

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 243/95

R.A/C.P No.

E.P/M.A No. 147/96

1. Orders Sheet..... OA .....Pg. 1 .....to 5  
MP 147/96 under page 1 to 2 not included
2. Judgment/Order dtd. 17.1.97 .....Pg. 2 .....to 11.2.97 under 147/96
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 243/95 .....Pg. 1 .....to 33
5. E.P/M.P. 147/96 .....Pg. 1 .....to 5
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....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.)

Sahis  
2.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 243 OF 1995  
 TRANSFER APPLN.NO. OF 1995  
 CONTEMPT APPLN.NO. OF 1995 (IN NO. )  
 REVIEW APPLN.NO. OF 1995 (IN NO. )  
 MISC.PETITION NO. OF 1995 (IN NO. )

..... Badip Kr. Dey..... APPLICANT(S)

..... -vs- H.O.I. Jans..... RESPONDENT(S)

For the Applicant(s) ... Mr. In person

For the Respondent(s) ... Mr. B.K. Sharma, P.L. adv.

OFFICE NOTE

DATE

ORDER

4-12-95

This application is in  
 form and within time.  
 C. F. of Rs. 50/-  
 deposited vide  
 IPO/BD No. 3279/64  
 Dated 12.10.95

Sd/-  
 Dy. Registrar (A)

Heard. Applicant in person. Although  
 he is not able to state precisely as to  
 what is his grievance, it appears that  
 he is not being given promotion despite  
 his being placed that he has become eligible  
 and also as some other persons similar  
 to him have already been promoted. Hence  
 issue notice to the respondents to  
 show cause as to why the application be  
 not admitted and any interim relief as  
 may be called for may not be granted.

Returnable on 10-1-96.

Member

Vice-Chairman

Requisites are and  
 issued v. no. 5236-38  
 8/12/95

Service Report still awaited.  
 and cause has not been  
 filed

Notice served on

OFFICE NOTE

DATE

ORDER

10.1.96

Applicant in person.

No show cause reply has been filed. O.A. is admitted. Issue notice to the respondents. 8 weeks for written statement. The respondents should refer to the record mentioned in prayer clause(1) and offer their explanation in the written statement. Looking to the nature of the case and as the applicant is appearing in person the O.A. deserves to be heard early. Hence it is directed to be listed for hearing subject to filing of the written statement, on 18.3.96.

Mr P.K.Tiwari, Advocate is requested to appear amicus curiae for the applicant

  
Member

  
Vice-Chairman

pg

18.3.96

Applicant in person is present.

Learned counsel Mr J.L.Sarkar submits that he will appear for the respondents Railway in this case in place of Mr B.K.Sharma who appeared in the case previously and a memo of appearance in this behalf has been submitted. He further requests that he requires some time for looking into the matter and take action in the line as directed by the Tribunal on 10.1.96.

Adjourned to 16.5.96 for hearing. Liberty to the respondents to submit written statement and reply as directed in the order dated 10.1.96, in the meantime with copy to the applicant.

  
Member

pg

N/A (sent to applicant)

Notice issued  
no. 172-74 D. 17/1/96Notice sent on  
no. 1, 2 & 3.

OFFICE NOTE

DATE

ORDER

16.5.96

Applicant is present. None for the Railways. Written statement and show cause has not been submitted.

Adjourned for written statement/show cause and further orders to 21.6.96.

*LM*  
Member

pg

21-6-96

Mr.P.K.Dey in person is present. He submits an application for granting him T.A., refreshment allowance, bus fare and special leave for his appearing before this Tribunal in connection with this O.A. It will be considered at the time of final hearing. Written statement has not been submitted by the respondents.

List for hearing on 18-7-96. In the meantime respondents may submit written statement with copy to the applicant.

*LM*  
Member

lm

18-7-96

Applicant in person. Learned counsel Mr.J.L.Sarkar for the respondents. Written statement has not been submitted.

List for hearing on 19-8-96. Respondents may submit written statement with copy to the applicant in the meantime.

*LM*  
Member

lm

19-8-96

Applicant in person. Learned counsel Mr.J.L.Sarkar for the respondents. Written statement has not been submitted. The applicant states that he will submit an amendment application to the Original application and seeks time to submit. it

This case is taken out from hearing

contd/-

24.6.96

A prayer of an applicant for granting Refreshment Allowance.

Office duly served Respondents nos 1, 2 & 3.

Statement by respondent not submitted.

Statement by respondent not submitted.

(14)  
O.A.243/95

19-8-96 list. List for further order on 9-9-96.

Member

lm

m  
19/8

9.9.96

Applicant in person. Mr K J.L.Sarkar for the respondents. Written statement has not been submitted. Amendment application has also not been submitted. Applicant seeks time for submission of amended application.

List for order on 1.10.96.

Member

pg

m  
10/9

1.10.96

Applicant in person. Mr J.L.Sarkar for the respondents.

List for hearing on 20.11.96.

Member

pg

m  
1/10

20.11.96

The applicant in person. Learne counsel Mr J.L. Sarkar for the Railways. Written statement has not been submitted.

List for written statement a order together with M.P.No.147/96 on 3.12.96.

Mem

nkm

m  
20/11

Statement has not been filed.

1) Written statement has not been filed.

2) Amendment application has been filed and register as M.P. 147/96.

m  
30/9/96.

Statement has not been filed. Notice duly served on OP. 1-3.

2.12.96  
written statement has not been filed.

3.12.96

Applicant present in person.  
Mr. J.L.Sarkar for the respondents.

Written statement has not been submitted.

List for written statment and further orders on 3.1.1997.

*ba*  
Member

trd

3.1.97

Mr P.K.Dey in person. Adjourned for order to 21.1.97.

*ba*  
Member

pg

*W*  
*6/1*

17.1.97

Mr M.Chanda, Amicus curie submitted leave note. However, the applicant Sri P.K. Dey is present in person. Mr J.L.Sarkar for the respondents.

Mr Dey submits that he may be permitted to withdraw this O.A. with liberty to file fresh application without prejudice to the contentions raised in this present O.A.

Prayer is allowed. Application is disposed of on withdrawal. The applicant is at liberty to file fresh O.A if he desires without prejudice to the contentions raised in this O.A.

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

*ba*  
Member

*be - comply order*

*17-1-97*

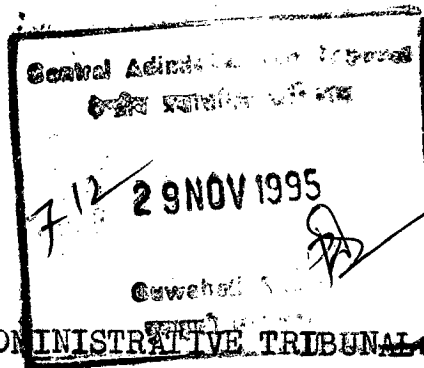
*W*  
*17/1*

*1.97*

*copy of the order issued  
The parties vide D.No.  
h289 dt 27.1.97*

pg

*W*  
*17/1*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

AN APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNAL ACT, 1985

Case No. 243 /95

Dispute regarding Promotion and illegal  
suspension

I N D E X

| <u>Sl No.</u> | <u>Particulars of the documents<br/>relied upon.</u>               | <u>Page</u>  |
|---------------|--|--------------|
| 1.            | An application   | 1 to 8 page. |
| 2.            | Confirmation letter Annexure - 1                                   | 1 "          |
| 3.            | Order for continuance of Annexure no - 2<br>Higher Education.      | 1 "          |
| 4.            | An order for suspension. Annexure no - 3                           | 1 "          |
| 5.            | An application for revocation Annexure - 4<br>of suspension order. | 1 "          |
| 6.            | Memorandum of charge for<br>imposing minor penalty. Annexure - 5   | 1 "          |
| 7.            | Statement of allegation Annexure - 6                               | 1 "          |
| 8.            | Revocation of Suspension Annexure 7<br>Order.                      | 1 "          |
| 9.            | Application for endowment of Annexure - 8<br>LLB. Certificate.     | 1 "          |
| 10.           | An application for permission Annexure 9<br>for Law Suit.          | 1 "          |
| 11.           | Notice U/S 80 CPC Annexure no - 10                                 | 1 "          |
| 12.           | An order for posting as Annexure no - 11<br>Gate man.              | 1 "          |
| 13.           | A competency certificate Annexure no 12<br>for P/Men.              | 1 "          |

For use in Tribunal office

DATE OF FILING :

*Pradip Kumar Dey (I)*  
Signature of Applicant.

*File by Mr. Delivier.*

*R  
Concur  
R. B. Das  
11/12/95*

1. Particulars of the Applicant

Sri Pradip Kumar Dey, (I)  
son of late Munindra Kr. Dey  
Pointsman/B under Station Superin-  
tendent, N.F. Railway, Pandu, Ferry Ghat  
colony, Guwahati - 12.

..... Petitioner

- Vs -

2. Particulars of the Respondents

1. General Manager, N.F. Railway  
Maligaon, Guwahati - 11
2. Divisional Rly. Manager,  
N.F. Railway, Lunding, Newgong,  
Assam.
3. Senior Divisional Superintendent  
N.F. Railway, Lunding, Assam

..... Respondents

3. Jurisdiction

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

4. Limitation

That the applicant further declares that  
this application is filed within the  
period of limitation prescribed under  
Section 21 of the Administrative  
Tribunal Act.

*Pradip Kumar Dey (I)*



5. Facts of the case

That the applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed by the constitution of India. The applicant is presently serving as Group D category under Senior Divisional Superintendent, N.F. Railway, Lumding, Newgaon. The applicant appointed as 'D' categorical employee vide Order L/No. DHM (P) DMG E/227/Rectt/78(T) dated 14.8.79. Since the time of appointment the applicant has not been provided any 'C' categorical promotion upto now. The authority has given promotion to many Junior employees to C. Categorical service depriving the applicant after appeared for departmental promotion in several times alongwith other employees. In that selection some other employees who came on request from other departments of the N.F. Railway, as per seniority Rules, should be placed in bottom seniority position. But eventually though they are in bottom seniority position as well as less qualified are given opportunities for departmental promotion. As for example the person like Sri Pradip Kr. Dey (No.2), P/Man/PNO/who came from RPP Department in the year 1989 has now been promoted as T.C./GHY. (b) Sri Bancharan Haldar, Gatenan/ KYQ who came from ~~st~~ Engineering Department on 1987 was now promoted to Asstt. Guard.

Pradip Kumar Dey (2)

Further more whose seniority position is less than that of the applicant in seniority list and less qualified is also given the departmental promotion after depriving the applicant. Some of these are as -

- 1) Sri Madhu Sudhan Dey, ,Porter/ NNGE, now promoted for Grt -1, cabine Man under SS/IMG.
- 2) Ashok Debnath, Porter/ GHY/ now promoted as Goods Guard / NGG.
- 3) Sri Alak Roy, Porter/ PNO under promotion for T.C.

It is worth mentioning here that while the applicant is serving as a Gateman from 4.1.82 vide L/No. E IV/ Gr. III (P) dt. 17.7.82 inspite of several appeals to the authority the applicant has not been selected for P/Man. Whereas some employees who have been serving as a Porter, Peon, call boy and Box porter etc. are also selected for P/Man from lower grades by selection. These are as 1) Nipen Baishya, 2) Hari Kanta Das 3) Debasish Dey alongwith some other identical lower grade employees selected for the same after depriving the applicant.

However the applicant was permitted for continuance of higher studies in view of future adjustment vide letter No. DRM (D) IMG 5 IV/295-P(T) dated 3.1.84. The applicant has passed the legal studies LL.B. also and the related certificate was already produced before the concerned authority.

9  
Pradip Kumar Dey (T)

• 4 -

In addition to its allegation, the applicant was under suspension without authority of law vide Order No. AOM/GHY/L/No. NIL, dt. 30.1.93 under an INFORMAL ORDER and to utter dismay has fixed responsibility on the applicant though there were other responsible employees as empowered, namely - by two yard Master, two shunting Janadar one on ASM, in addition to the station Superintendent, Pandu was also in the incharge of Supervision during that period while accident took place. But surprisingly, they escaped from their gross negligence in place of meagre paid petty points man 'D' categorical staff just like the applicant.

It is worth mentioning here that no safety and security measure has either been initiated or provided with sufficient amenities by the administration for which accident may be avoided and such an occurrence of accident takes place to that incident. In spite of making several appeals while the administrative authority could not trace out any guilty, the said order for suspension was revoked and the said case is still pending. And after a lapse of two months of the said revocation of suspension a sum of Rs. 600/- has been deducted from my salary in one instalment without giving any information to the party. It is against the payment of wage Act, 1936.

cont. 5

*Pradip Kumar Dey (12)*

G R O U N D S

6. Claims for rights

As per Manual Rule R.B.S No. PC 111/74/MS/16 of 12.4.77 and 27.2.78 and PC 111/78 GS/8 17.7.78 and 13.2.81 SL No. ER 9084/77 37/78 117/78 any staff who has completed 14 years of service, is eligible for promotion to 'C' categorical service on the basis of seniority. In this point of view the applicant can claim for 'C' categorical promotion.

As per Railway Manual Rule RBS No.E (NG) 6,8, PM 1/92 of 15/17.9.64 Sl No. ER 6004/ NR 2709/ an employee of Railway Service can claim his promotion in case of overlooking his due promotion on account of Administrative error.

2. Thus it is evident from the facts that the Railway Administrative department despite being legally liable for providing applicant with the higher promotion since long has deprived him of his right of minimum aspiration for promotion to higher grade on account of administrative error/ indifference and negligence etc.

3. In the above circumstances it is on this point of view, the applicant has right to pray for departmental due promotion on the ground of seniority and educational right under article

11  
Pradip Kumar Dey (11)

16 and 14 of the constitution of India for equality of opportunity in matter of employment e.g. equal among equality in regard to education and on the ground of administrative error.

7. Relief prayed for :

Under the facts and circumstances stated above the applicant prays to your honour to look into the matter judiciously and admit the petition after hearing the parties and be further pleased to pass order/ directing the administration for the following reliefs :-

- 1) For regularisation of suspension period and directing to produce records regarding seniority list and other essential records from the year 1979 for promotion with retrospective effect from the date on which I have been ever looked for promotion to higher grade.
- 2) Any other relief or reliefs as the petitioner is entitled to under Law.

8. Interim Relief.

The applicant prays to withhold all departmental promotion in traffic department and also not to promote in further till the dispose of this suit.

12  
Pradip Kumar Dey (12)

That the present applicant declares that he has not filed any other application before any other Court or Tribunal on this subjects.

That there is no any other rule/Laws and save and except filing the application before the Hon'ble Tribunal.

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

9. Particulars of the Postal Orders

Particulars of the post filed in respect of the application Fee, bearing No. 327964 issued from Guwahati Post office dated 12th October, 1995.

VERIFICATION

I, Shri Pradip Kumar Dey, son of late Manindra Kumar Dey, aged about 38 years, at present working as Pointsman/B, under SS/PNO, resident of Pandu No.3 Ferry Ghat colony, Railway Qtr.No.T/ 44A, Guwahati- 12 in the District of Kamrup, Assam do hereby state and verify that the contents of paragraphs from 1 to 5 are all true to the best of my knowledge information and belief and the rests are my humble submission and prayer before the Hon'ble Tribunal which I believe to be true.

13  
Pradip Kumar Dey (11)

And I sign this verification on this the 29 th.  
day of Nov 1995 at Guwahati.

*Pradip Kumar Dey (1)*

Date : 29.11.95

Signature of the Applicant

Place : Guwahati

Copy to :

1. N.F.Rly. General Manager, Maligaon, Guwahati-11
2. Divisional Manager, N.F. Railway, Lunding, Newgaon.
3. Senior Divisional Superintendent, N.F. Rly.  
Lunding, Newgaon.
4. Railway Advocate.

Petition filed in person.

The following screened substitutes of Traffic department of this Division have been approved for regular appointment w.e.f. 14-8-79, are hereby posted in scale Rs.196-232/-(RS) at the stations as shown against each vice vacancy being found medically fit pending verification of their character and antecedents.

| Sl. No. Name & Father's name                            | Present station. | Designation and stations where now posted.                                  |
|---|------------------|---|
| 1) S/Sri<br>Kamaleswar Das<br>S/O, Sri Padma Ram Das    | KYQ              | Station Peon/KYQ vice Sri Santosh Dey-called for P.Man(B) Training.         |
| 2) Prahlad Baisnya<br>S/O, Sri Pitambar Baisnya         | NGC              | Box-Porter/NGC vice sri Bhupal ch. Baisista-called for P.Man(B)'s training. |
| 3) Khokan Majumder<br>S/O, Sri N.K. Majumder            | GHY              | R.d.Waterman/GHY vice sri chand Kr.Dey-called for P.Man(B)'s training.      |
| 4) Nani Gopal Majumder<br>S/O Sri Khetra Mohan Majumder | NGC              | LR-Porter/NGC vice sri Prafulla Ch.Nath-called for P.Man(E)'s Training.     |
| 5) Hirendra Dutta<br>S/O Sri Girinara ch.Dutta          | NGC              | RG-Porter/NGC vice sri Adesh Narayan Tewari-called for P.Man(B)'s training. |
| 6) Md.Matlib Ali<br>S/O Md.Moti Ulla seikh              | KYQ              | Box-Porter/PMO vice Sri Dinesh Kr.Keot-called for P.man(B)'s training.      |
| 7) Pradip Kr.Dey<br>S/O Sri Maninara Kr.Dey             | NGC              | Porter/NGC vice sri B.K.Chakravorty-called for P.man(B)'s training.         |
| 8) Indrajit Paul<br>S/O Sri D.C.Paul                    | NGC              | Box-Porter/NGC vice sri S.N.Nandy-called for P.man(B)'s training.           |
| 9) Paresn Ch. Sarmah<br>S/O Sri Pratap Ch.Sarmah        | NGC              | LR-Porter/NGC vice Sri Krishna Ram Das-called for P.man(B)'s Training.      |
| 10) Sankar Singh<br>S/O Sri Diplal Singh                | NGC              | LR-Porter/GHY vice sri sarif uddin Ahmed-called for p.man(B)'s training.    |
| 11) Haripada Sinha,<br>S/O Late Kalem Sinha             | NGC              | Box-Porter/NGC vice sri Mahesh Das - called for P.man(B)'s training.        |

Asstt. Personnel Officer,  
N.F. Railway/Lumding.

Dated 17-11-81.

- No. E/227/Rectt/78(1)
- Copy forwarded for information and necessary action to:-
- 1) Staff concerned thro:- Proper Channel.
  - 2) AOS/Yard/NGC, SS/GHY, SMS/KYQ & PMO. They will please advise this office when the above posting orders are given effect to. They will also please spare and direct the staff who have been called for to attend this office for medical examination in 4/two and P.Man(B)'s training vice this office letter No. BEIV/Gr.I(P.Man.B) Trg. dt. 12.11.81- immediately.
  - 3) AO/NGC (4) LMO/LMG.
  - 4) ET/Bill, EIV/Gr.I and EIV/Gr.III at Office.

for Divisional Rly. Manager(P),  
N.F. Railway/Lumding.

*Amu...* *att...* *17-11-81* *17/11*



7-19-84 Rly. P-10  
DRM P. 10  
Xundung  
No-5 EIV/255-P (1) 31. 1. 84

Staff To: Smt. Pradip K. Dey  
Commandant NCE  
Thru: - HOS (Jd) NCE  
Sub: - Permission for  
Higher Education  
P.P. - Your application  
is approved

In reference to the  
above Smt. Dey has  
given permission to continue  
your higher education  
with out hampering  
your mail duties

Answered @ 2  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

Answer no: (2) (3)

NO. RPD/Mane/Rno/93. TO

Sri P. K. Dey  
RC P/Manager, Poo.

Ref. - Army/Colly's 4/100 - NIL  
Dr 20.10.93

According to instruction  
of Army Chief ~~the~~ <sup>the</sup> ~~are~~ <sup>are</sup>  
advised to attend at Army Chief's  
office on 01.11.93 at 10 AM for

receiving your statement there  
Please proceed by  
Seattle Bus Nov 01.11.93 at 8:15 AM  
E.O. #12812 - Color only

## The Suspension Order

is issued by ~~AMC~~ in Original  
and attached herewith to receive  
acknowledge the same.

D/A: - one -

to DAOR/City } for confirmation  
2) DOR(P) } please.

To  
Hon'ble ADM,  
N.F. Rly,  
Gumhat.

Annexure no - (4)

P-10  
12

8

Sub: Charge for imposing minor penalties  
(Rules 11 of Rs (D & A) Rules, 1968)  
in standard form.

Ref: TA / NAC / 3, N.F. Rly (Admin.)  
Sri ARM / GHY's of the dt. 19.11.93

Sir,

With reference to the above I beg to submit the following few lines to earn your favours and sympathetic consideration please.

That's Sir, In connection with my duty I had to discharge my duties under the proper guidance of responsible employees as empowered named by 2 Y.M., 2 Stg. JDR and one train passing JDR. In addition to it, SS/PNO was also in the charge of supervision during that period while the accident took place as mentioned in the statement of Allegation annexed with Memorandum.

That's Sir, my senior colleagues Sri Montu Bose P/Man/A PNO as well as Sahid Ali P/Man/B was identified by two shunters and two firemen while on duty hours for the main offence of committing gross negligence towards their duty for which the accident was inevitable for the cursing day at PNO.

That's Sir, I had to perform my duties under the joint liabilities. To my utter dismay, the Rly. administration has fixed responsibilities on me, though there were other employees could have

Contd./2

Tested by  
Rly

appet no - 5.  
allotted  
date  
14/11/93

to be involved under D.A.R., but surprising that they escaped of their gross negligence in place of meagre paid petty P/Man / B, D. (collegial staff just as mine.

That's Sir, It is worth mentioning here that no safety and security measure have either been initiated or provided with sufficient amenities by the ASM/PMO on duty for which accident may be avoided. Such an occurrence of accident took place prior to that incident.

That's Sir, I was put under suspension vide your Order AOM / GHY. 1/NO NIL dt 30.10-93 under an informal order.

In view of the above fact as narrated, I plead in my favour and pray your exalted self to look into the matter judiciously and condone the charge as levelled against such unfortunate employee just as mine. Hope, it is you who can untie the Gordian Knot of such impasse and for this act of kindness, this humble petitioner shall ever pray.

With kindest regards.

Most faithfully yours.

Pradip Kr. Dey  
P/Man / B, / PMO  
N.F. Rly.

attested

Sub  
17/11/93

At Mahabli-12  
93

# NORTHEAST FRONTIER RAILWAY

STANDARD FORM NO. 11

G/174 L

Standard Form of Memorandum of charge for imposing minor penalties  
(Rules 11 of RS (D&A) Rules, 1968)

No.

TA/NGC/3

N.F.R.

(Name of Railway Administration)

S. H. M. W. S. 6/11/93

(Place of issue)

dated 19/11/93

## MEMORANDUM

Shri. Pradip Kr. Day (Designation) RA/P/1100/10 INCC (Office on which working) SS/PNO is hereby informed that the President/Railway Board/undersigned propose (s) to take action against him under Rule 11 of the Railway servants (Discipline and Appeal) Rules, 1968. A statement of the imputations of misconduct or misbehaviour in which action is proposed to be taken as mentioned above, is enclosed.

2. Shri. Pradip Kr. Day is hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any, should be submitted to the undersigned (through the General Manager) X Railway, so as to reach the said General Manager) \*within ten days of receipt of this Memorandum.

3. If Shri. Pradip Kr. Day fails to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri. Pradip Kr. Day ex-party.

4. The receipt of this Memorandum should be acknowledged by Shri. Pradip Kr. Day RA/P-man/B INCC.

%(By order and in the name of the President)

Signature

Abh. Sharma

Name

ABHINAV SHARMA

RA/P/NGC

Name and Designation of the Competent Authority

पू. सी. रंजन, गुवाहाटी

ASSTT. OPTNS. MANAGER

N.F. Rly. Guwahati.

To

Shri. Pradip Kr. Day

(Name Designation and Office of the Railway Servant)

Thro: SS/PNO.

To be retained wherever this Memorandum is issued by the Railway Board/the President  
%Where the President is the disciplinary authority.

Answer - 20 (6)

सहायक निदेशक प्रभु  
 प. वि. रेडवे, गुवाहाटी  
 ASST. DIR. P.W. MANAGER  
 N.E. Ry. Guwahati

P-16

An-5 (07)

24

STANDARD FORM NO. 4

N. F. RAILWAY

G. 174. B

Standard form of order for revocation of suspension order

(Rule 5 (5) (c) of RS (DRA) Rules 1968)

No. TA/NCL/3

N.T.P.H. (Name of the Administration)

(Place of issue) Guwahati Dated 19.11.93

### ORDER

Whereas an order placing Shri/Smt. Pradip Kr. Dey, R.L.P. No. 16 (name and designation of Railway Servant) under suspension was made/was deemed to have been made by Admin. (NCL) of Guwahati on 30.10.93

Now, therefore, the President/the Railway Board/the undersigned (the authority which made or is deemed to have made the order of suspension or any other authority to which that authority is subordinate) in exercise of the power conferred by clause (c) of sub-rule (5) of rule 5 of the RS (DRA) Rules 1968 hereby revokes the said order of suspension with immediate effect/with effect from 19.11.93

\*(By order and in the name of the President)

(Signature) Alok Sharma

(Name) DOM/NCL ALOK SHARMA

सहायक परिवहन प्रबंधक

Designation of the authority making this order

ASSTT. OPTNS. MANAGER

N.F. Rly. Guwahati.

(Secretary, Railway Board, where the order is made by the Railway Board)

Designation of the officer authorised under article 77 (2) of the Constitution to authenticate orders on behalf of the President (where the order is made by the President).

Copy to—

Shri/Smt. Pradip Kr. Dey, R.L.P. No. 16 (name and designation of the suspended Railway Servant)

\*Where the order is expressed to be made in the name of the President.

N. F. Rly. Press -1/87,900, 139--May '90--10,000 Form

(1) A.P.U.H., 1135 in location 2 NLA Plam

To  
The Divisional Railway Managers Lunding.

Subj:- Receiptance of application  
for endowment of LLB certificate  
Estimated Honorable, and necessary arrangement.

That Sir I have been serving in Rly since 1978. Since my appointment I have not been provided any promotion up till now.

As per Rly Manual Rule R.B. No. 100  
SL NO ER 6106/SE 283/61 347/62

J. A. R. C. B.  
 N. A.  
 (R. C. B.)  
 344 P. 19  
 26 19  
 J. A. R. C. B.  
 N. A. R. C. B.  
 R. A. R. C. B.

In view of the fact as stated above you've exalted self be gracious enough to look into the matter and set right the whole episode for disposal and obliged.

Most respectfullly  
 { Handwritten  
 - P. Man/B.

Df.



Answers - 199

To  
The Divisional Railway Managers.

N.F. Rly Landing.

(Through purpose channel)

Respected Sir,

Subj: Seeking permission  
for Law suit.

I would like to bring your kind attention to the following grievances as given below under.

That Sir, I was put under suspension without authority of law vide no. 20-NOM/6114 of no NIL. Dt. 30.10.93. under an INFORMAL ORDER. And to my utter dismay has fixed responsibility on me though there were other responsible persons employees as empowered named by "M/S" shunting jamadar, train passing jamadar, in addition to it SS/PNO was also in the charge of the supervision during that period while accident took place. But Surprisingly they escaped of their gross negligence in the place of meagre paid petty 15000/- B (0) categorical staff just as mine.

It is worth mentioning here that no safety and security measures have either been initiated or provided with sufficient amenities by the Administrative, for which accident may be avoided. Such an occurrence of accident took place to that incident. I had left no stones unturned to bring sound attention and to look into the matter judiciously but in vain.

under the circumstances, I would like  
to request before your further entertainment of  
my application and able me to do the  
same and obliged.

Particulars.

$$u = \text{rad}(\rho) \approx \deg(J)$$

domen/B andere sc/pwv.

Department - Tongue.

Yours faithfully

{ Pradyot. Day (I)  
Aman/B no.

Amay/B PNO.

D.f. ...

# PROVISIONAL CERTIFICATE

This is to certify that Pradip Kumar Dey  
(Registration No. 22852 of 1979-80)  
of Barpeta Law College, Barpeta  
Roll No. 173 qualified for the Degree of  
Bachelor of Law (LL.B.) in this University having passed the Final  
Examination held in the month of Nov. 1993 and was placed  
in the Second Class.

The 15 July, 1994.

7  
 Collected  
 Subscribed  
 (1874)  
 Div. Medical  
 F. R. P.  
 Div. Central Hospital  
 F. R. P.  
 Div. Medical  
 F. R. P.

**REGISTRAR**

12/10  
854

# Gauhati University



No 000163

## Final Law Examination Marks

The following are the marks obtained by Pradip Kumar Dey Roll .....  
 No. 173 of Bareilly College at the Final Law Examination 1993, held in Nov 1993

| I      | II     | III    | IV     | Grand Total | Minimum for a—                 |  |
|--------|--------|--------|--------|-------------|--------------------------------|--|
| 30/100 | 30/100 | 30/100 | 30/100 | 180/400     | 1st Class—260<br>2nd Class—180 |  |
| 63     | 44     | 38     | 49     | 194         | II                             |  |

Rs. 20-00  
25-00

First Tabulator

Date.....

Second Tabulator

Date.....

Joint/Asstt. Controller of Examinations

Date .....

N. F. Rly. Maligaon

12/10/93

P-21

Annexure no- 10

27

Notice under 80. C.P.C. P-21

ACKNOWLEDGMENT

ADDRESSED *Naligan G.H.*

TO NAME *N.F. Rly. General Manager*

SIGNATURE OF ADDRESSEE



Annexure - 10

*[Handwritten signature]*

*Collected  
12/10/21*



*St. M. Rly. Station  
Civil Medical Officer  
3/11/21*

P. K. Dey (Gateman)

N.F.Hy.

23/7/82

P-22

Annexure no: Noted  
(2)

Office order.

Sri Pradip kr Dey, Porter/NGC in scale Rs. 196-232/- was temporarily appointed to officiate as Gateman in scale Rs. 200-250/- (RS) and posted at NGC vide this office order No. EIV/Gr. III (Gateman) T. dt. 24.12.81 which was given effect from 4.1.82.

His officiating pay is fixed on Rs. 206/- wef. 4.1.82 in scale Rs. 200-250/- (RS) in reference to his Substantive pay Rs. 202/-

for DEM(P)/LMG.

No. EIV/Gr. III (Promotion). dt. 17/7/82.

Copy forwarded for information and n/action please.

1. Sri Pradip kr Dey, Gateman thro: AOS(Y<sub>3</sub>)/NGC.
2. ET/Bill at office, DAO/LMG.
3. P/case of staff.

for DEM(P)/LMG.

deyl6/7.

attached

File  
12/7/82  
P. K. Dey  
Gateman  
NGC  
T. dt. 24.12.81  
EIV/Gr. III  
T. dt. 24.12.81

Attended by  
Dey

CERTIFICATE OF COMPETENCY (STAFF COPY)

P-23

TTS/364/90

Annexure no - 12

Date 14.03.90

Shri PRADIP KUMAR DEY Designation Cabinman Kyg was  
 examined in Refresher/Promotion course training on the 13.03.90 and  
 is certified to be fit to perform the duties of a Pointsmen 'B',  
 Pointsmen 'A', Shuntman, Cabinman-Gr.II, Cabinman-Gr.I, Leverman-Gr.II,  
 Cabinman-Gr.I and Cabinman.

*W. J. S. S.*  
 Signal Inspector,  
 Lumding.

*L. S. S.*  
 Traffic Inspector,  
 Lumding.

GHY 13/3

*S. S. S.*  
 Divl. Safety Officer,  
 Lumding.

Annexure - 12

*allert*  
*Jul*  
 18.11.95

18.11.95  
 Mr. P. S. S.  
 Mr. P. S. S.  
 Mr. P. S. S.  
 Mr. P. S. S.  
 Mr. P. S. S.  
 Mr. P. S. S.

*allert*  
*Jul*  
 18.11.95

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA/RA/CP/PT/MA 243 of 1996

Sri P. K. Dey

V.

Union of India & Ors.

MEMO OF APPEARANCE

I, JL Samra.....having  
been ..... authorised  
by CPO / A.F. Kailash hereby appear for  
Applicant X No. Y ...../Respondent No.s  
1 and 2.....and undertake to plead and act for them  
in all matters in the aforesaid case.

JL Samra

Signature & Designation of the Counsel

Place : Maligaon

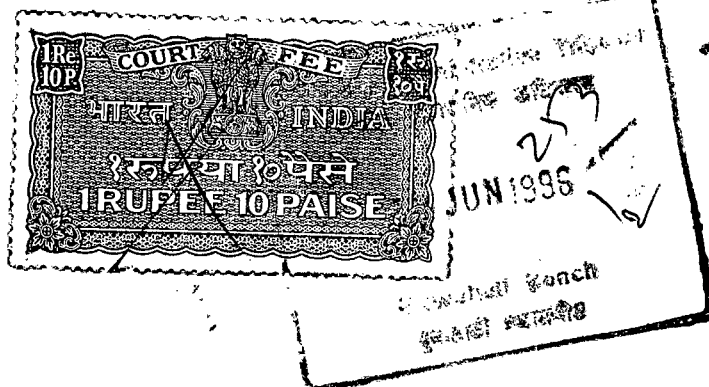
Date : 18/3/96

Address of the Counsel for service.

43A, Adarsha Colony,  
Maligaon,  
P.O. Maligaon,  
Guwahati-11.

Filed in Court  
on...21...6...96...

*per*  
Court Master



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BRANCH.

OA NO - 243/95.

IN THE MATTER OF :-

Pradip Kr. Dey(1) -- Petitioner

-vs-

H.O.I. & Others -- Respondents.

And application for issue of order  
and direction.

- And -

IN THE MATTER OF :-

Enforcement of the right of the applicant  
under Article 14 and 16 of the Constitution  
of India and the provisions of the Railway  
Manual Rules and enforcement of other  
legal rights of the applicant.

The applicant states as follows :-

1. That sir, with reference to 2E IV/Gr.I  
cabinman(II) dt. 17.4.96, DMR(P) LMG, without given  
retrospective effect, the applicant is temporarily  
promoted in scale Rs.1030/-. It is existence scale



of the applicant. If the applicant was promoted at the proper time in 1984, he would have reached at the stage Yeard Master in scale Rs.1650/-, as because it is a penal promotion from cabinman to yeard master. Under the OA No. 243/95, ground has given in paragraphs No. (6)(1) for "C" categorical promotion on the basis of 14 years service seniority. The order passed by the authorities without retrospective effect is illegal and it is not issued in accordance with the provisions of law and rules made by the government in this behalf.

2. That sir, on dt. 6.2.79, the competent authorities issued a certificate in favour of the applicant for p/man/ and the applicant has been utilised accordingly without given any officiating benefit. As a result the applicant has been overlooked for promotion to higher grades. It is worth mentioning here that since the time of appointment of the applicant only one seniority list is published in 1995. It is also wrong assignment of seniority list. As because Nipen Baishya, Harikanta Das, Debashis Dey some other identical lower grade employees has been given top seniority, whose appointment is in 1985. Whereas date of appointment of the applicant is 1979.

3. That Sir, under Article 16 and 14 of the Constitution and it is just and whole some principle commonly applied for recruitment

Shadip ki Dey.

- 3 -

on the basis of qualification. During the time of appointment the applicant was a qualified candidate and related certificate was already produced before the concerned authority. In this point of view recruitment authorities had adopted some erroneous view regarding appointment of the applicant. At the same time Railway Manual Rules RBS.No.E(NG) 179/PNM NFIR of 27.3.80, SL NO.-SE 118/80 is against all the rule of service jurisprudence to provide a qualified person as "D" categorical employee.

4. That sir, with reference 5 IV/295 A(T) dt. 3.1.84, the applicant was permitted for future adjustment. As such he is entitled to all rights and privileges under the provision of law. The applicant belong to OBC community and there are 3 reserved vacancies of Law Assistance in scales/1600/-. The applicant may be promoted to such post. The applicant submits that it is a fit case for your Lordship to exercise powers conferred by Article 16 and 14 of the Constitution of India. And it will be equal among equality under the said article as well full redress of the applicant.

5. That Sir, the applicant is entitled to

to T.A. and special leave under the rules RBS NO.  
N(G)55 LE 2/127/3/ dt. 18.12.57, ER Sl.No. 3301.  
But neither is received T.A. nor is granted special  
leave.

AND

After make  
~~After make~~ the rule absolute and pass such  
order and give such direction as your Lordship  
deem fit and proper.

AND

The humble applicant further pray that your  
Lordship may be please to direct the respondents  
to give T.A. refreshment allowance and bus fare  
as admissible under law Rs.35+6+10=Rs.51/- =  
Total = Rs.204/- for four times appearing in the  
court and to grant special leave.

And for this act of your kindness your appli-  
cants shall ever pray.

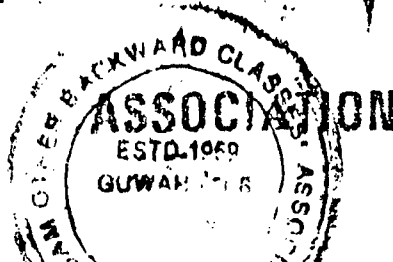
Signature of the applicant

*Radip K. Dey*

N.B. Necessary certificate enclose  
here with for ready reference.



# ALL ASSAM OTHER BACKWARD CLASSES



(Registered under the Society Registration)

Act XXI 1860 and recognised by the state Govt.  
of Assam vide

MEMO No TAD/MISC/275/85/296 5th January-1994

Regd No: 890

S. K. Barua Road, GUWAHATI-781006

Sl. No. 95/ 8796/614

(13th B/S)

Date \_\_\_\_\_

Certified that Shri / ~~Shri~~ PRADIP KUMAR DEY

son / daughter / wife of Shri / Late MONINDRA KUMAR DEY

of PANDU Village / Town / T. E. Under JALUKBARI

P. I. S. GUWAHATI Sub-Division in the District of KAMRUP

Assam belongs to DEY Caste /

Community / Tribe which is recognised as Other Backward Class / ~~More Other Backward Class~~ by the State Government of Assam

He / She is residing at PANDU Village / Town

T. E. under JALUKBARI P. S. in the District of KAMRUP Assam

Counter Signature of \_\_\_\_\_ President / Gen. Secy / Joint Secy

DC / SDO

Executive Magistrate (Authorised Person)

Per District Magistrate, Guwahati Other Backward Classes' Association

( for Staff copy ).

Northeast Frontier Railway.

(Certificate of Competency )

No. E/Comp/ (T) \_\_\_\_\_

Sri Pradip Kr. Dey \_\_\_\_\_  
designation S/Porter \_\_\_\_\_  
Station New Guwahati \_\_\_\_\_  
was examined on 6.2.79 \_\_\_\_\_  
and is certified to be fit for  
Trains passing duties including  
operation ~~Electrical Block~~  
~~Instruments both for Single~~  
~~and double lines.~~ as P/Man 'B'

Place: Lumding. NGR

Dated 6.2.79

*Pradip*  
To/Secy NGR  
DSO/ST. DOS  
N.F.R.L./LNG.

N.F. Railway.

Office of the  
Divl. Rly. Manager (P),

No. 2 E IV/Gr. I (A).

Lumding, dtd: 6 /1/95,

To

Sr. AM/ AOM/ GHY, AM/ BPB,  
SS/ DMG, GHY, PNO, KYQ, BPB, SCL  
GYS/ NGC, NGCM.

SS/Dy. SS/SMS- JID, CPK, TGE, JMK, KKM, JGJN, HJI, LKA, PHI,  
PKB, DLDE, BXJ, DMV, BHGN, LCT, OTN, JMI, KKET, DPU,  
DWB, HLX, MYD, EFG, KQI, WDA, BHZ, PDJ, DKE, LJO,  
MEG, MGX, DGA, JTG, BF, MGE, BXK, DCA, SQF,  
BRGM, JRGM, SCL/ RMR, BHNB, DMR, LBR, PNGM, SCA,  
KTX, HKD,

RAC/Optg. at Office, RAC/BPB.

Sub: Selection to the post of P.man-A in scale  
Rs. 950-1500/- (RP).

It has been decided to hold a Selection for filling up the post  
of P.man-A in scale Rs. 950-1500/- for formation of Panel of 73 posts  
(UR-63, SC- x ST-10).

The selection will be in the form of viva-voce test only.  
Accordingly, the following Gateman and P.man- B in scale Rs. 800-1150/-  
may please be advised themselves for rediness to appear before the  
selection at short notice.

Sr. Subordinates incharges should ensure proper acknowledgement  
of the notification and send the same to the undersigned along with  
the working reports for selection and record failing which the  
subordinates incharges concerned will be held responsible for laps,  
if any

Name of P.man-B and Gateman in order of seniority in scale  
Rs. 800-1150/-

| <u>Sl. No.</u> | <u>Name</u>               | <u>Designation and Station.</u> |
|----------------|---------------------------|---------------------------------|
| 1.             | S/Shri. Rasaraj Das, (SC) | Gateman/PNGM                    |
| 2.             | Makhan Lal Saha           | -do-/ KTX                       |
| 3.             | Adhir Ch. Das, (SC)       | -do-SCA.                        |
| 4.             | Mano Rn. Dey,             | -do-/K HKD.                     |
| 5.             | Ram Ladoo Pandey,         | -do-/GHY.                       |
| 6.             | Sukhen Kr. Paul           | -do-/RKG BXJ                    |
| 7.             | Makhan Lal Chakraborty,   | -do-/DPU                        |
| 8.             | Bhim Bahadur              | -do-/NGC.                       |
| 9.             | Rabindra Ch. Das, (SC)    | -do-/GHY.                       |
| 10.            | Sajdeo Mahato             | P.man_B/DMG.                    |
| 11.            | D. Erana Rao              | -do-/NGC.                       |
| 12.            | Babul Ch. Seal            | -do "                           |
| 13.            | Krishna Prasad Gurung     | -do-/BHZ                        |
| 14.            | Paial Barman              | -do-/NGC.                       |
| 15.            | Tapan Kr. Soal            | -do-/DMG.                       |

Contd..2-/

31  
Indsmon B  
5 sterker

Imp. to SC/ST candidates.

Since it has been decided to hold selection to fill up and panel of 73 posts of P.man-A (UR-63, SC-Nil and ST-10) in scale Rs. 950-1500/-, the SC/ST candidates in the above list in scale Rs. 800-1150/- should be directed to report to TI/Area school/IMG on 15/1/95 without fail for undergoing Pre-promotional coaching for the purpose.

The duration of training is 7(seven) days commencing from 15/1/95.

If any SC/ST candidates fails to attend the aforesaid coaching, it will be presumed that he is unwilling to take the advantage of the said training, Subordinate incharges should take written declaration from the unwilling SC/ST candidates and send to this Office immediately to take further action.

*Rubelling*  
for DRM(P)/Lundig. 6.1.95  
N.F.Rly.

Copy forwarded for information and necessary action to:-

- 1) Staff concerned through proper channel.
- 2) TI/Training School/IMG, for arrange necessary training of Pre-coaching SC/ST candidates.
- 3) Sr. DOM/~~XXX~~ IMG. He is requested to issue necessary certificate to effect that Pre-selection training has been imparted to the above SC/ST candidates after Coaching is over. The subject of coaching may be decided by him. There is no specific Guidline for the purpose.
- 4) RAC/Optg. IMG and EPE, they will arrange to relief of the above staff for appearing selection and Pre-Coaching training of SC/ST candidates.
- 5) DSO/IMG.
- 6) TIs/ East, West/IMG, GHY, Hill BPB & KXJ.

*Rubelling* 6.1.95  
for DRM(P)/Lundig.  
N.F. Rly.

TKM6195.

*h. or* 6/1  
16 ms.  
6/1/95



N. F. Railway.

Office order.

DRM(P)'s office  
Lumding, dated 17-4-96.

(A) The following P.Men(B) in scale Rs. 800-1150/- are hereby temporarily promoted to the post of C/Men-II in scale Rs. 950-1500/- and transferred and posted as stated against each to have immediate effect.

| SN.     | Name and designation.            | Station. | Station of posting on promotion. | Existing pay.           | Pay fixed on promotion. |
|---------|----------------------------------|----------|----------------------------------|-------------------------|-------------------------|
| S/Shri. |                                  |          |                                  |                         |                         |
| 1.      | Chandra Kanta Saikia, P.Men-B.   | LMG.     | As Rg.C/Men at DKE./II.          | Rs. 995/- as on 1.6.95. | Rs. 1030/-              |
| 2.      | Narayan Ch. Dey, P.Men-B.        | DMV.     | As C/Men-II at CJA.              | Rs. 1130/- as on 1.9.95 | Rs. 1130/-              |
| 3.      | Anil Gh. Rajbanshi, P.Men-B/NGC. | NGC.     | As Rg.C/Men-II at MGE.           | Rs. 1010/- as on 1.4.96 | Rs. 1050/-              |
| 4.      | Badal Krishna Das, P.Men-B/SCL.  | SCL.     | As C/Men-II at MGX.              | Rs. 980/- as on 1.6.95  | Rs. 1010/-              |
| 5.      | Pradip Kr. Dey, P.Men(B)/PNO.    | PNO.     | As C/Men-II at KQI.              | Rs. 995/- as on 1.5.95  | Rs. 1030/-              |
| 6.      | Satish Ch. Roy, P.Men-B/LIBR.    | LIBR.    | As C/Men-II at KQI.              | Rs. 1110/- as on 1.4.95 | Rs. 1150/-              |

Sl. Nos. 1, 2, 3, 4, 5, 6 are admissible transfer grant, transfer pass and joining time.

All the Sr. Ss. are advised to spare the staff under their control immediately to carry out their promotion order. under intimation to this office.

If promotion order are not carried out by any staff within 15 days it will be presumed that he is not willing for the promotion of C/Men-II and he will be debarred from promotion for a period of one year as existing rule.

Contd...P/No. 2

(B) The following staff are hereby transferred and posted to have immediate effect.

- 1) Shri Nandu Bhattacharya, C/Men-II/DIC is hereby transferred and posted at HLX as C/Men-II on his existing pay and scale at his own request. *Vice Sp. Nandu Bhattacharya Tfr to HLX*
- 2) Shri Bhubaneswar Balmiki, C/Men-II/KOI is hereby transferred and posted at DTC as C/Men-II in his existing pay and scale. *Vice Sp. Nandu Bhattacharya Tfr to HLX*
- 3) Mir Bahadur Thappa, C/Men-II/CJA is hereby transferred and posted at KHKT as C/Men-II in his existing pay and scale at his own request. *Vice Sp. Nandu Bhattacharya Tfr to HLX*
- 4) Shri Jagadish Berman, C/Men-II/KOI is hereby transferred and posted at BHGN as C/Men-II in his existing pay and scale on administrative grounds. *Vice Sp. Nandu Bhattacharya Tfr to HLX*
- 5) Shri Chinmoy Das, C/Men-II/DJ<sup>4</sup> is hereby transferred and posted at KTX as LR C/Men-II in his existing pay and scale at his own request.

Sl. Nos. 2 & 4 are admissible transfer grant, transfer pass and joining time only.

This issues with the approval of AOM/LMG.

for Divl. Rly. Manager (P)  
N.F. Rly., Lumding

Lumding, dated 17.4.96.

N. 2 EIV/G..I C/Men-II

Copy forwarded for information and n/action to :-

1. Staff concerned through proper channel.
2. SSs/LMG, DMV, SCL & PNO.
3. SMS/LIBR, DKE, CJA, MCE, MGX, KOI, KHKT, DTC, HLX, BHGN, DJ<sup>4</sup>.
4. CYM/NGC, AM/GHY, PO/GHY, AM/BPB, CC/ET/B, 11.
5. TI/Hill, TI/East, TI/GHY.

for Divl. Rly. Manager (P)  
N.F. Railway, Lumding.

17.4.96