

30/100
3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 1/95
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet..... Pg.....1.....to.....2.....
1/95 and n Pg.....1.....to.....2.....allow photo copy
2. Judgment/Order dtd. 16.2.95..... Pg.....1.....to.....2.....allow photo copy
1/95 Final and 16.2.95 Pg.....1.....to.....2.....allow
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 1/95 Pg.....1.....to.....23.....
5. E.P/M.P..... Pg.....1.....to.....2.....
6. R.A/C.P..... Pg.....1.....to.....
7. W.S..... Pg.....1.....to.....
8. Rejoinder..... Pg.....1.....to.....
9. Reply..... Pg.....1.....to.....
10. Any other Papers..... Pg.....1.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI -5.

ORIGINAL APPLICATION NO.

1/1995

MISS PETITION NO.

(O.A. NO.

REVIEW APPLICATION NO.

(O.A. NO.

CONT. PETITION NO.

(O.A. NO.

S. S. Roy Laskar

APPLICANT(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

HR R. Dutta

Advocate for the
Applicant.

Adv. Counsel.

Advocate for the
Respondents

Office Note

Court Orders

2-1-95

11-1-95

Adjourned to 30-1-95 for Admission

This application is
filed along with one IPO
No. 882392 filed 29-12-94
(in As. 501- only ad is in
bowl).

1m

N

12/1

hell
Vice-Chairman

60
Member

But the application
is time barred for which
a condonation petition
is filed hearing no.
H.P. 1/95.

30.1.95

Mr R. Dutta for the applicant.
Mr J. Singh for the respondents.
Show cause reply to the applica-
tion for condonation of delay is
filed. By consent adjourned to 16.2.
1995.

~~laid before the
Bench for favor of
orders.~~

Amrit
2/1/95

Deputy Registrar (J)
Central Administrative Tribunal
Guwahati Bench

MS
2/1/95

P9

hell
Vice-Chairman

60
Member

OFFICE NOTE

COURT ORDERS

16-2-95

Mr. R. Dutta for the applicant.

24.2.95
 Copy of order dtd. 16.2.95
 issued to all concerned
 along with mt. 1/95

Mr. J. Singh, Railway counsel for the
 respondents.

Application is allowed to be
 withdrawn with liberty as per order
 separately passed. No order as to
 costs.

JK

hllc
 Vice-Chairman

DD
 Member

1m

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Misc. Petition No.1/95 (O.A.1/95)

Date of Order: This the 16th February, 1995.

Justice Shri M.G.Chaudhari, Vice-Chairman

Shri G.L.Sanglyine, Member (Administrative)

Shri S.S.Roy Laskar, residing at Qrs No.218/A, Railway Colony, Silchar, P.O. Tarapur, Dist. Cachar Pin Code No. 788003. ... Applicant.

By Advocate Shri R.Dutta.

-Vs-

Union of India & Ors. ... Respondents.

By Advocate Mr.J.Singh, Railway counsel

ORDER.

CHAUDHARI J(V.C.)

Mr.R.Dutta for the applicant.

Mr.J.Singh for the respondents.

1. Heard at length. We are inclined to treat the original application as prematurely filed in view of the communication from the General Manager (P)MLG dated 10-6-94 (Annexure A-7) wherein it is stated that the matter is pending with the Railway Board for clearance and as soon as the clearance is received from the Railway Board the same will be communicated to the applicant. No such communication is shown to have been sent to the applicant till the date of filing of this application ie 2-1-95. Mr.R.Dutta submits that since the aforesaid communication was sent on 10-6-94 and nothing is being heard from the Railway Board so far the applicant has rushed to the Tribunal. We presume that the Railway Board will take the decision as early as possible and the same will be communicated to the applicant. If thereafter the applicant would have any grievance to make he will be at liberty to adopt legal remedy. Accordingly

contd/-

the applicant is given liberty to approach this Tribunal.

Now Mr. R. Dutta prays for withdrawal of the application with liberty. In view of what we have stated above the application for the condonation of delay, ^{also} would not survive.

2. Hence on the oral application of Mr. R. Dutta the Original Application is allowed to be withdrawn with liberty to the applicant to approach this Tribunal if so advised after the decision of the Railway Board is communicated to him by the respondent No. 3. The application for condonation of delay (M.P.1/95) does not survive and is allowed to be withdrawn consistently with the order passed in O.A. 1/95.

No order as to costs in both the applications.

Copy of this order be furnished to the counsel for the parties.

Sd/- VICE CHAIRMAN

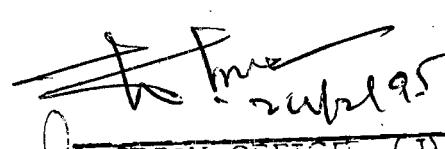
Sd/- MEMBER (ADMN)

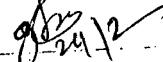
Memo No. : 997 to 1003

Date : 2/3/95

Copy for information & necessary action to :

- (1) Shri Sitangshu Shekhar Roy Laskar, S/O. Late S.N. Roy Laskar, Qrs. No. 218/A, Railway Colony, Silchar, P.O. Terapur, Dist. Cachar, Pin - 788 003.
- (2) The Secretary, Railway Board, Rail Bhawan, New Delhi - 1.
- (3) The General Manager, N.F. Railway, Maligaon, Guwahati-11.
- (4) The Director General, Health Services, Rail Bhawan, New Delhi-1.
- (5) The Chief Medical Director, N.F. Railway, Maligaon, Guwahati-11.
- (6) Mr. R. Dutta, Advocate, Gauhati High Court, Guwahati.
- (7) Mr. J. Singh, A.Ry. Advocate, C.A.T., Guwahati Bench, Guwahati.


SECTION OFFICER (J)


9/3/95

Application fee of Rs. 10/-

Paid vide Bank Draft.....

Postal Order No..... 882398

Dated. 29-12-94

File No
24/1925

R. Datta, (Fitter)
Malligaon, Guwahati-781011.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकारण

- 2 JAN 1995

Guwahati Bench
गुवाहाटी अधिकारण

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

(An application under section 19 of
the Administrative Tribunal Act 1985.)

O.A. No. 1 of 1995.

Dr. S.S.Roy Lasker Applicant

-VS-

Union of India and Others Respondents.

I N D E X

Sl. No	Particulars	Annexure	Page No.
1.	Application	1 to 12.
2.	General Manager, N.F.Rly's letter No E/227/III/178-II(0) A/1, dated 6/7-5-77.		13.
3.	General Manager, N.F.Rly's letter No E/283/III/130- A/2. Pt.VII(0) dated 18.12.82.		14.
4.	Secretary, Railway Board's letter No 83/E(GR)II/7/100 A/3 dated 4.5.84.		15 to 19
5.	General Manager, N.F.Rly's letter No 363E/1/324(0) A/4 dated 7.3.89. A/4		19.

Copy served
to Mr. J. Singh
Rly. Adm'r
1. J. Singh
2. Tonin
Adm'r

Contd....

X

Contd from pre page

Sl. No	Particulars	Annexure No	Page No
6.	Applicant's representation dated 20.8.91 addressed to Secretary, Railway Board.	A/5	20 & 21
7.	General Manager, N.F. Railway's letter No 363E/1/324(0) dated 27.8.91.	A/6.	22
8.	General Manager, N.F. Railway's letter No 363E/1/324(0) dated 10.6.94.	A/7.	23.

21/45
Filed by R.Dutta, Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

Original Application No. of 1995.

filed by
R. Datta, (Advocate), 29.1.95
Maligaon, Guwahati-781011.

Shri Sitangshu Shekhar Roy
Laskar, S/o. Late S.N.Roy Laskar
residing at Qrs.No. 218/A, Railway
Colony, Silchar, P.O. Tarapur, Dt:
Cachar, Pin Code No.788003. Applicant

- VS -

1. Union of India, represented by

Secretary, Railway Board,
New Delhi - 1

2. Director General, Health Services,

Railway Board, Rail Bhawan,
New Delhi - 1.

3. General Manager, N. F. Railway,

Maligaon, Guwahati-781011
(Assam).

4. Chief Medical Director, N.F.Rly.,

Maligaon, Guwahati-781011. Respondent

1. Subject Matter of the Application.

Counting of Adhoc services in terms of directions
issued by the Hon'ble Supreme Court in Writ Petition
No. 822 of 1987, Dr. A.K.Jain & others Vs. Union
of India & Others reported in 1989(1) SLJ 188.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant submit that as non counting of his past ad-hoc service is resulting in payment of less salary every month, promotions to next higher grades and would affect his retirement benefits, the subject matter is continuing wrong and therefore, the application is within limitation. Besides, the applicant has represented the matter to the Respondent and he has been assured, on 2.3.1989, 27.8.91 and on 10.6.94 that the applicant's case for counting of adhoc service is under examination and as such, the case is also within the limitation in view of the above correspondence. However, as a matter of precaution a Misc. Petition for condonation of delay is also being filed for condonation of delay, if any.

4. Facts of the case.

4.1 The applicant is a citizen of India by birth being a permanent resident of Village-Lalarchak, Dist. & P.S. Karimganj, Assam and now working as Divisional Medical Officer, N.F.Railway, Silchar, Assam and aged 46 years.

4.2 After being selected, the applicant was appointed as Asstt. Medical Officer, Class-II in scale Rs. 650-1200/- (RS) on temporary and adhoc basis by General Manager, N. F. Railway, Maligaon under letter No. E/227/III/178-II(0) dated 6/7.5.77. The applicant joined the post on 13.5.77 and continuously worked as Asstt. Medical Officer, N. F. Railway till 2.3.83. During the period, the applicant was granted yearly increment and his pay was raised to Rs. 810/- with effect from 1.5.82.

A copy of the letter No. E/227/III/178-II(0) dated 6/7.5.77 is annexed as Annexure A/1.

4.3 That, Union Public Service Commission under Advertisement No. 37/13, advertised for recruitment of Assistant Divisional Medical Officer in Indian Railways in scale Rs. 700-1600/- (RS) in September, 1981. The applicant offered his candidature and appeared in the selection and was selected by the Union Public Service Commission for appointment as Assistant Divisional Officer in the Indian Railways. The applicant was informed about his selection by the Union Public Service Commission on 6.12.83.

4.4 That, before the publication of the Union Public Service Commission Examination result, the General Manager, N. F. Railway unilaterally ordered the termination of the services of

the applicant without any notice vide their No. E/283/II/130-Pt.VII(0) dated 18.12.88 and accordingly his services was terminated with effect from 3.3.83 although the persons who were appointed after the applicant as adhoc Assistant Medical Officers were working in the N.F.Railway.

A copy of the said order No.E/283/III/130-Pt. VII(0) dated 18.12.82 is annexed as Annexure-A/2.

4.5 That, the applicant represented to the Respondent No. 4 for review of 'Termination Notice' till such time Union Public Service Commission results were published vide his representation dated 23rd December, 1982 but without any respons.

4.6 That, the applicant was offered an appointment as Assistant Divisional Medical Officer in the Indian Railway Medical Service, Class-I in scale Rs. 700-1600/- by the Secretary, Railway Board under No. 83/E(GR)II/7/100 dt. 4.5.1984.

A copy of the letter No.83/E(GR)II/7/100 dated 4.5.84 is annexed as Annexure-A/3.

4.7 That, the pay of the applicant was fixed at Rs. 700/- in scale of Rs. 700-1600/- and was not given any benefit of his past adhoc service as

Assistant Medical Officer, Group-B.

4.8 That, the applicant represented to the Secretary, Railway Board and others Respondents for giving the benefit of adhoc service as Assistant Medical Officer vide his representation dated 25.5.85, 27.5.86 and 28.8.87 but no reply what-so-ever was received by him.

4.9 That, some Assistant Medical Officers who were also appointed on adhoc basis and were working in that capacity filed Writ Petition No. 822 of 1987 before the Hon'ble Supreme Court. The Hon'ble Supreme Court decided the matter on 24.9.87 and issued interalia the following orders :-

"1. The services of all doctors appointed either, as Assistant Medical Officer or as Assistant Divisional Medical Officer on ad-hoc basis upto 1.10.84 shall be regularised in consultation with the Union Public Service Commission on the evaluation of their work and conduct on the basis of their confidential reports in respect of the period subsequent to 1.10.1982. Such evaluation shall be done by the Union Public Service Commission. The doctors

The so regularised shall be appointed as Assistant Divisional Medical Officers with effect from the date from which they have been continuously working as Assistant Medical Officer/Assistant Divisional Medical Officer. The Railway shall be at liberty to terminate the services of those who are not so regularised. If the services of any of the petitioners appointed prior to 1.10.1984 have been terminated except on resignation or on disciplinary grounds, he shall be also considered for regularisation ~~XXXX~~ ~~disciplinary grounds~~ and if found fit his services shall be regularised as if there was no break in the continuity of service but without any backwages.

2. The Petition of the Assistant Medical Officer/Assistant Divisional Medical Officers appointed subsequent to 1.10.1984 are dismissed. But we however direct that the Assistant Divisional Medical Officers who may have been now selected by the Union Public Service Commission shall first be posted to the vacant posts available wherever they may be. If all those selected by the U.P.S.C. cannot be

accommodated against the available vacant posts they may be posted to the posts now held by the doctors appointed on ad-hoc basis subsequent to 1.10.1984 and on such posting the doctor holding the post on adhoc basis shall vacate the same. While making such postings the principle of 'last come, first go' shall be observed by the Railways on Zonal basis. If any doctor who is displaced pursuant to the above direction is willing to serve in any other Zone where there is a vacancy he may be accommodated on adhoc basis in such vacandy."

4.10 That, the aforementioned judgement Viz. Dr. A.K.Jain & Ors. VS Union of India & Ors. has been reported in 1989(1) SLJ 188.

4.11 That, after the decision of the Supreme Court in the above case of Dr. A.K.Jain, the applicant represented to the Respondent vide his representation dated 22.8.88 for counting his past adhoc service in terms of the directions issued by the Hon'ble Supreme Court. A reply to this representation was issued to the applicant by the General Manager, N.F.Railway, Maligaon (Respondent No. 3) under his No.363E/1/324(0) dated 7.3.89 wherein the applicant

was informed that his case for counting of his past adhoc service may be examined as and when Railway Board's instructions in the matter of implementation of the Supreme Court's Judgment in the case of adhoc Assistant Divisional Medical Officer, are received.

A copy of the said letter No.363E/1/324(0) dated 27.8.89 is annexed as Annexure-A/4.

4.12. That, no action to redress his grievances ~~was taken~~, the applicant again represented the matter to the Secretary, Railway Board on 9th August, 1990. Thereafter on 20.8.91, the applicant's representation dated 20.8.91 was forwarded to Railway Board by the General Manager, N.F.Rly., vide No. 363E/1/324(0) dated 27.8.91.

A copy was endorsed to the applicant. A copy of the representation dated 20.8.91 and General Manager, N.F.Railway's letter No.363E/1/324(0) dated 27.8.91 are annexed herewith as Annexure-A/5 & 6 respectively.

4.13 That, no decision was communicated to the applicant and the applicant, pursued the case by further representations. Ultimately the General Manager, N.F.Railway (the Respondent No. 3) again, intimated vide his letter No. 363E/1/324(0) dated 10.6.94 that the applicant's case has been forwarded to the Railway Board

along with the case of another 'adhoc' Assistant Medical Officer's case and the matter will be finalised as and when the Railway Board's clearance is received.

A copy of the General Manager, N.F.Railway, Maligaon's letter No 363 E/1/324(0) dated 10.6.94 is annexed as annexure A/7.

4.14. That although the applicant was assured more than 2 occasions that his case would be finalised, , no action has been taken by the respondents during long five and half years in face of very clear instructions and directions of the Hon'ble Supreme Court that the adhoc service is to be counted as of Assistant Divisional Medical Officer after the adhoc Assistant Medical Officer is regularised by the Union Public Service Commission and if the services of any of the adhoc Assistant Medical Officer had been terminated except on resignation or disciplinary grounds, and found fit his services his services shall be regularised as if there is no break.

5. Grounds for relief.

5.1. That, the applicant is entitled to get the continuity of his service from the date of his appointment as adhoc Assistant Medical Officer in terms of law laid down by the Hon'ble Supreme Court in Dr. A.K.Jain & Ors versus Union of India & Others reported in 1989(1)SLJ 188 as he was appointed on 7.5.1977 and he worked continuously till

his services was terminated not as disciplinary measure and he was duly selected for the post of Assistant Divisional Medical Officer by the Union Public Service Commission in 1983 and appointed by the respondents in the year 1984.

5.2. That, the applicant is suffering substantial pecuniary loss every month due to non counting of his adhoc service.

5.3. That, the applicant is deprived from being considered for promotion to the post of Deputy Chief Medical Director due to non counting of the adhoc service as regular service.

5.3. That, the applicant would be deprived of any pension after his retirement as he would not complete 20 years of regular service, minimum qualifying service for entitlement of pension, if his adhoc service is not counted.

6. Details of remedies exhausted.

6.1. That, the applicant has submitted a large number of representation to the respondents as detailed earlier.

7. That, the applicant further, declares that that he has not previously filed any application, writ petition or suit regarding the subject matter of this application nor any such application, writ petition or suit is pending before any forum.

8. Relief sought

In view of the facts and circumstances stated above, the applicant humbly prays for a direction on the respondents for treating his service as Assistant ~~Min~~ Divisional Medical Officer from the date of his appointment as adhoc Assistant Medical Officer and to give all the consequential benefit including pay fixation.

9. Interim relief.

Nil.

10. Particulars of application fees.

Indian Postal Order No 03 882392 for a sum of Rs. 50/- (fifty) enclosed.

11. List of Enclosures.

1. Letter No E/227/111/178-11(0) dated 6/7.5.77.
2. Office Order No E/283/III/130-Pt.VII(0) dated 18.12.82.
3. Railway Board's letter No 83/E(GR)II/7/100 dated 4.5.84.
4. Letter No. 363E/1/324(0) dated 7.3.89.
5. Letter ~~MS~~ of the applicant dated 20.8.91.
6. Letter No 363E/1/324(0) dated 27.8.91 addressed to the Railway Board with copy to the applicant.
7. General Manager, N.F.Railway's letter No 363E/1/324(0) dated 10.6.94.

VERIFICATION.

I, shri Sitangshu Sekhar Roy Laskar, son of late S.N.Roy Laskar, residing at 218/A Railway Colony, Silchar P.O.Tarapur, District Cachar, Assam, do hereby verify that the contents of paragraphs 4,7 and 10 are true to my knowledge and belief and those in paragraph 2 and 3 are believed to be true on legal advice and rest are my submissions to the Hon'ble Tribunal. I have not suppressed any material facts.

Place- Silchar

Date

Sitangshu Sekhar Roy Laskar
Signature of the applicant.

.....

(NORTHEAST FRONTIER RAILWAY)

GENERAL MANAGER'S OFFICE

(Personnel Branch)

Pandu, dated 6-5-77.

No. E/227/III/178-II(0)

To
 Dr. S. S. Roy Laskar,
 Belacoba, Dist. Jalpaiguri
 (WB).

Sub:- Appointment as Asstt. Medical Officer (Class II)
 in scale Rs. 650 - 1200 (Rs) on temporary and
 adhoc basis.

I can offer you the post of an Asstt. Medical Officer (Class II) purely on a temporary and adhoc basis for six months only on a pay of Rs. 650/- per month, in scale Rs. 650 - 1200 (Rs) plus usual allowances as admissible under rules as per terms and conditions as stated below:-

- i) Your appointment is only for a maximum period of SIX MONTHS *to be Ado II*. ON PURELY TEMPORARY AND ADHOC BASIS. Your services are liable to be terminated at any time without assigning any reasons.
- ii) Regular appointment to the posts of Asstt. Medical Officers (Class II) is done through the U.P.S.C. to which you will have to apply on your own.
- iii) Suitable Rly. accommodation may be provided if available.
- iv) You are liable to be posted and transferred to any station over this Railway as required.

Mr. Dr. B. B. Banerjee
 If you are agreeable to accept the temporary appointment on the above terms and conditions, please report to the Medical Supdt./ Divisional Medical Officer/N.F. Railway/ LUMDING within a week from the date of receipt of this letter failing which the offer will lapse.

3. A first class Pass for your journey is enclosed.

DA/ 1 Ist class pass No. 006877

Banerjee

For GENERAL MANAGER (P)

N.F. RAILWAY

6.5.77

A. Laskar

R. Dutta (Adm)
 11/195
 Maligaon, Guwahati, 781011

(TRUE COPY)

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER NO. 240/82 (MED) Dated 18.12.1982

The following orders are issued which will take with immediate effect :-

1. Dr. D. Gogoi, ADMO(Prob.) on completion of two months training in Central Hospital/Maligaon on 18.12.82, is posted as ADMO(ENT)/DBRT Hospital vice Dr. U.K. Barua, transferred.
2. Dr. S. Chakrabarty, ADMO(Prob) on completion of two months training in APDJ Hospital on 29.12.82, is posted as ADMO (Ophth.)/NJP hospital vice vacancy of Dr. Ranjan Srivastava transferred to KNE.
3. Dr. (Mrs) Purnima Devi, AMO/Adhoc/DBRT is transferred in her same capacity and posted at TSK vice Dr. S.K. Sarma.
4. Dr. Sarma, AMO/Adhoc/TSK on relief, is transferred in his same capacity and posted at CPK Health Unit under MS/LMG vice Dr. A.K. Medhi.
5. On being relieved by Dr. Sarma(Sr. No.4 above), the service of Dr. A.K. Medhi, AMO/Adhoc/CPK stands terminated.
6. Dr. T.K. Deshmukhya, AMO/Adhoc/APDJ is posted at NCB health Unit vice Dr. B.B. Bhowmick.
7. On being relieved by Dr. Deshmukhya (Sr. No.6 above) the services of Dr. B.B. Bhowmick, AMO/Adhoc/NCB stands terminated.
8. Dr. U.K. Barua, AMO/Adhoc/DBRT on being relieved by Dr. Gogoi (Sr. No. 1 above), is transferred in the same capacity and posted at HJO Health Unit under DMO/BPB vice Dr. S.S. Roy Laskar.
9. On being relieved by Dr. Barua(Sr. No. 8 above) the services of Dr. S.S. Roy Laskar, AMO/Adhoc/HJO stands terminated.

This issues with the approval of Chief Medical Officer.

For GENERAL MANAGER (P)

NO. E/283/III/130-PVII(3) Maligaon, dated 18.12.82.

Copy forwarded for information to:-

- 1) CMO, FA&CAO(ECA) & (PF), CVU/Maligaon
- 2) DRMS/APDJ, LMG & TSK (3) DAO/APDJ & LMS & AMO/NJP.
- 4) LRM/KIR (5) MS/LMG, AMOs/NJP, APDJ, DBRT & BPB
- 6) EA ACMO/MLG (7) Secy. to GM & CA to GM/MLG
- 8) Officers concerned (9) S₁ are copies.

For GENERAL MANAGER (P)

Divisional Engineer
Ass't Engg.
N & Highway, Sider

Alber

R. D. D. (Adhoc) (M)

Maligaon, Guwahati-781001.

Government of India(Bharat Sarkar)
Ministry of Railways(Rail Mantralaya)
(Railway Board)

REGISTERED

No.83/E(GR)II/7/100

New Delhi, dated

4-5-1984

To

(As in the list attached)

Sub:- Recruitment of Assistant Divisional
Medical Officers(Class I) on the
Indian Railways.

Dear Sir/

The President is pleased to offer you an appointment as an Assistant Divisional Medical Officer in the Indian Railway Medical Service on the basis of the recommendation made by the Union Public Service Commission on the results of the selection held by them in 1982.

2. The terms and conditions of service, which will be applicable to you, are laid down in the Annexure.

3. Your specific attention is invited to para 10 of the Annexure in acceptance with which you are liable to serve in the Defence Services. Your attention is also invited to para 9 of the Annexure in terms of which you are required to sign a Declaration in the attached form regarding your marital status and submit it to the General Manager of the Railway to which you have been posted.

4. You have been posted to the Railway, as indicated against your name in the attached list. In the first instance you will be posted in the Railway Health Units/Dispensaries in the wayside station. You will be ordinarily employed throughout your service on the Railway to which you have been posted. This Ministry, however, will retain the right to require you to serve in any other Railway or Project in or out of India.

5. Please inform this office as well as the General Manager of the Railway to which you have been posted, whether you accept this offer of appointment. If you accept this offer, you should report for duty to the Deputy Chief Personnel Officer (Ga-zetted) of the Railway within a period of one month from the date of issue of this letter, failing which the offer will be treated as cancelled. In case, you need a Railway Pass for your journey to the Headquarters of the Railway of your posting, the same will be issued to you by the undersigned on receipt of your acceptance of the offer of appointment and the intimation regarding the probable date of joining.

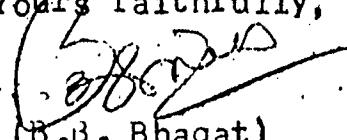
.....2/-

12

6. If you are already in the employment of Central/ State Government or a Public Undertaking and you are required to serve notice in case you accept this offer, you should serve notice immediately on receipt of this offer. Request for extension of joining time will be considered only on this basis. While approaching this Ministry for extension of joining time to complete the notice period, you should clearly indicate the date on which you have already given notice and balance period required to complete the notice period.

7. The Ministry of Railways take this opportunity to convey their good wishes for successful career in the public service.

Yours faithfully,



(B.B. Bhagat)

DA:Annexure, Joint Director, Establishment(Trg.),
Declaration of the Railway Board.
and a List

No.83/E(GR)II/7/100 New Delhi, dated 4-5-1984

Copy forwarded for information to:-

1. The General Managers, Southern, Eastern, South Central Northeast Frontier and Central Railways.

(i) The dates on which the candidates report for duty may please be intimated immediately to this office and to the Principal, Railway Staff College, Vadodara. Assessment Reports(in duplicate) on the work of the candidates should be made available to this office every year for a period of five years subsequent to their appointment.

(ii) Sanction of the Railway Ministry is communicated to the creation of trainee posts in the Junior Scale (Rs.700-1600) in the Indian Railway Medical Service for a period of 3 months on the Railways as indicated below with effect from the dates on which the candidates join the Railway to cover the period of their training.

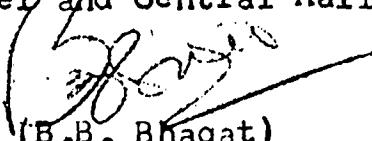
Southern	- 1	South Central	- 1
Eastern	- 1	Northeast	
Central	- 1	Frontier	- 1
Total			5

This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

: 3 :

In case training of the candidates at the Railway Staff College, Vadodara is not arranged within 3 months, there is no objection to their being posted against working posts after completion of the other 2 months training and they may be sent for Vadodara training from the working posts. Posting of the candidates against working posts before completion of training will not confer on them any additional benefit in respect of seniority, promotion, etc. The date on which they are posted to working posts may please be intimated to this office.

2. The FA & CAOs, Southern, Eastern, South Central, Northeast Frontier and Central Railways.
3. The Principal, Railway Staff College, Vadodara.
4. The Directors of Audit, Southern, Eastern, South Central, Northeast Frontier and Central Railways.



(B.B. Bhagat)

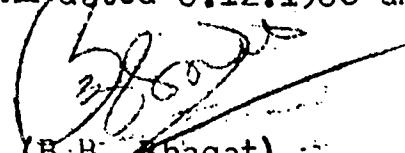
Joint Director, Establishment (Trg.),
Railway Board.

DA:Annexure,
Declaration
Form and a List.

No.83/E(GR)II/7/100

New Delhi, dated 4-5-1984

Copy forwarded for information to the Secretary, Union Public Service Commission, New Delhi with reference to their letters No.F.1/526/81-RE dated 6.12.1983 and 5.1.1984.



(B.B. Bhagat)
for Secretary, Railway Board.

Copy to F(E)I, F(E)III, E(O)I, E(O)II, E(O)III and Health Directorate, Ministry of Railways for information.

Alm

11/85

Annexure-A/3 contd
25

List of 5 candidates appointed as Assistant Divisional Medical Officer on the Indian Railways.

S.No.	Name and Postal Address	Railway allotted	Pay recommended
1.	Dr. Sitangshu Shekhar C/o S.N. Roy Laskar, P.O. Lalarchak, Distt. Karimganj, Assam-788701.	Northeast Frontier	Pay minimum or according to Rules as the case may be.
2.	Dr. R.N. Hallur Parawapur Building, Gokul Road, Hosur, Hubli-580021 (Karnataka)	South Central	-do-
3.	Dr. M.D. Alavandi, C/o Shri N.S. Kulkarni, H.No.23, M.C.D. Quarters, Dilshad Garden, Shahdara, Delhi-110032.	Central	-do-
4.	Dr. S.M. Ghodki, 52/47, Ramjas Road, Karol Bagh, New Delhi-110005.	Southern	-do-
5.	Dr. V.K. Dogra, C-803, Laxmi Bai Nagar, New Delhi-110023.	Eastern	-do-

NORTH EAST FRONTIER RAILWAY

Annexure-A/6

No. 363E/1/324 (S)

Maligaon, dated the, the,
7.3.1989.

To
Dr. S.S. Roy Laskar,
ADMO/R&R.

Sub :- Your application dated 22.8.88 for
counting of past ADHOC-service for
protection of pay etc.

In reference to above, it is to inform you that
your case for counting the past ADHOC-SERVICE towards
protection of pay, pensionary benefits may be examined as and
when Railway Board's instructions in the matter of implementation
of Supreme Court's judgement in the cases of ADHOC-AMOs of
Indian Railways are received. The identical case of Dr. B.B.Bho-
wmick, ADMO/NCB was referred to Rly. Board, which is also to be
examined later in view of above position.

for GENERAL MANAGER(P)/MLG.

Divisional Medical Officer
Construction

N.E. Railway, Silchar

Alberis

R. Dutt, Advocate
Maligaon, Guwahati-781011.

From :- Dr. S. S. Roy "Laskar
DMO (CON) / SCL
Dated 20/8/91

NO. SRL/P/91-92

Dt. 20.8.91

To
The Secretary (S) Gazetted
Railway Board,
Rail Mantralaya.
New Delhi.

Through : Proper channel

Sub :- Protection of Pay and Service as per
Supreme courts verdict.

Ref :- My representations Dt. 25.5.84, 25.5.85,
27.5.86, 28.8.87, 22.8.88, 26.12.89, 4.1.90,
and 19.1.90.

Respected Sir,

With due respect & humble submission I beg
to state that---

In terms of Railway Board's letter No. 834/S
(GR) 11/7/100 dated 4.5.84, I reported for duty as ADMO (Class-I)
on N.F. Railway, on 22.5.1984. Accordingly my pay has been fixed
at the minimum of the scale Rs. (700-1600/-) w.e.f. 22.5.84.

Sir, I had been working as AMO (Class II) on
Ad-Hoc basis on N.F. Rly. from 13.5.77 to 2.3.83, and my pay in
scale Rs. 650-1200/- was raised at Rs. 810/- w.e.f. 1.5.82.

While working as ad-hoc AMO (Class II) on
N.F. Rly. I applied to UPSC through proper channel, for the post
of ADMO's on Indian Railways, in 1981. The criteria for applying
for the posts was a minimum of five years working experience. The
selection was held in March 1982, and the result was communicated
in December 1983. On the basis of the UPSC selection of 1982, I
have been finally offered appointment as ALMO on N.F. Rly. vide
Board's letter dt. 4.5.84 mentioned above.

Since the whole thing took considerable time
to finalise, my services as AMO (ADHOC) were terminated by the N.F.
Rly. administration w.e.f. 3.3.83. As a result I am now loosing
seven years of service seniority. On my new joining as ADMO (Class-
I) w.e.f. 22.5.84 on account of fixation of pay at initial stage. I
am enclosing herewith the copy of UPSC call letter dt. 23.2.82
and one copy of UPSC result letter dt. 6.12.83 from which it is
clearly understood that I appeared in UPSC examination while I was
in service and the result announced after termination of service.

In view of the position explained above, I
would request the Railway Board to kindly consider my case sympa-
thetically and favour me with protection of pay and service as
extended to the serving AMO (Ad-hoc) of Indian Railways as per
Supreme Court's verdict and Railway Board's directives by O/1(F)/MLG
No. E/227/III/1/178 PVIII(O) dt. 5.12.89, treating my period
of absence from 3.3.83 to 21.5.84, as 'dies nonae'.

Yours faithfully,

Alfred
(Dr. S. S. Roy Laskar)
DMO (CON) / Silchar.

Enclos:-

1. Copy of termination letter-1(one)
2. Copy of reply by GM(P)/MLG's NO 363 E/1/324(O) Dt. Maligaon 7.3.88

Advance copy to

1. The Honorable Director General (Medical) Railway Board
during his August Visit at Silchar on 21.8.91 for doing the
needful please.

2. The Chief Medical Officer N.F. Rly. Maligaon during the same
visit at Silchar for necessary action please.

Yours faithfully

S. S. Roy Laskar

(Dr. S. S. Roy Laskar)
DMO(CON)/Silchar

Divisional Medical Officer

NE

N F Railway, Silchar

— Doctor you know at
Silchar. The Supreme Court Verdict was
for All doctors ad hoc prior to 1/1/89
EXCEPT those assigned &/or removed on DAF
— If the facts given by him are correct
he is eligible to get the benefit
given by Supreme Court Verdict for
all his service prior to 1/1/89

SD-1185
DC-RMS
21/08/91
At Silchar

Almos

11/91

R. D.
Maligaon, Guwahati-781011.

NORTHEAST FRONTIER RAILWAY

Office of the
GENERAL MANAGER (PERSONNEL)
Naligaon/Guwarhati - 781013

NO. 363E/1/324(0)

Dated, 27th. 8 - 1901

Tin

Shri R.N.Pabwa,
Joint Director, R&T. (Gen.),
RAXNETTEY RAILWAY BOARD,
NEW DELHI.

SUD : Protection of pay/service etc. ~
Representation dt.20.8.1991 of
Dr. S.S.Roy Laskar, D.M.O./M' Bullock.

A representation dt. 20.8.91 received from Mr. S. S. Roy Laskar, DMO/HF Railway/Silchar regarding his protection of pay, service etc. in the light of Rly. Board's letter No. 86/E(GR)II/9/15 dt. 24.11.89, is sent herewith for Board's perusal and early disposal please. DG/RIS's endorsement on the representation may also be seen. It may be mentioned in this connection that his earlier representation dt. 19.1.90 was forwarded to Board vide this railway's letter of even number dt. 26.2.91, a copy of which is enclosed for ready reference.

The Board are requested to kindly convey their decision at an early date.

DA/As above.

(A. Chaiturvedi)
BY, CPO/G
for GENERAL MANAGER (P)

Copy to :-

Dr. SS Roy Laskar, M.O./STOCHIAU(ORI), for information.

for GRAMMATICAL (1)

8/10 ~~8/11~~
7.81111

Alibhai
H. 111111, 1. Octate
Malgao, Guwahati-781011. 11/95

H. F. Railway.

Annexure- A/7

30

No. 363E/1/324 (O).

Maligaon, dt. 10 -06-94.

To,

Dr. S. S. Roy Laskar,
DMO/N. F. Railway,
Silchar.

Sub:- 1) Counting of past ad-hoc service for the purpose of fixation of pay.
2) Promotion to JA Grade.

Ref:- Your application dt. 19-5-94 and 23-05-94.

.....

Your case for fixation of pay on the basis of your past Ad-hoc service has been referred to Railway Board alongwith Dr. B. B. Bhowmick's case. The matter will be finalised as and when Railway Board's clearance is received. The issue of promotion of all eligible DMOs to JA Grade are under process at Railway Board's level which will be communicated by them on finalisation.

This is for information please.

For GENERAL MANAGER (P)/MLG:

FB8694.

Received 19-9-94

Alleged

11/95
M.G.C.O. 701011