated period.
- 8.4. Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper on the matter as stated above.



Dr. Abhimanyu Gogoi

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 21 -

(9) **Interim relief :-**

During pendency of the application the applicant prays for the following reliefs –

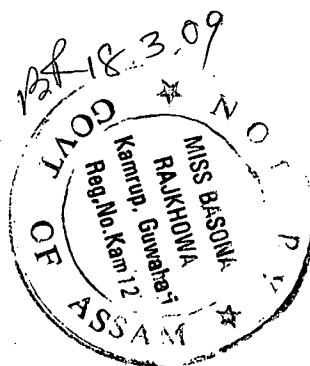
- 9.1. The respondents may be directed not to force the applicant to do special duty on in Anesthesia during operation of patients and to allow the applicant to do general duties only in the interest of the patients as well as in the interest of the precarious health condition of the applicant.
- 9.2. Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper.

(10) The application is filed through the Advocates.

(11) The particulars of the Postal Orders :-

- (i) I.P.O. No. :- 396 - 903816
- (ii) Date of issue :- 17.3.09
- (iii) Issued from :- C.A.T., C.A. Petition
- (iv) Payable at :- Guwahati.

(12) List of Enclosures :-
As per Index.



Dr. Abhimanyu Gogoi

19 MAR 2009

गुवाहाटी-न्यायालयीठ
Guwahati Bench

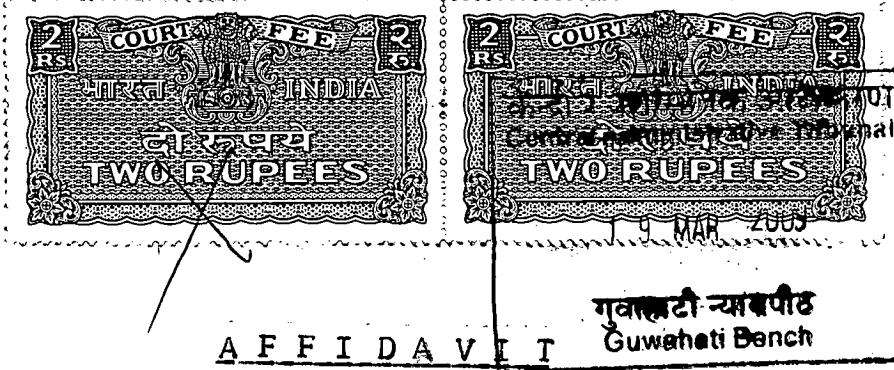
VERIFICATION

I, Dr. Abhinav Gogoi, aged about 37 years, Son of Sri Pradip Gogoi, at present working as Sr. Divisional Medical Officer, Lumding Divisional Hospital, N.F. Railway, Lumding, in the District of Nagaon, Assam, do hereby verify that the statements made in paragraphs-1, 4, 6 to 12 are true to my knowledge and the statements made in paragraphs-2, 3 & 5 are true to my legal advice and that I have not suppressed any material facts.

And I sign this verification on this 18th day of March, 2009 at Guwahati.

Dr. Abhinav Gogoi
SIGNATURE





I Dr, Abhinav Gogoi, aged about 37 years, son of Sri Pradip Gogoi, resident of Lumding(Present), in the district of Nagaon, Assam, do hereby verify that the statements of facts in paragraphs 1, 4, 6 to 12 are true to my knowledge and belief (s) and no relevant fact has been other Suppress and nothing wrong has been stated.

Verified at Guwahati on this 18 th day of March, 2009.

Dr Abhinav Gogoi
DEPONENT.

Solemnly affirmed and declared
before me.

18.3.09



केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

To,

General Manager (P)
N F Railway/Maligaon,
Guwahati-781 011.

Sub:- Joining Report as Assistant Divisional
Medical Officer (Group 'A').

In terms of Joint Director (Establishment)
Gaz/Railway Board's letter No. 97/E(GR)II/7/36, (561),
dated 22/9/97, I do hereby report on duty as ADMO (Group 'A'),
on date 06-10-97 (FM).

Yours faithfully,

Date : 06/10/97

ABHINAV GOGOI
(ABHINAV GOGOI)
ADMO.

(Certified to be true copy)
B. K. T. Adm.
Adm.

केन्द्रीय प्रशासनिक अधिकारपाल
Central Administrative Tribunal

19 MAR 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER

In terms of Railway Board's letter No.91/R(42)II/7/36(561) dated 22-9-97 Dr. Abhinav Gogoi, a UPSC selected ADMO/Gr.A has reported for duty on this railway on 6/10/97 (FN).

Dr. Gogoi is directed to undergo the following course of training :-

- 1) 45 days training at Railway Hospital, Dibrugarh as per schedule of training, attached.
- 2) 10 days training at Railway Health Unit, Tinsukia.

This issues with the approval of CMD.

for GENERAL MANAGER (P)

No. 363E/1/653 (O)

Maligaon, dt. 6/10/97

Copy forwarded for information and action to :-

- 1) CMD/MLG 2) DRM(P)/TSK 3) MS/TSK 4) DAO/TSK
- 5) MS/Ic/Dibrugarh. He is advised to charge ~~ff~~ the salary of Dr. Gogoi, ADMO @ Rs. 2200/- plus Rs. 600/- NPA plus other allowances, as admissible, in scale Rs. 2200 - 4000/- and adjust the same against 'trainee reserve post' created vide RB's letter quoted above.
- 6) Dr. Abhinav Gogoi, ADMO (Prob) at MLG, alongwith a Rly. pass to cover his journey. He will report to MS/Ic/Dibrugarh accordingly.

for GENERAL MANAGER (P)

.....

ORIGINALLY TO BE USED COPY
B K. Talukdar
ADM

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

19 MAR 2004

गुवाहाटी न्यायालय
Guwahati Bench

5. A. Gogoi, ADMO

N.F.RAILWAY

OFFICE ORDER.

Office of the
Medical Superintendent/IC
N.F.Railway, Bibrugarh
Dated the 13th Oct/97.

In terms of GM(P)MLG's O/Order No.363 E/1/653(0) Maligaon, dated 6.10.97, Dr. Abhijit Gogoi, a upsc selected ADMO/Gr.A has reported here in this hospital, N.F.Railway, Bibrugarh on 8.10.97 (FN) for his training.

Dr. Gogoi will undergo the following course of training as under:-

1. 45 days training at Railway Hospital, Bibrugarh with the Schedule of training fixed by the undersigned.

2. 10 days training at Railway Health Unit, Tinsukia.

This is as per approval of CMD.

No. E/283/1(0)Med. dt. 13.10.97

Medical Superintendent/IC
N.F.Railway, Bibrugarh.

Copy for information and necessary action to:-

1. GM(P)MLG
2. CMD/MLG
3. DRM(P)TSK
4. DAO/TSK
5. RS/IC/TSK
6. Sr. DRD/IC/SDP & IPD/SDRT
7. DRD/IC/NAFW/SDRT
8. Doctor concerned.
9. Estt. Bill section at office to charge the salary of Dr. Gogoi, ADMO/SDRT @ Rs.2200/-Plus Rs.600/-NPA, Plus Other allowances as admissible, in Scale Rs.2200-4000/-and adjust the same against "trainee reserve Post" created Wide RF's letter NG.97/E (GR) 11/7/36 (561) dt. 22.9.97.

10. DRD/TSK - (H) unit for information file.

Medical Superintendent/IC
N.F.Railway, Bibrugarh.

B.K. Talukdar

Annexure - B - Series

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 MAR 2000

गुवाहाटी न्यायालय
Guwahati Bench

To,
The Chief Medical Director
N. E. Railway, Maligoan

Dated, Tinsukia :- 30th July, 2000.

Through proper Channel

Subject :- Prayer for permission for doing post-graduation Diploma course in Anaesthesiology and hence for extraordinary leave or study leave whichever is permissible.

Sir,

Most respectfully and humbly I beg you to state that I have been selected for doing postgraduate Diploma course in Anaesthesiology in Assam Medical College Jibrugarh on the basis of P. G. Entrance examination conducted by Guwahati University on August 9th for the session 1996-97. The course will be started from 1st August, 2000. I am very much interested to do post graduation in this subject and Railway's also need a regular Anaesthesiologist at Tinsukia Division since long duration.

Therefore, most sincerely I beg your permission for doing above mention course and hence for extra-ordinary or study leave for two years whichever is permissible.

Thanking you.

Your's sincerely

Dr. Abhijan Gogoi

ADMO/TSK Railway Health unit

Enclosure :-

One photostat copy of selected P.G.
Candidates list for the session - 1996-97

*Certified to be true copy
B. K. Talukdar
Adv.*

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

ASSAM FRONTIER RAILWAY

MEMORANDUM

The sanction of the Competent Authority is hereby communicated to the grant of 2 years Extra ordinary leave (without any leave salary) w.e.f. 09-09-2009 in favour of Dr. Abhijit Gogoi, ARB/TSK, Railway Health Unit for undergoing Post Graduate Diploma Course in Anesthesiology in Assam Medical College, Dibrugarh.

Necessary Bond in prescribed form has been executed by the Doctor concerned.

for General Manager (P)

No.3501/1/669 (1)

Mailbox, dated: 19-11-2009.

Copy forwarded for information and necessary action to:-

- 1) C/o/DRB.
- 2) DMO/TSK, alongwith one copy of Bond for recent please.
- 3) Dr. Abhijit Gogoi - ARB/TSK, Railway Health Unit.

Ans
13.11.09

for General Manager (P)

B. H. Talukdar
B. H. Talukdar

.....

Annexure - C

केन्द्रीय प्रशासनिक अदायकारण Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

The Civil Medical Superintendent
Military, Dibrugarh
will be pro channel.

Sub:- Joining report after availing extra-ordinary
leave vide GM(P)/MIG L/Ho. 3632/1/65(XO)
dt. 13-11-2000.

Dated Tinsukia the 8th July, 2002

માનુષ એ બાળ હૈ ૩૧૨

Most respectfully and humbly I would like to inform you that I have been in extra-ordinary leave w.e.f 01-09-2000 vide T.O.B./ "G Letter No. 3652/1/653(0) dated 13-11-2000 to do my post graduation in Anaesthesiology in AMU, Dibrugarh. Recently, I have completed my course and now, I ^{want} to join in my batch. w.e.f 02/01/02
I hope you will do the needful. (F.N)
Therefore, I kindly request you to do the needful (F.N)
and I shall be highly obliged

Your's Sincerely
The Abolition League

AMO, NSK Railway Hospital
N.F. Railway

1. 17. 1. (4) 220/250
(2) 230(2)/250
(3) 18/16/145K
(4) 200/150K
(5) 230(2)/150K
(6) 200/150K

for information and necessary actions.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Form No. 5
संख्या ५



GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(অসম সেন্টেৰে সল্লিঙ্কালন্য)
CERTIFICATE OF BIRTH
(জন্ম ঘোষণা পত্ৰ)

ISSUED UNDER SECTION 12/12 of the Registration of Birth and Deaths Act, 1969.
(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন, ১৯৬৯ নং ১২/১২ অধ্যক্ষ পৰিবেক্ষক)

This is to Certify that the following information has been taken from the original record of Birth
which is the register for ~~Chirang~~ ~~Chirang~~ ~~Chirang~~ Registration
unit ~~Chirang~~ of District ~~Chirang~~ of the State of Assam
স্থান দ্বাৰা প্রক্ৰিয়িত কৰা হৈ যে বিষয়ী
পৌত্রসততীর নাম পৌত্রীর অভিগতি
জন্ম মোড়ে পৌত্রীৰ মূল অভিবেচন পত্ৰ মুক্তি প্ৰদাৰ হৈছে।

Name of SRI ARUNA K. GOGOI
Sex Male

Date of Birth / জন্ম তাৰিখ 05/06/2000

Place of Birth / জন্ম স্থান Hojaiur, Assam

Name of Father / পিতৃৰ নাম Dr. Abhijit Gogoi

Name of Mother / মাতৃৰ নাম Dr. Meenima Gogoi

Registration No. / পঞ্জীয়ন নং 18/04

Date of Registration No. / পঞ্জীয়ন তাৰিখ 11/3/03

Signature /
নথি কৰা কৰা

Authority /
Designation /

Date / তাৰিখ 24/9/03
স্বীকৃত

Certified to be true copy
B. K. Talukdar
Advocate

केन्द्रीय प्रशासनिक अदिक्षिणा कोर्ट अंग Adminstrative Tribunal

19 MAR 2009

गुवाहाटी न्यायपीठ Guwahati Bench

STATEMENT OF CHARGES

1. *What is the best way to learn a new language?*

2011 LSC done on 3-21-07

Frust/Diagnosis: Zust. cS + P. h.

1. *Leucosia* *flavipes* (Fabricius) *var. flavipes* *Leucosia* *flavipes* (Fabricius)

金 菊 報 中 國 事 情 一 九 三 七 年 九 月 一 日

4772 (C) part 1 of 1000
G-100 : Page 23 (8/02)

10-08 AM

Sex - female

12. 4 200 20 200

.....

केन्द्रीय प्रशासनिक अधिकारी बोर्ड
Central Administrative Tribunal

19 MAR 2005

गुवाहाटी न्यायालय
Guwahati Bench

SRI SANKARADEVA NETHRALAYA

(Hospital Unit of SKSHEF)

Beltola, Guwahati-781 028

Tel : 2305516, 2228879, 2228921, 2228922,

Fax : 0361 - 2228878

E-mail: ssnghy1@sify.com

Web : www.ssnguahati.org

Name : Dr A. Gogoi

MRD No. : 152613/03

Date : 19/3/05

Right

SPH.	CYL.	AXIS	V/A
D	—	—	—
V	175	1.5	86
N			

Left

SPH.	CYL.	AXIS	V/A
D	—	—	—
V	175	1.5	107
N			

TYPE : for Contact lens

SSN - 20

 SIGNATURE

Certified to be true copy
B. K. Talukdar
Adv.

CASE NOTE

No. of patient age & Sex :-

S/O/W/ W/O Shri/Smti.
Design & Station :-

Basic Pay :-

Bill Unit No :-

P.F. No :-

Chief complaints.

Blurring of vision (Rt Eye) + 6 months
Headache

History of past illness :-

Not SugeSTM

केन्द्रीय प्रशासनिक अधिकारपा
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

General Exam Findings :-

Pulse :- 78/min
Anaemia - 1+
Oedema - 1+ mm

BP - 120/80mm

Jaundice - 1+ mm

others -

Systemic examination :-

CNS - 1 (Y/N)
CVS -

Abd - N/N

Respy. System - N/N

DV - Rt Blurred 6/12, Left Spec 6/6, 6/6
NV - Rt Blurred Lt N/6

Investigation report :-

Enclosed herewith

Provisional Diagnosis :-

Ex Central Retina, Retinopathy (Rt Eye)

Treatment rendered :-

Conservative

B.K. Tuluksar

Guwahati

Signature & Name of treating Doctor

Design: DMO/LM/

Station:

Station:

Guwahati

Guwahati

Guwahati

Guwahati

Guwahati

Guwahati

Guwahati

Guwahati

Guwahati

Referred to Ophthalmologist, CH/MLG for
further treatment

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

10 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

NORTHEAST FRONTIER RAILWAY

NO H/184/LM

Lumbering dated 29-9-05.

To MD/CH/MLC

Sub: Dr. Abhijit Gogoi, DMO/MLC,
Basic Pay:-10975/-

Bill Preparing office DRM/P/Kaz/Eng

The above named patient is referred to you for your
further investigation and treatment please.

Necessary Case Note is enclosed.

DA : As above.

Chief Medical Supdt/L.G.

Copy to : Sr. DMO/IPD/L.G for information.

Chief Medical Supdt/L.G.

*RECORDED & TO BE TREATED
B.K. TALUKDAH*

केन्द्रीय प्रशासनिक अदान्तरण
Central Administrative Tribunal

19 MAR 2005

गुवाहाटी न्यायालय
Guwahati Bench

14/11/05

14/11/05

N.F.Railway.

Office of the
Chief Medical Director
Maligaon.

No H/98/G

Date:- 7.11.2005.

To

Dr Basudev Roy,
Sr DMO/Aneas./DBRT

Sub:- Duty at LMG Rly. Hospital

After discussion with CMS/DBRT and Sr DMO/LMG it has been decided by the CMD that you are hereby advised to attend LMG Railway Hospital on every Tuesday to work in the O.T. since, Dr A. Gogoi DMO/Aneas./LMG has been suffering from eye diseases and under going treatment.

This issues with the approval of CMD.

Dy.CMD/TA
For Chief Medical Director

Copy to

1. CMS/DBRT - He is requested to spare Dr Basudev Roy, Sr DMO/Aneas./DBRT to report CMS/LMG on every Monday accordingly.
2. CMS/LMG - for information and necessary action please.
3. DRM/DBRT for information please.
4. DRM/LMG for information please

14/11/05
(Dr.S.K.Deka)
Dy.CMD/TA
For Chief Medical Director

DRM to be done
B.K. Talukdar
DRM

Typed copy Page no- 36

Dr.Amitava Dey
M.B.B.S. : M.S. (Oph)
Eye Consultant & Surgeon
Phone No. 03674-263509(Res)

Chamber :S.Paul Opticals
Radha Cinema Road,
Lumding-782447
Visiting Hrs. 7 p.m. to 9 p.m.
(Tuesday Closed).

Date 22.2.06

Dr. Avinab Gogoi
34 years Male.

Dimmers of vision in old C.S.R.

(Pigment epithelial defect) with
papiliitis (OD)

Adv. to attend Sri Sankardeva Nethralaya
Guwahati; Beltola.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2006

गुवाहाटी न्यायालय
Guwahati Bench

Sd/-
A. Dey
22.2.06

Belto be cross out
Beltola

Dr. Amitava Dey
M.B.B.S ; M.S. (Oph)
Eye Consultant & Surgeon
Phone: 21141000

Chamber: S. Paul Opticals
Radha Cinema Road
Lumding - 782447
Visiting Hrs. 7 p.m. to 9 p.m.
(Tuesday Closed)

Date: 22/2/06

Date: 22/2/06

Dr. Anindita Gogoi.
34 yrs, Male.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2006

गुवाहाटी न्यायालय
Guwahati Bench

1. Diminution of vision in old C.S.L.
(pigment epithelial defect)
with ? familialis (OD)

After to attend Sri Sankardev
Nethravatan, Guwahati,
Beltola.

ACWY
22/2/06

ACWY to be seen off
P.V. Tarkar

19 MAR 2009

To

CMS/LMG Railway Hospital

Date 22-11-08

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub:-Dr.Abhinav Gogoi, Sr.DMO/LMG Eye examination
report and treatment.

Ref:-No H/184/LM, CMS/LMG's Office Dt.12-11-08

The above named appeared before me and
was under my treatment since 18.11.08 till date. He is
an old case of recaneat CSR and is also under treatment
from Sri Sankardeva Netralaya Guwahati. On examination
following finds were found.

Vision without glass Rt=6/60 P.

LV=G/9

with existing glass Rt=1'75 Bsp C=1.50 Dey 80 - 6/18

Lt=1.50 Dey 100 = 6/6

Ophthalmological examination shows dull
faveal Reflex both eyes with pigment disturbance in Right
macular area. Slight searing also seen in the Rt. macula.
Leaking of dye seen in Rt macula in FFA.

Adv. R/o Isik Cap X (60)

Sig. One cap daily.

Adv. to avoid excessive Mental & physical stress.

B.K. Deka
B.K. Deka

Yours sincerely

Sd/-

M.R. Deka
22.11.08

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2008

गुवाहाटी न्यायालय
Guwahati Bench

To

CMS/LMG Railway Hospital

Date 22-11-08

See: Dr Abhinev Gogoi, Sr.DMO/LMG. Eye examination report and treatment.

Ref No H/184/LM, CMS/LMG's offr. Dt-12/11/08.

The above named appeared before me and was under my treatment since 18/11/08 till date. He is an old case of recurrent CSE and is also under treatment from Sri Sankadeva Nethralaya Guwahati. On examination following finds were found.

vision without glass RT = 6/60 P.
LV = 6/9

with existing glass RT = -1.75 Dsp + -1.50 Dey 80 = 6/18
LT = -0.50 Dey 100 = 6/6

Ophthalmological examination shows dull corneal reflex both eyes with pigment disturbance in Right macular area. Slight scarring also seen in the macula. Leaking of dye seen in RT macula in FFA

Adv: RYD Isik cap X (60)
by one cap daily

Adv to avoid excessive Mental & Physical stress.

24/11/08

24/11/08

Dr. DMO
Talukdar

मेरे द्वारा दिए गए विचारणाः सिर्वत्र
कृपया: अनुसन्धान
मेरे द्वारा दिए गए विचारणाः
Sr. DMO, Ophthalmologist in R. Nekra
24/11/08

Typed copy Page - 40

NORTHEAST FRONTIER RAILWAY

No. H/184/LM

CMS's Office

Lumding, Dated 9.2.09

To : Dr. B.R.Deka
Sr.DMO/Opth/CH/MLG.

Sub:-Dr.A.Gogoi, SR.DMO/LMG.

केन्द्रीय प्रशासनिक अदायकरण
Central Administrative Tribunal

19 MAR 2009

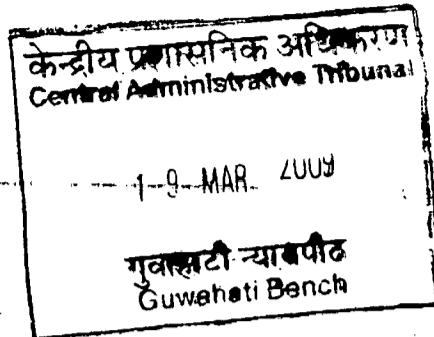
गुवाहाटी न्यायालय
Guwahati Bench

Above named is a case of recurrent serous retinitis since last 4 years. He has undergone treatment at CH/LMG and at Shankardeva Netralaya, Guwahati on his own. Now his case papers are sent to you for arranging referal of the case to Shankar Dev Netralaya, Guwahati.

Sd/-Illegible

Chief Medical Supdt/Lumding
N.F.Railway/Lumding

Case to be seen over
B.R. Tolukdar



NORTHEAST FRONTIER RAILWAY

No: 11/104/EM.

CIS's Office
Lumding, dated 9.2.09.

For: Dr. B.R.Deka,
Dr. DMO/Opth/CH/MLG.

Sub.: Dr. A.Gogoi, Dr. DMO/MLG.

Above named is a case of recurrent serious retinitis since last 4 years. He has undergone treatment at CH/MLG and at Shankar Dev Metralaya, Guwahati on his own. Now his case papers are sent to you for arranging referral of the case to Shankar Dev Metralaya, Guwahati.

l/m
Chief Medical Supdt/Lumding.

मुख्य चिकित्सा अधीक्षक
भौदलीय रेल
Chief Medical Supdt.
N.E.F.Railway / Lumding

Planned to be done soon
F.V. Talukdar

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

To

*The Medical Director,
N F Railway Central Hospital,
Maligaon.*

Date: 12.02.2009

*Subject: Dr. Abhinav Gogoi, Sr DMO/LMG Railway Hospital and referral to
Sri Sankardeva Nethralaya, Guwahati.*

The above named a case of recurrent Central Serous Retinopathy of both eyes and initially under treatment of Sri Sankardeva Nethralaya, Guwahati of his own. May please be referred to the said institution again for further investigations and treatment.

12/2/09
Dr. B R Deka
Sr. DMO/Ophthal/CH/MLG

*R. K. Talukdar
G.D.O.*



SRI SANKARADEVA
NETHRALAYA
Beltola, Guwahati-781 028
(Assam) INDIA

Phone : 91-0361-2226922, 22334444
Fax : 91-0361-2228678
E-Mail : ssnghy1@sify.com
Web : www.ssnuguwahati.org

WAGN150619MRD/2018
President:
Hon'ble Justice S. N. Phukan

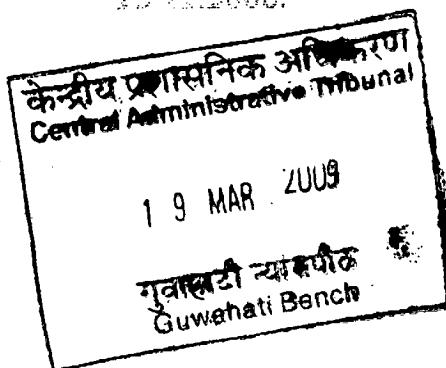
20-10-2008.

Vice Presidents :
Mr. S. V. Subramanian IPS (Retd.)
Mr. R. K. Krishnakumar

Secretary :
Mr. Romesh Pasari

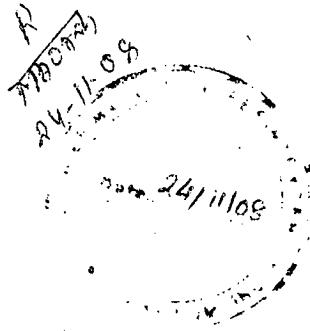
Medical Director :
Dr. H. Bhattacharjee

TO WHOM IT MAY CONCERN



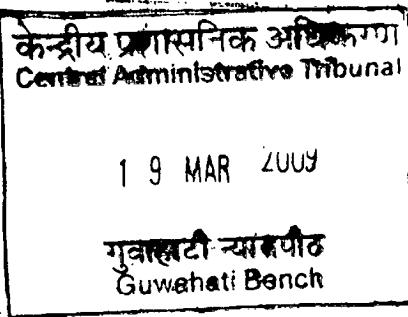
This is to certify that *Dr. Abhijit Gogoi* is under our care and treatment since 19-03-2005. He was diagnosed to have Myopic astigmatism-(OU) and Recurrent CSR-(OD). He was kept under our close observation. On his last visit (on 22-11-2008) he was advised to avoid anxiety in any form, mental and physical stress.

(Dr. Jayanta Kr. Das, D.O, D.N.B)
Sri Sankaradeva Nethralaya, Guwahati.



**HOSPITAL AND POST GRADUATE INSTITUTE OF
SRI KANCHI SANKARA HEALTH AND EDUCATIONAL FOUNDATION
ASSISTED BY GOVT. OF INDIA, NORTH EASTERN COUNCIL & GOVT. OF ASSAM**

Annexure - F



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

(Through Proper Channel)

Sub : Surrender of post graduate allowance.

respected Sir,

Most respectfully and humbly I beg your permission to state that I joined F.Railway in the capacity of ADMO (as general Medical practitioner) and completed my probationary period of 2 (two) years as General Medical Practitioner. Now, I have been working at Lumding Divisional Railway Hospital as DMO and practicing anesthesia. Unfortunately for last few months I have been suffering from health problem (especially of my Eyes).

We all know that Anesthesiology is a practice with high risk and responsibility. A simple mistake or slight loss of concentration by an Anesthesiologist may lead to a havoc or even death of a patient at operation table. As safety of the patient during anesthesia is our top most priority, I feel very sorry to inform you that I shall be able to continue practice of anesthesia at Lumding Railway Hospital due to my health problem. I personally feel that it will be unjustified to put a patient in danger during anesthesia at my hand. I am also surrendering my postgraduate allowance from month of May 2005 and want to work as GDMO.

This is for your kind information and necessary action please .

Thanking you .

Yours faithfully

Dr. Abhinav Gogoi

(Dr. Abhinav Gogoi)
DMO/ Lumding.

Certified to be true copy
B. K. Talukdar
Advocate

Annexure - G

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

NORTHEAST FRONTIER RAILWAY

No : H/268/LM(GAZ)Pt. II

CMS's Office
Lunding, dated 23.6.05.

To : DMR(P)/GAZ/LM.

Sub : Surrender of post graduate allowance.

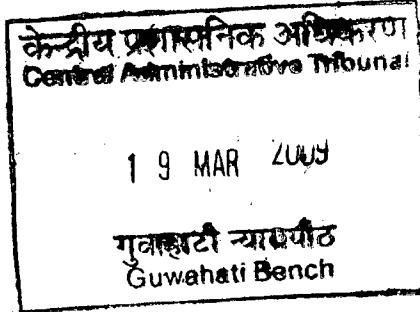
Application received from Dr. A. Gogoi regarding on the above subject is sent herewith in duplicate for onward transmission to ~~ED~~ /MIA for necessary action.

DA : As above.

Done 23.6.05
Chief Medical Supdt/Lunding.

(Certified to be true copy)
P.K. Talukdar
Adv.

Annexure - H.



N.F.RAILWAY

No. H/268/LM/GAZ/Pt.IV.

Office of the
Chief Medical Supdt.
Lumding dt. 27.09.05.

To :

Chief Medical Director
N.F.Railway/ Maligaon.

Sub : Arrangement for an Anesthetist for Lumding
Railway Hospital once in a week.

Dr. A. Gogoi, DMO/Anesthetist /LMG has requested in his letter which has been sent to you through personnel department that he is unable to perform his duty as Anesthetist due to his Eye problem.

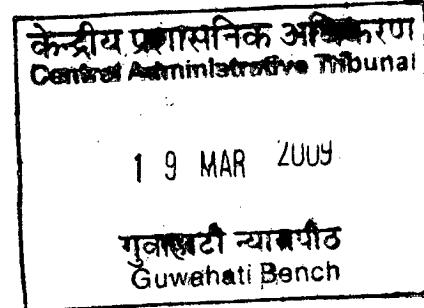
It is therefore requested that an Anesthetist from Central Hospital / Maligaon may kindly be asked to attend Divl. Railway Hospital, Lumding once in week for conducting planned operations.

(Dr. A.P.singh)
Chief Medical Supdt/Lumding.

Copy to : DRM/ Lumding for kind information please.

(Dr. A.P.singh) 27/3/05
Chief Medical Supdt/Lumding

Certified to be true copy
B. K. Kalundar
Adv.



Office of the
Chief Medical Superintendent
N.F.Railway, Lumding

Office order

The following transfer and Officer Orders issued for immediate effect .

1. Dr. Abhinav Gogoi, DMO/Lumding is transferred and posted as DMO/LMG South Health Unit vice Dr. Alok Das vide GM(P)/ MLG's O.O. No. 08/2006(Medical) under endorsement No. E/283/III/130-Pt. XII(O) dt. 01.03.2006. Dr. Gogoi is spared from this end on 26.09.2006 (AN) to take over the charge of South Health Unit.
2. Dr. Alok Das, Sr. DMO/LMG is transferred and posted as CMS/BPB against existing vacancy vide GM(P)/MLG's O.O. 24/2006(Medical) under endorsement No. E/283/III/130- Pt. XII(0) dt. 01.09.2006. and DRM(P)/LMG's O.O. No. E/283/1(0)/LM/Pt.IV dt. 21.09.06. He will hand over the charge of South Health Unit to Dr. A. Gogoi immediately and spared from this establishment with w.e.f. 28.09.2006 (AN)

(Dr. R.K.Roy)
Chief Medical Supdt/LMG

No. H/ 268/LM-8/Pt.V

Dt : 25.09.2006.

Copy forwarded for information and necessary action to :

1. CMD/MLG	2. DRM/LMG
3. Dy. CPO/GAZ/MLG	4. DRM(P)/LMG
5. DFM/LMG	6. Area Manager/BPB
7. MS/BPB	8. Doctors concerned.
9. Sr. DMO/IC/ OPD & IPD/LMG	10. Sr. DMO/ Admn/LMG

(Dr. R.K.Roy)
Chief Medical Supdt/LMG

*Certified to certain copy
B. K. Talukdar
Advocate*

To.

Dt : 27.09.2006

The Chief Medical Director
N.F.Railway/ Maligaon.

(Through proper channel)

Sub : Prayer for mutual transfer.

केन्द्रीय प्रशासनिक अधिकारपा
Central Administrative Tribunal

19 MAR 2006

गुवाहाटी न्यायालय
Guwahati Bench

Respected sir,

Most respectfully and humbly I beg your permission to state that I Dr.(Mrs.) Ratna Dutta, Sr. DMO/ DBRT has been suffering with Chronic Rheumatoid Arthritis. I also under went total Knee Replacement (Bi-lateral) at Chennai in the year 2002. The weather condition of Dibrugarh does not suit me and my health is gradually going from bad to worst. At this juncture, it has become much difficult for me to continue my services at DBRT. Therefore I like to get my posting at Lumding as a mutual transfer with Dr. Abhinav Gogoi, DMO/ South Health Unit/Lumding, who is also willing to come to DBRT.

Thanking you Sir.

Yours Sincerely

Yours sincerely
(Dr.(Mrs) Ratna Dutta)

Sr. DMO/ DBRT

Respected Sir,

Most respectfully and humbly I beg your permission to state that I am working as DMO/ Lumding South Health Unit, where as my wife Dr. (Mrs) M.K. Boro is working as DMO/ NTSK. Being posted at two different places far away for last 2 1/2 years. We are finding lot of personal difficulties. I shall be very grateful to you if you kindly consider my posting at DBRT, which is nearby to Tinsukia as a Mutual transfer with Dr. (Mrs) Ratna Dutta, Sr. DMO/DBRT. I have full consent to mutual transfer.

Thanking you.

Yours sincerely

Dr. Abhinav Gogoi

(Dr. Abhinav Gogoi)
DMO/ South Health Unit/LMG

*Certified to be true copy
B. K. Talukdar
Advocate*

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

North East Frontier Railway

Office of the
Civil Railway Manager (P)
Lumding, Dt. 11.10.2006

No. E/DMO/LMG (O)/AG

To,
The Dy. CPO/GAZ/Maligaon.
N. F. Railway

Sub: - Prayer for Mutual transfer.

The mutual transfer application dated : 27.09.06 submitted by Dr. A. Gogoi, DMO/South/HU/LMG with Dr. (Mrs.) R. Dutta, Sr. DMO/DBRT is forwarded here with for further disposal please.

This has the approval of DRM/LMG.

DA: - As above.

(A. C. Konwar)
APO/II/LMG.

Copy forwarded for information & necessary action please.

- 1) CMD/MLG.
- 2) DFM/LMG.
- 3) CMS/LMG.
- 4) Dr. A. Gogoi, DMO/South/HU/LMG.

Received 11/10/06
For Divisional Railway Manager (P)
N. F. Railway, Lumding.

Noted to be kept copy
B ↪ Talukder
copy

केन्द्रीय प्रशासनिक अदालत कर्तव्य
Central Administrative Tribunal

19 MAR. 2006

गुवाहाटी न्यायालय
Guwahati Bench

CONFIDENTIAL

N.F.RAILWAY

Office of the
Chief Medical Superintendent
N.F.Railway, Dibrugarh

No:E/41/1(Med)/GAZ/02

Dated 28-11-2006

To

Dr.A.Gogoi,
DMO at DBRT-Hospital

Sub:- Attending the H.Unit duty.

You are advised to do H.Unit duty at DBRT-H.Unit from tomorrow onward i.e. from the 29th Nov.06 upto 5th December'06, till Dr.H.Biswas resumes duty for 3rd terms as CMP.

28/11/06
(Dr.T.K.Das)
Chief Medical Superintendent
N.F.Railway, Dibrugrh.

Copy to - Sr.DMO/OPD/DBRT - for information please:

(2) DY. H. Biswas, CMP/DBRT-H.U.

Chief Medical Superintendent
N.F.Railway, Dibrugrh

*Certified to be true copy
B.K. Talukdar
Adv.*

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

N.K.RAILWAY

OFFICE ORDER NO. 28/2006(MEDICAL)

- 1) Dr.(Smt) Ratna Dutta, Sr.DMO/DBRT is transferred and posted as Sr.DMO/LMG vice Dr. Abhinav Gogoi in her own request.
- 2) Dr. Abhinav Gogoi, DMO/LMG is transferred and posted as DMO/LMG vice Dr.(Smt) Ratna Dutta in his own request
DBRT

This issues with the approval of General Manager,

Vijay
23/10/06
(Dy.CPO/GAZ)
For GENERAL MANAGER(P)

No. K/283/11/130-P, XII(O)

Maitigaon, dated 23.10.2006

Copy forwarded for information and necessary action to :-

- 1) CMD, CVO,
- 2) DRM, DRMP & DFLMG & TSK
- 3) CMS/DBRT & LMG
- 4) PPS to GM, Asst. Secy. to AGM
- 5) Doctors Concerned.

Vijay
23/10/06
(Dy.CPO/GAZ)
For GENERAL MANAGER(P)

Abhinav Gogoi, DMO/LMG

BAK Talmukherjee
To be done by
BAK Talmukherjee

Annexure - L Series

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Dr A. Gogoi
Sr. DMO/DBRT

N. F. RAILWAY.

OFFICE ORDER.

Office of the
Divl. Railway Manager (P),
Tinsukia, Dated. 19.05.2008

In terms of GM(P)/MLG's Office Order No.11/2008 (Medical) circulated under endorsement No.E/283/III/130-Pt.XII (O) dt.12.05.08, the following Medical Officers are hereby spared with immediate effect.

- 1) Dr. Minu Kumari Boro, Sr.DMO/NTSK is spared to carry out her transfer order at Lumding Hospital.
- 2) Dr. Abhinav Gogoi, Sr.DMO/DBRT is spared to carry out his transfer order at Lumding Hospital.
- 3) Dr. B.C.Boro, Sr.DMO/NTSK is spared to carry out his transfer order and posted at DBRT Hospital. Dr. (Mrs.)
- 4) Dr.K. Baijya Pagoo has been posted at NTSK vice Shri B. C. Baro (item No.3 above). Dr. Mrs. K.B.Pagoo has reported for joining on 14.05.08.

This issues with the approval of DRM/TSK.

19/5/08
(N. K. Sutradhar)

APD/II/TSK

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

No. E/254/Gaz/EQ/Pt.IV dt. 19.05.08.

Copy forwarded for information and necessary action please to :

- 1) Secy. to GM & AGM/MLG.
- 2) All CMSs, MSSs/N.F.Railway.
- 3) DRM/TSK, LMG, RNY, APDJ, KIR.
- 4) FA & CAO/PF, EGA/MLG.
- 5) DRM(P)/LMG, RNY, APDJ, KIR.
- 6) CMD/MLG.
- 7) DY.CPO/GAZ/MLG.
- 8) All Branch Officers/Tinsukia Division.
- 9) Doctor concerned.
- 10) DFM/TSK, LMG.
- 11) OS(P)/BII/CMS/DBRT.

19/5/08
For Divisional Railway Manager (P),
N. F. Railway, Tinsukia.

Certified to be true copy
N. K. Talukdar
Adv.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2008

गुवाहाटी न्यायालय
Guwahati Bench

N.E.RAILWAY

Office of the
Chief Medical Superintendent
N.E.Rly.Dibrugarh

OFFICE NOTE

Dated 21-05-2008

in terms of GM(P)/MLG's O.O.No.E/283/III/130-Pt.XII(O) Dt.12-05-08
and DRM(P)/TSK's O.O.No.E/254/GAZ/EQ/Pt.IV Dt.19-05-08, Dr.A.Gogoi, Sr.DMO/
DBRT is hereby spared from this end on 21-05-2008(AN) and directed to report to
CMS/LMG.

This issues with the approval of competent authority..

Chief Medical Superintendent
N.E.Rly.Dibrugarh

No:E/283/III/O/MED/GAZ

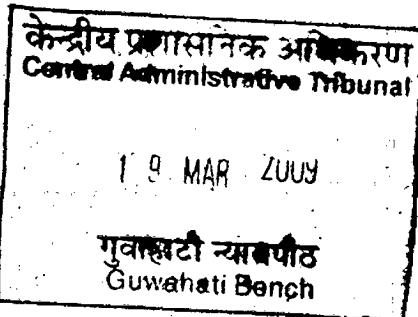
Dated 21.05.2008

Copy forwarded for information & necessary action please,
to:-

- (1) Sey. To GM & AGM/MLG.,
- (2) GM(P)/MLG
- (3) DRM/TSK.
- (4) DRM(P)/TSK
- (5) CMO/MLG
- (6) FA&CAO/MLG
- (7) DRM(P)/LMG
- (8) CMS/LMG
- (9) DFM/TSK & LMG
- ✓ (10) Dr.A.Gogoi, Sr.DMO/DBRT along with necessary pass to cover the journey.
- (11) OS(P)/MED/DBRT -- to issue necessary pass in favour of Dr.A.Gogoi, Sr.DMO/DBRT
to cover the journey.

14/5/2008
Chief Medical Superintendent
N.E.Rly.Dibrugarh

B.K. Talukdar



To
The General Manager (Personal),
N.E.Railway, Maligaon.
Dated : DBRT the 17/05/2008..

Through proper channel.

Sub. :- An appeal in response to transfer order No. E/283/III/130 Pt. XII (0)
Dated 12.05.2008. from GM/P/MLG.

Respected Sir,

In referenced to above order I beg your permission to state that I have not working as an Anesthesiologist for last 3 years. At present I am working as general duty Doctor at DBRT Health Unit. Though I took 02 years EOL, I gave 3 years of service in my speciality according to leave rule. Unfortunately I have developed Central Serous Retinopathy with blurring of vision due to strenuous work when I was working at LMG. I immediately consulted with Ophthalmologist of Sankardeva Netralaya at Guwahati as well ophthalmologist at Central Hospital/ MLG. After careful check up and investigations, they advice me to avoid stressful activities relating to my eyes. I gave up my speciality to prevent further damage to my eyes. I immediately informed concerning Authority at LMG about my incapability to practice Anesthesia in 2005. Authority had stopped my PG allowance and directed me to work at OPD as GDMO. Later on vide GM (P)/MLG Letter No. E/283/III/130 – Pt. XII (0) dated 01.03.2006, I had been transferred and posted at LMG South Health Unit.

Due to my health and family problem, I came to DBRT as mutual transfer with Dr. (Mrs) R.Dutta, Sr. DMO vide GM (P)/MLG O.O.No. 28/2006 (Med) vide E/283/III/130 – Pt XII (0) dated 23.10.06.

Knowing the fact by administration at DBRT, I had been directed to work at OPD as GDMO. Later on I was sent to DBRT Health Unit to take over the charge and I have been working there since March – 2007.

Therefore, transfer & posting me as an Anesthesiologist to LMG Hospital no longer arise because of my health problem as posting to LMG can't serve the purpose of Administration.

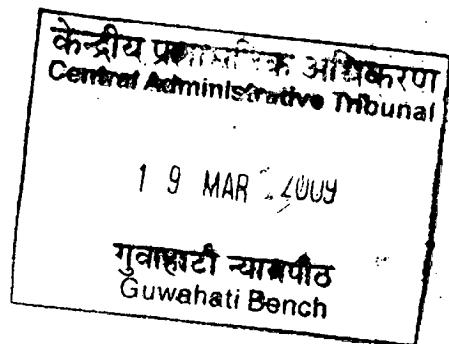
Hence, this is my humble request to review my order of transfer and allow me to work at TSK Division as GDMO.

Yours Sincerely,

Dr. Abhinav Gogoi

(Dr. Abhinav Gogoi)

*Certified to be true copy
P.K. Talukdar*



To The Chief Medical Superintendent
LNG Railway Hospital/E.F. Railway

Sub : Joining report at LNG Hospital.

Ref : CM(P)/MLG's O.O. No. 1/222/III/130-
Pt (B) dated 12.6.2008.

Respected Sir,

Most respectfully and humbly I beg your
permission to state that I have joined at LNG Rly Hospital
today.

This is for your kind information and necessary
action please.

Thanking you.

Yours sincerely

Dr. Abhijit Gogoi

(Dr. Abhijit Gogoi)
Sr. DRDO/E.F. Railway.

Dated : 2.6.08.

Copy to : 1) CMD/IOB.
2) DR. DRDO/LNG.
3) DRDO(P)/LNG.

Certified to be true copy
B. K. Talukdar
Advocate

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

To

The Ministry of Railways
Railway Board, New Delhi
8th Sept. 2008

Respected Sir,

Most respectfully and humbly I beg your permission to state that I have worked as Sr.DMO/OPD at Lumding Divisional Hospital for a total period of three and half years. At Lumding I have faced lot of health problems and personal difficulties.

I have suffered central serous retinopathy and retinal detachment of my eyes. Due to this problem I have been under regular treatment at Sankardeva Netralaya at Guwahati (The best eye institution at Northeast) and central Hospital/MLG for last 4 years. Unfortunately my eye problem is deteriorating day by day due to over mental stress and sleep disturbance at Lumding. The hot and humid condition at Lumding also aggravating my health problems.

Moreover, I have my old diseased parents who live and settled near Tinsukia at our paternal home. My father is 75 years old with convulsive disorder and faced one episode of snake bite. He was unconscious for one week at ICU and fortunately recovered back to life due to my careful and laborious effort. My mother is 65 years old hypertensive, diabetic with ischemic heart disease. She is suffering from frequent atrial fibrillation. At their old age, both of my parents need careful medical and mental support from me. They are unable to leave their home also. My brothers are unemployed and they need my support all the time. All of them are settled and live near to Tinsukia. My wife is posted at Tinsukia with our two small children (one is 8 years and one is 1 year) who need my careful support.

Due to these problems I am facing many difficulties at Lumding which is far away from my parents, brothers and my family.

*(Attached to bottom copy)
B.K. Palukdar
Rev.*

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

-2-

I shall be very thankful to you if you consider my posting at Tinsukia or Dibrugarh or Ledo on humanity ground which will be nearby to my parents home at Tinsukia and my family.

Thanking you.

Yours Sincerely

Dr. Abhinav Gogoi

Dr. Abhinav Gogoi

Sr.DMO/POD/Lumding
Divisional Hospital

N.F.Railway

-0-0-0-0-

STAMP TO BE USED ONLY
B.K. Talukdar
C.A.T.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

To,

The Hon'ble Secretary, Railway Board,
The Ministry of Railway,
New Delhi.

Dated - 11th October, 2008.

Ref. :- Representation dated 8th September, 2008 regarding posting of Husband and wife in the same station by virtue of Railway Circular/Memorandum under the Central Govt. Policy.

Sir,

With due respect and humble submission, I beg to lay before your honour the following few lines for favour of your honour's kind necessary action.

That Sir, I have submitted the aforesaid representation before your honour to consider my prayer for posting me at Tinsukia or nearby where my wife has been serving in the Railway Hospital there as Sr. D.M.O. with minor children along with my old parents. Further more of the said difficulties regarding look after my family, I am also suffering from serious eye trouble and has been taking treatment at Sankar Dev Netralaya at Guwahati.

That Sir, in view of the said circumstances, it is prayed that your honour would be pleased to consider my case sympathetically and thereby pass necessary order of my posting at the same station of my wife at Tinsukia or nearby for the ends of justice.

Yours faithfully,

Dr. Abhinav Gogoi

(Dr. ABHINAV GOGOI)
Sr. D.M.O., OPD, Lumding,
N.F. Railway.

*(Certified to be true copy)
M. K. Tareen M.
Advocate*

To

The General Manager(Personnel),
Maligaon, N.F. Railway, Guwahati.

Dated 12-10-2008

Through Proper Channel.

Respected Sir,

Most respectfully and humbly I beg your permission to state that I have worked as Sr.DMO/OPD at Lumding Divisional Hospital for a total period of three and half years. At Lumding I have faced lot of health problems and personal difficulties.

I have suffered central serious retinopathy and retinal detachment of my eyes. Due to this problem I have been under regular treatment at Sankardeva Natralaya at Guwahati (The best eye institution at Northeast) and Central Hospital/MLG for last 4 years. Unfortunately my eye problem is deteriorating day by day due to over mental stress and sleep disturbance at Lumding. The hot and humid condition at Lumding also aggravating my health problems and condition is going from bad to worst.

Moreover, I have my old diseased parents who live and settled near Tinsukia at our paternal home. My father is 75 years old with convulsive disorder and faced one episode of snake bite. He was unconscious for one week at ICU and fortunately recovered back to life due to my careful and laborious effort. My mother is 65 years old hypertensive, diabetic with ischemic heart disease. She is suffering from frequent atrial fibrillation. At their old age, both of my parents need careful medical and mental support from me. They are unable to leave their home also. My brothers are unemployed and they need my support all the time. All of them are settled and live near to Tinsukia.

Due to these problems I am facing many difficulties at Lumding which is far away from my parents, brothers and my family.

I shall be very thankful to you if you consider my posting at Tinsukia or Dibrugarh or Ledo on humanity ground which will be nearby to my parents home at Tinsukia and my family.

Thanking you.

Date-12-10-2008

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Writting to both sides
B. K. T. Mukund
Adv.

Yours Sincerely
Dr. Abhinav Gogoi
Dr. Abhinav Gohoi
Sr.DMD/OPD/Lumding
Divisional Hospital.NF RTV

To,
The CMD
N.F.Railway-Maligaon
Through proper channel

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Respect Sir,

Most respectfully and humbly I beg your permission to state that I have been suffering from central serous retinopathy with blurring of vision for last 4 years. I have been under regular treatment at Sankardeva Netralaya (Guwahati) and CH/MLG for my eye ailment. Due to my eye problem I have not been practicing Anesthesia for last three years and worked as general duty doctor at health units and hospitals. Though I have tried to give Anesthesia to a few patients, I faced problem and found that patients are not safe in my hand at operation table.

As we all know that Anesthesia is a practice with high risk and responsibility. A simple mistake or lack of concentration may lead to death of a patient at operation table. As my eye problem is deteriorating day by day due to over mental stress and sleep disturbances at Lumding, I find it difficult to give Anesthesia to patient which is a subject with high risk and responsibility. It will be unjustified to risk patients life at my hand.

Therefore, I want to work as GDMO as per my initial appointment by UPSC in 1997. I have not taken any speciality allowance for last three years.

Date / LMG
20/10/2009

Certified to be true copy
B. K. Gogoi
Advocate

Yours faithfully

Dr. Abhinav Gogoi
(Dr. Abhinav Gogoi)
Sr.DMO/LMG
N.F.Railway

Typed copy

S.S.Narayanan
Divisional Railway Manager

Northeast Frontier Railway
Lumding(Nagaon)782447(Assam)
Tel. : 54000 (Rly)
Tel. : 03674 -263362(BSNL)
Fax. : 03674- 263362(BSNL)

No.LD/Adm/DRM/08

CMD/MLG

N.F.Railway.

E-Mail : drm@img.railnet.gov.in

Dated 30.10.2008

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

Sub:-Anesthetist at Railway Hospital Lumding-
Representation from Dr.Abhinav Gogoi, Sr.DMO/LMG.

There was no Anesthetist in Railway Hospital, Lumding for a very long time and consequently no major operations could be carried out at this Hospital. There was persistent demand from the Unions for posting of Anesthetist at Lumding Railway Hospital. Although attempts were made to post CMP as Anesthetist but the same did not succeed as there were no takers for the same. Finally orders were issued posting Dr.A.Gogoi, Sr.DMO as Anesthetist in Railway Hospital, Lumding vide Office Order No. 11/2008 (Medical) circulated vide No. E/283/III/130 Pt. XI(O) dtd 12.5.08. Dr. A.Gogoi joined Lumding Railway Hospital on 02.6.2008. Since his joining 31 operations (22 major & 9 minor) were carried out in LMG Railway Hospital under general anesthesia given by Dr.A.Gogoi.

Dr.A.Gogoi has submitted a representation dtd 20.10.2008 wherein he has stated that he tried to give anesthesia to few patients but faced problems due to eye problems (central serous retinopathy with blurring of vision) & found that patients are not safe in his hands on the operation table. He has therefore requested for being posted as DGMO as per initial appointment by UPSC. The representation is enclosed.

1 Jan 2000

- 61 -

গুৱাহাটী
Guwahati Bench

Annexure-^R contd.

-2-

It appears Dr.A.Gogoi is not confident in administering anesthesia and hence it may not be in the interest of administration to retain him as Anesthetist at LMG Rly.Hospital.

In view of the above, it is requested that a qualified Anesthetist may kindly be posted to this Hospital so as to avoid any complaints from the Unions.

DA : As above.

Sd/-

(S.S.Narayanan)
DRM/LMG

C/-Secy. to GM for kind information
of GM.

-0-0-0-

*B ↴ To be filed
Talukdar
as per*

Ansawar = S

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

19 MAR 2005

गुवाहाटी बांडी
Guwahati Bench

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Recd. 18/8
Dated 18/8/05

AEE/1ms

Circulate in
B/218/05 all

N. F. RAILWAY.

LAC - 615
No. E/53/0 Pt. VII(C).

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

Dated 28-4-2005.

To
GM(CON)/MLG, AGM/MLG & Others.

Sub:- Conduct of a Railway servant in relation to the proper maintenance of his family.

A copy of Railway Board's letter No. E(L&A)2005/GS 1-1 dated 12.4.2005 (R&E No. 62/2005) on the above mentioned subject is forwarded for information and necessary action please. This may be circulated widely amongst officers/staff under your control.

Sd/-
(P. Sarker)
SPO/MP & TRG
for General Manager(P)/MLG.

(Copy of Railway Board's letter No. E(L&A)2005/GS 1-1 dt. 12.4.2005).

Sub:- Conduct of a Railway servant in relation to the proper maintenance of his family.

Instances of failure of Railway servant to look after the proper maintenance of their families have come to notice of the Board. It has been noticed that in most cases, Railway avoid to investigate these instances/ complaints and to take suitable action thereon on the ground that these are private/personal affairs of the Railway servant and railway administration cannot interfere as such.

2. In this connection it is clarified that it is the responsibility of the railway employees to look after their families, failing which they can be taken up for violating RS (Conduct) Rules, 1968 for such conduct as unbecoming of a railway servant. Neglect by a railway employee of his wife and family in a manner unbecoming of railway servant should be regarded as a good and sufficient reason to justify action being taken against him under Rule 6 of RS (L&A) Rules, 1968.

3. Instances/complaints of the failure of railway employees to look after their families may, therefore, be investigated invariably and suitable action be taken in all those cases where the complaints are *prima facie* established during the investigation.

Please acknowledge receipt.

Sd/-
(K. Vijayan Nair)
By Director Establishment(Ltd.)
Railway Board.

HF. E/206/FAC/9/pt. IV

Dated 16/8/05.

Copy is forwarded for information and necessary action to:-

केन्द्रीय प्रशासनिक अधिकारा
Central Administrative Tribunal

19 MAR 2008

गुवाहाटी बालाघाट
Guwahati Bench

NO.28034/7/86-Estt (A)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

New Delhi dt: 3.4.86

OFFICE MEMORANDUM

Sub: Posting of Husband and Wife at the same station.

1. The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Government service or in the service of Public Sector undertaking has been raised in Parliament and other forums on several occasions. Government's position has been that requests of Government servants and employees of public sector undertakings for posting at the same station usually receive sympathetic consideration and that such case is decided on merits, keeping in view the administrative requirements.

2. The Government of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated and implemented by different Ministries of the Central Government to achieve this end. It has also been considered necessary to have a policy which can enable women employed under the Government and the Public Sector Undertaking to discharge their responsibilities as wife/mother on the one hand and productive workers on the other, more effectively. It is the policy of the Government that as far as possible and within the constraints of administrative feasibility, the husband and wife should be posted at the same station to enable them to lead a normal life and to ensure the education and welfare of their children.

3. In Feb. 1976, the then Deptt. of Social Welfare had issued a circular DO letter to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife of the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resource Development from women seeking and intervention of that Department for a posting at the place, where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to these employees who are under the purview of the Central Government/Public Sector undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the requests from spouses for a postings at the same station. At the outset, it may be clarified that it may not be possible to bring every category of employee within the ambit of this policy as situations of husband/wife employment are varied & manifold. The guidelines given below are therefore illustrative and not exhaustive. Govt. desire that in all other cases the cadre controlling authority should consider such requests with utmost sympathy.

Contd... 2/

Article to be sent to
B K Lalwani
Advocate

19 MAR 2009

गवाहाटी न्यायालय

4. The classes of cases that may arise, and the guidelines for dealing with each case, are given below:-

i) Where the spouses belong to the same All India Service or two of the All India Services, namely, IAS, IPS and Indian Forest Service (Group 'A').

The spouses will be posted to the same cadre by providing for a cadre transfer of one spouse to the cadre of the other spouse subject to their not being posted by this process to their home cadre. Postings within the cadre will, of course, fall within the purview of the State Government.

ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services -

The cadre controlling authority of the Central Service may post the officer to the station, or if there is no post in that station to the state where the other spouse belonging to the All India Service is posted.

iii) Where the spouses belong to the same Central Service:

The cadre controlling authority may post the spouses to the same station.

iv) Where one spouse belongs to one Central Service and the other spouse belongs to another Central Service:

The spouse with the longer service at a station may apply to the appropriate cadre controlling authority and the same authority may post the said officer to the station, or if there is no post in that station to the State, where the other spouse belonging to the other Central Service is posted.

v) Where one spouse belongs to All India Service and the other spouse belongs to a Public Sector Undertaking:-

The spouse employed under the Public Sector undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the state where the other spouse is posted.

vi) Where one spouse belongs to a Central Service and the other spouse belongs to PSU:-

The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station, if there is no post under the PSU in that station to the state where the other spouse is posted. If, however, the request cannot be granted because the PSU has no post in the said station/State then the spouses belonging to the Central Service may apply to the appropriate Cadre Controlling authority and the said authority may post the said officer to the station, or if there is no post in that station, to the State where the spouse employed under PSU is posted.

Contd... 3/-

B. V. Talukdar
B. V. Talukdar

केन्द्रीय प्राधानिक अधिकारण
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

vii) Where one spouse is employed under the Central Government and the other spouse is employed under the State Government

The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station of if there is no post in that station, to the State where the other spouse is posted.

5. As will be seen from the illustrations given above they do cover all possible categories of cases which may arise. In fact it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines, will have to be dealt with keeping in mind the spirit in which those guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

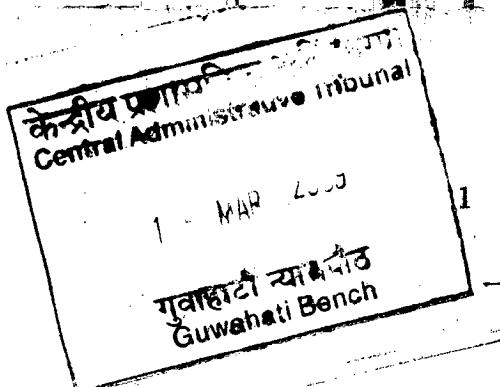
6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

7. In so far as persons serving in Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India

8. This issues with the concurrence of the Department of Public Enterprises.

Sd/-
(AARTI KHOSLA)
Jt. Secy. to the Govt. of India

Comments to be given on
B. K. Talukdar



-66-

Annexure -

U

Type copy - Page - 68 & 69

No. 28034/2/97-Estt. (A)

Government of India

Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June, 1997.

OFFICE MEMORANDUM

Sub :- Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide OM No. 28034/7/86-Estt. (A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened appropriate level exist in the organization at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in OM No. 28034/7/86-Estt. (A) dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in cases where only the wife is a Government servant, the concession elaborated in para-2 of this O.M. would be admissible to the Government servant.

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

Subject to be typed only
B.K. Palukuri
Guwahati

केन्द्रीय प्रशासनिक अदायकरण
Central Administrative Tribunal

2

19 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

5. A copy of this Department's OM No. 28034/7/86-Estt. (A) dated 3.4.86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

Sd/- Illegible.

(Harinder Singh)

Joint Secretary to the Govt. of India
Tel. No. 301 1276.

To,

- (1) All Ministries/Departments of the Government of India.
- (2) Department of Women & Child Development.
- (3) The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

*ROUTINE TO DO THIS COPY
B. K. Talekar*

19 MAR 2000

गुवाहाटी न्यायालय
Guwahati Bench

No. 28034/2/97-Estt.(A)

Government of India

Ministry of Finance, Federal Civil Services & Tribunals
(Department of Personnel & Training)

New Delhi, the 12th June, 1997

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

The Undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide O.M. No. 28034/7/96-Estt.(A) dated 3-4-96. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries / Departments should strictly adhere to the guidelines laid down in O.M. No. 28034/7/96-Estt.(A) dated 3-4-96 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

Copy furnished to the following:

1. Secretary, Ministry of Finance

2. Secretary, Central Statistical Organisation

3. Secretary, Central Statistical Organisation

4. Secretary, Central Statistical Organisation

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 MAR 2008

गुवाहाटी न्यायालय
Guwahati Bench

5. A copy of this Department's O.P. No. 10000/2007-C.A. dated 03.03.08 is enclosed for ready reference and guidance.

6. Hindi version of the O.P. is enclosed.

Yours AGS - 1
Harinder Singh
Joint Secretary to the Govt. of India
Tel. No. 301 1276

To

- (1) All Ministries / Departments of the Government of India.
- (2) Department of Women & Child Development.
- (3) The National Commission for Women,
4, Dendayal Upadhyay Marg,
ITC, New Delhi.

Subject to be read out
B. K. Talukdar
SECRETARY

19 MAR 2009

Type copy Page no. 72

गुवाहाटी न्यायपीठ
Guwahati BenchAnnexure-V

GOVERNMENT OF INDIA (BHARAT SARKAR)
 MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
 (RAILWAY BOARD)

NO. E(O) III 98 PL/4

New Delhi, dtd. 8.5.98.

The General Managers
 All Indian Railways including Production Units
 (As per standard List ('A')).

Sub : Posting of Husband and Wife at the same station, instructions in respect of Group 'A' and 'B' Railway Officers.

The Fifth Central Pay Commission has recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, but the scope of these instructions should also be widened to include the provision that where posts at appropriate level exist in the organization at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The extant instructions in regard to posting of husband and wife at the same station are contained in Department of Personnel and Training O.M. No. 28034/7/86-Estt(A) dated 3.4.86. DOP&T vide their O.M. No. 28034/2/97-Estt(A) dated 12.6.97 have conveyed Government's acceptance of Fifth Central Pay Commission's recommendation on the subject and have reiterated that guidelines laid down in their O.M. dated 3.4.86 should be strictly adhered to while deciding on the requests of posting of husband and wife at the same station.

B.K. Talukdar
 (Signature to be read out)

19 MAR 2009

गुवाहाटी न्यायालय Guwahati Bench

3. Ministry of Railways have now decided that DOP&T's guidelines as laid down in their O.M. No.28034/2/97-Estt(A) dated 12.6.97 (copy enclosed) should be followed mutatis mutandis in case of Group 'A' and 'B' Railway Officers also, subject to posts at appropriate level being available at the relevant station and no administrative problem arising out of such postings.

4. Receipt of these instructions may be acknowledged.

Sd/- Illegible,

(A.C. BAKSHI)

JOINT SECRETARY (G)

RAILWAY BOARD.

Enclo : As above.

CHITRALE 10 NO 17730 0771
B. K. Talukdar
GATEHOUSE

72-
19 MAR 2004

गुवाहाटी अदायक
Guwahati Bench

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (RAIL MINISTRY)
(RAILWAY BOARD)

NO. E(O)III 98 PL/4

New Delhi, dtd. 8.3.2004.

The General Managers
All Indian Railways including Production Units
(As per Standard List ("A"))

Sub: Posting of Husband and Wife at the same
station - instructions in respect of
Group 'A' and 'B' Railway Officers.

The Fifth Central Pay Commission has recommended that
not only the existing instructions regarding the need to post
husband and wife at the same station need to be reiterated, but
the scope of these instructions should also be widened to include
the provision that where posts at appropriate level exist in the
organisation at the same station, the husband and wife may
invariably be posted together in order to enable them to lead
a normal family life and look after the welfare of the children
especially till the children are 10 years of age.

2. The extant instructions in regard to posting of husband
and wife at the same station are contained in Department of
Personnel and Training O.M. No. 28034/7/86-Estt(A) dated 3.4.86.
DOP&T vide their O.M. No. 28034/2/97-Estt(A) dated 12.6.97 have
conveyed Government's acceptance of Fifth Central Pay
Commission's recommendation on the subject and have reiterated
that guidelines laid down in their O.M. dated 3.4.86 should be
strictly adhered to while deciding on the requests of posting of
husband and wife at the same station.

3. Ministry of Railways have now decided that DOP&T's
guidelines as laid down in their O.M. No. 28034/2/97-Estt.(A)
dated 12.6.97 (copy enclosed) should be followed mutatis
mutandis in case of Group 'A' and 'B' Railway Officers also,
subject to posts at appropriate level being available at the
relevant station and no administrative problem arising out of
such postings.

Original of these instructions may be acknowledged.

Encl.: As above.

47/12
(A. C. BANERJEE)
JOINT SECRETARY (G)
RAILWAY BOARD

BEK TAKKDAW
BENEFITS TO BE PROVIDED
TO K. TAKKDAW