

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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10/07/2015  
SECTION OFFICER (JUDL.)

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

ORDERSHEET

1. Original Application No: 50 / 2009  
2. Misc Petition No                       
3. Contempt Petition No                       
4. Review Application No

Applicant(s) Dr. Abhinav Gogoi

Respondant(s) U. O. I. V OPS.

Advocate for the Applicant(s): Mr. A.K. Bora,  
Mr. B.K. Talukdar,  
Mr. P. Pathak v Mrs N.D. Sarmah

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

Notes of the Registri	Date	Order of the Tribunal
<p>1445 application is in form is filed/C. B. for Rs. 50/- deposited vide JPO/BD No. 379/2009 Dated 17.3.09</p> <p><i>[Signature]</i> 23.3.09 Dy. Registrar /pb/</p> <p>Received 9 (Nine) copies of Application with envelopes. Copy forwarded to the Rly. Standing Counsel and extra charge Rs. 20/- deposited vide Receipt No. 2878 dd/23.3.09</p> <p>16/3/09</p>	25.03.2009	<p>For the reasons recorded separately, this case stands disposed of.</p> <p><i>[Signature]</i> (M.R. Mohanty) Vice- Chairman</p>

25.3.09

Copy of the order  
D7D 25.3.09 along with  
copy of the Application  
send to the D/Sec for  
recn the due to the  
Respondents No 1 to 8  
and copy of the order  
to the Applicant and  
as well as to the L/Adm  
for the both parties  
H.S.

13

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.

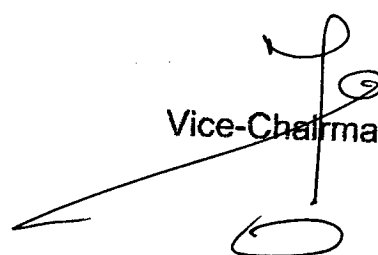
..... Advocate for the  
Respondents

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 25<sup>th</sup> Day of March, 2009

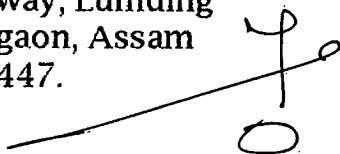
HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

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

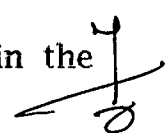
Mr. M. R. Mohanty, V.C.

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

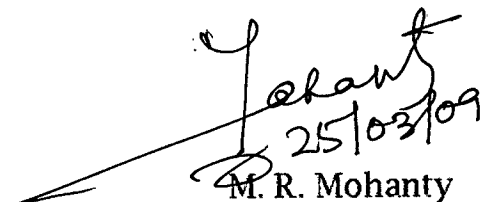


present Original Application) as expeditiously as possible and grant him (Applicant) necessary relief; as due and admissible under the Rules/Guidelines of the Railways. The entire exercise should be completed by the Respondents within 60 (Sixty) days from the date of receipt of a copy of this order.

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.

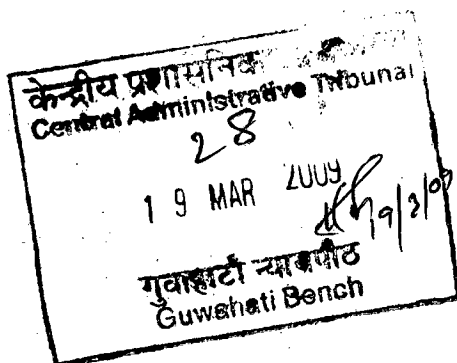
- Vrs -

The Union of India & others.

..... Respondents.

SYNOPSIS

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 disabilities the applicant surrendered the special allowances and made prayer to allow him to serve in general duties and the authority accordingly



R copy  
for Railways  
on behalf of  
Dr. J.L. Sanhota  
18/3/09

Dr. Abhinav Gogoi



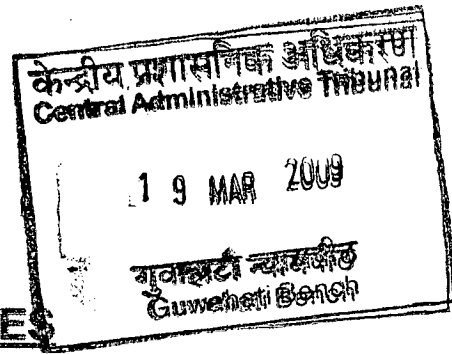
allowed, but presently the authority again forcefully made the applicant to serve as Specialist in Anesthesia causing serious trouble to the applicant as well as danger to the patients in the operation.

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. Falekdar  
Advocate.

Dr. Abhinav 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. Abhinav Goswami

19 MAR 2009

गुवाहाटी न्यायापीठ  
Guwahati Bench

- 2 -

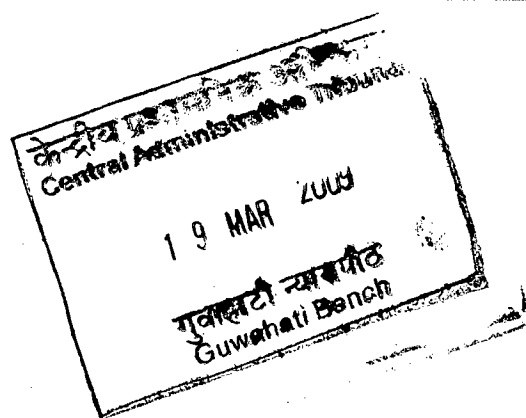
13.11.2000	The Authority sanctioned and granted 2 years Extra-ordinary leave (without any leave salary) with effect from 01.09.2000. ..... Annexure-B1, Page- 27
08.07.2002	The applicant after completing training came back in service at New Tinsukia. Thereafter, he was attending in general duty as well 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. Abhinav Gupta

23.10.2006	The applicant was transferred from Lumding South Health Unit to Dibrugarh 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	ANNEXURE - K Page-49 The applicant was transferred from Dibrugarh to Lumding. ANNEXURE - L Page-51
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 subitted 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

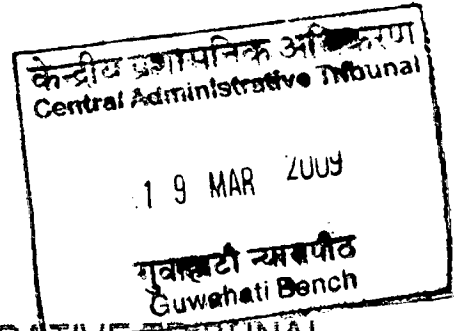
Dr. Abhinav Gogoi

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. Abhinav Gogoi



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**

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Dr. Abhinav Gogoi

9 MAR 2009

गुवाहाटी बेंच  
Guwahati Bench

8	F	Application for surrender of Post-Graduate allowance dtd. 21.6.2005.	43
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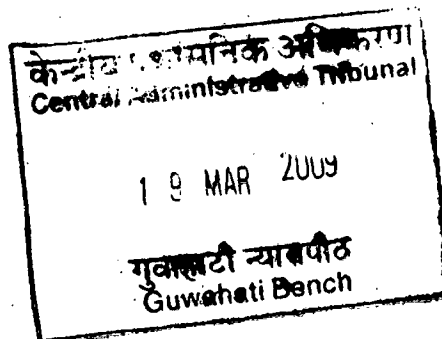
Dr. Abhinav Gupta

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Dr. Abhinav Goswami

Filed By :- B.K. Talukdar  
Advocate.





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, AT GUWAHATI.

Filed by- Petitioner

Through-

B.K. Tawadar Aswari

Gauhati High Court.

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,

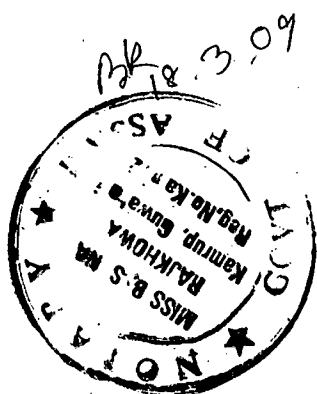
Rail Bhawan, New Delhi. 110001 ✓

3. The Director General,

Railway Health Services, New Delhi. 110001 ✓

4. The general Manager,

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



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,

Dist. Nagaon, Assam. P.No 782447 ✓

9. The Chief Medical Superintendent,

N.F. Railway, Lumding,

Dist. Nagaon, Assam. P. 782447 ✓

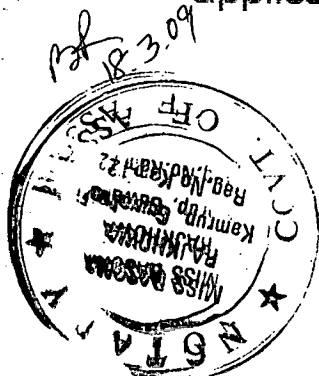
..... Respondents.

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 :-



Dr. Abhinav Gupta

(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.

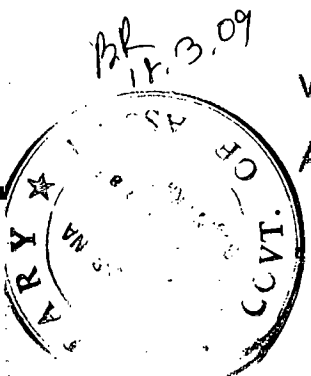
(2) **Jurisdiction :-**

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.

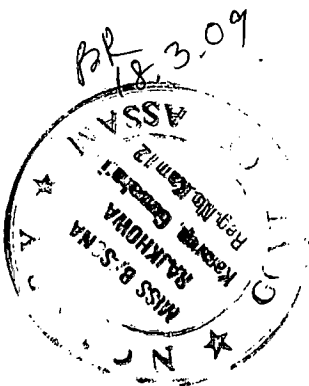
Dr. Abhinav Goysa



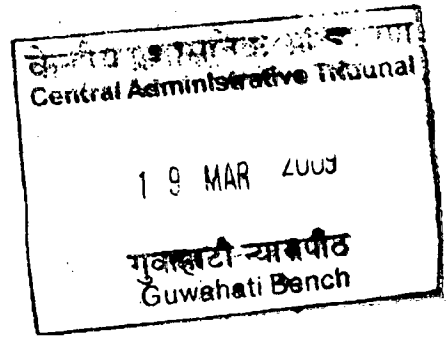
(4) **Facts of the case :-**

- 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.



Dr. Abhinav Gogoi



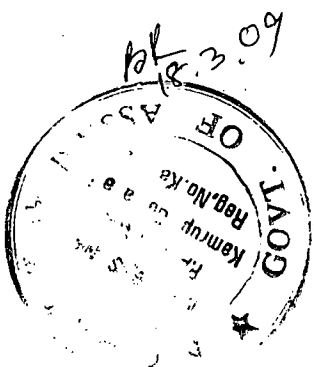
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4.3. That in the month of August, 1998 the applicant was transferred and posted at Tinsukia Health Unit, and the applicant on 1.3.1999 got married with Dr. Minu Kumari Boro, Asstt. Divisional Medical Officer, N.F. Railway, at Dibrugarh. Then the authority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



- 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.

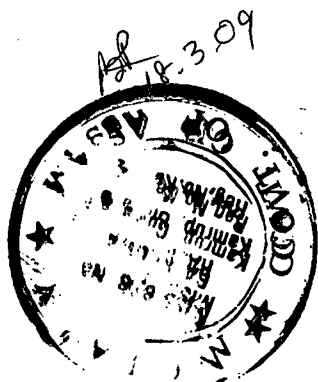
A copy of the joining report dated 8.7.2002 is annexed hereto & marked as ANNEXURE-C.

- 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. Abhinav Gogoi

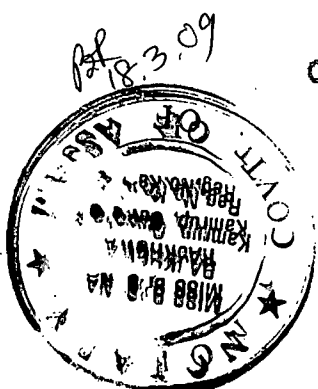


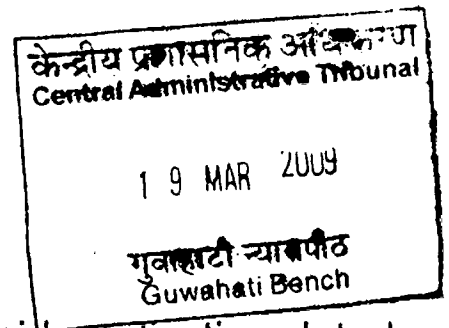
year 2002 to 2005 for three years, and thereafter the applicant suffered acute eye trouble and have to take medical treatment at Sankardev Netralaya, at Guwahati. The case of the applicant was also examined by the Railway Doctors at Maligaon Railway Hospital and referred him for better treatment at Sankardev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

Dr. Abhinav Gogoi





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.

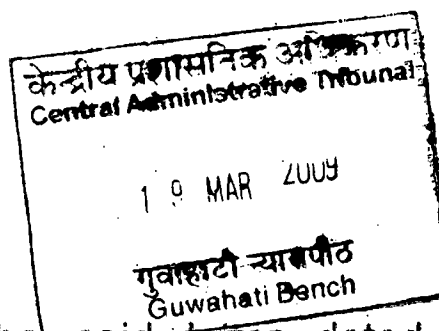
A copy of the said forwarding letter dated 23.06.2005 is annexed hereto and marked as ANNEXURE-G.

- 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.



Dr. Abhinav Gogoi





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.

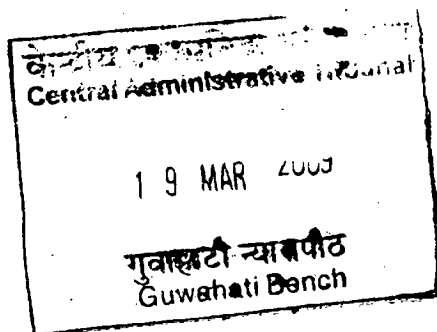
A copy of the said transfer order dated 25.09.2006 is annexed hereto and marked as ANNEXURE-I.

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. Abhinav Gogoi



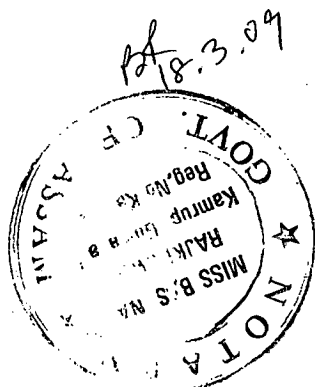


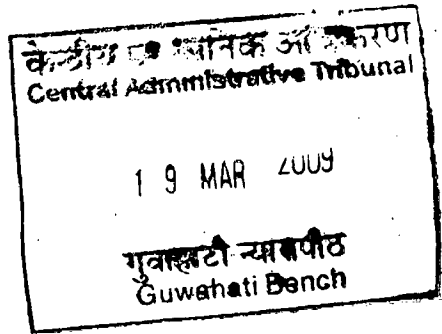
4.13. That the authority thereafter duly considered the prayer of the said mutual transfer and on 23.10.2006 issued a transfer order and thereby transferred the applicant from Lumding to Dibrugarh Hospital and thereafter on 28.11.2006 vide letter No. E/41/(MED)/GAZ/02 dated 28.11.2006 issued by the Chief 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.

Dr. Abhinav Gogoi





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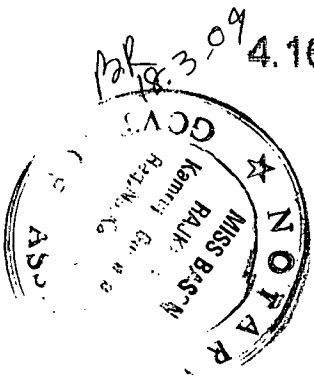
A copy of the said transfer order dated 12.05.2008 and spared on 21.05.2008 is annexed herewith and marked as ANNEXURE-L series.

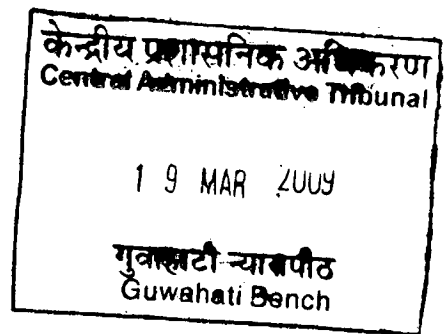
- 4.15. That the applicant has been serving at Lumding as yet since 2.06.2008. Although the applicant surrendered his extra-allowances regarding specialise service in Anesthesia due to his acute trouble of vision power of eyes, the authorities forced him to perform such special duties which caused serious 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. Abhinav Gogoi



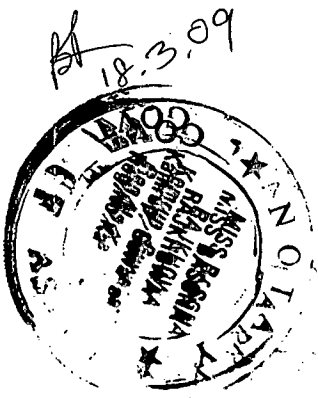


- 12 -

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. Abhinav Gogoi

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Guwahati Bench

- 13 -

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.

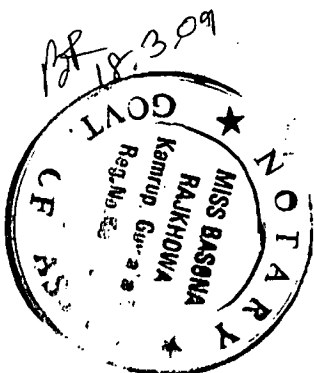
A copy of the said reminders dated 11.10.2008 is annexed hereto & marked as ANNEXURE-P.

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. Abhinav Gogoi



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Guwahati Bench

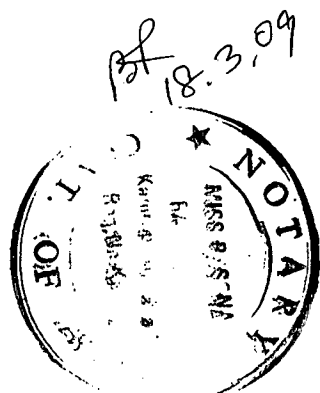
- 14 -

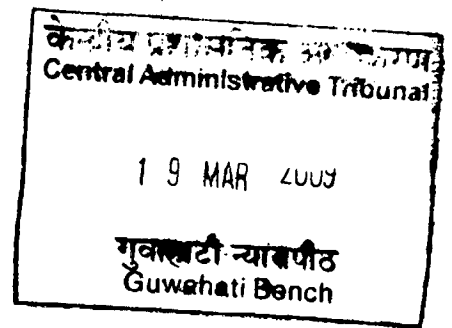
Maligaon, N.F. Railway including the General Manager, N.F. Railway, Maligaon informed about the physical difficulties of the applicant to perform special duty in Anesthesia, and requested the said authorities for posting a qualified Anesthesiologist at Lumding Railway Hospital.

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.

Dr. Abhinav Gogoi



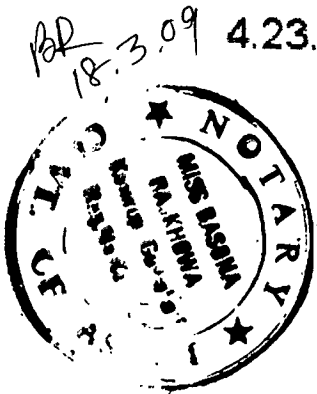


A copy of the said Circular dated 28.04.2005 along with the Notification of the Railway Board dated 16.08.2005 is annexed hereto and marked as ANNEXURE-S.

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.

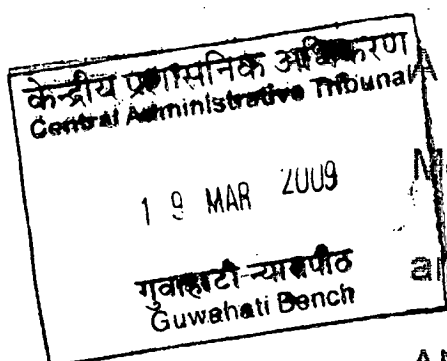
A copy of the said Office Memorandum dated 3.04.86 of the Central Government is annexed hereto & marked as ANNEXURE-T.

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



Dr. Abhinav 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



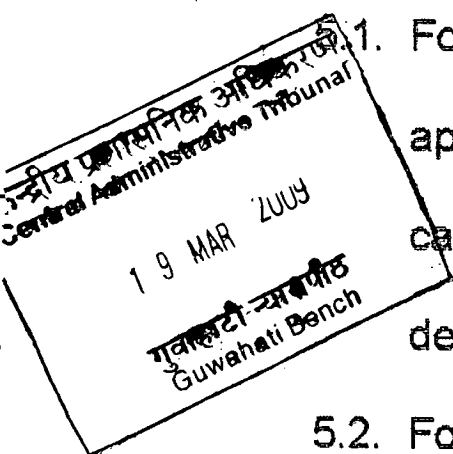
Dr. Abhinav Gogoi



relief under the law and he has no other alternative or efficacious remedies other than 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 :-

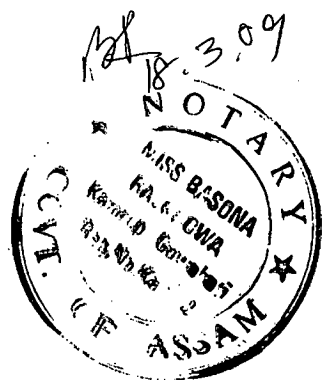


1. For that the respondents have not transferred the applicant without any rhyme and reasons, which caused immense hardships and mental depressions to the applicant.

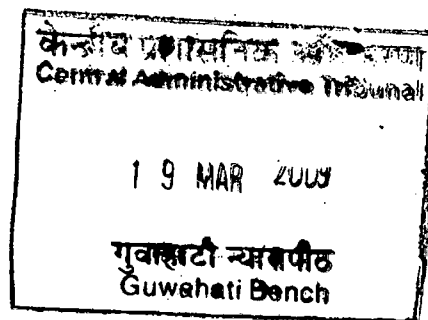
5.2. For that the respondents after being accepted the surrender of the applicant's especial allowances as a specialist in Anesthesia considering the applicant's physical inabilities again forced the applicant to perform such special duties is unjustified and illegal.

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

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



Dr. Abhinav Gogoi

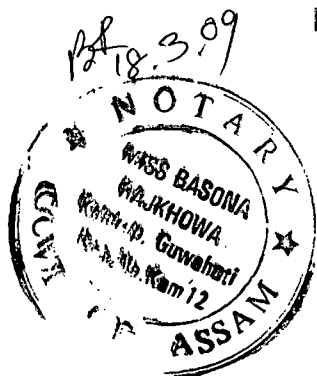


5.5. For that the applicant has suffered for not transferring him either to Tinsukia or Dibrugarh to which the applicant is entitled to such transfer according to law.

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.



Dr. Abhinav Gogoi

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.

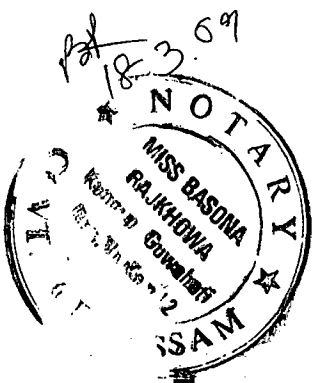
(6) **Details of the remedies exhausted :-**

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. Abhinav Gogoi



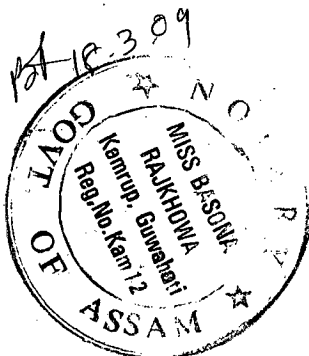
19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

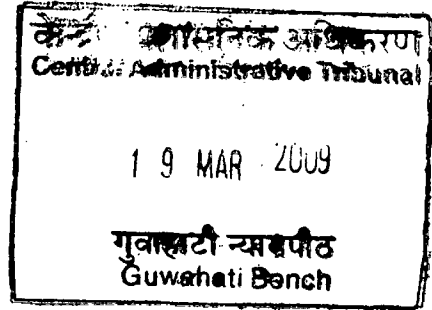
(8) **Reliefs sought for :-**

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. Abhinav Gogoi



(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.

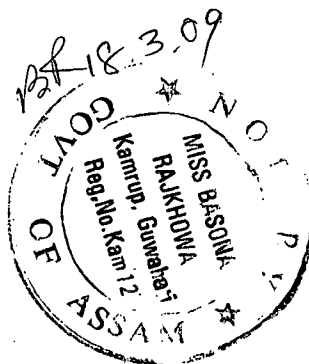
9.2. Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper.

(10) The application is filed through the Advocates.

(11) The particulars of the Postal Orders :-

- |                    |    |                     |
|--------------------|----|---------------------|
| (i) I.P.O. No.     | :- | 396-403816          |
| (ii) Date of issue | :- | 17.3.09             |
| (iii) Issued from  | :- | C-AT, C.A. Petition |
| (iv) Payable at    | :- | Guwahati.           |

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



Dr. Abhinav Gogoi

19 MAR 2009

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Guwahati Bench

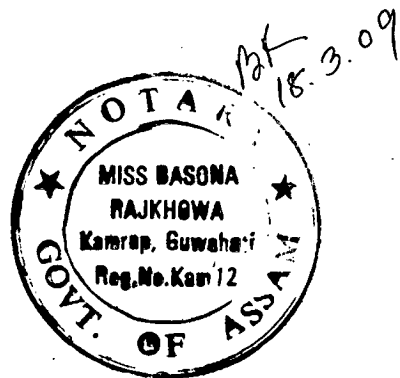
- 22 -

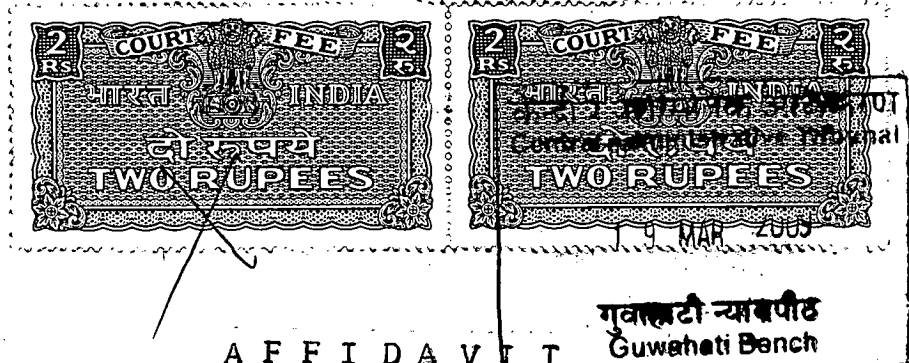
### VERIFICATION

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 18<sup>th</sup> day of March, 2009 at Guwahati.

*Dr. Abhinav Gogoi*  
**SIGNATURE.**





22 A

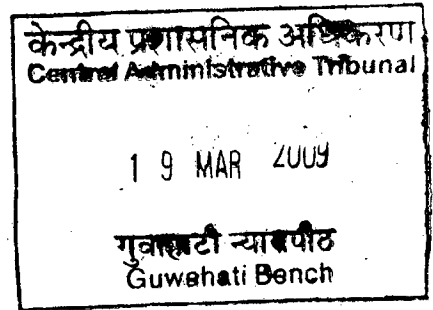
I Dr, Abhinav Gogoi, aged about 37 years, son of Sri Pradip Gogoi, resident of Lumding(Present), in the district of Nagaon, Assam, do hereby verify that the statements of facts in paragraphs 1,4,6 to 12 are true to my knowledge and belief (s) and no relevant fact has been other Suppress and nothing wrong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

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

Dr Abhinav Gogoi  
DEPONENT.

Solemnly affirmed and declared  
before me  
18.3.09





To,

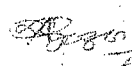
General Manager (P)  
N F Railway/Maligaon,  
Guwahati-781 011.

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 (FN).

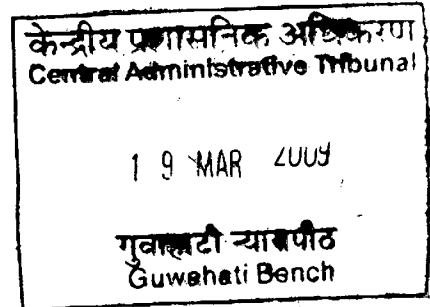
Yours faithfully,

Date : 06/10/97

  
06/10/97  
( ABHINAV GOGOI )  
ADMO.

Copy to be true copy  
B.K. Tammam  
Adv





NORTHEAST FRONTIER RAILWAY

OFFICE ORDER

In terms of Railway Board's letter No. 97/R(GP)II/17/36(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 (C)

Maligaon, dt. 6/10/97

Copy forwarded for information and n/action to :-

- 1) CMD/MLG
- 2) DRM(P)/TSK
- 3) MS/TSK
- 4) DAO/TSK
- 5) MS/Ic/Dibrugarh. He is advised to charge ~~of~~ 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)

.....

CONTINUED TO THE NEXT PAGE  
B K. Talukdar  
22/10/97

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

N.F. RAILWAY

OFFICE ORDER.

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

In terms of GM(P)MLG's O/order NO.363 E/1/653(O) Maligaon, dated 6.10.97, Dr. Abhinav Gogoi, a ups, selected ADMO/Gr. A has reported here in this hospital, N.F. Railway, Dibrugarh 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, Dibrugarh with the Schedule of training fixed by the undersigned.

2.10 days training at Railway Health Units, Tinsukia.

This is as per approval of CMD.

NO.E/283/1(O)Med. dt.13.10.97

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

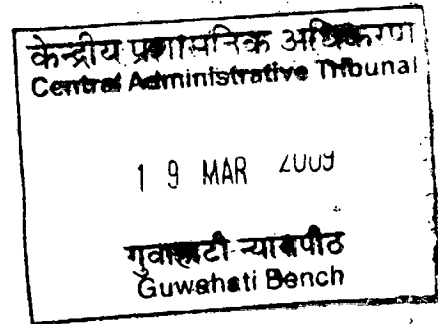
Copy for information and necessary action to:-

1. GM(P)MLG : He is requested to fix up his posting after
2. CMD/MLG : completion of training.
3. DRM(P)TSK
4. DAD/TSK
5. MS/IC/TSK
6. Sr. DMO/IC/GPD & IPD/DBRT
7. DMO/IC/H&FW/DBRT
8. Doctor concerned.
9. Estt. Bill section at office to charge the salary of Dr. Gogoi, ADMO/DBRT @ 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 RS's letter NO.97/E (GR)11/7/36(561)dt.22.9.97.

10. ZMD/TSK - H/ unit for information please.

B.K. Talukder

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



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

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 which ever 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 Dibrugarh on the basis of P. G. Entrance examination conducted by Guwahati University on August 9<sup>th</sup> 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. Abhinav 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 अधिकरण  
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

EAST 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. 03-09-2008 in favour of Dr. Abhinav Gogoi, AMB/TSK, Railway Health Unit for undergoing Post Graduate Diploma Course in Anaesthesiology in Assam Medical College, Dibrugarh.

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

for General Manager(P).

No. 3338/1/653 (O)

Maligaon, dated: 18-11-2008.

Copy forwarded for information and necessary action to:-

- 1) CMS/MBRF.
- 2) DAO/TSK, alongwith one copy of Bond for record please.
- 3) Dr. Abhinav Gogoi - AMB/TSK, Railway Health Unit.

for General Manager(P).

RECEIVED 18 11 2008  
B.K. Talukdar  
SECRETARY

\*\*\*\*\*

Annexure - C

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी बेंच  
Guwahati Bench

The Chief Medical Superintendent  
Dibrugarh Railway, Dibrugarh  
Through proper channel.

Sub:- Joining report after availing extra-ordinary  
leave vide GM(P)/MLG L/No. 3632/1/65(XO)  
dt. 13-11-2000.

Dated Tinsukia the 8th July, 2002

Respected Sir,

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  
GM(P)/MLG Letter No. 3632/1/65(XO) dated 13-11-2000 to do my post  
graduation in Anaesthesiology in AMC, Dibrugarh. Recently, I have  
completed my course and now, I want to <sup>have</sup> join in my duties. w.e.f 02/07/02  
I have been in the service.

Therefore, I kindly request you to do the needful (E.N)  
and I shall be highly obliged.

Your's Sincerely

Dr. Abhinav Kumar

AMMO, HSK Railway Hospital  
N.F. Railway

- Copy to:- (1) GM/MLG  
(2) GM(P)/MLG  
(3) AS/IC/HSK  
(4) DM/HSK  
(5) GM(P)/HSK  
(6) DM/HSK

For information and necessary action.

Handwritten notes and stamps at the bottom of the page, including a date stamp "10/07/02" and a signature "B.K. Talukdar".

केन्द्रीय प्रशासनिक अदालत  
Central Administrative Tribunal  
19 MAR 2009  
गुवाहाटी बेंच  
Guwahati Bench

Form No. 5  
संख्या २००९



GOVERNMENT OF ASSAM  
(असम सरकार)  
DIRECTORATE OF HEALTH SERVICES  
(स्वास्थ्य सेवा निदेशकालय)  
CERTIFICATE OF BIRTH  
(जन्म प्रमाण पत्र)

ISSUED UNDER SECTION 12/17 of the Registration of Birth and Deaths Act, 1969.  
(कमल आर नुतन अधिनियम १९६९ च १२/१७ अन्तर्गत जारी)

This is to Certify that the following information has been taken from the original record of Birth which is the register for Registration of the State of Assam.

कमल आर नुतन अधिनियम १९६९ च १२/१७ अन्तर्गत जारी

Name/नाम SRI ARUNAV GOGOI

Sex/लिंग MALE

Date of Birth/जन्म तारीख 05/06/2000

Place of Birth/जन्म स्थान Hojai, Bk.

Name of Father/पिता का नाम Dr. Abhinav Gogoi

Name of Mother/माता का नाम Mrs. Manjima Gogoi

Registration No./पंजीकरण नं. 11/9103

Date of Registration/पंजीकरण तारीख 11/9/03

*[Signature]*  
11/9/03

Signature/हस्ताक्षर

Designation/पद

Date/दिनांक 12/9/03

Certified to be true copy  
B.K. Talwar  
Advocate

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी बेंच  
Guwahati Bench

### RECORD OF COURT-CONTROLLED DISCHARGE-LEAVE CASES

[illegible]

(5) The following conditions shall apply to the release of the person concerned from the hospital:

(a) The person concerned shall be released only if he is fit to be released and is not a danger to himself or others.

(b) The person concerned shall be released only if he is not a danger to himself or others.

(c) The person concerned shall be released only if he is not a danger to himself or others.

(d) The person concerned shall be released only if he is not a danger to himself or others.

(e) The person concerned shall be released only if he is not a danger to himself or others.

EX-101 L.S.C.S done on 9/2/07

~~Frage~~ Die Ursache: Ford CE + Filter

4% of the other government nominees.

100-443887-100

4/27/77

Done 10-27/87  
- 10-08 AM

Sex - Female  
Age - 100 gms.

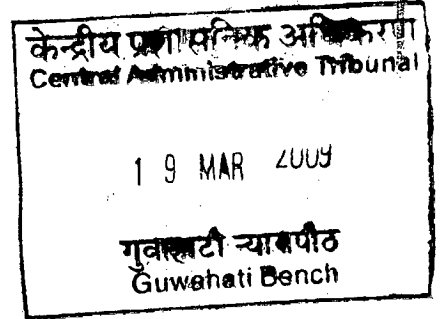
107. 102 200

\_\_\_\_\_

- 31 -

Annexure - E - Series.

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.ssnguwahati.org



Name : Dr. A. Gogoi

MRD No. : 158618/03

Date : 19/3/03

Right				Left			
SPH.	CYL.	AXIS	V/A	SPH.	CYL.	AXIS	V/A
175	1.5	80°	4/6	0.5	100°	4/6	

TYPE : for contact me

SSN - 20

SIGNATURE

Certified to be true copy  
B.K. Talwar  
Adv



CASE NOTE

No. of patient age & Sex-

DR ABHINAV GOGOI / 33 yrs

S/O/W/ U/O Shri/Smti.

Design & Station :-

DMO / LUMDING

Basic Pay :-

10975/-

Bill Unit No :-

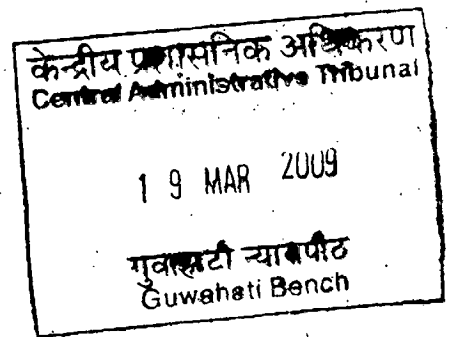
P.F. No :-

Chief complaints.

Blurring of vision (Rt Eye) :- 6 months  
Headache

History of past illness :-

Not suggestive



General Exam Findings :-

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

BP - 120/80 mm  
Jaundice - 1 mm  
others -

Systemic examination :-

CNS - 1 mm  
CVS - 1 mm

Abd - 1 mm  
Respy. System - 1 mm

DV - Rt Blurred Lt 6/12 with speed 6/6, 6/6  
NV - Rt Blurred Lt 10/6

Investigation report :-

Enclosed herewith

Provisional Diagnosis :-

Central retinal artery (Rt Eye)

Treatment rendered :-

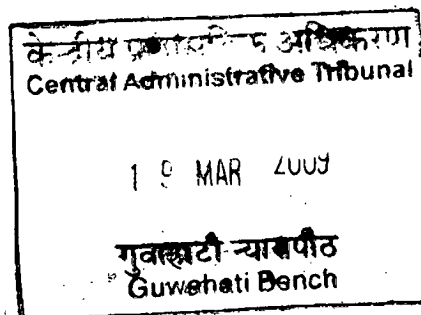
Conservative

B.K. Talukdar

Signature & Name of treating Doctor  
Design DMO / LM  
Station  
Station.

*(Signature)*

referred to Ophthalmologist, CH/MLG for further treatment



NORTHEAST FRONTIER RAILWAY

NS H/184/LM

Landing dated 29-9-05.

To ✓ MD/CH/MLC

Sub: Dr. Abhinav Gogoi, DMO/LMC  
Basic Pay:-10975/  
Bill Preparing officer DRM/P/Gogoi/LMC

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

Necessary Case Note is enclosed.

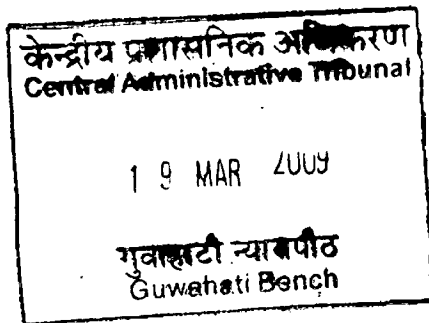
DA : As above.

Chief Medical Supdt/LG.

Copy to : Sr. DMO/IPD/LG for information.

Chief Medical Supdt/LG.

RECEIVED TO DO 1703 0509  
B.K. Talukdar



974  
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

Subj:- Duty at LMG Ry. 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.
- ✓ CMS/LMG - for information and necessary action please.
3. DRM/DBRT for information please.
4. DRM/LMG for information please

14/11/05  
B.K. Talukdar  
14/11/05

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

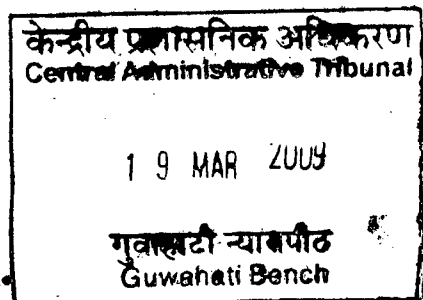
Typed copy Page no- 36

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.

Sd/-  
A. Dey  
22.2.06

RECEIVED IN NO 1729 0000  
B.K. Palukdar  
22.2.06

Dr. Amitava Dey

M.B.B.S. ; M.S. (Oph)

Eye Consultant & Surgeon

Address : 74, J.P. Road, Guwahati

Chamber :- S. Paul Opticals

Radha Cinema Road

Lumding - 782447

Visiting Hrs. : 7 p.m. to 9 p.m.

(Tuesday Closed)

Referral to

Date 22/2/06

Dr. Arinab Gogoi.

34 yrs, Male

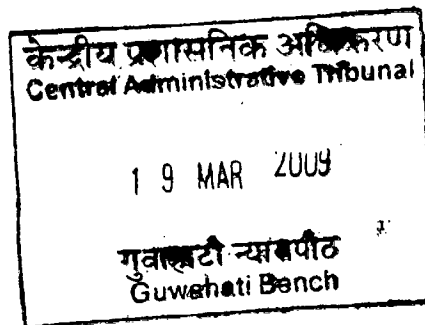
4. Simons of vision in old C.S.R.  
(pigment epithelial defect)  
with ? familiaris (OD)

Adv to attend Sri Sankardev  
Nethralaya, Guwahati,  
Bettala.

Am

22/2/06

OPERATION TO BE DONE  
B.K. Talukdar  
Guwahati



19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

To

CMS/LMG Railway Hospital

Date 22-11-08

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 Dsp C-1.50 Dey 80 - 6/18

Lt=-0.50 Dey 100 = 6/6

Pphthalmological 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 meaula in FFA.

Adv. R/o Isik Cap X (60)

Sig. One cap daily.

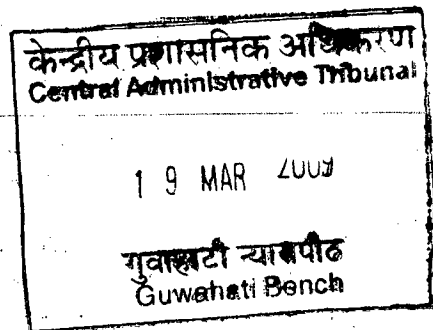
Adv. to avoid excessive Mental & physical stress.

Yours sincerely

Sd/-

M.R.Deka  
22.11.08

RECEIVED 19 MAR 2009  
B.K. Talukder  
SECRETARY



To  
CMS/LMG Railway Hospital

Date 22-11-08

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

Ref No H/184/LM, CMS/LMG's G.Sr. 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 CSR and is also under treatment from Sri Sankardev Nethalaya Guwahati. On examination following findings were found.

Vision without glass Rt = 6/60 P.  
Lv = 6/9

With existing glasses Rt = -1.75 Dsp 2 -1.50 Dey 80 = 6/18  
Lt = -0.50 Dey 100 = 6/6

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

Adv: Rx 0 Isik Cap X (60)  
By one cap daily.

Adv. to avoid excessive Mental & Physical stress.

R  
24-11-08

24/11/08

24/11/08  
B.K. Talukdar

Yours Sincerely  
Gogoi  
Sr. DMO, Ophthalmology  
R. Seka

Typed copy Page - 40

NORTHEAST FRONTIER RAILWAY

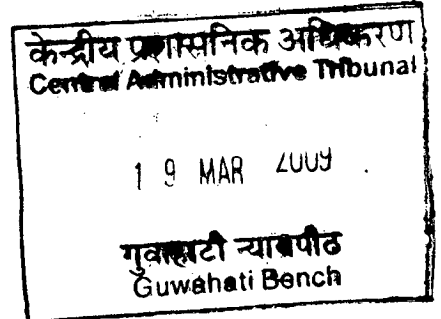
CMS's Office

No. H/184/LM

Lumding, Dated 9.2.09

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

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



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 referral of the case to Shankar Dev Netralaya, Guwahati.

Sd/-Illegible

Chief Medical Supdt/Lumding

N.F. Railway/Lumding

COPIES TO BE SENT TO  
Bk. Talukdar  
Lumding



केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
1-9-MAR. 2009  
गुवाहाटी न्यायपीठ  
Guwahati Bench

NORTHEAST FRONTIER RAILWAY

No: E/124/211.

CIS's Office  
Lumding, dated 29.2.09.

✓ To: Dr. B.R.Deka,  
Sr. DMO/Ophth/CH/MLG.

Sub: Dr. A.Goppi, Sr. DMO/LMG.

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

*by*

Chief Medical Supdt/Lumding.

09/02/09

मुख्य चिकित्सा अधीक्षक  
रेलवे  
Chief Medical Supdt.  
N.F.Railway / Lumding

*RECEIVED IN THE OFFICE  
P.K. Talukdar*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
19 MAR 2009  
गुवाहाटी न्यायापीठ  
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.

Dr. B R Deka  
Sr. DMO/Ophthal/CH/MLG

12/2/2009

P.K. Talukder



SRI SANKARADEVA  
NETHRALAYA

Beltola, Guwahati-781 028  
(Assam) INDIA

☎ : 91-0361-2226922, 2233444  
Fax : 91-0361-2228678  
E-Mail : ssnghy1@sify.com  
Web : www.ssnguwahati.org

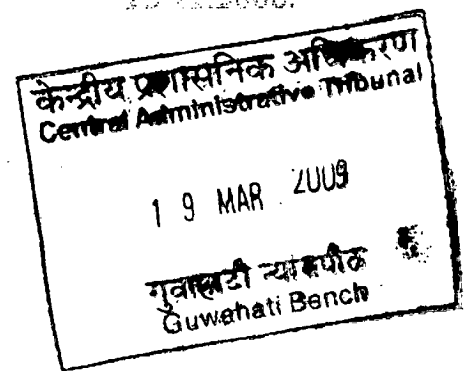
No. SSN-159619/MRD/2008  
President :  
Hon'ble Justice S. N. Phukan

22.11.2008.

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

Secretary :  
Mr. Romesh Pasari

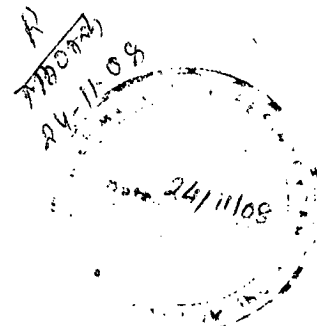
Medical Director :  
Dr. H. Bhattacharjee



TO WHOM IT MAY CONCERN

This is to certify that *Dr. Abhinav 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. Joyanta Kr Das, D.O, D.N.B)  
Sri Sankaradeva Nethralaya, Guwahati.



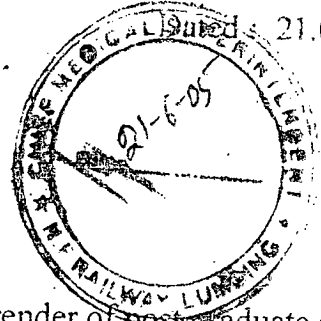
HOSPITAL AND POST GRADUATE INSTITUTE OF  
SRI KANCHI SANKARA HEALTH AND EDUCATIONAL FOUNDATION  
ASSISTED BY GOVT. OF INDIA, NORTH EASTERN COUNCIL & GOVT. OF ASSAM

Annexure - F

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
19 MAR 2009
गुवाहाटी न्यायपीठ Guwahati Bench

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

( Through Proper Channel )



21.06.2005.

*[Handwritten signature]*  
22/6/05

Sub : Surrender of post graduate allowance.

Respected Sir,

Most respectfully and humbly I beg your permission to state that I joined N.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 specially 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 unable 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 July/ 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 अधिकरण  
Central Administrative Tribunal

19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati BenchNORTHEAST FRONTIER RAILWAY

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

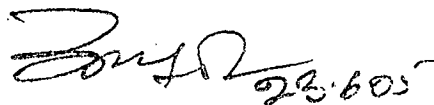
CME's Office  
Lunglei, dated 23.6.05.

To : DEM(F)/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 ~~DEM~~ /MIA for necessary action.

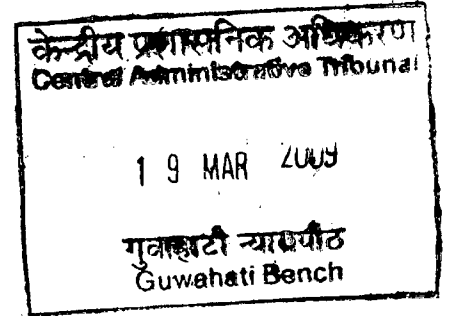
DA : As above.



Chief Medical Supdt/Lunglei.

Authenticated to be true copy  
B.K. Talukder  
Adv.

- 45 -  
Annexure - H



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

N.F.RAILWAY

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

To :

Chief Medical Director  
N.F.Railway/ Maligaon.

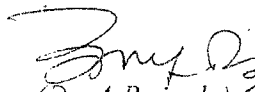
Sub : Arrangement for an Anesthetist for Lumding  
Railway Hospital once in a week.

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.

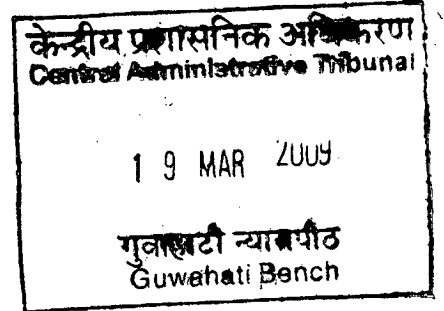
It is therefore requested that an Anesthetist from Central Hospital / Maligaon may kindly be asked to attend Divl. Railway Hospital, Lumding once in week for conducting planned operations.

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

Copy to : DRM/ Lumding for kind information please.

  
(Dr. A.P.singh) 27/9/05  
Chief Medical Supdt/Lumding

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

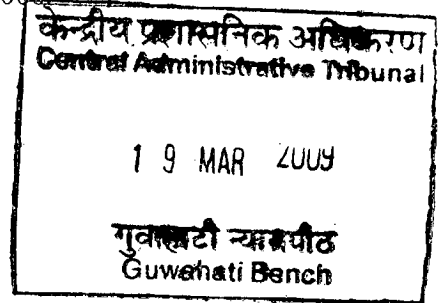
To.

Dt : 27.09.2006

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

(Through proper channel)

Sub : Prayer for mutual transfer.



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. Abhnav Gogoi, DMO/ South Health Unit/Lumding, who is also willing to come to DBRT.

Thanking you Sir.

Yours Sincerely

*Ratna*  
27/9/06  
( 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 ½ years. We are finding lot of personal difficulties. I shall be very grateful to you if you kindly consider my posting at DBRT, which in nearby to Tinsukia as a Mutual transfer with Dr. (Mrs) Ratna Dutta, Sr. DMO/DBRT. I have full consent to mutual transfer.

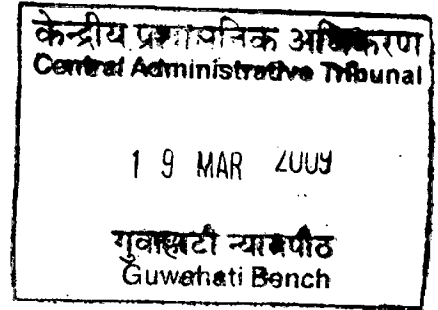
Thanking you.

Yours sincerely

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

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





North East Frontier Railway

Office of the  
Divil 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.

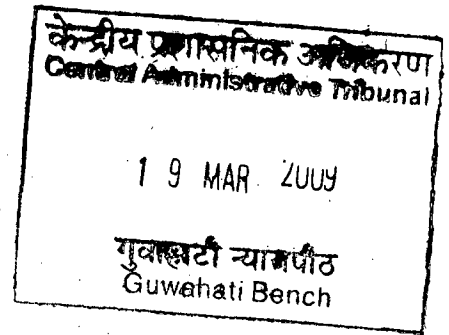
(A. C. Konwar)  
APO/II/LMG.

Copy forwarded for information & necessary action please.

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

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

**COPIES TO BE MADE**  
*B K Talukder*  
**2.0.2009**



CONFIDENTIAL

N.F.RAILWAY

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

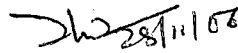
No: E/41/1 (Med)/GAZ/02

Dated 28-11-2006

To  
✓ Dr. A. Gogoi,  
DMO at DBRT-Hospital

Sub:- Attending the H. Unit duty.

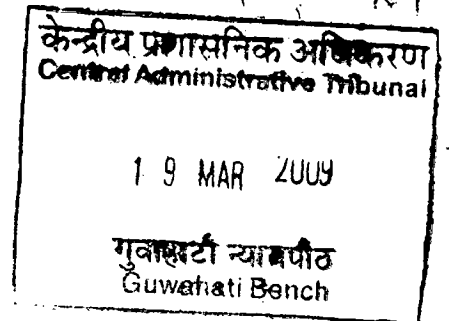
You are advised to do H. Unit duty at DBRT-H. Unit from tomorrow onward i.e. from the 29<sup>th</sup> Nov. 06 upto 5<sup>th</sup> December '06, till Dr. H. Biswas resumes duty for 3<sup>rd</sup> terms as CMP.

  
(Dr. T.K. Das)  
Chief Medical Superintendent  
N.F. Railway, Dibrugarh

Copy to - Sr. DMO/OPD/DBRT - for information please.  
(2) Dr. H. Biswas, CMP/DBRT-H.U.

Chief Medical Superintendent  
N.F. Railway, Dibrugarh

*Caribize to be time copy  
B.K. Talukdar  
Adv*



N.E. 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.

(Dy.CPO.GAZ)  
For GENERAL MANAGER(P)

No. E/283/III/130-PLXII(O)

Midgaon, dated 23.10.2006

Copy forwarded for information and necessary action to :-

- 1) CMD, CVO.
- 2) DRM, DRM(P) & DFM/LMG & TSK
- 3) CMS/DBRT & LMG
- 4) PPS to GM, Asstt. Secy. to AGM
- 5) Doctors Concerned.

(Dy.CPO/GAZ)  
For GENERAL MANAGER(P)

24. A Gogoi, DMO/LMG

COPIES TO BE MADE  
B.K. Talukdar

<p>केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal</p> <p>19 MAR 2009</p> <p>गुवाहाटी न्यायापीठ Guwahati Bench</p>
---

To  
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.XI1 (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.Baro, Sr.DMO/NTSK is spared to carry out his transfer order and posted at DBRT Hospital. Dr. (Mrs.)
- 4) Dr.K. Balshya 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.

*[Signature]*  
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.

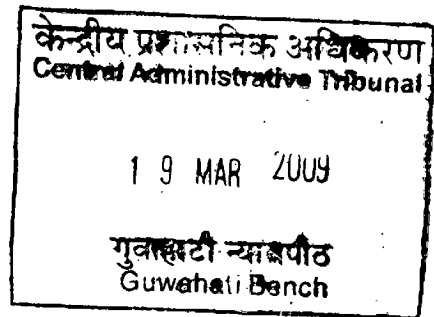
Copy forwarded for information and necessary action please to :

- 1) Secy. to GM & AGM/MLG.
- 2) All CMSs, MSs/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)/Bill/CMS/DBRT.

*Antibio to be in copy  
B.K. Talukdar  
Adv.*

*[Signature]*  
19/5/08

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



N.F. RAILWAY

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

No.19/283/III(O)/MED/GAZ

Dated 21.05.2008

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

- (1) Sey. To GM & AGW/MLG.,
- (2) GM(P)/MLG
- (3) DRM/TSK.
- (4) DRM(P)/TSK
- (5) CMD/MLG
- (6) FA&CAO/MLG
- (7) DRM(P)/LMG
- (8) CMS/LMG
- ✓ (9) DRM/TSK & LMG

(10) Dr.A.Gogoi, Sr.DMO/DBRT along with necessary pass to cover the journey.

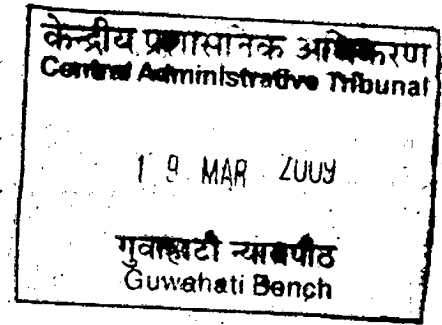
(11) OS(P)/MED/DBRT -- to issue necessary pass in favour of Dr.A.Gogoi, Sr.DMO/DBRT to cover the journey.

*B.K. Talukder*  
21/5/08  
Chief Medical Superintendent  
N.F.Rly.Dibrugarh

B.K. Talukder  
21/5/08

- 53 -

Annexure M.



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.

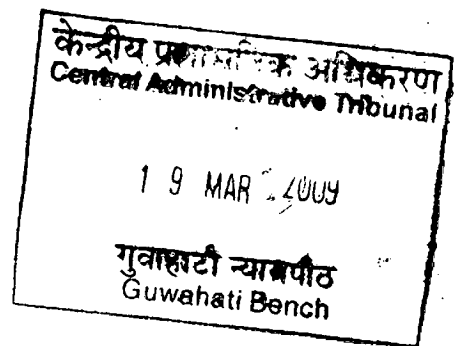
Yours Sincerely,

Dr. Abhinav Gogoi

( Dr. Abhinav Gogoi )

Certified to be true copy  
B.K. Talukdar

Annexure - N.



To: The Chief Medical Superd.  
LMS Railway Hospital/H.F. Railway

Sub : Joining report at LMS Hospital.

Ref : GM(P)/HQA's O.O. No. 8/288/III/130-  
Pt (0) dated 12.6.2008.

Respected Sir,

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

This is for your kind information and necessary  
action please.

Thanking you.

Yours sincerely

Dr. Abhinav Gogoi

( Dr. Abhinav Gogoi )  
Sr. DMO/H.F. Railway.

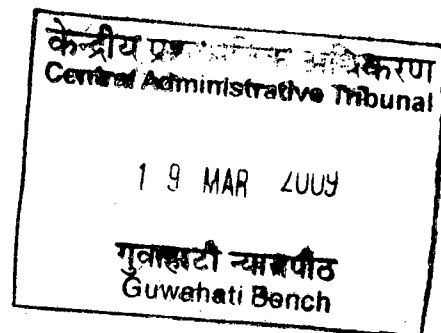
Dated : 2.6.08.

Copy to : 1) CMD/HQA.

2) Sr. DMO/HQA.

3) DPM(P)/LMS.

Unfiled to be true copy  
B. K. Talukdar  
Advocate



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.

Antibio To before copy  
B.K. Talukdar  
Adv -



19 MAR 2009

गुवाहाटी न्यायपीठ  
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

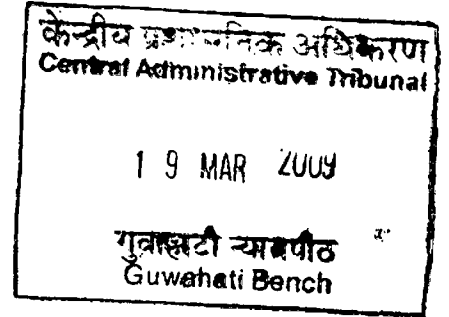
Sr. DMO/POD/Lumding

Divisional Hospital

N.F. Railway

-0-0-0-0-

RECEIVED TO BE FILED  
*B.K. Talukdar*  
22/03/2009



To,

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

Dated - 11<sup>th</sup> October, 2008.

Ref. :- Representation dated 8<sup>th</sup> 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.

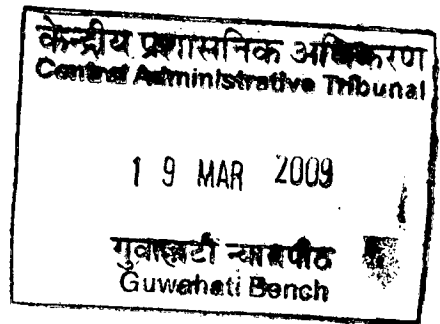
*Antikred to true copy  
B.K. Talwar M.  
Advocate*

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.

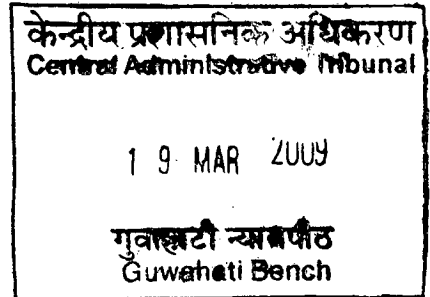
Date-12-10-2008

Yours Sincerely  
Dr. Abhinav Gogoi  
Dr. Abhinav Gogoi  
SrDMO/OPD/Lumding  
Divisional Hospital. NF RV

Antitised to be true copy  
B. K. T. Mondal  
Adv.

- 59 - 01

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



Respect Sir,

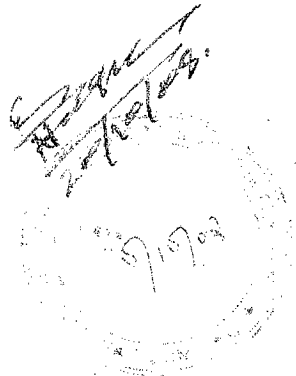
Most respectfully and humbly I beg your permission to state that I have been suffering from central serous retinopathy with blurring of vision for last 4 years. I have been under regular treatment at Sankardeva Netralaya (Guwahati) and CH/MLG for my eye ailment. Due to my eye problem I have not been 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  
20/10/2008

Antibiotic to be taken every  
B.K. Talwar  
Advocate



Yours faithfully

Dr. Abhinav Gogoi

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

Typed copy

S.S.Narayanan  
Divisional Railway Manager

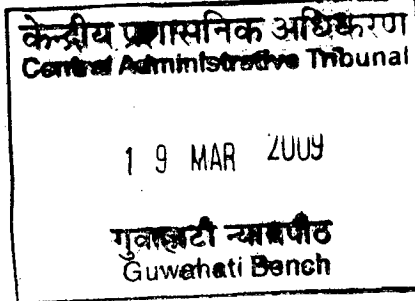
Northeast Frontier Railway  
Lumding(Nagaon)782447(Assam)  
Tel. : 54000 (Rly)  
Tel. : 03674 -263362(BSNL)  
Fax. : 03674- 263362(BSNL)  
E-mail : drn@lmg.railnet.gov.in

No.LD/Adm/DRM/08

CMD/MLG

N.F.Railway.

Dated 30.10.2008



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.

RECEIVED  
B.K. Talukdar  
20/10/2008

1 Jan 2000

Guwanan Bench

- 61 -

Annexure-<sup>R</sup> 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-

COPIES TO BE MADE  
B K Talukder  
2.1.2000

Answer - S

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal  19 MAR 2005  गुवाहाटी न्यायापीठ Guwahati Bench
--

30/11/05  
 Recd. 4/12/05  
 30/11/05  
 12/12/05

AEE/1008

Circulate in  
 22/11/05 all.

N. F. RAILWAY.

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

Office of the  
 General Manager (F)  
 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(RME 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/-  
 (F. Sarkar)  
 SFC/MPP & TRG  
 for General Manager(F)/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 Rly.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, 1966 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.

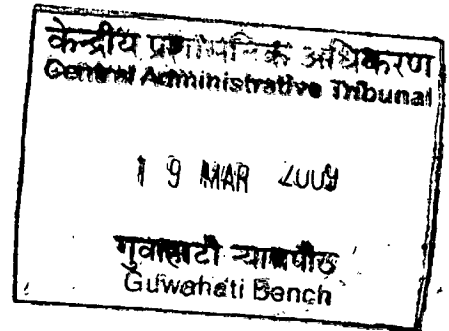
Sd/-  
 (K. Vijayan Nair)  
 Dy. Director Establishment(L&A)  
 Railway Board.

HF.E/206/FAC/O/Pt.IV

Dated 16/8/05.

Copy is forwarded for information and necessary action to:-

RECEIVED IN THE OFFICE OF THE  
 B.K. Talukder  
 16/8/05



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.

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 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 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 made copy  
B K Talwar  
Advocate



19 MAR 2009

गुवाहाटी न्यायापीठ  
Guwahati Bench

2

4. The classes of cases that may arise, and the guidelines for dealing with each class of 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:-

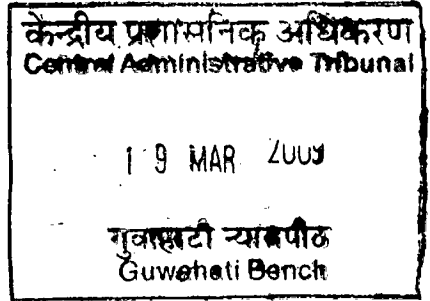
The spouse employed under the Public Sector undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the state where the other spouse is posted.

(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/-

RECEIVED IN 23 1730 2009  
B.K. Talukder  
23/03/2009



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.

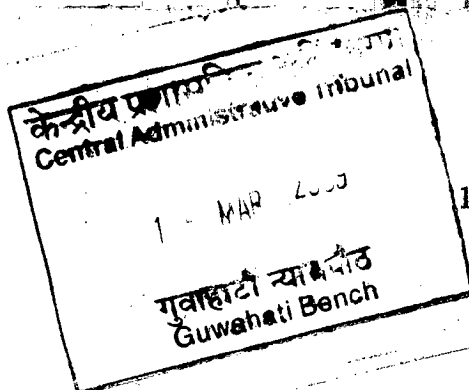
6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

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.

COPIES TO BE MADE  
B. K. Talukdar  
SECRETARY

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



-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 12<sup>th</sup> 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.

ORDERED TO BE TYPE COPY  
B.K. Talukder  
SECRETARY

19 MAR 2009

गुवाहाटी न्यायपीठ  
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.

RECEIVED IN THE OFFICE  
B.K. Talukdar  
SECRETARY

19 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

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

Government of India

Ministry, Public Grievances & Pensions

(Department of Personnel & Training)

New Delhi, the 12th June, 1997

OFFICE MEMORANDUM

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

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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 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.

Secy (P&T), Govt. of Railways

NOTED IN NO 1755 5000  
B.K. Talukdar

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
19 MAR 2008
गुवाहाटी न्यायपीठ Guwahati Bench

2. A copy of this Department's OM, No. 24034/77/2007-11(A) dated 15.4.06 is enclosed for ready reference and guidance.

6. Hindi version of the OM is enclosed.

(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, Bhandari Upadhyay Marg,  
ITO, New Delhi.

RECEIVED TO DO ITES 08/04/08  
B.K. Talukdar  
SECRETARY

-70

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
19 MAR 2009
गुवाहाटी न्यायपीठ Guwahati Bench

Type Copy Page no. 72

Annexure-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.

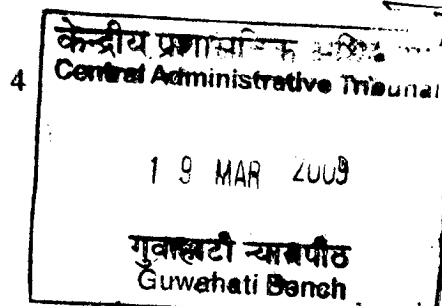
The General Managers  
 All Indian Railways including Production Units  
 (As per standard List ('A')).

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. Talukder  
 2.9.98



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.

RECEIVED 12 03 2009  
B.K. Talukdar  
SECRETARY



19 MAR 2009

गुवाहाटी न्यायापीठ  
Guwahati Bench

GOVERNMENT OF INDIA (DEPARTMENT OF RAILWAYS)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)

NO. E(O)III 98 PL/4

New Delhi, dtd. 8.5.97

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.

Receipt of these instructions may be acknowledged.

Encl.: As above.

(A. C. BAKSHI)  
JOINT SECRETARY (G)  
RAILWAY BOARD.

उपरोक्त को 08.05.97  
B-K. Talukdar  
अनुमोदित