

10/600

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 31/95

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SECTION OFFICER (Judl.)

Kahli
12/18

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

ORIGINAL APPLICATION NO.

3/95

MISC PETITION NO.

(O.A.NO.

REVIEW APPLICATION NO

(O.A.NO.

CONT. PETITION NO.

(O.A. NO.

Ayesha Barua

APPLICANT(S)

VERSUS

Union of India & OR.

RESPONDENT(S)

MR P.K. Tiwari,

Advocate for the

MR B. Mohla & S. Sarma,

Applicant.

Advocate for the
Respondents

Rly Counsel.

Office Note

Court Orders

4-1-95

5-1-95

This application is
filed along with one
IPO NO. 865-429 dated
30.11.94 for Rs. 50/-
and is in form.

Laid before the
Bench for favourable
orders.

M. Kumar
4/1/95

Section Officer,
Central Administrative Tribunal
Guwahati Bench,
Guwahati-5.

Mr. P.K. Tiwari learned counsel
for the applicant moves this applica-
tion under Section 19 of the Admini-
strative Tribunals Act 1985. The
application is regarding promotion
to the post of Matron Group 'B'
in N.F. Railway Hospital, Maligaon.

Heard Mr. Tiwari on the ques-
tion of Admission. Application is
admitted. Issue notice on the respon-
dents by registered post. Four weeks
time is allowed for submission of
written statement by the respondents.

List on 8-2-95 for submission
of written statement and further
orders. Inform respondents.

No interim relief is prayed for
in the application.

60
Member

pg

NS.
5/1/95

OFFICE NOTE

COURT ORDERS

8-2-95

Requisites are sent
 & cont. with no 250-253
 on 11-1-95

2/19/1

Notice duly sent
 on 5 & 6.

2/12

Notice duly sent on
 R. no. 1 & 3.

2/9/2

w/ statement has not
 been filed.

2/10/4

lm

24-4-95

lm

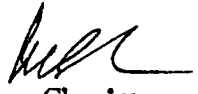
12/16

Mr. P.K. Tiwari learned counsel

for the applicant submits that the
 applicant is due for retirement on
 30-4-95. The hearing of the applica-
 tion may be expediated. The respondents
 5 & 6 have already been served. Their
 should be no difficulty in completing
 the service of respondents 1 to 4.

The learned advocate for the appli-
 cant may pursue the same. The ^{request} require
 for early hearing is justified.


Application is therefore, directed
 to be listed for hearing ~~for~~ peremp-
 torily on 11-4-95. All the respondent
 should file their written statement
 if any on or before 5-4-95. Learned
 advocate ^{seeks} to apply for certain record
 He has given liberty to apply separa-
 tely for that purpose.



 Vice-Chairman


 Member

Mr. B.K. Sharma for the respon-
 dents. Four weeks for counter.

Adjourned to 29-5-95 for orders.


 Vice-Chairman


 Member

W/ statement chs
ben b'ld at page
No. 27-37

30-5-95

Adjourned to 11-7-95. No counter file
till to-day.

W
Vice-Chairman

ba
Member

1m

20
10/7

the 1/6

11.7.95

Mr P.K.Tiwari/Mr B.K.Sharma.

Time to file rejoinder granted for
four weeks. Written statement is already
filed. Adjourned to 28.8.1995 for orders.

ba
Member

W
Vice-Chairman

pg

W

29-8-95

Adjourned to 28-9-95 for further
orders.

W
Vice-Chairman

ba
Member

1m

the 5/9

20.10.95

11-12-95

Adjourned to 22-1-96.

For hearing
~ 11.12.95

ba
Member

W
Vice-Chairman

1m

Be

Rejoinder chs not - 22.1.96 To be listed for hearing
on 11.3.96

R. S. D. / Bon

20
10/11

12.3.96

Learned counsel Mr B.Mehta for the applicant.

List on 10.5.1996 for hearing. In the meantime applicant may file rejoinder.

Member

pg

10.5.96

Mr S.Sarma for the applicant. List for hearing on 19.6.96.

Member

pg

19.6.96

Mr B.Mehta for the applicant. Mr B.K.Sharma for the respondents. List for hearing on 18.7.96.

Member

pg

18-7-96

Learned counsel Mr.B.K.Sharma for the respondent. List for hearing on 16-8-96.

Member

lm

16.8.96

None for the applicant. Mr. B.K.Sharma for the respondents. List for hearing on 13.9.96.

Member

trd

16/8

Rejoinder has not been filed -

9/5

Rejoinder has not been submitted.

17/7

Rejoinder has not been filed.

10/8

Informed to the counsel for the applicant.

on 16/8/96

Rejoinder has not been filed.

17/9

18.9.96

None present.

List for hearing on 16.10.1996.


Member

trd

16.10.96

None present. List for hearing on 4.12.96.


Member

21-2-97

1) Written Statement
has been filed
on R. 1 to 5.

nkm
w
17/10

2) Notice duly
served on R. 6.

24.2.97

List on 20.3.97 for hearing.

3) NO memo of appearance
has been filed.

on
21/2


Member


Vice-Chairman

trd

w
5/3

11.3.97

This case is ready for hearing. Let the
case be listed on 1.4.97 for hearing.


Member


Vice-Chairman

nkm

w
17/3

1-4-97

Learned counsel Mr.S.Sarma for the
applicant and Mr.B.K.Sharma learned counsel
for the respondents. are present.

Let this case be listed for hearing
on 1-5-97.


Member


Vice-Chairman

lm

w
3/4

1) w/statement has been filed
2) Defendant has not
been filed.

as
15/10

1) w/s. has been filed
2) No appearance has
been filed.

as
30/4

1.5.97

On the prayer of Mr. S.Sarma, learned counsel appearing on behalf of the applicant hearing is adjourned till 10.6.1997.


Member


Vice-Chairman

trd

8
215

15.7.97

Counsel for the parties submit that the case is ready for hearing.

List for hearing on 26.8.97.


Member


Vice-Chairman

26.8.97

pg
516/7

Due to circuit sitting at Shillong, Bench is not available today.

3.9.97

On the prayer of counsel for the parties let the case be listed for hearing on 25.9.97.


Member


Vice-Chairman

w/s. has been filed.

pg
A19

20-9-97

25-9-97

Lifted. List on 15.12-97.

① written statement has been filed.

By order.

② Memo of appearance has not been filed.

15.12.97

passover for the day.

By order.

12-12-97

1/ w/s has been filed.

2/ memo of appearance not yet filed.

By

16.12.97

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.


Member


Vice-Chairman

nkmm

5.2.98

Copy of the Judgment has been sent to the D/Sec. for issuing the same to the parties through Regd. mail a/s.
H.S.

Issued nil
X No. 338 to 344
on 10.2.98

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

O.A. NO. 3 of 1995
T.A. NO.

DATE OF DECISION 16.12.1997

Smt Ayesha Baruah

(PETITIONER(S))

Mr S. Sarma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr B.K. Sharma, Railway Counsel

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.3 of 1995

Date of decision: This the 16th day of December 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Smt Ayesha Barua,
Qr.No.120/B,
Maligaon, Guwahati.

.....Applicant

By Advocate Mr S. Sarma.

-versus-

1. The Union of India, represented by
The Secretary, Ministry of Railways,
New Delhi.
2. The Railway Board, represented by
The Chairman, Railway Board,
Ministry of Railways, New Delhi.
3. The General Manager,
N.F. Railway, Maligaon.
4. The Selection Committee
(for formation of Panel to the two posts
of Matron/Group B for the year 1994),
Represented by the Chairman,
Selection Committee,
Maligaon Headquarter, N.F. Railway,
Maligaon.
5. The Chief Medical Director,
N.F. Railway, Maligaon.
6. Smt Biruprava Singh,
Matron, Group 'B' Central Hospital,
N.F. Railway, Maligaon.Respondents

By Advocate Mr B.K. Sharma, Railway Counsel.

.....

M

O R D E R

BARUAH.J. (V.C.)

The applicant has approached this Tribunal challenging the Annexure VII Order dated 17.10.1994, whereby, the applicant was superseded by the 6th respondent. According to the applicant, she was senior to the 6th respondent, and therefore, there was no reason to supersede her. At least, while superseding the applicant by the impugned order no reason was assigned. Hence the present application.

2. We have heard Mr S. Sarma, learned counsel for the applicant and Mr B.K. Sharma, learned Railway Counsel appearing on behalf of the respondents. Mr S. Sarma submits before us that being aggrieved by the Annexure-VII impugned order the applicant submitted Annexure VI representation dated 23.9.1994. However, the representation has not yet been disposed of. Situated thus, the applicant was compelled to approach this Tribunal. According to Mr. S. Sarma there was no reason to overlook the case of the applicant. The learned counsel further submits that the Annexure II order was arbitrary, unreasonable and unfair. Mr B.K. Sharma, on the other hand, tries to justify the action of the respondents. He submits that it was a selection post and the applicant was found not suitable. Be that as it may, we find it difficult

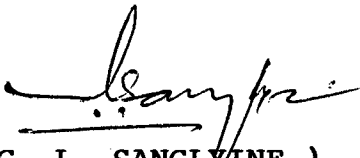
to.....


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to dispose of this application without any reasoned order passed by the authority on the Annexure VI representation dated 23.9.1994 submitted by the applicant. The impugned Annexure VII order also does not indicate why the applicant was superseded. Therefore, in the fitness of things, we feel it will be expedient to direct the respondents to dispose of the Annexure VI representation dated 23.9.1994.

3. Accordingly, we dispose of this application with direction to the competent authority to dispose of the Annexure VI representation dated 23.9.1994 submitted by the applicant with a reasoned order. This must be done as early as possible, at any rate within a period of three months from the date of receipt of this order.

4. The application is accordingly disposed of. However, in the facts and circumstances of the case we make no order as to costs.


(G. L. SANGLINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

Application fee of Rs. 60/-

Paid via Bank Draft

Postal Order No. 865429

Dated 30-11-94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण

4 JAN 1995

Guwahati Bench
গুৱাহাটী বেঞ্চ

Title of the case : O.A. No. 3 of 1994

Smt. Ayesha Barua ... Applicant

- Versus -

Union of India & Ors. ... Respondents.

I N D E X

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For use in Tribunal's office :

Date of filing :

Registration No. :

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 3 of 1994

BETWEEN

Smt. Ayesha Barua,
Gosala Colony,
Qr.No.120/B, Maligaon,
Guwahati-781011.

... Applicant

AND

1. The Union of India, represented by the Secretary, Ministry of Railways, New Delhi-110 001.
2. The Railway Board, represented by the Chairman, Railway Board, Ministry of Railways, New Delhi-110001.
3. The General Manager, N.F. Railway, Maligaon, Guwahati-781011.
4. The Selection Committee (for formation of Panel to the two posts of Matron/Group-B for the year 1994), represented by the Chairman, Selection Committee Maligaon Railway Head Quarter, N.F. Railway, Maligaon, Guwahati-11.
5. The Chief Medical Director, N.F. Railway, Maligaon, Guwahati-781011.
6. Smt. Biruprava Singh, Matron, Group-B, Central Hospital, N.F. Railway, Maligaon, Guwahati-781011.

... Respondents

DETAILS OF APPLICATION

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

The application under Section 19 of the Administrative Tribunals Act, 1985 is directed against :

- (i) The appointment of respondent No. 6 to one of the selection posts (reserved for ST) of Matron/Group-B pursuant to the office Order No. 232/94(Medical) dated 17.10.94 vide Memo No.E/254/III/9/2(O), issued with the approval of General Manager, N.F. Railway (Respondent No.3) and the Chief Medical Director, N.F. Railway (Respondent No. 5) ; and
- (ii) The deemed refusal of the respondents to consider the applicant's representation dated 23rd September 1994 (23.9.94) wherein the applicant had made allegations of 'unfairmeans' and 'manipulation' coupled with irregularity in procedure which vitiated the selection for the reserved post of Matron Group 'B'.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The applicant does not have any alternative or appropriate remedy available to him under the relevant service rules. The instant application is being filed under the extraordinary circumstances as the applicant would be ~~xx~~ superannuated on 30.4.95 and if the appointment of respondent No. 6 to the reserved selection post of Matron Group 'B' is allowed to stand the same would irreparably affect the service conditions of the applicant. It is thus stated that the instant application fulfils the legal requirements of limitation as laid down under section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 The applicant is a citizen of India. She belongs to Garo community which is one of the Scheduled Tribes. The applicant was directly recruited as Nursing Sister in the N.F. Railway and was appointed to the said post on 24.1.64. The applicant was promoted to Matron Grade-III on 1.1.84 and was subsequently promoted to Matron Grade-II the very next year in September 1988.

The respondent No. 6 is nearly 6 years junior to the petitioner. She was promoted to the post of Nursing Sister on 1.5.69. In the provisional seniority list of Nursing Sister as on 1.4.80 the applicant's name was shown at Sl. No. 10 while the name of the respondent was at Sl. No. 29.

Copy of the Provisional Seniority List of Nursing Sister as on 1.4.80 is annexed herewith and marked as ANNEXURE-I.

4.2 That the applicant by now has spent more than 30 years of unblemished and meritorious service career in the N.F. Railway. Since the very beginning of her career in the Railways this applicant was never adversely commented upon by her superiors and her ACR remained unblemished throughout. In the year 1979, the applicant was also awarded certificate of merit for meritorious performance during that year.

Copy of the certificate of merit is annexed herewith and marked as ANNEXURE:II.

4.3 That from Matron/Grade-II, the next higher post is that of Matron-Group 'B'. Though this post is a selection post but since last 15 years this post was never filled up

through the process of selection and the practice developed of promoting the senior most Matron-Grade-II to the post of Matron-Group 'B'.

4.4 That the Indian Railway Establishment Manual (hereinafter alluded to as the 'Manual', for the sake of brevity) lays down the Rules governing promotion of subordinate staff to Group-B posts. In regard to the conditions of eligibility for promotion to Group-B, it is provided in the Manual that all Group 'C' employees working in grade the minimum of which is Rs.1400/- in the revised scale and in the higher Group 'C' grades on a regular basis who have rendered not less than 3 years of non-fortuitous service in the grade and have reached the stage of Rs.1640/- are eligible for promotion to Group-B.

4.5 That in terms of the eligibility criteria as stated above, the applicant came within the zone of consideration for promotion to Matron-Group 'B' in 1988. But as stated earlier that despite Matron Group 'B' post being a selection post, the selection test was never held and the Matron-Group 'B' post was filled up by promoting the seniormost Grade II Matrons. As during the period 1988 to 1993 the applicant was not the seniormost Matron amongst the Grade II ST Matrons, she was deprived of the opportunity of promotion to Matron-Group 'B'. Had selection test been held during the period 1988 to 1993 to fill up the vacancy in Matron-Group B post the applicant also would have got the opportunity of promotion to the post of Matron-Group-B.

4.6 That in 1994 when the applicant was the seniormost amongst the Grade-II ST Matrons, then two posts of Matron-Group 'B' became vacant. One was the reserved post meant for

ST while the other was the unreserved post meant for general candidates. As by this time, the applicant was the seniormost Grade-II ST Nurse it was expected that in conformity with the past practice the seniormost of the ST grade II Nurse would be promoted to the reserved post of Matron Group 'B' while the seniormost amongst the general Grade-II Nurse would be promoted to the other unreserved post of Matron Group 'B'. However, this time, it was not to be.

4.7 That the respondents in departure from their past practice which they had religiously followed for more than a decade, decided to hold the selection test for filling up the two vacancies in the Matron Group-B posts. The reason for this sudden departure from the past practice is not for to seek. The respondent No. 6 who belongs to a Scheduled Tribe, came within the zone of consideration in 1994 for promotion to the Matron Group 'B' post. It is pertinent to mention here that a very close relative of respondent No. 6 is a senior doctor in the Maligaon Railway Hospital. Since respondent No. 6 is nearly 6 years junior to the applicant therefore, had the past practice of promoting the seniormost Grade-II Matron been followed the respondent No. 6 would have been deprived of the opportunity of promotion to Matron-Group 'B'. Hence the only way to promote the respondent No. 6 to the reserved post of Matron Group B was, to hold the selection test and to enable her to score over the applicant through a other means.

4.8 That in the past the seniormost grade II Matrons happened to be either a relative or closer to one or the other senior officer of the medical fraternity of N.F. Railway. Hence the occasion never arose for holding the

selection test for filling up the vacancies in Matron Group B posts and the vacancies were filled by promoting the seniormost of the grade II Matron. The misfortune of respondent No. 6 of being junior to applicant demanded departure from the past practice. Hence to fill up the vacancies in the two posts of Matron Group B in 1994, it was decided to hold the selection test.

4.9 That vide General Manager (P) Maligaon's XXR No. E/254/III/9/2(O) dated 24.8.94, it was notified that the written Examination for the two posts of Matron (Group-B) (IST & IUR) will be held at 10.00 Hrs. on 12th September 1994. The notification also contained the names of the candidates who were eligible to appear in the said written examination. There were total 7 names viz. (1) Indira Barua (UR), (2) Manju Rani Das (SC) (3) Ayasha Barua (ST) (4) Alley George (UR) (5) Maya Nandi (UR) (6) Biru Prova Singh (ST) (7) M. Jacob (UR) - All Matrons Grade-II, Maligaon Railway Hospital.

From the aforesaid, it is thus clear that for one reserved post (ST) of Matron Group B, the names of only two matrons were included in the list who belong to Scheduled Tribe i.e. Ayasha Barua (applicant in the instant case) and Biru Prava Singh (respondent No. 6 in the instant case).

Copy of the XXR No. E/254/III/9/2(O) dated 24.8.94 is annexed herewith and marked as ANNEXURE:III.

4.10 That in terms of Annexure:III a general notice was issued vide No.E/254/1-Pt.V(DMO) dated 26.8.1994 wherein apart from notifying the date and time of written examination

Contd...P/7.

the names of total five matrons were given (including both ST and general) with the direction to spare them for examination.

It is worthwhile to note that vide Annexure;III total matrons (including ST and general) were found eligible to appear in selection test for two posts of Matron Group B but the aforesaid notice dated 26.8.94 deleted the two names and reduced the total names to 5. Out of this 2(two) were scheduled tribe candidates (applicant and respondent No. 6) against 1 (one) ST post of Matron Group-B while 3 (three) were general candidates against ~~one~~ 1(one) unreserved post of Matron Group-B.

Copy of the notice dated 26.8.94 is annexed herewith and marked as ANNEXURE:IV.

4.11 That the Manual lays down the Rules determining the number of employees to be called for selection. As per the rules, the number of ST candidates to be considered for selection should be 3 times the number of reserved posts. Moreover, if adequate number of STs are not available within the field so determined for consideration against reserved vacancies, the field should be extended to five times the number of vacancies and only those STs coming in the extended field, should be considered.

In the instant case as the selection was held for only one reserved vacancy for ST in the Matron Group B post therefore, as per the rule, 3 ST Grade II Matron ought to have been called for selection and if the adequate number of ST

Contd...P/8.

Grade II Matron were not available within the field so determined then as per the rules, the field ought to have been extended to five times the number of vacancies. Hence in the instant case either 3 or 5 ST Grade II matrons ought to have been called for selection. As the same was not done and only two ST grade II Matron were called for selection, therefore, it is submitted that the very process of selection began with the infraction of rules.

4.12 That the zone of consideration was not extended to 5 ST grade II Matron for the simple reason that the respondents had no desire to make things complicated and difficult for respondent No. 6. Purpose was not to carry out selection in its true spirit but to ensure that respondent No. 6 is promoted to Matron-Group 'B' without much fuss. Had respondent No. 6 been the seniormost grade II ST Matron, the applicant has absolutely no doubt in her mind that in that case, no selection would have been deemed necessary by the senior Medical Officers and like the decade old practice the respondent No. 6 would have been promoted to Matron-Group 'B' on the basis of her seniority.

4.13 That as notified the written examination was held on 12th September 1994 followed by medical examination after 3 days. As per the practice only those who clear the medical test are called for interview. The applicant alongwith respondent No. 6 and other three general candidates was called for interview and she accordingly appeared in the same. It is stated that the whole process of written examination ~~for~~ to interview was completed in one week's time i.e. by 19th September.

Contd...P/9.

4.14 That during this 7 days period from 12th September to 19th September when the selection process was carried out there were lots of reports/complaints like giving unfair and unreasonable attention to respondent No. 6 by the influential members of the medical fraternity, changing of answer scripts, manipulation in marks and the adopting of other unfair means. It is worthwhile to mention here that the respondent No. 6 was given the luxury of sitting in a separate room at the time of written examination. She was the only examinee in that room. Such were the goings on and the prevailing atmosphere that the result of the selection was unofficially known to everybody in the Medical Department. This provoked a sharp reaction from the Nursing Staff in general and in the representation dated 23.9.94 (which was sent within four days of the completion of selection process) signed by 68 members of Nursing Staff (inclusive of Matrons and Nursing Sisters) request was made to the ~~Chief~~ Chief Personnel Officer ~~for~~ consider only the seniormost Grade II Matron for promotion to the post of Matron Group B by judging her suitability through the ACRs and the overall service record. In the representation Chief Personnel Officer was also reminded of the past practice.

Copy of the representation dated 23.9.94 is
annexed herewith and marked as ANNEXURE: XV

4.15 That on the same date viz. 23.9.94 the applicant in ~~the~~ her individual capacity sent the representation to the General Manager. In this representation applicant spoke of bungling in the selection process and also referred to the unfair means and manipulation that were resorted to in the course of selection process.

Applicant's
Copy of the representation dated 23.9.94 is
annexed herewith and marked as ANNEXURE: VI.

4.16 That the Annexure:VI representation of the applicant failed to evoke any response from the respondents. But what was stated in the said representation turned out to be true when on 17.10.94 the respondent No. 3 vide office order No. 232/94 (medical) appointed the respondent No. 6 as Matron Group B against the existing reserved(ST) Vacancy.

Copy of the impugned office order dated 17.10.94 is annexed herewith and marked as ANNEXURE: VII.

4.17 That the Annexure:VII office order is silent about the formation of Panel and the names that have been included in the Panel. It is stated that the Panel and the names which appear there have been kept as a closely guarded secret. To the information of the applicant, her name also appears in the Panel. If this is true then by virtue of her seniority, applicant ought to have been appointed to the post of Matron Group 'B' in precedence over respondent No.6.

4.18 That there must be transparency in the functioning of administration especially in the matter of recruitment and selection to the public post. There is no rationale behind maintaining a secrecy in so innocuous a matter as that of formation of panel and names included therein for the purpose of making selection to the posts of Matron - Group 'B'. That the secrecy becomes necessary when one has something to hide. Hence the instant case is a fit case wherein this Hon'ble

Tribunal may be pleased to direct the Railway administration to lift the veil of secrecy over the Panel.

4.19 That the applicant states that she would reach the age of superannuation on 30.4.95. Due to the irregularities of the Railway administration she has missed her chance of promotion. The sole purpose of her filing this application is to ensure that the Railway administration in filling up the vacancies in selection post of Matron Group 'B' does not act on mere whim but acts strictly in conformity with the rules. The respondents cannot when it suits them make appointments to the posts of Matron Group B on the basis of seniority and switch over to the process of selection when seniority as a basis defeats their interests. Moreover, the irregularities which were committed in the process of selection have badly vitiated the whole process. Hence the interference of this Hon'ble Tribunal is necessary for undoing the wrongs done in the process of making selection for the reserved post of Matron, Group 'B'.

4.20 That after the Annexure:VII office order dated 17.10.94 the applicant submitted yet another representation by way of reminder dated 3.11.94. Even this reminder failed to evoke any response from the respondents. Applicant states that no useful purpose would be served in pursuing the matter any further with the respondents. Hence the applicant has come before this Hon'ble Tribunal for the redressal of her grievance.

Copy of the reminder dated 3.11.94 is annexed herewith and marked as ANNEXURE:VIII.

Contd...P/12.

4.21 That the applicant files this application bonafide and to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 That since last 15 years appointment to the post of Matrons Group-B was not made through the process of selection hence it amounts to break down of the rules of selection and the practice followed in the last 15 years itself has acquired the form of a rule. The departure by the respondents from the said practice in the instant case is thus not ~~per~~missible in law.

5.2 That the failure of respondents to all the requisite number of employees for selection in wanton infraction of the rule has incurably vitiated the selection process from the very start.

5.3 That the irregularities, malpractices and the adoption of unfair means in the process of selection have badly vitiated the selection.

5.4 That the non-disclosure of names in the panel and the veil of secrecy that surrounds it, is wholly impermissible and without any sanction of law.

5.5 That the process of selection and the impugned Annexure: VII office order dated 17.10.94 in pursuance thereof, are violative of Article 14 and 16 of the Constitution of India.

5.6 That the respondents while calling for the selection for filling up the vacancies in the posts of Matron-Group 'B',

have acted maliciously, whimsically and capriciously. They acted in total disregard to the established principles of service jurisprudence.

5. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that no appropriate alternative remedy is available to him in the instant case.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

- 8.1 Admit the petition, call for the records especially the papers/documents, throwing light on the selection procedure and the formation of Panel.
- 8.2 Quash the appointment of respondent No. 6 to the selection post (reserved for ST) of Matron Group-B and to that extent set aside/quash in part the office order No. 232/94 (medical) dated 17.10.94 (Annexure:VII)
- 8.3 Direct the respondents to hold a fresh selection in accordance with law to the selection post (reserved for ST) of Matron Group-B.
- 8.4 Pass any other order/orders as may be deemed fit and proper in the facts and circumstances of the case for the ends of justice.

8.5 Award cost of this application to the applicant.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, applicant does not pray for any interim order.

10.

Applicant has filed this application through his Advocate.

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE :

(i) I.P.O. No. 03 865429 (ii) Date 30.11.94
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Smt. Ayesha Baruah, aged about 57 years, wife of Shri H.S. Baruah, at present working as Matron, Grade-II, Central Hospital, N.F. Railway, Maligaon, do hereby solemnly affirm and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to the best of my knowledge and belief and those made in paragraph 5 are true to my legal advice and I have not suppressed any facts relevant to the case.

And I sign this verification on this the day of
December 1994 at Guwahati.

✓ Ayesha Baruah.

NORTHEAST FRONTIER RAILWAY.

Provisional seniority list of Nursing Sister in scale Rs. 455-700/- (RS)
as on 1.4.80.

.....

SN	Name of the Employees	Stn. of Posting	Date of Birth.	Date of apptt. to Rlys.	Date of Promotion to the grade.	Confd. or Offg.	Length of service in the grade adjusted in the seniority	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Smt. A. F. Mandoza	LMG	3.8.26	20.4.54	20.4.54	Confd.	25 Y 11 M 11 D	
2.	" I. M. Barua.	LMG	1.3.27	9.3.55	9.3.55	"	25 0 22	
3.	" B. B. Morak.	NBQ	1.6.24	1.7.55	1.11.56	"	23 5 30	
4.	" H. H. Sangma	LMG	14.5.28	27.8.58	27.8.58	"	21 7 4	Offg. as Matron Gr. III w.e.f. 24.5.78.
5.	" E. M. Enthyony	MLG	20.11.26	28.11.53	16.9.59	"	20 6 15	
6.	" M. Talukder.	LMG	20.4.33	18.1.58	16.9.59	"	20 6 15	
7.	" P. B. Hazarika.	MLG	19.5.36	27.11.58	23.9.59	"	20. 6 8	Offg. as Matron Gr. III.
8.	" K. L. Dutta.	LMG	17.2.24	20.8.49	4.11.63	"	16 4 27	
9.	" D. Roy.	DBRT	15.4.27	8.3.51	4.11.63	"	16 4 27	
10.	" Ayesha Barua.	MLG	5.4.37	24.1.64	24.1.64	"	16 2 7	
11.	" E. Enthyony.	RPAN	1.4.31	7.11.61	17.8.64	"	15 7 14	
12.	" Lily Rayson	MLG	1.2.35	2.11.64	2.11.64	"	15 4 29	
13.	" Sudha Rani Debnath	BPB	22.3.34	22.7.65	22.7.65	"	14 8 9	
14.	" Annama Abraham.	KIR	25.4.30	25.4.66	25.1.66	"	14. 2 6	

Contd....2/-

Review

*Attested
B. B. Barua
Advocate
1.1.95*

1.	2.	3.	4.	5.	6.	7.	8.	9.	
							Y	M	D
15.	Smt. Annama Uthup	KIR	23.5.41	25.1.66	25.1.66	Conf'd.	14	2	6
16.	" M.Sangma.	MLG	1.10.36	9.2.66	9.2.66	"	14	1	22
17.	" Sudhipta Amongue	APDJ	5.3.38	4.11.64	18.2.66	"	14	1	13
18.	" C.B.Das.	DBRT	24.1.24	12.6.51	25.2.66	"	14	1	6
19.	" Estner Unni	NJP	1.11.40	9.7.64	2.3.66	"	14	0	29
20.	" E.R.Biswas.	APDJ	5.3.30	3.3.54	6.4.68	"	11	11	25
21.	" Irova Ghosh.	NJP	22.4.30	19.4.54	19.1.68	"	11	11	25
22.	" Sunity Prova Dhar	KIR	9.4.24	16.6.54	23.1.68	"	11	11	25
23.	" Sovana Banerjee (Dey)	NJP	27.2.42	26.1.68	26.1.68	"	11	11	25
24.	" Arati Sengupta.	NJP	17.7.39	15.1.68	15.1.68	"	11	11	25
25.	" Aley George	NJP	25.12.37	6.1.65	16.1.68	"	11	11	25
26.	" F.V.Rose.	APDJ	28.1.35	15.1.66	15.1.68	"	11	11	25
27.	" Maya Nandy.	MLG	11.4.39	23.10.63	19.1.68	"	11	11	25
28.	" N.Nanglyer.	LMG	11.1.26	9.2.52	25.3.68	"	11	11	25
29.	" Biru Prova Singh.	MLG	30.10.39	13.3.63	1.5.69	"	10	11	-
30.	" M.Jacob.	MLG	9.5.41	5.9.64	15.2.72	"	8	1	16
31.	" Palyani Banerjee	KIR	10.1.28	16.6.54	29.2.72	"	8	1	2
32.	" Pina Pani Ghoshal.	KIR	4.1.28	30.9.54	25.7.72	"	7	8	6

Service levelled down to the extent of next senior

Service
levelled
down to
the extent
of next
senior

(Contd.....3/-)

Amur

NORTHEAST FRONTIER RAILWAY



RAILWAY WEEK — 1979.

CERTIFICATE OF MERIT

Awarded to *Smt. Ayesha Boruah, Nursing Sister,*
Central Hospital, Maligaon.
for maritorious performance during the year.

[Signature]
GENERAL MANAGER

MALIGAON, GAUHATI-11

13. 4. 1979.

Attested
B. K. P.
Advocate
4.1.75

XXR

MLG

24/8/1994

CMS/LMG
MS/IC/NJP
DRM(P)/KTR & LMG
MEDICAL DIRECTOR/CENTRAL HOSP/MLG(BY HAND)

NO. E/254/III/9/2(0) (.) WRITTEN EXAMINATION FOR THE POST
MATRON (GROUP B) (1 ST & 1 UR) WILL BE HELD AT 10.00 HRS ON
12TH SEPTEMBER/94 IN CMD/MLG'S OFFICE (.) FOLLOWING WILLING
ELIGIBLE CANDIDATES SHOULD BE DIRECTED TO APPEAR BEFORE
THE WRITTEN EXAMINATION ACCORDINGLY (.) (1) INDIRA BARUA (UR),
MATRON/GR.II/MLG (2) MANJU RANI DAS (SC), MATRON/GR.II/LMG,
(3) AYASHA BARUA (ST), MATRON/GR.II/MLG (4) ALLEY GEORGE(UR),
MATRON/GR.II/NJP (5) MAYA NANDI (UR) MATRON/GR.II/MLG
(6) BIRU PROVA SINGH (ST), MATRON/GR.II/MLG AND (7) M. JACOB
(UR), MATRON/GR.II/MLG (.) THE CANDIDATES MAY BE ADVISED THAT
THERE WILL BE NO ABSENTEE SELECTION (.) ENSURE COMPLIANCE
WITH AN INTIMATION TO THIS OFFICE (.)

MARS BRAHMA
DY.CPO/GAZ

N.T.T.

Copy by post to :

1. CMG/MLG (2) CMS/PMG (3) MS/IC/NJP
4. DRM(P)/KIR & LMG (5) Dy.CMD(ADMN)/MLG
6. Staff concerned.

? Sd/-

(Mrs. M. Brahma)
Dy.CPO/G
For GENERAL MANAGER (P)

attested
R. J. for
Advocate
4.1.95

...

N.F. RAILWAY

Office of the
Medical Director,
Maligaon
Dtd. 26.08.1994

No. E/254/1-Pt.V(MED)

To :

Matron/CM/MLG.

Sub : Written Examination for the post
of Matron/Gr. B.

Ref : GM(P)/MLG's XXR No. 4/254/III/9/2(O)
dt. 24.8.94.

In terms of GM(P)/MLG's XXR under reference the
written examination for the post of Matron/Gr. B. will be
held on 12.9.94 at 10 hours, in the office of the CMD/MLG.

The following eligible Matrons/II/CM/MLG may be
spared to appear before the written examination, in time.

- | | | |
|----|--------------------|--------------------------|
| 1. | Smt. Indira Barua, | Matron/II/CM/MLG (XX UR) |
| 2. | " Ayesha Barua | -do- (ST) |
| 3. | " Maya Nandi | -do- (UR) |
| 4. | " Biru Prava Singh | -do- (ST) |
| 5. | " M. Jacob | -do- (UR) |

There will be no absentee selection.

(Dr. A.S. Deb)
Sr.DMD/Admn
For Medical Director/MLG

Copy to :

1. G.M.(P)/MLG
2. CMD/MLG
3. Matron/II/concerned.

Sd/-

(Dr. A.S. Deb)
Sr. DMD/Admn
For Medical Director/MLG.

attested
B. S. Advait
4-1-95

To

The Chief Personnel Officer,
N.F. Railway, Maligaon
(Through proper channel)

Sub- Filling above the post of Matron/I- (Group-B).

Respected Sir,

We have the honour to request you to consider our humble request as follows :

That sir, the administration has taken necessary action to fill up 2 (two) posts of Matron-I (Group-B) (one UR and one ST), for which the written test has been held recently.

That sir, in the past for filling above the post of Matron Gr-I, no positive selection was held and the promotion were given based on the confidential report and service record and to senior most Matron/Gr-II only considered for the said post.

Although we had submitted an appeal to the administration that the procedure followed in the past for filling up the post of Matron/I should be done this time also but it was regretted.

However, we would remain thankful to the administration if senior most Gr II Matron are only consider for the post mention above.

The above gesture of the administration will definitely give satisfaction to all the Nursing Staff of this railway.

Thanking you,

Date : 23.9.94

Yours faithfully,

Sd/-

15. Pratima Bhuya
16. Phulkumari Kalita
17. Kalpana Halder
18. Sipra Mukherjee
19. Mina Sinha
20. Premi Newton
21. Ratna Bhattacharjee,
22. Illegible
23. Runumi Eharali
24. Jayashree Das,
25. Tapati Mukherjee
26. Namita Dutta
27. M.G Mariam

1. M. Jaidy
2. Niva Dasgupta
3. C Abraham
4. M. Suju
5. A Ghosh
6. Lila Paul
7. Rubi Barua
8. Sanghamitra Choudhury
9. Illegible
10. Jessy Johnson
11. Nilima Nath
12. R. Parvathi
13. Jyotsna Das
14. Sneha Talukdar.

Contd...P/2.

Amishal
B. Q. S.
Advocate
4-1-55

1. Jessy Johnson Nursing Sister.
2. Niva Dasgupta Nursing Sister.
3. C. Abraham Matron Gr II CH MLG
4. M. Sanju Matron Gr. II CH/MLG.
5. Bnee Talukdar S.N. CH MLG
6. Manimaya Jain Matron II MD/LMG
7. N. Natha Matron Gr. II/MLG
8. A. Ghosh Matron II
9. Sushila Das Matron II
10. Sanghamitra Choudhury - Sp Nurse
11. S. Choudhury, Matron-II
12. Gita Purkayastha - N/S
13. Lila Paul, Matron-II
14. Geeta Raha, Matron-II
15. A. Dype N/S
16. Pranati Kar, N.S
17. Bijali Das, N.S
18. Maya Rani Basumatari, N/S Med/MLG
19. Chandana Hare N/S. Med/MLG
20. Mrs. Juttika Dutta, N/S/Med/Mlg.
21. Chandana Paul, SN/Med/MLG
22. Lakshi Rani Das, Matron-II
23. Jyotsna Das,
25. Pratima Bhuyan
26. Jayashri Das
27. K. Acharjee
28. A. Biswas
29. S. Bhadra
30. R. Barua Matron II/CHS/MLG
31. Neyati Ghose
32. Kusum Das,
33. R. Parvathi
34. M. Mus.
35. Ratna Bhattacharjee - S.N.
36. Bhisamma Rajan, N.S.
37. Runumi Bharali, N.S.
38. Namita Dutta
39. M.G. Mamim S.N.
40. Ratna Dutta S.N.
41. M. Konswar, S.N.

Attested
R. S. K.
A. Swarali
4-1-85

ADVANCE COPY SUBMITTED

To
The General Manager (P)
N.F. Railway,
Maligaon

Dated Maligaon
Sept 23, 1994.

Through proper channel

Sub : Appeal to advance justice in
selection for Matron Group 'B'.

Sir,

Being ~~am~~ compelled by the circumstances, I lay before you my following prayer with the expectation that it will not cause any annoyance.

Sir, by your benevolent action, after putting continuous hard service of long 30 years in Nursing Cadre, in accordance with seniority, I got the chance to appear in the written test of Matron Group 'B' which was held on 12.9.94. My seniority position stands at 3rd and belongs to ST community. Sir, it is fact that result has not been given to know to many candidates officially but has been given to know to many candidates and this news is spread all over. From that news it is crystal clear that ~~for~~ unfair means and manipulation has taken place otherwise this type of marks could not be scored by some of the candidates.

Now I like to point out some lacuna in the procedure of selection held.

- (a) Number of post to be filled up has been published for 2 (1 UR & 1 ST)
- (b) It is heard that panel of four persons is going to be formed. But only 7 candidates have been called to appear in that selection. It is not understood as to what procedure the administration has adopted as it does not satisfy the norms of either suitability test or selection.

Sir, it is the right of every railway employee to have justice from the administration but by the action administration I am afraid, this is going to be defeated

Contd...P/24.

Attested
B. S. J.
- A. S. J.
u. 1. 55

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from an influential angle. News also goes like to the extent that even answer script has also been changed for furtherance of somebody's interest. Sir, near future I will retire from Rly. service but as a citizen also I desire to see that administration's good will prevails as impartial and honest.

For continuance of this fairness, impartiality I would request you to cancel this selection and hold the same in presence of 3 PHOD's who will remain as invigilator and evaluate the answer script on the same date before sunset.

And this kind of action will meet the natural justice to all and there will remain no room for copying, manipulation and any other kind of misdeed by powerful lobby.

Sir, at this last stage of my service I do not desire to seek justice from any other forum with high expectation that your honour will advance justice to this poor applicant.

Hope your honour will let me know the action taken as early as possible.

Yours faithfully,

Sd/-

Ayesha Baruan

Matron/Gr.II CH/MLG.

Copy forwarded for information and necessary action to :

1. The General Manager, N.F. Rly, Maligaon
2. The Chief Medical Director, N.F. Rly, Maligaon
3. The Medical Director, N.F. Rly, Maligaon
4. The Director (Health), N.F. Rly Board, New Delhi
5. The Chief Vigilance Officer, N.F. Rly, Maligaon
6. The Gen. Secretary N.F. Rly, Employees Union, Maligaon

Yours faithfully

Attested
B. S. Adv. 55

NORTHEAST FRONTIER RAILWAY

OFFICE ORDER NO.232/94(Medical) Maligaon, dt. 17/10/92.

The following 2 (two) Matrons/Gr.II/N.F. Railway who have been empanelled for promotion to the post of MATRON/GROUP-B in scale Rs. 2000-3500/- through a selection consisting of written test and viva-voce test, are appointed to officiate in Group-B service and posted as MATRON/GROUP-B in the Central Hospital N F. Rly/Maligaon against the existing vacancies :

<u>Name and present designation</u>	<u>Posted on promotion to Group-B Service</u>
1. Smt. Indira Barua (UR) Matron/G.II/Central Hospital/Maligaon	Matron/Group-B/Central Hospital/Maligaon
2. Smt. Biru Prava Singh(ST) Matron/Gr.II/Central Hospital/Maligaon	Matron/Group-B/Central Hospital/Maligaon (attached to Nurses Trg. School.)

This issues with the approval of GM and CMD.

Sd/-

For GENERAL MANAGER (P)
N.F. RLY/MALIGAON

NO.E/254/III/9/2(O) MLG. DT. 17.10.94.

Copy forwarded for information and n/action to :

1. CMD FA& CAO CVO & SDGM/MLG (2) FA& CAO(EGA)/MLG.
2. Medical Director/Central Hospital/Maligaon. The dates of assumption of charges in Group-B service of the staff concerned may be intimated to this office early. The non-gazetted P/Case, service sheet, leave Account of Smt. Indira Barua and Smt. Biru Prava Singh may be sent to this office duly up dating the position.
4. PS to GM/MLG (5) PA to CMD/MLG.
7. Smt. Indira Barua, Matron/Gr.II/Central Hospital/MLG
8. Smt. Biru Prava Singh, Matron/Gr.II/Central Hosp./MLG.
9. Spare copies.

Sd/-

For GENERAL MANAGER (P)
N.F. RAILWAY MALIGAON

Alustal
B. D. Singh
Advocate
4.1.95

(Advance copy sent)

To

The General Manager (P)
N.F. Rly, Maligaon
Guwahati-11.

Through proper channel

Sir,

Sub - My appeal dated 23.9.94 regarding
selection of Matron Gr.I (Group-B)

With due respect I like to draw your attention to my earlier appeal submitted to you on 23.9.94 but not reply has been received from your end as yet.

Sir, vide my appeal dt. 23.9.94 I pointed out some irregularities as is heard, going to take place in the publication of result of selection of Matron Gr.I.

Sir, till date I have not received any reply from the administration regarding what corrective steps has been taken by the administration.

Hope, your goodself will take the troubles to let me know as to what action has been taken on my appeal which I am expecting anxiously.

I remain sir,

Yours faithfully,

Sd/-

(AYESHA BARUA)

Matron Gr.II
Central Hospital/Malgaon

Dated 3.11.94.

Copy for information and necessary action to :

1. The General Manager, N.F. Rly, Maligaon, Guwahati-11.
2. The Chief Medical Director, N.F. Rly, Maligaon, Guwahati-11
3. The Medical Director, N.F. Rly, Central Hospital/MLG.

Sd/-

(AYESHA BARUA)
Matron Gr.II
Central Hospital,MLG

Date : 3.11.94.

W

1

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.....3

41
Sd/-
[Signature]
[Stamp]

procedures and principles where merit is adjudged, and not the seniority alone. Therefore, the allegation of the applicant is not tenable.

7) That with regards to the statements made in the paragraph 4.7 of the application, the answering respondents state that it was decided with the approval of competent authority that henceforth the selection to the Gr. 'B' post of Matron should consist of both written and viva-voce test to maintain the conformity with the procedure of all other Zonal Railways. (Annexure-A) after informing the recognised Unions. Therefore, the selection of 1994 for Matron Gr. 'B' was held consisting of both written and oral test. The allegation of the applicant for selecting Respondent No. 6 through an influence of a senior Railway Doctor is baseless and vague. The respondent No. 6 was selected on merit after successful competition in the selection.

8) That the answering respondents denied the allegation made in paragraph 4.8 of the application and reiterate and reaffirm the statements made hereinabove. It is further stated that the allegations are vague and indefinite. In absence of any material particulars regarding the allegation the answering respondents are handicapped in making an effective reply. However, it is categorically denied that in the past senior most Gr.II Matrons happened to be either a relative or closer to one or the other senior officer of the Medical fraternity of N.F. Railway. It is unfortunate that the applicant could make such sweeping remark without specifying anything.

[Handwritten signature]

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13. That with regard to the statements made in paragraph 4.13 of the application it is stated that Railway Administration finalised the selection as quickly as possible following all norms and procedures for the interest of the administration.

14. That with regard to the statements made in paragraph 4.14 of the application, it is stated that the administration has already taken a decision that the selection for the post of Matron (Gr. 'B') will be conducted following written and viva-voce test. This procedure is also being followed in other Zonal Rlys. It is ascertained from other Rlys that both written and viva-voce test are essential for selection of Matron (Group-B) from non-gazetted to gazetted rank. This was further verified from Director General, Rly. Health Services, New Delhi (vide Annexure-'B'). Representation received from the recognised unions on the subject were replied on the line as indicated above. (Annexure-'C'). The allegation made by the applicant are all ill-founded and she is put to the strictest proof thereof. Sitting arrangement were made room wise and the applicant cannot and should find any fault with the same. It is categorically denied that the result of the selection was unofficially known to everybody in the Medical Department. However, there is, no bar in guessing the result of the examination by this applicant according to her own merit. The allegation now made are not to be found in the representations submitted. Thus such allegation are after thought with the sole purpose of making out a case and do not merit any consideration by the Hon'ble Tribunal.

15) That with regard to the statements made in paragraph 4.15 and 4.16 of the application, while reiterating and reaffirming the statements made above, the answering respondents denied the allegation made by the applicant and she is put to the strictest proof thereof.

राज. अ. वि. वि. (राज.)
मु. क. वि. वि. (मु.)
राज. अ. वि. वि. (राज.)
मु. क. वि. वि. (मु.)
राज. अ. वि. वि. (राज.)
मु. क. वि. वि. (मु.)

16) That with regard to the statements made in paragraph 4.17 of the application, it is stated that the selection was held for selecting two candidates against the requirement as per Notification and hence the names of the two candidates were published vide letter No. E/254/III/9/2 (0) dated 17.10.94. No separate panel is required to be published. It is stated that the name of the applicant has also been included in the panel. The 2 successful candidates were appointed vide Annexure-VII order dated 17.10.1994 and the applicant cannot make any grievance against the same.

17) That with regard to the statements made in paragraph 4.18 to 4.21 of the application the answering respondents denied the allegation/contentions made by the applicant. In this connection, it is stated that the applicant in consideration of ~~our~~^{her} own has highlighted totally unauthentic and imaginary information for the reasons best known to her. From the facts stated above, it is conclusively proved that the action taken by the respondents in conducting the selection in question was fair, just and as per prevailing Rules of the Railways. The allegation of the applicant are not founded on any material particulars, although by such sweeping allegations the applicant has tried to establish a case which is otherwise not there. The applicant has not filed the instant application bonafide but she has filed the same with material suppression of fact malafide and with the sole purpose of making out a case.

18) That under the aforesaid facts and circumstances the instant application is not maintainable and liable to be dismissed with cost.

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VERIFICATION

I, Shri Amit Kumar BRAHMO aged about 36 years by occupation Rly. service working as Dy CPO / Gazetted of the N.F. Railway administration, do hereby solemnly affirm and verify that the statements under the paragraph 1 to 17 are true to my information derived from the records of the case and I have not suppressed any material facts.

And I sign this verification on this day of 1995.

[Signature]

DEPUTY CHIEF PERSONNEL OFFICER/NG
NORTHEAST FRONTIER RAILWAY
MALIGAON :: GUWAHATI-11
FOR & ON BEHALF OF
UNION OF INDIA.

उप मुख्य कर्मिक अधिकारी (राज.)
Dy. Ch. Personnel Officer (Raz.)
पू. सी. रेलवे, मालोगांव
N. F. Railway, Maligaon.

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ANNEXURE 'A'

NORTH EASTERN FRONTIER RAILWAY

Office of the Chief
Personnel Officer, Maligaon,
dated 19/4/94

No.E:254:III:9:2(0)

To,

Medical Director, Central Hospital, Maligaon,
CMS:KIR & LMG & ADDJ
MS/Incharge/NJP & NBQ. Dy.CMD(Admn)/HQ

Sub:- Selection for the post of Matron/Group-B.

Ref :- This office notification No.E:254:III:9/2(0)
dated 19.4.93.
.....

It was already notified vide this office letter under reference that there will be a selection (both written and viva-voce) to form a panel of 2(two) (1 ST and 1UR) Matron (GroupB) and the names of eligible candidates and also the syllabus were published alongwith the said letter.

The matter of holding only viva-voce test, as raised by some of the candidates and also by the recognised Unions, has been re-examined by this Administration and it has been decided with the approval of GM that the selection of Matron/Group-B would consist of both written and viva-voce in conformity with the procedure being followed on other Zonal Railways.

You are therefore, requested to please obtain the willingness/unwillingness from the candidates working under your control and send the same to this office by 16.05.1994 positively. The names of the candidates are shown in the enclosed Annexure. The syllabus sent earlier vide this office letter dt. 19.4.93 will remain same.

Please ensure compliance, to enable this office to process the case further.

DA/1

Sd/- 19/4/94

(C R Hahs)
for GENERAL MANAGER(P)

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ANNEXURE.

List of Matron (Non-Gaz) in scale Rs 2000-3200/-
of Medical Department/N.F. Rly. in order of
seniority.

<u>SN.</u>	<u>NAME</u>	<u>Place of posting</u>	<u>Controlling office</u>
1.	Smt Mira Mitra (UR)	NJP	MS/IC/NJP-Unwilling (92)
2.	" Indira Barua (UR)	MIG	MD/MIG-Willing (82)
3.	" Himani Dutta (UR)	NJP	MS/IC/NJP-unwilling (91)
4.	" Manju Rani Das (SC)	NBQ	MS/IC/NBQ-No-response CMS/IMG- (SN-97) willing (94)
5.	" Santana Das (SC)	NBQ	MS/IC/NBQ No response (SN-97)
6.	" Ayasha Baruah (ST)	MLG -Now willing	MD/MLG-Unwilling (83)
7.	" Annama Uthup (UR)	KIR	CMS/KIR Vol. Retd.
8.	" M. Sangma (ST)	MLG	MD/MLG Unwilling (84)

List of StandBys

1.	Smt Sudiptra Roy Choudhury (UR)	APD	MS/IC/APD No response (SN-97)
2.	" Esther Unni (UR)	NJP	MS/IC/NJP Vol Retd.
3.	" Sovana Banerjee (UR)	NJP	MS/IC/NJP Unwilling (9)
4.	" Arati Sengupta (UR)	NJP	MS/IC/NJP Unwilling (7)
5.	" Alloy George (UR)	NJP	MS/IC/NJP Willing (8)

ANNEXURE-D.

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ANNEXURE 'B'

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MALIGAON

16/9/1994

CMS/IMG

MS/NJP

MD/CENTRAL HOSPITAL/MALIGAON (BY HAND)

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NO.E.:254:III:9:2(0)(.) FOLLOWING MATRONS/GR.II HAVE QUALIFIED
IN THE WRITTEN TEST OF MATRON/GROUP-B HELD ON 12/9/94 (.)

1) SMT INDIRA BARUA, MATRON:GR.II:MLG(2) SMT MANJU RANI DAS,

MATRON:GR.II:IMG(%) AYESHA BARUAH, MATRON/GR.II:MLG

(4) SMT ALEY GEORGE, MATRON:GR. II:NJP(5) SMT.MAYA NANDI,

MATRON:GR.II:MLG (6) SMT BIHU PROVA SINGH, MATRON:GR.II:MLG

AND (7) SMT H.JACOB, MATRON?GR.II/MLG(.) THEY MAY BE DIRECTED TO
APPEAR BEFORE VIVA-VOCE TEST TO BE HELD AT 15.30 HRS.ON

19th SEPTEMBER:1994 IN CMD/MLG's CHAMBER(.) THEY SHOULD ALSO BE
GOT MEDICALLY EXAMINED FOR SELECTION TO THE POST OF MATRON:

GR.B AND REPORT THEREOF BE SENT RHOGUH THEN-WHICH IS REQUIRED

BEFORE ALLOWING FOR VIVA-VOCE TEST(.) ENSURE COMPLIANCE ACCORDINGLY(

-GENERAL MANAGER(P)-

N.T.T.

(Mrs M.Brahmo)

Dy.CPO:G

for GENERAL MANAGER(P)

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North Eastern Frontier Railway
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Annexure 'C'

Office of the
General Manager(P)
Maligaon, Gauhati-11, 15.3.94

No. E.254/III/942(0)

To,

Shri R. Das Gupta, Genl. Secretary, Mazdoor Union.

Shri A.K. Deb Choudhury, Genl. Secy. Employees' Union

Dear Sir,

Sub:- Selected for the post of Matron, Gr. B.

Ref:- Your letter No. dt. 11.12.93 & 27.9.93

.....

The matter of holding both written and viva/voce tests for selection to the post of Matron(Gr.B) has again been reexamined in the light of procedure being followed in other Zonal Railways that both written and viva-voce tests are essential for selection of Matron from Non-Gazetted to Gazetted rank, which has also been verified from DG/RHS. Therefore, the decision for holding both written and viva-voce tests will hold good, which, in facts, is a uniform system in practice on all other zones.

This is for information please.

Yours faithfully,

Sd/- 15/3/94
for General Manager(P),
NF Rly, Maligaon.