

30/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-186/97 order sheet pg 1

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Disposed date-26/6/97

O.A/T.A No. 205/96.....

R.A/C.P No.....

E.P/M.A No.....

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Disposed date-25/6/97

1. Orders Sheet..OA-205/96.....Pg. 1.....to 8.....
2. Judgment/Order dtd. 22/02/99.....Pg. 1.....to 2 Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court.
4. O.A.....205/96.....Pg. 1.....to 27.....
5. E.P/M.P. 186/97.....Pg. 1.....to 4.....
6. R.A/C.P. M.P-187/97.....Pg. 1.....to 3.....
7. W.S.....Pg. 1.....to 6.....
8. Rejoinder.....Nil.....Pg.....to.....
9. Reply.....Pg. 1.....to 3.....
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.)

8A No. 205196

Sri B. K. Nandi Applicant(s)

VS.

Union of India & or Respondent(s)

Mr. M. Chanda Advocates for the applicant(s)

Mr. J. L. Sarkar & Co. Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
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This application is in
form and within time

C. F. of Rs. 50/-

deposited vide

IPO/BB No. 34/89/

Dated 10.9.96

[Signature]
Dy. Registrar.
30/9/96
18/9/96

3.10.96

Mr. M.Chanda for the applicant.

Mr. J.L.Sarkar, Railway counsel

for the respondents.

The applicant ~~has~~ aggrieved because he was not paid arrears though his pay had been refixed on stepping up of his pay with reference to his juniors. Heard Mr. Chanda for admission and perused the contents of the application and reliefs sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List for written statement and further orders on 22.11.1996.

[Signature]
Member

14.10.96

Notice issued to the concerned parties vide D.No.

trd

[Signature]
3/10

14.10.96

Notice issued to the respondents vide D.No. 5489
dt-15.10.96.

22-11-96

Learned counsel Mr.M.Chanda for the applicant. None for the respondents. Written statement has not been submitted.

List for written statement and further order on 18-12-96.

By 14.10.96

Notice duly served on respondent No. 2 & 3.

lm

[Signature]
22/11

[Signature]
Member

By *[Signature]* of statement has not been
filed.

21/11

18.12.96

Learned counsel Mr M. Chanda for the applicant. None for the respondents. Written statement has not been submitted.

List for written statement and further orders on 7.1.1997.

by
Member

nkm

M
19/12

7.1.97

Learned counsel Mr J.L. Sarkar for the respondents seeks further six weeks time to file written statement as the case is from Tinsukia.

List for written statement and further orders on 18.2.97.

by
Member

nkm

M
21/1

19.2.97

Learned counsel Mr M. Chanda for the applicant is present. Written statement has not been submitted.

List for written statement and further orders on 12.3.97.

by
Member

nkm

M
19/12

12.3.97

Mr M.Chanda for the applicant. Written statement has not been submitted. List for hearing on 2.4.1997.

by
Member

pg

for
13/13

2.4.97

Mr M.Chanda for the applicant. Mr J.L.Sarkar, learned Railway counsel prays for 3 weeks adjournment. Allowed. List for hearing on 23.4.97.

by
Member

pg

for
13/13

*Notice duly served on
Respondent no. 2 & 3.*

*w/ statement - has not been
filed.*

18/12/97

18.2.97

*1) Notice duly served
on R. 2, 3.*

*2) W/S has not been
filed.*

*3) Memo of appearance
has not been filed.*

M

18/2

*Notice duly served on
op. No. 2 & 3.*

*1) No appearance has been
filed.*

*2) W/ statement - has not been
filed.*

1/3

*Notice duly served on
op. Nos. 2 & 3.*

*1) W/ statement has not been
filed.*

*2) Notice duly served on
R. Nos. 2 & 3.*

*3) W/ statement - has not been
filed.*

18/4

3

3

23.4.97 Mr M.Chanda for the applicant. Mr J.L.Sarkar, Railway counsel for the respondents. Mr Sarkar seeks adjournment to consult the records and for instruction.

Hearing adjourned to 14.5.97.

[Signature]
Member

13.5.97:

- 1) NO W/S has been filed.
- 2) Memo of appearance not yet filed.
- 3) Notice duly served on R - 2 and 3.

[Signature]
13/5

pg
2/19

14.5.97 Mr M.Chanda, learned counsel for the applicant and Mr J.L.Sarkar, learned Railway counsel for the respondents are present.

Written statement has not been submitted by the respondents till today. Mr Sarkar submits that in spite of his best effort the written statement could not be submitted. However, he is ready to make his submission. Mr Chanda desires to make his submission. Mr Chanda is allowed to proceed with his submission. Counsel of the parties have made their submissions in part. For the purpose of proper decision the record No.E/5/TTE/TC/V/STU of the office of the Divisional Railway Manager (personnel Tinsukia) is necessary to be produced by the respondents.

Hearing is adjourned as part heard to 18.6.97. The respondents are directed to produce before this Tribunal the aforesaid records and any other records relevant to the subject matter.

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

[Signature]
Member

16.5.97

Copy of order dtd 14.5.97 issued to the Counsel of parties both side.

[Signature]

Notice duly served on Nos - 2 & 3.

No W/S. has been filed.

pg
15/5

18-6-97

Hearing is adjourned to

25-6-97.

Member

24-6-97

Written statement
 filed on behalf of
 the respondent 1 to 3
 with a prayer ~~to~~ accept
 The ~~mp~~
 No. 187/97.

25-6-97

Permission has been granted to the respondents to file written statement vide order to-day in M.P.No. 187/97. Written statement has been submitted. Copy has been served on Mr.M.Chanda, counsel for the applicant. Mr.Chanda has received the copy of the written statement and is ready for hearing.

Mr.Chanda submits that in the written statement submitted by the respondents they have admitted that the representations submitted by the applicant were received by them as stated therein. Therefore, it is not necessary to look into the records called for vide order dated 14-5-97.

Counsel for the parties have made their submission. Hearing concluded. Judgment reserved.

Member

lm

2.7.97

Mr M. Chanda, learned counsel for applicant is present. This application has been heard by Single Bench inadvertently. It relates to fixation of pay, which is in the jurisdiction of Division Bench as per the recent notification. Therefore, the application is released from hearing and from the Single Bench. The application may be placed for fixing date of hearing before Division Bench.

nkm

3/7

Men

8.7.97

On the prayer of the learned counsel
for the parties let this case be listed for hearing
on 21.8.97.

ba
Member

SB
Vice-Chairman

20-8-97

nkm
8/9/97

① Notice duly served
on R.No. 2 & 3.

~~4x2x98~~

~~CASE is ready for hearing.~~

~~List for hearing on 13.5.98.~~

② Memo of appearance
has not been filed.

ba

21.8.97. *Left over. List on 12.11.97.*
By order.

11.11.97

*Case is ready for
hearing.*

12.11.97

Division Bench is not available.
List it for hearing on 29.1.1998.

ba
Member

ba

nkm
12/11

29.1.98

*There is a vacation
today. placed before in
Hon'ble court. A fixing
a date of hearing.*

4-2-98

Case is ready for hearing.

List for hearing on 13-5-98.

ba
Member

SB
Vice-chairman

lm
13/5
6/2

w/s has been filed.

13.5.98

Adjourn to 18.9.98.
By order.

13-9-98

Case is adjourned to
22-10-98.

ba
By Order

22.10.98

On the prayer made on behalf of Mr J.L. Sarkar, learned Railway Counsel the case is adjourned till 11.11.98. Mr M. Chanda, learned counsel for the applicant has no objection.

trd
Member

JB
Vice-Chairman

trd

11.11.98

Division Bench is not available.
List for hearing on 9.12.98.

JB
By Order

pg

9.12.98

On the prayer of Mr. J.L.Sarkar, learned Railway Counsel, the case is adjourned till 4.1.1999.

List on 4.1.1999.

JB
Member

JB
Vice-Chairman

trd

JB
10/12/98

4-1-99

JB
passover on 21 day.

JB
by

5-1-99

JB
passover

JB
by

6.1.99

On the prayer of the counsel for the applicant the case is adjourned till 8.1.99.

Fix it on 8.1.99.

JB
Member

JB
Vice-Chairman

trd

JB
7-1-99

W/S has been filed
JB
10/11

8-12-98
Written statement
has been filed
JB
8/12/98

14.12.98
Rejoinder filed by
the applicant
Advocate at page
trd
JB
10/12/98

Notes of the Registry	Date	Order of the Tribunal
Original opinion papers dated 30/7/89 Submitted by Shri J.L.Sarkar, Rly. Counsel on 3.2.99, ns 9/2/99.	8.1.99 nkm	Heard the learned counsel for the parties. Hearing concluded. Judgment reserved. Member Vice-Chairman
	8.2.99	Let this case be listed for further hearing on 11.2.99. Mr J.L.Sarkar, learned Railway stan- ding counsel is allowed to take the record back on the undertaking given by him for production of the same on 11.2.99 again. Registry to return the records to Mr Sarkar under acknowledgement.
Recd file no. F/210/46/ Pt III (T) Comm. L. of N.F. Railway. J.L.S. - 9/2/99	pg ns 8/2/99 11.2.99	Member Vice-Chairman forward in the day. By order a.
17-2-99 Written statement and reply to the w/ statement by seen to be	12.2.99 pg ns 15/2/99	Let this case be listed for hearing on 18.2.99. Member Vice-Chairman
9/2/99	18.2.99	On the prayer of Mr M. Chanda, learned counsel for the applicant the case is adjourned till 22.2.99. Member Vice-Chairman
	nkm ns 19/2/99	

Notes of the Registry

Date


Order of the Tribunal

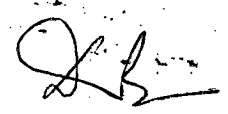
19-2-99

22.2.99

Written statement
 & Reply to the
 written statement
 by Sun HSU.

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

nkm

SD
 19/2/99

25.3.99

Copies of the Judgment
 have been sent to the
 parties I/sec. for issuing
 The same to the parties
 etc.

Issued vide despatch
 No. 1083 to 1036 dt. 26.3.99

em
 12-5-99

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 205 of 1996

DATE OF DECISION. 22.2.1999.....

!! Shri B.K. Nandi (PETITIONER(S))

Mr M. Chanda ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others
RESPONDENT(S)

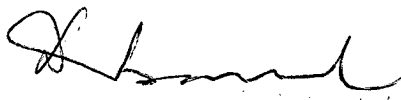
Mr J.L. Sarkar, Railway Counsel

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.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.205 of 1996

Date of decision: This the 22nd day of February 1999

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

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

Shri Bijoy Kumar Nandi (TTE),
Railway Quarter No.161B,
Adarsha Colony, Maligaon,
Guwahati.

.....Applicant

By Advocate Mr M. Chanda.

- versus -

1. The Union of India, through the
General Manager,
N. F. Railway, Maligaon.
2. The Chief Personnel Officer,
N.F. Railway, Maligaon.
3. The Divisional Railway Manager(P),
N. F. Railway, Tinsukia,
Assam.

.....Respondents

By Advocate Mr J.L. Sarkar, Railway Counsel.

.....

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicant seeking direction to the respondents for payment of arrears of pay and allowances.

2. The applicant's case is that on 26.7.1989 seven Ticket Collectors who were junior to the applicant were promoted to the grade of Senior Ticket Collector overlooking the case of the applicant. The applicant submitted several representations to the 3rd respondent-Divisional Railway Manager(P), N.F. Railway, Tinsukia. The applicant was promoted with effect from 22.5.1995. Thereafter, the applicant claimed arrear pay and allowances.

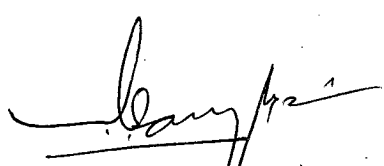



By Annexure 7 order dated 6.11.1995 issued by the 3rd respondent, the applicant was granted the benefit of stepping up of his pay. However, by Annexure 10 order dated 9.1.1996 and Annexure 11 order dated 19.3.1996 the applicant was denied arrear pay and allowances on the ground that those were not admissible to the applicant as per the relevant rules. Hence the present application.

3. We have heard Mr M. Chanda, learned counsel for the applicant and Mr J.L. Sarkar, learned Railway Counsel. The contention of Mr M. Chanda is that the applicant was unreasonably denied promotion and his juniors had been promoted overlooking his case. Mr Chanda further submits that when these aspects were brought to the notice of the authority, the authority did not take any action. Mr Sarkar, on the other hand, submits that these aspects were done within the parameters of the rules and law. In order to decide the controversy all the necessary facts are not available before us. The records are produced, but these are not sufficient for us to decide the matter.

4. In view of the above we dispose of this application with direction to the respondents to decide the matter. The applicant may also file an additional representation stating details about his case within one month from today and if such representation is filed that shall also be considered by the respondents and thereafter dispose of the matter within a period of three months from the date of receipt of the representation by passing a reasoned order.

5. The application is accordingly disposed of. No order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An Application under Section 19 of the Administrative
Tribunals Act, 1985.

O.A. No. 205/96

Sri Bijoy Kumar Nandi

-versus-

Union of India & Ors.

I N D E X

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6	4	-do- dt. 20.06.93	15
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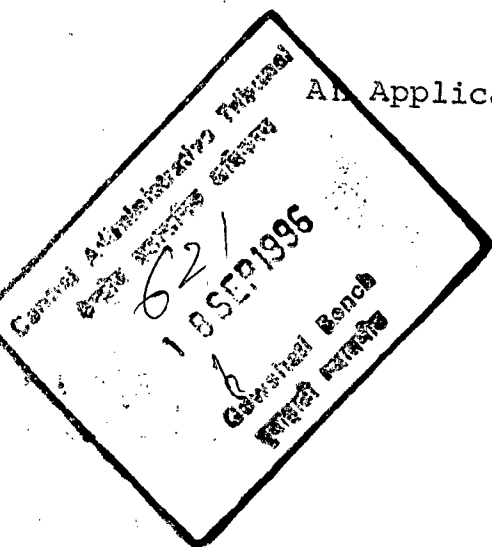
Filed By :

Date : 12.9.96.

Advocate

Bijoy K. Nandi

Filed by the applicant -
through M. Chandra
12.9.96. Adv.



Recd
JL
12/9/96
RA

1. Particulars of the Applicant

Sri Bijoy Kumar Nandi (TTE)

S/o late M.R. Nandi

Railway Quarter No. 161B

Adarsha Colony

P.O. Maligaon

Guwahati-781011

..... Applicant

2. Particulars of the respondents.

1. The Union of India

(Through The General Manager,

N.F. Railway, Maligaon,

Guwahati).

✓ 2. The Chief Personnel Officer, N.F. Railway,
Maligaon, Guwahati,

✓ 3. The Divisional Railway Manager (P),
N.F. Railway, Tinsukia,
Assam

..... Respondents

3. Particulars for which this application is made.

This application is made for payment of arrears of pay and allowances as a result of stepping up of pay of the applicant with his juniors which is made vide Office Order No. E/5/TTE/TC/V/STU dated 6.11.95 and also against the Office Order issued under letter No. E/5/TTE/TC/V/STU dated 9.1.96 and letter No. E/5/TTE/TC/V/STU dated 19.3.96 and with the prayer to pay arrear pay and allowances with 18% interest till final payment of the arrear monetary benefit.

Bijoy K. Nandi:

4. Jurisdiction of the Tribunal

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

5. Limitation

The applicant further declares that the application is filed within the limitation period prescribed under section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

6.1 That the ^{applicant}~~application~~ is a citizen of India and as such he is entitled all the rights and privileges as guaranteed under the Constitution of India. The applicant is presently serving as TTE in the N.F. Railway under Sr. Divisional Commercial Manager, Lumding in the pay scale of Rs. 1200-2040 per month.

6.2 That your applicant was initially appointed as Ticket Collector on regular basis in the pay scale of Rs. 260-400 (Pre-revised) with effect from 8.10.1984 under Divisional Railway Manager, Tinsukia. Thereafter the applicant was appointed as Leave Reserve Ticket Collector on deputation basis in the same pay scale of Rs. 950-1500 (revised) under Chief Commercial Manager Flying Squad, Maligaon and joined there in the month of August, 1987. Thereafter the applicant continued to the deputation post of Leave Reserve Ticket Collector till February 1992 and the applicant was repatriated to ~~The~~ parent Division under Divisional Railway Manager, Tinsukia in the month of February, 1992.

Bijoy K. Wandy

6.3 That while working on deputation basis at Maligaon under Chief Commercial Manager Flying Squad in the post of L.R/TC some juniors of the present applicant namely S/Sunil Dewanjee, Idris Ali, Tapan Chakraborty, D.D.Basumatary, Ganesh Paul, A.K.Koch, K.C.Malakkar and M.C.Oja were promoted with effect from 26.7.89 as Senior TC in the pay scale of Rs. 1200-2040/- in the parent Division of the applicant i.e. in the office of the Divisional Railway Manager, Tinsukia. But unfortunately the case of the applicant for promotion to the post of Senior TC was not considered and the applicant was not intimated anything about promotion of his juniors or no option was called for from the present applicant. However the applicant came to know about the promotion of his juniors and immediately submitted representations dated 19.9.89, 21.11.92, 8.7.93, 20.6.93 and 8.1.94 to the Divisional Railway Manager (P), N.F. Railway, Tinsukia for his promotion to the post of Senior Ticket Collector in the scale of Rs. 1200-2040/- on the ground that juniors have been promoted to the higher scale i.e. Rs. 1200-2040/- with effect from 26.7.89 but to no result. As a result juniors of the present applicant started enjoying higher pay scale and the applicant suffered financial loss continuously since 26.7.89 which is highly discriminatory, illegal and arbitrary.

Copies of the representation dated 19.9.89, 21.11.92, 8.7.93, 20.6.93, and 8.1.94 are annexed hereto and the same are marked as Annexures 1, 2, 3, 4 and 5 respectively.

Bijoy K. Wanda

6.4 That the applicant is promoted to the post of TTE in the pay scale of Rs. 1200-2040 vide Office Order No. E/254/Comm1/Restruct/TSK/Pt.I dated 22.5.95 alongwith above mentioned juniors who were repatriated and absorbed as TTE in the pay scale of Rs. 1200-2040. In this connection it may be stated that the juniors of the applicant who were promoted on 26.7.89 as Senior TC in the pay scale of Rs. 1200/- - 2040/- again opted for TTE and they were further repatriated and absorbed in TTE in the same pay scale of Rs. 1200-2040/- by the same office order dated 22.5.95 by which the present applicant was promoted to the higher pay scale of Rs. 1200-2040 only with effect from 22.5.95 and his name is appears at serial No. 8 in the promotion order dated 22.5.95 and his pay fixed at Rs.1230/- whereas the juniors appear at serial Nos. 15,16,17 ~~and~~ namely, Sunil Dewanjee, Sri Ganesh Paul, Shri M.C.Oja were fixed at Rs. 1380/- in the pay scale of Rs. 1200-2040/-. The applicant immediately on receipt of the promotion dated 22.5.95 again preferred an appeal before the Divisional Railway Manager(P), Tinsukia for stepping up of pay to the extent of his juniors with effect from 26.7.89 with arrear payment vide his representation dated 19.6.95 and on receipt of the representation dated 19.6.95 of the applicant the Divisional Railway Manager(P), N.F. Railway, Tinsukia vide his Office Order No. E/5/TTE/TC/V/STU dated 6.11.95 stepped up the pay of the applicant at Rs. 1350/- with effect from 22.5.95 to the extent of pay of Shri Sunil Dewanjee as on 22.5.95 and further his pay ^{raised} ~~raised~~ to Rs. 1380 with effect from 1.8.95 to the extent of pay of Shri Dewanjee as TTE/MXN. However in the said Office Order dated 6.11.95 the authorities

Bigoy Ks. Wandi

were silent regarding payment of arrear monetary benefit of the applicant.

Copy of the representation dated 26.7.89 and Office Order dated 6.11.95 are annexed hereto and the same are marked as Annexure 6 and 7 respectively.

6.5 That your applicant being highly aggrieved for non-payment of arrear monetary benefit as a result of stepping up of his pay with the juniors of the applicant namely Shri Sunil Dewanjee the applicant preferred another representation to Divisional Railway Manager(P), N.F. Railway, Tinsukia on 4.12.95. However the Divisional Railway Manager(P), Tinsukia vide his impugned Office Order under letter No. E/5/TTE/TC/V/STU dated 9.1.96 it is intimated that the applicant is not entitled to monetary benefit for stepping up of pay in the instant case. Thereafter the applicant preferred another representation on 13.2.96 for immediate sanction of arrear monetary benefit with effect from 1.8.89 to 21.5.95 vide his representation dated 13.2.96 the same was again rejected by the Divisional Railway Manager(P), Tinsukia vide letter No. E/5/TTE/TC/V/STU dated 19.3.96 saying that the arrear payment is not admissible as per extant rule without specifying or quoting the extant rule as indicated in the letter dated 19.3.96. Therefore the impugned letters dated 9.1.96 and 19.3.96 are liable to be set aside and quashed ^{as} ~~and~~ the same is passed mechanically without application of mind and also without following the procedures of rules of stepping up of pay with his juniors.

Copies of the representation dated 4.12.95 and 13.2.96 and reply dated 9.1.96 and 19.3.96 are annexed as Annexure 8, 9, 10 and 11 respectively.

Bijoy K. Wandi

6.6 That the applicant begs to state that it would be evident from the seniority list dated 7.6.89 of the cadre of Ticket Collector in the pay scale of Rs. 950-1500/- as on 1.4.1989 where the name of the present applicant is appears at serial No. 40 and the name of Shri Sunil Dewanjee shows at serial No. 47 therefore it is crystal clear that the applicant is being denied his legitimate promotion due to laches and negligence of the Railway Administration with effect from 26.7.89 when juniors of the applicant were promoted in the cadre of Senior Ticket Collector in the pay scale of Rs. 1200-2040/-. Therefore the applicant is entitled ^{to} the ~~arrears~~ monetary benefit of stepping up of pay.

Copy of the seniority list dated 7.6.89 of the cadre of Ticket Collector as on 1.4.1989 is annexed as Annexure-12.

6.7 That this application is made bonafide and for the ends of justice.

7. Reliefs sought for :

Under the facts and circumstances stated above, the applicant prays for the following reliefs :

1. That the respondents be directed to pay monetary benefit arrear/to the applicant accrued to him as a result of stepping up of pay with effect from 1.8.89 to 21.5.95 with his junior Shri Sunil Dewanjee.

Sancom-
1 REM vol I
Rule 228
debars.

Bijoy K. Wanda

2. That the respondents be directed to pay 18% interest on the total amount of arrear monetary benefit of the applicant with effect from 1.8.89 to 21.5.95 till the actual date of payment of arrears to the applicant.
3. That the impugned orders issued under letter No.E/5/TTE/TC/V/STU dated 9.1.96 and letter No. E/5/TTE/TC/V/STU dated 19.3.96 be set aside and quashed.
4. To pass any other order or orders as deemed fit and proper.
5. Costs of the case.

The above reliefs are prayed on the following amongst other-

-G R O U N D S-

1. For that the applicant is admittedly senior but denied his legitimate due promotion which was ~~illegally~~ granted to his juniors with effect from 26.7.89.
2. For that the applicant was not communicated or informed regarding promotion to the post of Senior Ticket Collector in the higher pay scale of Rs. 1200-2040/-.
3. For that the applicant is entitled for stepping up of pay alongwith his juniors as per the existing rule and also entitled to arrear pay and allowances as a result of stepping up of pay with his juniors.

Bijoy K. Wandi

4. For that the arrear monetary benefit as a result of stepping up of pay is arbitrarily denied to the applicant in violation of stepping up of pay rules.
5. For that the applicant consistently pursued the railway authorities for grant of promotion to the post either to the post of Senior Ticket Collector or TTE in the pay scale of Rs. 1200-2040 as the same was granted to his juniors and thereby violated the Article 14 of the Constitution of India.
6. For that the representations of the applicant were rejected arbitrarily without application of mind as well as without following the relevant procedure of rules for payment of arrear monetary benefit of stepping up of pay to the applicant.
7. For that it is a continuous wrong and the authorities are liable to pay 18% interest on the amount of the arrear monetary benefit accrued to the applicant as a result of stepping up of pay.
8. For that non-payment of monetary benefit is violative of Article 14 and 16 of the Constitution of India.

Bigoy to Wand:

8. Interim Reliefs prayed for :

During the pendency of this application the applicant do not pray for any interim relief but pray for expeditious disposal.

9. Details of remedies exhausted

That the applicant declares that he has exhausted the remedies available to him.

10. Matter not previously filed or pending with any Court.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of the I.P.O.

I.P.O. No.	: 346891 444460. <i>Chhale Adv.</i>
Issued from	: G.P.O. Guwahati
Payable at	: G.P.O., Guwahati
Date of Issue	: 10-10-96 1-10-96. <i>Chhale Adv.</i>

12. List of enclosures

As stated in the Index.

Bejoy K. Wandi

V E R I F I C A T I O N

I, Shri Bijoy Kr. Nandi, son of late M.R. Nandi, aged about 38 years, resident of Railway Qr. No. 161B, Adarsha Colony, P.O. Maligaon, Guwahati-11, applicant in this application and after going through this application do hereby declare that the statements made in this application are true to my knowledge and belief.

I have not suppressed any material facts.

And I sign this verification on this the 12th day of September, 1996.

Bijoy K. Nandi:
Signature

Annexure- I

To
The Divisional Railway Manager (P),
N.F. Railway, Tinsukia.

Sir,

Re : Appeal for promotion in scale Rs. 1200-2040.

In reference to my seniority position as Jr. T.C.-
I am due of my Promotion in the scale of Rs. 1200-2040 as
Sr. T.C./TTE.

In this context I may draw your attention that vide
your Office Order No. E/5/PT 11/81 dated 25.7.89 a batch
of 14 Jr. T.C. have been promoted as Sr. T.C. but I was
not considered for such promotion although my seniority
position was below Shri Jatin Bordoloi Sl. No. 6 and
alone Shri Idrish Ali Sl. No. 7.

It may Promotion be matured that options for selec-
ting the channel of Promotion either as Sr. T.C. or TTE
was called for from the Jr/Sr. TCS but no such option was
invited from me.

In view of the above, I shall submit :

1. That in reference to the Promotion ordered to my juniors, I may also be promoted in scale Rs. 1200-2040,
2. I am amaintaining my lien in the Tinsukia Division as such my position in the seniority list should be correctly placed.
3. Opetion for my selecting the ARC may be asked for,
4. My promotion in scale Rs. 1200-2040 may be given from 26.7.89 i.e. in reference to my juniors.

Dated 19.9.1989

Yours faithfully,

Sd/- Bijoy Kr. Nandi, LR.TC/FS/HQ/
MLG/NR Rly.

NO date of receipt
mentioned in body of
original produced.

*Attended
Bijoy Kr. Nandi
MLG*

To

The Divisional Railway Manager.
Dibrugarh

Through - 55/FKG

Sub : Promotion

Respected Sir,

I beg to lay before you the following few lines for your consideration and action please.

That Sir, I went to CCs flying squad MLG as LR/TC for TSK Div. in the month of Aug/87 and remain there till Aug/92 and CCS (G) MLG spared me to my own division TSK and post as TC at FKg.

That Sir, while I was at CCS/FS my lein was in the TSK Div. But Sir, Sri Idrish Ali, T.Chakraborty, LR/TC in scale of Rs. 950-1500 promoted as Sr. TC in scale of Rs. 1200-2040 and D.D. Basumatary, Sibankar Dutta Choudhury and Sibu Choudhury LR/TC now working as TTE in scale of Rs. 950-1500.

That Sir, All names mentioned above are junior to me. They got promotion being superseded me.

Therefore praying to your kindness to look into the matter and give me promotion as senior TC or LR/TC working as TTE. I hereby give option for TTE side and give me promotion in TTE side and thus obliged.

Yours faithfully,

Sd/- Bijoy Kr. Nandi
(B.K.NANDI)
TC/FKG.

Dated 21-11-92

Received on 21/11/92
as per photocopy sent

Attended
As per Reg
Adm.

Annexure-3

B.K.NANDI

TC/fkg

Dt. 8.7.93

To

DCM/DBRT

N.F.RLY.

(Through SS/Fkg)

Sub : Reminder application dt. 21.11.92 for promotion.

Respected Sir,

I beg to lay before you the following few lines
For your consideration and action please.

That Sir, I went to CCS flying squad Maligaon
as LR/TC from TSK Divn. in the month of Aug. 87 and
remain there till Aug. 92 and CCS(G) MLG spared me to
my own division TSK and posted as TC at Fkg.

That Sir, while I was at CCS/FS my lein was in
the TSK divn. But Sir, Sri Idrish Ali, T.Chakravorty,
LR/TC in scale of Rs. 950-1500 promoted as SR TC in scale
of Rs. 1200-2040/- and D.D.Basumatary, Sibankar Dutta
Choudhury and Sib Choudhury LR/TC now working as TTE
in Scale of Rs. 950-1500/-

That Sir, All names mentioned above are junior
to me. They got promotion being superded me.

Therefore, praying to your kindness to look into
the matter and give me promotion as senior TC or LR/TC
working as TTE. I hereby give option for TTE side and
give me promotion in TTE side and thus obliged.

Yours faithfully,

Sd/- Bijoy Kr. Nandi

(B. K. NANE NANDI)

TC/fkg

*Forwarded to
DCM/DBRT
in 07/08/93
by 07/08/93
Bijoy Kr. Nandi*

*Attended
Jeeb Roy
Asst.*

To

Dated 20-6-93

The DRM(P) TSK

(Through Proper Channel)

Sub : Promotion to the post of Sr. TC/TTE in scale
Rs. 1200-2040 (RS/RP).

Sir,

I have been working under you as JR. TC with my posting at FKG. I have opted for my promotion to TTE. But my promotion as Sr. TC/TTE have not been considered as yet, although a few juniors have already been promoted ignoring my claim.

In this context I like to invite your kind attention to the letter No.CCM(G) MLG dated 27.05.93 under which a list of staff of Ticket checking cadre who have opted for promotion to TTE in scale of Rs. 1200-2040/- (RS/RP) has been published. In that list a few juniors have been placed above me. In fact according to the seniority my name should have been placed just below the name of Jatin Bardoloi who has been placed under serial No. 8 and serial No. 9 Sri Tapan ~~Chakbark~~ Chakraborty, he is junior to me & my name has been placed under serial No. 18.

As a result of which considering me in Junior my promotion to the post of Sr. TC/TTE has not been considered.

I would therefore, like to request you to kindly consider to Fix up my Seniority & place my name over my junior & issue necessary order of my promotion as Sr. TC/TTE so that my Junior can get the benefit of promotion earlier to me. The act of kindness I shall remain ever grateful to your kindness.

Yours faithfully,

Sd/- Bijoy Kr. Nandi

TC/Fkg

*Attended by
Sd/-*

*Forwarded
on 20/6
by Sr. Asst.
Inspector
20/6*

-16-

To
The DRM(P) TSK

Date : 08.1.94.

(Through Proper Channel)

Sub : Reminder application dtd. 20.6.93 for
promotion to the Post. of Sr. TC/TTE in
Scale of Rs. 1200-2040 (RS/RP).

Sir,

I have been working under you as Jr. TC with my
posting at FKG. I have opted for my promotion to TTE. But
my promotion as Sr. TC/TTE have not been considered as
yet, although a few juniors have already been promoted
ignoring my claim.

In this context I like to invite your kind attention
to the letter No. CGM(G) MLG dated 27.05.93 under which
a list of staff of Ticket checking cadre who have opted
for promotion to TTE in scale Rs. 1200-2040/-
(RS/RP) has been published. In that list a few juniors
have been placed above me. In fact according to the seniority
my name should have been placed just below the name of
Jatin Bardoloi who has been placed under serial No. 8
and Serial No. 9 Shri Tapan Chakraborty, he is junior to me
and my name has been placed under serial No. 18.

As a result of which considering me in Junior my
promotion to the post of Sr. TC/TTE has not been considered.

I would therefore, like to request you to kind-ly
consider to Fixup my Seniority and place my name over my
Junior and issue necessary order of my promotion as Sr. TC/
TTE so that my Junior can get the benefit of promotion
earlier to me. The act of kindness I shall remain ever
grateful to your kindness.

Yours faithfully,

Sd/- Bijoy Kr. Nandi
(B.K.NANDI
TC/FKG

*Forwarded - 10 -
on 9/1
[Signature]*

*Attested
As per [Signature]
[Signature]*

Annexure-6

To
Divisional Railway Manager (P)
N.F. Railway. ~~Minister (P)~~ Tinsukia,

Through Proper Channel

Sub : Stepping up of pay to the extent of my junior promoted
w.e.f. 26.7.89 with area payment.

Sir,

Most humbly and respectfully I beg to lay the
following few lines for favour of your kind consideration
and necessary orders please.

That Sir, I was working at CCM/FS/MLG from
August 87 to Feb 1992 being spared from TSK division as
Flying squad at my existing pay & scale of Jr. TC. During
the period of my working as Flying squad at Maligaon 14 Jr.
TCS were promoted to officiate as Sr. TC in scale Rs. 1200-
2040/- out of which 9 staff are junior to me vide DRM(P)
TSK's O.O. No. E/5/P-II/81 dated 25.7.89. It is not known to
me as to why I was not promoted as Sr. TC alongwith them.

That Sir, when the said matter came to know to
my notice I preferred appeals to sanction the necessary
promotion benefits to the extent of my junior's vide my
application dated 19.9.89, 21.11.92, 8.7.93, 8.1.94, 17.8.94.
But the Railway administration did not pay any attention.

Now, I have been promoted to officiate as TTE in
scale Rs. 1200-2040/- e.e.f. 22.5.95 alongwith repatriation
the junior staff those who were working as Sr. T.C. in
scale Rs. 1200-2040/- vide the item No. 15, 16 & 17 at DRM(P)
TSK's O.O. No. E/254/Coml/Restruct/TSK pt. I dt. 22.5.95.
The basic pay of my juniors is Rs. 1350/- where my pay on
promotion is fixed @ Rs. 1230/- only.

Being a senior Employment to the extent of the
seniority list of JR TC in scale 950-1500/- published as on
1.4.89 vide DRM(P) TSK's L/L No.-E/5/Seniority/TTE/Coml dated
7.6.89. I should not be granted lower pay than my juniors.

*Received
by Tinsukia
on 1.11.89
21-6-89
DRM(P) TSK.*

Therefore I earnestly request your honour to kindly look into the above matter and step up my basic pay to the extant of the pay of my juniors i.e. w.e.f. 26.7.89 to 21.5.95 with area.

Hope you will be kind enough and with sanction the same as request.

Thanking you,

Yours faithfully,

Dated
19.6.95

Sd/- Bijoy Kr. Nandi

B.K.Nandi

TTE/DBRT

*Attended by
J. K. Nandi
B.K.N.*

N.F.Railway

OFFICE ORDER

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

Dated, 6.11.95.

The stepping up of pay of Shri B.C.Nandy, TTE/DBRT in scale 1200-2040/- to the extent of pay of his junior Shri Sunil Dewanjee, TTE/MXN is fixed as under, in terms of application of the provision to and the 'exception' below Rule 1313 (FR-22) R.II.

- 1) Pay on promotion as TTE is fixed @ Rs. 1350/- in scale 1200-2040/- (RS/RP) w.e.f. 22.5.95 to the extent of pay of Shri Sunil Dewanjee, TTE/MXN as on 22.5.95.

- 2) Pay raised to Rs. 1380/- w.e.f. 1.8.95 to the extent of pay raised to Rs. 1380/- w.e.f. 1.8.95 of Shri Dewanjee, TTE/MXN.

This has the vettings of DAO/TSK and the approval of competent authority.

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

No. E/5/TTE/TC/V/STU dt. 6.11.95.

Copy to :

1. Shri B.K.Nandy, TTE/DBRT for information through SS/DB
2. E/Bill(in duplicate) at office for information.
3. DAO/TSK for information.

Sd/- Illegible 6.11.95

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

Bigg 10. wa

Annexure-8

To

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

(Through Proper Channel)

Sub : Arrear of stepping up of pay in scale Rs. 1200-2040/-
(RSRP) from the date of promotion of my junior Shri
Sunil Dewanji as Sr. TC/MXN i.e. w.e.f. 01.08.89 to
21.5.95.

Sir,

Most humbly, I beg to state the following few facts
for your kind consideration and sympathetic orders please.

That Sir, as a result of administrative lapse, I was
not promoted as Sr. TC in scale Rs. 1200-2040/- (RSRP)
alongwith my junior vide your O.O. No. E/5/Pt. II/81 dated
26.7.89 for which I have been granted the stepping up on
pay Rs. 1350/- w.e.f. 22.5.95 to the extent of pay of my
junior Shri S.Dewanjee, TTE/MXN in scale Rs. 1200-2040/-
without monetary benefits vide your office order referred
above.

That Sir, it is fact that time to time, TTE promotion
was made from Sr. TC though it was not permitted by current
avenue of promotion (AVC) Vide your office Order No. E/5/
Pt. II/TC/81 dated 26.6.89 and even number dated 14.7.92,
9.6.93, total = 22. But in my case neither I was promoted
as Sr. TC nor promoted as TTE despite my several appeals
dated 19.9.89, 21.11.92, 8.7.93, 8.1.94, 17.8.94. But the Rail-
way administration did not pay any attention.

However, as the lapses of my promotion towards the
right stream is from only administrative side, I, therefore,
earnestly request your honour to kindly extend the monetary
benefits with arrears as a result of stepping up of pay in
favour of me in scale Rs. 1200-2040/- (RSRP) to the extent
of the pay of my junior Shri S.Dewanjee, Sr. TC/MXN, now
TTE/MXN i.e. w.e.f. 01.8.89 to 21.5.95 and thus oblige please.

Yours faithfully,

Dated, Dibrugarh
the 4th Dec'95.

Sd/- Bijoy Kr. Nandi

(B.K.NANDI)

TTE/DBRT

*Attested
Bijoy Kr. Nandi*

To

The Divisional Railway Manager (P)
N.F. Railway
TINSUKIA (Through Proper Channel)

Subject : Arrear of stepping up of Pay in scale Rs. 1200-2040/-
from the date of promotion of Junior Sri Sunil
Dewanjee w.e.f. 1.8.89 to 21.5.95.

Ref : Your L/No. E/5/TTE/TC/N/STU dt. 9.1.96.

Sir,

With reference to your letter quoted in the above reference, I would like to draw your kind attention to the following few facts once again to bestow your valuable justice to me within a short period please.

That Sir, it is fact that I have been deprived of my legitimate due promotion towards TTE side since 1989 due to administrative lapse which I have already pointed out in my earlier appeal dt. 4.12.95. Most probably, I would have been a Hd. TTE in scale Rs. 1400-2300/- right now if the administration dealt with our case in accordance with existing AVC.

However, in this context I feel as very pertinent to mention about your office order bearing No. E/5/Pt. II/91 dt. 26.7.89 where 14 nos. of Jr. TCS were promoted to officiate as Sr. TC in scale Rs. 1200-2040/- with immediate effect out of which 6 Jr. TCs did not carry out their promotion as Sr. TC. It means the amount which would had been expended for Rly. Revenue against the 6 Jr. TCs as Sr. TCs with full pay and other allowances admissible time to time in scale Rs. 1200-2040/- is in deposit in Rly. Revenue. Since then the 6 Nos. vacancies of Sr. TC in scale Rs. 1200-2040/- are lying vacant to till date.

That Sir, as I have already been granted the stepping up of Pay to the extant of my Junior Sri Sunil Dewanjee only because of the administrative fault. Why should I am not be paid with full arrears? Rly. Administration shall not suffer if I be paid with full arrear from 1.8.89 to 21.5.95 according to the pay range raised time to time in scale Rs. 1200-2040/- against the existing vacancies of Sr. TCs.

Therefore, I earnestly request your goodself to sanction me full arrear of stepping up of pay in scale Rs. 1200-2040/- (RS/RP) against vacancy i.e. w.e.f. 1.8.89 to 21.5.95 within a month failing which I shall be bound to knock at the door of CAT/GHY for legal justice please.

Thanking you,

Yours faithfully,

Dated : 13.2.96

Sd/- Bijoy Kr. Nandi

(B. K. NANDI)
T.T.E./DBRT, N.F. Railway

*Attended
Jalal
Jalal*

*Sumant
13/2/96
by T.T.E.*

Annexure - 10

N.F. RLY.

DRM(P)/Tsk's office

Dt. 09.01.96

No. E/5/TTE/TC/V/STU

To, Shri B.K. Nandy, TTE/DBRT
Thro : CTT/DBRT

Sub : Arrear of stepping up of pay in scale
Rs. 1200-2040 from the date of the promotion
of Junior Sri Sunil Dewanjee w.e.f. 1.8.89
to 21.5.95.

Ref : Your appeal dated 4.12.95

Please note that your appeal dated 4.12.95 regarding
claim of arrear on stepping up of pay from 1.8.89 to
21.5.95 in scale Rs. 1200-2040/- i.e. from the date of
promotion to your immediate junior Shri Sunil Dewanjee
as Sr. TC in scale Rs. 1200-2040 ~~was~~ put up to the competent
authority who has passed the following orders :

" Monetary benefit - for stepping up of pay is not
admissible in this case."

Sd/- Illegible 9.1.96

DRM(P)/Tsk

*Attended
Jal by
Adi.*

Bijoy K. Wanda

N.F.Rly.

DRM(P)/Tsk's Office

Dt. 19.3.96

No. E/5/TTE/TC/V/STU

To

Shri B.K.Nandy, TTE/DBRT

Thro : CTT/DBRT.

Sub : Arrear of stepping up of pay in scale of Rs. 1200-2040/- from the date of promotion of Junior Shri Sunil Dewanjee, w.e.f. 1.8.89 to 21.5.95.

Ref : Your appeal dated 13.2.96.

It is for your information that the appeal dated 13.2.96 which was mentioned subject was put up to the competent authority who has passed the following orders :

"Arrear payment not admissible as per extant rules."

Please acknowledge receipt.

*Attested by
Asst. Secy.
Asst.*

Sd/- Illegible 19.3.96

DRM(P)/TSK

Bijoy K. Wandi.

Category : TC.
 Scale of Pay : \$50-1500/-
 Department : Commercial.
 Section strength : 18.

Provisional:- Seniority list of TC in
 scale Rs. 950-1500/-
 as on 1-4-89.

Of the
 Dated 1-4-89.
 P. N. S. R. 17-4-89.

Criteria:- Seniority list of staff drawn as per merit figure of the
 service commission and date of joining to the post.
 In case of staff promoted from Class IV staff seniority
 has been drawn from the date of joining in TC in order of
 merit figure of the para-2.

Sl. No.	Name, designation & Station.	Date of birth.	Date of appointment.	Whether Cor./Orfg.	Remarks.
1.	Shri Monomanjan Singha, TC/TSK	26.9.56	12.5.78	Orfg.	Promoted to LR.TTE.
2.	" Satya Narayan Das, TC/TSK	1.4.56	15.5.78	-do-	Promoted to LR.TTE.
3.	" Babul Ch.Dey, TC/MXN	24.11.58	15.11.78	-do-	-do-
4.	" Dehash Ch.Dey, TC/TSK	19.8.55	20.11.78	-do-	-do-
5.	" Subir Bhattacharjee, TC/DBRT	23.5.54	1.3.79	-do-	-do-
6.	" Rahul Saikia, TC/MXN	1.3.58	19.3.79	-do-	-do-
7.	" Girin Dutta, TC/TSK	1.3.49	2.7.79	-do-	Promoted to SR.TC.
8.	" Uttam Kr.Das, TC/MXN	13.10.56	5.7.79	-do-	-do-
9.	" Arup Raj Baruah, TC/SLGR	16.2.60	11.7.79	-do-	-do-
10.	" H.N.Saikia, TC/TSK	26.1.49	3.7.79 D.Corr-	-do-	-do-
			19.7.79 ier.		
11.	" Muktar Singh, TC/DBRT	17.3.47	13.7.69 (PTR)	-do-	Promoted to SR.TC.
			20.7.79		-do-
12.	" Dina Nath Pandey, TC/MXN	11.5.46	15.10.66 (PTR)	-do-	-do-
			20.7.79		-do-
13.	" Ranjee Pathak, TC/TSK	3.1.54	21.4.67 (PTR)	-do-	-do-
			21.7.79		
14.	" Purneswar Mili, (ST) TC/SLGR	31.5.40	20.10.60 (PTR)	-do-	Promoted to LR.TTE.
			20.7.79		
15.	" Mahul Mukherjee, TC/TSK	25.5.57	21.8.79	-do-	Promoted to SR.TC.
16.	" Subash Sur, TC/TSK	5.10.51	21.6.72	-do-	-do-
			23.8.79		

Contd.....2/-

*Attended by
 P. N. S. R. 17-4-89*

25-

1.	2.	3.	4.	5.	6.	7.
17.	Shri Monoranjan Deori (ST)	TC/SLR	30.3.52	20.2.80	Offg.	Promoted to SR.TC.
18.	" Budhin Saikia, (ST)	TC/SLR	30.12.52	20.2.80	-do-	-do-
19.	" Rohib Sonowal, (ST)	TC/TSR	1.9.53	20.2.80	-do-	-do-
20.	" A.K.Patwari, (ST)	TC/TSR	1.9.54	20.2.80	-do-	-do-
21.	" Tuleswar Baruah, (ST)	TC/SLR	24.3.53	20.2.80	-do-	-do-
22.	" Saydur Rahman,	TC/FKR	1.1.58	21.11.80	-do-	-do-
23.	" Probedh Dutta,	TC/DBT	5.1.43	1.12.66	-do-	-do-
				12.11.81	-do-	-do-
24.	" Tritha Sarma,	TC/TSR	25.8.55	9.11.75	-do-	-do-
				12.11.81	-do-	-do-
25.	" S. Chowdhury,	TC/TSR	1.1.53	12.7.77	-do-	-do-
				12.11.81	-do-	-do-
26.	" P.K.Sonowal, (ST)	TC/SLR	1.3.53	5.7.82	-do-	-do-
27.	" K.K.Das,	TC/SLR	1.11.56	5.8.82	-do-	-do-
28.	" Kitish Baruah,	TC/JTR	1.1.58	5.8.82	-do-	-do-
29.	" Esahaque Chowdhury,	TC/MXN	1.3.60	5.8.82	-do-	-do-
30.	" Dwijen Kalita,	TC/TSR	1.1.58	18.8.32	-do-	Promoted to SR.TC, but not yet carried out.
31.	" Kamal Deb Goswami,	TC/SLR	1.1.57	4.9.82	-do-	Promoted to SR.TC.
32.	" D.K.Cogoi,	TC/DBT	1.6.34	24.12.83	-do-	Promoted to SR.TC.
33.	" Gbinda Karmakar, (SC)	TC/TSR	15.12.61	2.1.84	-do-	-do-
34.	" Shoban Kalita,	TC/MXN	1.8.52	3.1.84	-do-	-do-
35.	" Buddha Pn. Bora,	TC/TSR	1.1.63	3.1.84	-do-	-do-
36.	" Charan Paul Singh (SC)	TC/TSR	15.10.55	5.1.84	-do-	Promoted to SR.TC.
37.	" R.K.Lodh,	TC/TSR	2.1.58	5.1.79 (PTR)	-do-	-do-
				23.1.84	-do-	-do-
38.	" Swapan Sarkar,	TC/TSR	22.10.55	22.10.78 (PTR)	-do-	-do-
				18.2.84	-do-	-do-
39.	" Jatin Bordali,	TC/MXN	17.12.58	31.3.84	-do-	-do-
40.	" Bijoy Kr. Nondy,	TC/TSR	-	8-9-84	-do-	-do-
41.	" N.C.Sarkar,	TC/DBT	-	11.9.84	-do-	-do-
42.	" Idrish Ali,	TC/MXN	30.6.57	27.5.79 (PTR)	-do-	-do-
				22.9.84	-do-	-do-
43.	" Pran Chakraborty,	TC/SLR	23.2.53	20.10.84	-do-	-do-
44.	" Joy Sankar Saikia,	TC/SLR	1.1.64	11.2.85	-do-	-do-
45.	" D.D.Sasunatary (ST)	TC/SLR	1.1.61	12.2.85	-do-	-do-
46.	" Uday Nath,	TC/DBT	1.9.52	15.2.85	-do-	-do-

(Contd....2/-)

1.	2.	3.	4.	5.	6.
47.	Shri Sunil Dewanjee, TC/MXN	31.12.64	12.4.85	Offg.	
48.	" Ganesh Paul, TC/TSK	26.4.56	6.3.80 (PTR)	-do-	
49.	" Jadhistir Das, (SC) TC/TSK	21.1.58	20.5.85	-do-	Pr
50.	" Anjit kr. Das (SC) TC/MXN	10.9.56	12.5.79 (PER)	-do-	to SR.TC.
51.	" Nani Gopal Dey, TC/MXN	31.12.50	20.5.85	-do-	Tfc
52.	" A.K.Koch, (ST) TC/DBRT	22.10.57	11.2.85	-do-	LMG Division.
53.	" M.Boro (ST) TC/DBRT	9.10.60	23.10.72	-do-	
54.	" M.Boro (ST) TC/DBRT	1.1.61	25.6.85	-do-	
55.	" J.R.Boro, (ST) TC/DBRT	1.1.62	21.4.86	-do-	
56.	" S.P.Chowdhury, TC/DBRT	8.2.58	21.4.86	-do-	
57.	" S.Dutta Chowdhury, TC/DBRT	1.6.67	21.4.86	-do-	Other division.
58.	" Promod Gogoi, TC/RCJ	1.9.65	27.10.86	-do-	
59.	" Nival Roy, TC/DBRT	14.6.61	27.10.86	-do-	
60.	" H.C.Malakhar (SC) TC/MXN	1.3.58	29.10.86	-do-	
61.	" H.C.Ojha, (SC) TC/DBRT	1.3.56	11.11.86	-do-	
62.	" B.B.Sarma, TC/JTEN	1.7.62	24.4.87	-do-	
63.	" B.C.Malakhar (SC) TC/DBRT	1.3.57	24.4.87	-do-	
64.	" Pamesh ch.Das, LR.TC/DBRT	1.10.59	11.6.87	-do-	
65.	" Pradip Lr.Das, -do-	1.3.52	3.8.87	-do-	
66.	" Bal Krishan Thappa, LR.TC/MXN	25.1.58	25.1.83	-do-	
67.	" Ujjesh Lohakar, LR.TC/DBRT	1.1.59	7.9.87	-do-	
68.	" P.N.Mazunder, -do-	1.10.58	11.12.87	-do-	
69.	" Ratan Dutta, -do-	1.11.56	7.12.87	-do-	
70.	" Kartick Gogoi, LR.TC/MXN	26.2.53	11.4.79 (PTR)	-do-	
71.	" Chinraj Sonowal (ST) -do-	30.11.59	30.12.87	-do-	
72.	" Prokirta Sonowal (ST) LR.TC/DBRT	1.12.63	24.6.74	-do-	

Attended
Asst. Secy
Asst.

Contd.....4/-)

ps. 6/6/89

FOR Divisional Railway Manager (P),
N. F. Railway, Illinois.

Illinois

Copy to: Staff concerned
Secy. N.F.R.E.U.
S/TSK, DBRT, MXN, SLGR, EKG, JTN, NHK, BOJ,
M.H., TSK, DBRT, MXN.

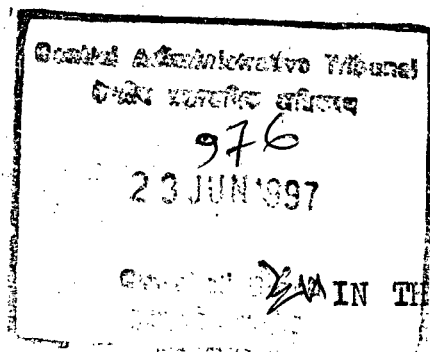
No. E/5/Seniority/TTE/Cond date 666-89

FOR Divisional Railway Manager (P),
N. F. Railway, Illinois.

Illinois

With in 30 days from the date
be entertained and the list will
be treated as final.
A
Information from the state regarding seniority list should be submitted
with in 30 days from the date of the condition. No further action after the date.

73. Staff Name, Grades, (SC)	6.10/DBRT	1.12.40	21.9.88	Offg.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				



By: Chief Personnel Officer (CPO)
to the Secy. Guwahati Bench
23/6/97

O.A. No. 205/96

Shri B. K. Nandi

Vs.

Union of India & Ors.

IN THE MATTER OF :-

Written Statement on behalf of
the Respondent No. 1, 2 and 3.

Filed by in respect
of Shri B. K. Nandi
23/6/97

Received Copy
for M. Chandu

The Respondent No. 1, 2 and 3 most respectfully
beg to state as under :-

- 1) That the Respondents have gone through the statements in the Original Application and understood the contents thereof.
- 2) That in reply to the statement made in paragraph 6.3 it is stated that the applicant on his own request was deputed to work as Leave Reserve Ticket Collector (for short LRTC) under Chief Commercial Supdt./Flying Squad/Maligaon and was working as Flying Ticket Checker from 1987 to 1992 and his lien was maintained by in the Tinsukia Division when promotions were made to the posts of Senior Ticket Collector, some of his juniors were promoted and unfortunately the name of the applicant was not in the promotion

Y. K. Choudhary, Secretary
to the Chief Personnel Officer (P.O.)
G. P. O., Guwahati-781001
Tel. 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

- 2 -
(due to non-consideration)

promotion list. This is an administrative error. It is stated that from Junior Ticket Collector there are 2(two) avenues of promotion viz. Senior Ticket Collector and Train Ticket Examiner. Before 12.9.1989 promotions to Senior Ticket Collector or Train Ticket Examiner were given as per turn and the same system was cancelled and the system of option was introduced for either as Senior Ticket Collector or Train Ticket Examiner. The applicant submitted his option for promotion only to Train Ticket Examiner side on 30.07.89. It is also stated that from 30.07.1989 to 21.05.1995 not a single staff was promoted to Train Ticket Examiner side in the Tinsukia Division. This was due to the reason that in August, 1989 5 (five) employees filed an application before this Hon'ble Tribunal for promotion as Train Ticket Examiner. The application was registered as O.A. No.110(G)/1989. On 10.08.1989 this Hon'ble Tribunal was pleased to pass an Interim Order as under :-

"We have heard Mr. J.L. Sarkar, learned counsel for the petitioner assisted by Mrs. R. Borgora and Mr. S. Huda, learned Standing counsel on the question issuance of interim orders. A copy of the application has been delivered to Mr. Huda, who is requested to take necessary instruction as to whether this prayer for issuance of interim orders should be allowed or not. We expect a counter to be filed to the prayer for issuance of interim orders by 31.8.89 and it may come up on 4.9.89 for hearing. Since the question of issuance of interim orders is pending consideration of this Bench, decorum demands that no

✓ Chun
डा. महेश नाईक (सहस्र-
पाठक)

By an order dated 29.06.1993 this Hon'ble Tribunal further ordered :

"Mr. J.L. Sarker submits for interim relief. Also heard Mr. B.K. Sarma on this point. Pendency of this application shall not be a bar for the Respondents to promote the applicants against vacant posts of TTE earmarked for LRTC for TTEs."

After accrual of vacancies of TTEs, the applicants and others were promoted as TTE (Rs.1200 - 2040/-) by order dated 22.5.1995.

✓ It is humbly subitted that for the promotion as TTE as per his option no injustice has been done to the applicant. It is ~~agg~~ agreed that ~~two~~ representations of the applicant dated 19.9.89 and 21.11.92 were received by this office of which one representation dated 21.11.92 came through his proper channel duly forwarded which was processed for disposal and in course of dealing with the representations

31-

- 4 -

further development in regularising absence period etc. of the staff had to be dealt in the same file for which final disposal is stayed. But the representation dated 19.9.39 was not dealt on the plea of its receipt without forwarding by the Sr. Supervisor Incharge of Shri Nandi.

However it is reiterated that his promotion as TTE was delayed in compliance to the orders in O.A. No.110/89 as explained above.

3) That in reply to the statement made in paragraphs 6.4, 6.5 and 6.6 it is stated that the juniors of the applicant was promoted and the case of the applicant was overlooked for promotion and it was an administrative error in the circumstances explained above and his promotion as TTE was delayed due to the reasons explained above. But in the very first opportunity the applicant has been promoted and subsequently his pay has been fixed with reference to the pay of his junior. Therefore, all steps to do justice to him have been taken. He cannot be given benefit of pay of the higher scale during the period when he did not shoulder duties and responsibilities of the post. Moreover there is specific Railway Rule viz. Rule 223 of Indian Railway Establishment Manual Vol.I, 1939 Edition which provides for dealing with such situations. The applicant has been given benefit of fixation and as on to-day he has not getting less than his junior and his seniority in the higher post has also been restored in terms of the said Rule 223. The Accounts Department has objected to the fixation. (Annexure-R-1). The same may have to be revised

Contd.....5

- 5 -

and new fixation be made. It is stated that the pay of Shri Sunil Dewanjee, the junior to the applicant was wrongly fixed. The fixation of the applicant has been done to the extent of pay of Shri Dewanjee which was wrongly fixed and not in accordance with instructions contained in CPO/MLG's D.O. No.E/210/46/Pt.III(T) dated 12.9.89. Now Shri Dewanjee's pay will be refixed to a lower stage with reference to the pay in his substantive grade of Jr.TC in scale Rs.950 - 1500/- vide CPO/MLG's D.O. No.E/210/46/Pt.III(T) dt. 16.6.97. As a result the stepping up of the pay as represented by the applicant in reference to the pay of Shri S. Dewanjee does not arise.

- 4) That in the facts and circumstances of the case the application deserves to be dismissed.


VERIFICATION.

I, Shri C. Saikia

by profession Railway Service working as Dy. Chief Personnel Officer, (Na) N.F. Railway, Maligaon aged about 32 years do hereby verify that the statements made in paragraph 1 to 4 are true to my knowledge derived from the records which I believe to be true.

Guwahati

Dated : 20-6-97

✓ 
DEPUTY CHIEF PERSONNEL OFFICER
NORTHEAST FRONTIER RAILWAY
MALIGAON :: GUWAHATI
FOR & ON BEHALF OF
UNION OF INDIA.

मुख्य कार्यालय अधिकारी (व्यवस्थापन)
Dy. Chief Personnel Officer (Admin)
सि. रेलवे, गुवाहाटी-781001
N.F. Ry., Guwahati

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N. F. RAILWAY.

Annexure-A.

Office of the
Divl. Account Officer,
Tinsukia.

No.TSK/FR/TFC/ESTT/91/1.

Dated 17-10-96.

To
DRM(P)/TSK,
N.F.Railway.

Sub : Stepping up.

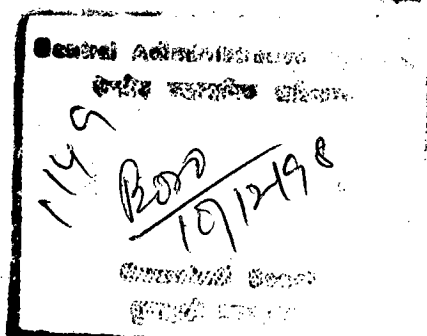
Ref : Your office order No.E/5/TTE/TC/V/STU
dt. 21-09-95.

In reference to above office order it is to inform you that the case of stepping up given in favour of Sri B.K. Nandy, TTE/DBRT has been examined further and after thorough investigation it is found that the vetting exercised earlier in favour of Sri Nandy was not in order.

Therefore in view of the above the vetting exercised from this end may please be treated as cancelled and monetary benefit involved due to fixation of pay based on the above vetting may be recovered from the staff concerned under intimation to this office and also the case may be reviewed once again for further processing.

Sd/- Illegible
for Divl.Accounts Officer,
N.F. Railway, Tinsukia.

Am-
J.S.
A.S.



Filed by the applicant
through Mr. M. Choudhury
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(GUWAHATI BENCH)

O.A. No. - 205/96

Sri B.K. Nandi

..... Applicant

- Versus -

Union of India and Others.

In the matter of :

Reply to the written statement
submitted by the respondent Nos.
1, 2 and 3.

The applicant above named -

Most respectfully begs to state as under :

1. That with regard to statement made in paragraph 2 of the written statement the deponent begs to state that admittedly the junior were promoted to the post of Senior Ticket Collector without considering the case of the applicant. It is stoutly denied that before 12.9.89 promotions were given as per turn. It may be pertinent to mention here that against such supercession applicant submitted

Contd....2

representations which were received by the respondents as admitted in their written statement.

2. That with regard to the statement made in para 3 of the written statement the deponent begs to state that it is categorically admitted that the non-consideration of the case of the petitioner was an administrative error. It is further stated that the applicant was very much willing to accept the responsibilities of the promotional post. But he was prevented by the respondents and as such the applicant cannot be blamed for the actions of the respondents. Be it stated that the Rule 228 of Indian Railway Establishment, as claimed by the respondents does not apply in this particular case. The deponent further begs to state that as his case for promotion was not considered, he utilated his grivance through several representation which were also not responded.

3. That in the facts and circumstances of the case the instant application deserves to be allowed with the reliefs as sought for in the application.

.. Verification ...

V E R I F I C A T I O N

I, Shri Bijoy Kr. Nandi, son of late M.R. Nandi aged about 32 years, resident of Railway Qr. No. 161B, Adarsha Colony, P.O. Maligaon, Guwahati-11 applicant in this application and after going through the instant reply to written statement do hereby declare that the statements made in the foregoing paragraphs are true to my knowledge and belief.

And I sign this verification on this the 9th day of December, 1998

Bijoy K. Nandi

Signature.