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30/600

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

(1) MP 202/96 order page 14 & 21 INDEX  
2.12.96

(2) MP 69/97 order 2 page 1 to 2 dt 08.4.97

O.A./T.A.No. 231/96

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

E.P./M.A.No. 202/96 & 69/97

1. Orders Sheet..... OA .....Pg. 1 .....to. 4.....
2. Judgment/Order dtd. 1.8.97 .....Pg. 1 .....to. 4 dismissed
3. Judgment & Order dtd. ....Received from H.C/Supreme Court
4. O.A. .... 231/96 .....Pg. 1 .....to. 35.....
5. E.P./M.P. 202/96 .....Pg. 1 .....to. 9.....  
MP 69/97 .....Pg. 1 .....to. 24
6. R.A./C.P. ....Pg. ....to. ....
7. W.S. ....Pg. 1 .....to. 7.....
8. Rejoinder.....Pg. ....to. ....
9. Reply.....Pg. ....to. ....
10. Any other Papers.....Pg. ....to. ....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)  
Stahls  
31.1.18

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA No. 231196

Shri Kamte Mohan Senha Applicant(s)

VS-

Jassier & Jodis & Co. Respondent(s)

Mr. D. Bhattacharya Advocates for the applicant(s)  
" S. Sarma,

J. L. Sarkar Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO No 444463 Dated ... 1.10.96

~~Dr. Registrar~~

This case is filed in Court.

Am  
8/10/96

Sarman  
8/10/96

9.10.96

Copy of order issued to the concerned Court of parties vide No 3387 dt. 9.10.96

Am

20.11.96

Requisite yet to be filed by the applicant Advocate.

8-10-96

Learned counsel Mr. S. Sarma for the applicant. Mr. J. L. Sarkar for the respondents. This application has come up as unlisted on the ground of urgency as an interview to be held to-morrow, 9-10-96 for selection of ACM (Group B) against the 70% vacancies. Accordingly the O.A. has been taken up to-day.

Heard Mr. Sarma for admission.

Permission to join in this single application by the 3 applicants is granted, in terms of Rule 4(5)(a) of Central Administrative (Procedure) Rules 1987.

Perused the contents of the application and reliefs sought. Application is admitted. Written statement within 6 weeks. List for written statement and further order on 22-11-96.

Heard Mr. Sarma for interim relief prayer. Mr. Sarkar also opposes grant of interim prayer as prayed for. Heard counsel of both sides. Interim relief to the effect to direct the respondents not to hold the viva-voce till disposal of this application cannot be granted. It is made clear that the result of the viva-voce to be held on 9-10-96 and consequential action pursuant to the result of the examination will be subject to the

contd/-

8-10-96

result of this Application.

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

*ba*  
Member

Pl. comply the order dtd 8.10.96.

*8/10/96*

lm

*8/10*

22-11-96

None present. Requisites has not been submitted. Written statement has not been filed.

List for written statement and further order on 19-12-96.

*ba*  
Member

*W/Statement dis not submitted*

Pl. note for requisites.

*22/11*

lm

~~29-11-96~~

To be listed alongwith M.P. 202/96. on 2-12-96 *covered*

*ba*  
Member

28-11-96

Notice issued to the concerned parties vide D.No. 3955 to 3964 Dt- 11/12/96

*Ba*

2.12.96

Written statement has not been submitted.

Vide order of today in M.P.No.202/96 interim prayer not to revert the applicants has been rejected.

*ba*  
Member

*2/12/96*

nkm

9-1-97

19.12.96

Notice duly served Respondant No- 1, 2, 3, 4, 5, 6, 7 & 8.

Mr. S.Sarma for the applicant. Mr K J.L.Sarkar for the respondents.

Requisites have been issued only on 11.12.96. Mr Sarkar submits that service report is not complete.

List for written statement and further orders on 15.1.97.

*ba*  
Member

*2/12*

pg

*19/12*

3

3-2-97

O.A. No. 231 of 1996

1/ Notice duly served of Respond. No-1 to 8,  
2/ w/ statement has not been filed.

15.1.96

Mr. S.Sarma for the applicants.

Mr. J.L.Sarkar for the respondents seeks 4 weeks time to submit written statement.

List for written statement and further orders on 14.2.1997.

13.2

*ba*  
Member

trd  
w/ 15/1

14.2.97

Mr J.L.Sarkar, learned Railway counsel prays for further extension of time to file written statement. Several adjournments have been granted. We are not inclined to grant any further extension of time.

Let this case be listed for hearing without written statement on the risk of the respondents.

List on 8.4.97 for hearing.

*ba*  
Member

*LB*  
Vice-Chairman

20.3.97

pg  
w/ 20/2

W/S filed on 4/4 of  
Respond. nos. 1, 2, 3 & 4  
with a prayer of acceptance  
filing a MP no. 69/97.

8.4.97

Written statement has been filed by respondents No.1, 2, 3 & 4. The other respondents have not filed any written statements. From the office note dated 13.2.97 it appears that notices were duly served on respondents No.1 to 8. Notices also issued on respondents No.9 & 10 but A/D has not yet been received. The notices were sent by registered post on 11.12.96. Notice on the respondents 9 & 10 are therefore deemed to be served.

30.5.97.

Let this case be listed for hearing on 2.6.1997 without the written statements on behalf of respondents No.5 to 10.

*ba*  
Member

*LB*  
Vice-Chairman

Respondants NO. 9 and 10  
A/D has not yet been received by the Registry till today.  
Memo of appearance not yet filed.  
30/5.

pg

4

2.6.97 On the prayer of Mr ~~XXXXXX~~ F.L. Sarkar, learned Railway counsel the case is adjourned to 6.6.97.

*ba*  
Member

*SB*  
Vice-Chairman

pg  
3/16

6-6-97 Left over. ~~for the day~~. List for hearing on 15-7-97.

*ba*  
Member

*SB*  
Vice-Chairman

*W/S. has been filed*

*16/7*

lm  
20/6

15.7.97 On the prayer of the learned counsel for the parties this case is adjourned till 1.8.97.

*ba*  
Member

*SB*  
Vice-Chairman

*W/S. has been filed*

*3/77*

nkm  
16/7

1.8.97

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

*ba*  
Member

*SB*  
Vice-Chairman

9/9/97

*copy of the judgment has been sent to the D/sec. for issuing the same to the applicant and to the L/Adv for the Respondents.*

nkm

*issued vide*

*D.No. 3036 M 3037*

*d. 12.9.97*

*nk*

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

O.A. NO. 231 of 1996  
T.A. NO.

1. Shri Kanti Mohan Sinha
2. Shri Prabhu Dayal Tigga
3. Shri Bani Kanta Saikia

DATE OF DECISION 1.8.1997

(PETITIONER(S))

Mr S. Sarma

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr J.L. Sarkar, 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 ? *yes*
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

*J. Baruah*

K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.231 of 1996

Date of decision: This the 1st day of August 1997

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

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

1. Shri Kanti Mohan Sinha
2. Shri Prabhu Dayal Tigga
3. Shri Bani Kanta Saikia

The applicants are working as Asstt. Commercial  
Manager, N.F. Railway, Maligaon,  
Guwahati. ....Applicants

By Advocate Mr S. Sarma.

-versus-

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Railway, New Delhi.
2. The General Manager,  
N.F. Railway, Maligaon, Guwahti.
3. The Chief Personnel Officer,  
N.F. Railway, Maligaon, Guwahati.
4. The Chief Commercial Manager,  
N.F. Railway, Maligaon, Guwahti.
5. Mr Dimbeswar Das,  
CCC/I/DBRT, Chief Coaching Clerk,  
Dibrugarh.
6. Mr B.N. Biswas, CCMI/ADDJ,  
Chief Commercial Inspector,  
Alipur Duar Junction.
7. Mr Roy Basunia,  
Chief Transshipment Clerk,  
Siliguri Junction.
8. Mr P.D. Kanago, CLA/CCO/MIG,  
Chief Law Assistant,  
Office of the Chief Claims Officer,  
Maligaon, Guwahati.
9. Mr P.N. Sarkar, CCMI/LMG,  
Chief Commercial Inspector,  
Lumding.
10. Mr S.C. Barman, CCMI/APDJ,  
Chief Commercial Inspector,  
Alipurduar Junction. ....Respondents

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

.....

Pr

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicants challenging the written examination and the subsequent selection. The applicants had been promoted to Assistant Commercial Manager Group 'B' on ad hoc basis on various dates in the year 1993-94. In December 1995, the General Manager (P) issued Annexure-4 letter intimating the candidates that a Group 'B' test would be held from 16.3.1996. Pursuant to that the applicants alongwith other persons appeared in the examination and thereafter, the results of the written examination was published on 19.6.1996. After the publication of the results the applicants submitted representations challenging the validity of the examination. The main grounds of challenge of the examination were:

- (1) that question No.1 was made compulsory, where the examinees were asked to give full particulars. According to the applicants this was done with a view to identify the favourite persons and help them in getting selection.
- (2) As per Annexure-13 Circular dated 26.10.1988 persons completing 18 months service were not required to appear in the examination.

Hence the present application.

2. We have heard Mr S. Sarma, the learned counsel for the applicants and Mr J.L. Sarkar, learned Railway Counsel. Mr Sarma submits that there has been a mala fide intention on the part of the Selection Committee which will be evident from from question No.1 of the question

B

paper. He further submits that the question No.1 was made compulsory so that the authority could know the identity of the persons clearly and thereby the member of the Selection Committee could help the candidates of their choice. This, according to Mr Sarma, is malafide and therefore, the selection was itself illegal and liable to be set aside. The learned counsel further submits that as the applicants had completed more than 18 months service they were not required to sit in the examination. Mr J.L. Sarkar disputes the claim of Mr S. Sarma. According to him the applicants were estopped from raising this point inasmuch as they appeared in the examination without any objection and thereafter when the results were out, having failed, they have come before this Tribunal. Mr Sarkar further submits that the contention of the applicants that question No.1 was made compulsory with a view to identify the candidates is totally baseless. He has placed before us the question paper. We have gone through it. We do not find any such question.

3. On hearing the learned counsel for the parties it is to be seen whether the points raised by the learned counsel for the applicants have any force. The admitted facts are that the examination was held and the applicants appeared in the examination without any objection and they waited till the publication of the results. Only after having failed in the examination they have come before this Tribunal. It is a well established principle of law that if the action of the authority was contrary to the provisions of law or that the authority had no jurisdiction, the objection should

be.....

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be made immediately.

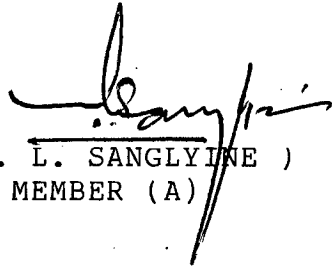
4. Mr Sarkar has drawn our attention to a decision of the Supreme Court in Madan Lal -vs- State of Jammu and Kashmir reported in AIR (1995) SC 1088. The Supreme Court had the occasion to deal with a similar case. In the case the Apex Court observed thus:

"Therefore, the result of the interview test on merits cannot be successfully challenged by a candidate who takes a chance to get selected at the said interview and who ultimately finds himself to be unsuccessful. It is also to be kept in view that in this petition we cannot sit as a Court of appeal and try to re-assess the relative merit of the concerned candidates who had been assessed at the oral interview nor can the petitioners successfully urge before us that they were given less marks though their performance was better. It is for the Interview Committee which amongst others consisted of a sitting High Court Judge to judge the relative merits of the candidates who were orally interviewed in the light of the guidelines laid down by the relevant rules governing such interviews. Therefore, the assessment on merits as made by such an expert committee cannot be brought in challenge only on the ground that the assessment was not proper or justified as that would be the function of an appellate body and we are certainly not acting as a court of appeal over the assessment made by such an expert committee."

This decision squarely covers the present case. Besides, Mr Sarkar submits that the Annexure-13 Circular is not applicable in the present case. This circular relates only to Eastern Railways and Eastern Railways is not a party to this case. Even assuming that this circular is applicable to the present case also, if the applicants were not required to sit in the examination they can even now claim the benefit of the said circular.

*Handwritten signature*

5. In view of the above we find no merit in the application. The application deserves dismissal. Accordingly the application is dismissed. However, considering the facts and circumstances of the case we make no order as to costs.



( G. L. SANGLYINE )  
MEMBER (A)



( D. N. BARUAH )  
VICE-CHAIRMAN

nkm

7 12  
0000005  
Gauhati Bench  
12  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH.

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

Title of the Case :- O.A. No. 231 /96.

Shri Kanti Mohan Sinha & Others. .... Applicants.

VERSUS.

Union of India & Others. .... Respondents.

I N D E X.

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For use in Tribunal's Office :-

Date of filling :- 8-10-96  
Registration No. :- OA 231/96  
REGISTRAR. 3/10/96

Filed by the applicant  
through  
Mr. Mohan Saikia  
Secy.  
8-10-96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH.

O.A. No. 231 /96.

BETWEEN.

1. Kanti Mohan Sinha,  
ACM/Claims, CCO's Office,  
N.F. Railway, Maligaon,  
Guwahati - 781011.
2. Prabhu Dayal Tigga, *- SC*  
ACM/Claims ( Ad-hoc ), CCO's Office,  
N.F. Railway, Maligaon,  
Guwahati - 781011.
3. Bani Kanta Saikia, *- ST*  
ACM/ Claims ( Ad-hoc ),  
N.F. Railway, Maligaon,  
Guwahati - 781011.

.... Applicants.

AND

1. The Union of India,  
represented by the Secretary to the  
Govt. of India, Ministry of Railway,  
Rail Bhawan, New Delhi.

.....2.

*fr*

2.

- 2. General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 781012.
  
- 3. Chief Personel Officer,  
N.F. Railway, Maligaon,  
Guwahati - 781011.
  
- 4. Chief Commercial Manager, -  
N.F. Railway, Maligaon,  
Guwahati - 781011.
  
- 5. Mr. Dimbeswar Das,  
CCC/I/DBRT,  
Chief Coaching Clerk,  
Dibrugarh.
  
- 6. Mr. B.N. Biswas,  
CCMI/ADDJ,  
Chief Commercial Inspector,  
Alipur Duar Junction.
  
- 7. Mr. Roy Basunia,  
Chief Transhipmen Clerk,  
Siliguri Junction.

.....3.

3.

8. Mr. P.D. Kanago,  
CIA/CCO/MLG,  
Chief Law Assistant,  
O/O. Chief Claims Officers,  
Maligaon.

9. Mr. P.N. Sarkar,  
CCMI/LMG,  
Chief Commercial Inspector,  
Landing.

10. Mr. S.C. Barman,  
CCMI/APDJ,  
Chief Commercial Inspector,  
Alipurduar Junction.

.... Respondents.

DETAILS OF APPLICATION.

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

This application is made against the order dated 19.09.96 ( Annexure - 6 ) qualifying the private respondents in the written test held on 16.3.96 and 26.06.96 for the post of ACM/Gr.B against 70% vacancies and the deemed repusal shown by the official respondents in dispasing of the representations of the applicants and also directed against Annexure 4 & 5 order dated 6.2.96. & 8.12.95 (Annexure 4)

.....4.

2. JURISDICTION OF THE TRIBUNAL :-

The applicants declare that the subject of this application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

The applicants further declare that this application has been filed well within the limitation period under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

(4.1) That the applicants above mentioned are all citizen of India and as such they are all entitled to the rights, protections and privileges as guaranteed by the Constitution of India and laws framed thereunder.

(4.2) That the applicants are all Group Officers working ~~in the~~ under the respondents. The grievances and cause of action of this instant case and the relief sought for by the applicants are similar and hence, the humble applicants crave leave of this Hon'ble Tribunal to allow them to join together in a single application invoking its power under Rule 4(5)(a) of the Central Administrative Tribunal ( Procedure ) Rules, 1987.

(4.3) That the applicants are holder of Group B posts under the respondents as stated above. For better appreciation of the facts the applicants beg to reflect the service particulars which are as follows :-

(a) The applicant No. 1 Sri K.M. Sinha, ACM/Claims, CCO's Office, N.F. Railway, Maligaon initially joined in the service under the respondents on 7.4.77 as Law Assistant and after Chief Law Assistant and by virtue of seniority he has been promoted to the post of ACM ( Group-B ) on ad-hoc basis and worked since 24.2.94. During this tenure he has assumed the charge of ACM/Court and then the post of ACM/Claims and is still continuing in the said post.

(b) The applicant No. 2 Sri P.D. Tigga, ACM/Claims ( Ad-hoc ), CCO's Office, Maligaon, was initially joined as a Law Assistant in the month of March, 1976 and by virtue of his seniority he was promoted to the post of Assistant Commercial Manager/Claims on ad-hoc basis on 26.5.93 and on the strength of the said promotion order he has been working till date in the said ad-hoc post.

(c) The applicant No. 3 Sri B.K. Saikia,

6.

ACM/CL ( Ad-hoc ), was initially appointed as Dealing Commercial Clerk on 25.8.76. He was further promoted to various up graded posts like Senior Transhipment Clerk on 3.4.78 ; Head Transhipment Clerk on 1.8.78 ; Chief Transhipment Clerk Grade-I on 1.6.79 ; Commercial Publicity Officer ( Group-B ) on 20.8.93 and ACM/Cl dated 15.7.96 and continuing as such till date.

Copies of the promotion orders as Group-B Officers on ad-hoc basis are annexed herewith and marked as ANNEXURE - 1, 2 and 3 respectively.

(4.4) That as stated above the applicants are holding the posts of Group-B Officers under the respondents since long time with the legitimate expectation of their regularisation against their respective posts holding by them. It is further stated by the applicants that their services under the respondents were unblemished one and at no point at time they have been communicate with any adverse remarks.

(4.5) That the applicants state that for the purpose of regular selection test ( written and viva ) for the posts of ACM/Gr.-B, which are at present ~~are~~

.....7.

*dy*

7.

being hold by the applicants on ad-hoc basis, the General Manager (P) issued a letter vide No. E/254/11/CON-Pt.II.(O) on 8.12.95 for selection test on regular basis against 70% vacancies. The said letter was circulated amongst all concerned specifying the Rules, Regulations and Subjects of the said tests ( written to be followed by the viva-voce ).

A copy of the said letter dated 8.12.95 is annexed herewith and marked as ANNEXURE - 4.

(4.5) That the applicants beg to state that in the said Annexure-4 letter issued to the concerned controlling officers for selection for the posts of ACM/Group-B the issuing authority has clearly stated that names of the tested candidates annexed thereto will be called for the said test. It is pertinent to mention here that there are two <sup>lists</sup> ~~xxxx~~ annexed in the said <sup>list</sup> ~~list~~ one is main <sup>list</sup> ~~list~~ and another is stated to be stand by list. It was further mentioned that the eligible candidates will have to give their willingness and after exhusting Annexure-A list ( Main list ) persons from Annexure-B list will be called for subjected to their willingness and as per seniority.

.....8.

8.

(4.7) That your applicants beg to state that pursuant <sup>to</sup> letter dated 8.12.95 ( Annexure-4 ), the General Manager (P), Maligaon, Guwahati-781011 issued a letter vide No. E-254/11/CCM-Pt.II(O) on 6.2.96 directing the candidates listed in the Annexed list of Annexure-4 letter to appear in the selection test ( written ) which was to be held on 16.3.96. The names of the applicants were also shown in the said list under H.Q. Office in Sl. No. 4, 2 and 1 respectively.

A copy of the said call letter along with the annexure thereto is annexed herewith and marked as ANNEXURE - 5.

(4.8) That pursuant to the Annexure-5 the call letter dated 6.2.96 the applicants appeared in the test but unfortunately enough the applicant could not succeed in the said test although they have done extremely well in the said test. They had their legitimate expectation that they would come successful, but the official respondents with a malafide intention to favour the private respondents have declared the applicants unsuccessful. The official respondents although declared the date and time specifically, but there were delay in holding the said test in question only to favour and accomodate the private respondents.

.....9.

*Ray*

It is further stated by the applicants that the private respondents were also allowed more time than the stipulated time. The applicants immediately made protest to that effect, but no result in affirmative came out.

(4.9) That the applicants were shocked when they came to know about the result of the said test where the private respondents were declared successful and passed who were much junior to the applicants and whose names should not have been within the zone of consideration. It is pertinent to mention here that as per the vacancy position the authority can only call candidate taking into account the formula of ( 3 X vacancy position ) and in the instant case there are only 12 vacancies ( including reserved posts ) and official respondents with a malafide intention to facilitate the private respondents issued call letters to them. And further asked them to appear in the viva-voce tests which is going to be held on 9.10.96.

A copy of the message dated 19.9.96 is annexed herewith and marked as ANNEXURE - 6.

(4.10) That after getting the result of the said test vide dated 19.9.96, Annexure-6 the applicants

.....10.

*Wm*

made representations urging the respondents to reconsider the whole process and highlight the irregularities mentioned above. The applicants had high hope and believed that the respondents will make an enquiry and satisfy your applicants. However till date it remained unresponded creating doubt in the mind of your applicants.

The copies of the said representations dated 27.9.96, 25.9.96 and 25.9.96 are annexed herewith as ANNEXURE - 7, 8 and 9 respectively.

(4.11) That the applicants beg to state that the respondents as per ~~ax~~ their own guidelines should have called only 36 eligible candidates from the list. But they themselves have violated their own guideline only to favour and accomodate some of their blue eyed boys who are junior to your applicants. Also the private respondents were given more time in the examination hall than to the stipulated time and thus have favoured them in every respect.

The applicants crave leave of this Hon'ble Tribunal to direct the respondents to produce the relevant records of the said test and the answer scripts of the same of the time of hearing of the instant case.



11.

(4.12) That the applicants beg to state that to maintain Secretary it is a process that the candidate should not write their names and designation any where on the answer script. Surprisingly in the instant case, the respondents with a malafide intention only to point out their blue eyed boys amongst the candidates have put one question and that too it was made compulsory pertaining to their ~~xxx~~ designation, capacity working place etc. The respondents have tactfully put this question as Qr. No. 1 only for the purpose to point out identify and favour the private respondents. Stating all this malafide exercise done by the respondents the applicants in continuation of their Annexures-7, 8 and 9 representation made another representation, but till date no result has come out as yet.

Copies of respondents filed by the applicants are annexed herewith and marked as ANNEXURES - 10, 11 and 12 respectively.

(4.13) That the applicants state that their cause are squarely covered by the 1988 circular regarding the ad-hoc employees regularisation

.....12.

procedure. In the said circular it is stated that no selection is required for an employee who have completed more than 18 months in the said post.

↳ There should <sup>have</sup> a separate test for these candidate who have completed 18 months of ad-hoc service in the said post holding by him.

A copy of the said guideline is annexed herewith and marked as ANNEXURE - 13.

(4.14) That the applicants state that the respondents have acted in a gross malafide manner in issuing call letters to more than 36 candidate and they aught not to have extended the prescribed time, period in the examination to favour the private respondents.

(4.15) That the applicants state that from every corner of the matter, the examination in question which was held on 16.3.96 and 26.6.96 was not conducted properly by the respondents. The respondents have acted illegally only to favour the private respondents and have put question containing personal bio-date and designation and is liable to be set aside and quashed.

*WLS*

24

*How long did they afford?*

(4.16) That the applicants beg to state that they have made out a prima facie case of malafide against the respondents. It is further stated by the applicants that the viva-voce test in going to held on 9.10.96 for the selected candidates in the written test and if the said test is allowed to be materialised than there will a chaos and in this process there will be failure of justice and malafide acts will stand amongst all. Hence it is a fit case for an interim order directing the respondents suspend the said viva-voce test ( Annexure-6 ). It is further stated by the applicants that they are still continuing in their respective posts for more than 18 months and hence the principles of balance of convenience ~~is~~ ~~is~~ very much in their favour.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :-

(5.1) For that prema facie the actions/in actions on the post of the respondents are arbitrary and illegal.

(5.2) For that the applicants have been working in their respective higher grade after having found their elligible by the respondents for more than 3 years and as such their cases are covered by

.....14.

*V*

the Annexure-13 circular and hence their services are required to be regularised without any selection.

(5.3) For that there is no earthly reason as to why the benefit of Annexure-13 could not be extended to the applicants where as the said circular is ~~the~~ one of the creation of the respondents.

(5.4) For that the respondents have acted illegally is not conducting the said examination as per the scheduled specification.

(5.5) For that the respondents ought not to have put some tag question/question from which the candidate appearing in the examination can be identified which is violative of the principles of administrative fairplay and such action is liable to be set aside and quashed.

(5.6) For that the respondents are duty bound to give weightage to their own circular and also duty bound to carry out the same.

(5.7) For that the respondents ought not to have called more than 36 persons for the selection as because there are only 12 vacancies.

*km*

6. DETAILS OF REMADIES EXHAUSTED :-

That the applicants state that they have no other alternative and efficacious remedies except by way of approaching this Hon'ble Tribunal.

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

That the applicants further declares that they have not previously filed any application, writ petition or suit regarding the subject matter in respect of which the application has been made before any other court of law or any other authority and/or other Benches of this Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR :-

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application be admitted, records including the proceedings of the said examination in question be called for, and on perusal of the same and upon hearing the parties on the cause or causes that may be shown be pleased to grant following reliefs.

(8.1) To direct the respondents to regularise the services of the applicants on regular basis without any selection.

*[Signature]*

(8.2) To direct the respondents to extend the benefit of the said circular ( Annexure-13 ) to the applicants.

(8.3) To direct the respondents not to held any further test ( viva-voce ) pursuant to the Annexure-6 candidates.

(8.4) To held selection process following established procedure of norms and rules.

(8.5) To direct the respondents not to revert them to their respective posts.

(8.6) Cost of the application.

Any other relief or reliefs to which the Hon'ble Tribunal deem fit and proper.

9. INTERIM ORDER PRAYED FOR :-

Under the facts and circumstances stated above the applicants prayed for an interim order directing the respondents to not to hold any further selection ( viva-voce ) with further direction to suspend the Annexure-6, pending disposal of this application and not to declare any result.

*John*

17.

10. ....

The application is filed through  
Advocate.

11. PARTICULARS OF THE I.P.O. :-

- (i) I.P.O. No. :- 8. 11. 444463 ✓  
(ii) Date :- 1-10-96 ✓  
(iii) Payable at :- G.P.O. GAUHATI. ✓

12. LIST OF ENCLOSURES :-

VERIFICATION.

I, Shri Kanti Mohan ~~Sinha~~ Sinha, S/O.  
Late K.P. Varma, aged about 49 years, ACM/Claims,  
CCO's Office, N.F. Railway, Maligaon, do hereby solemnly  
affirm and verify that the statements made in this  
paragraph 1 to 4 and 6 to 12 are true to my knowledge  
and those made in paragraph 5 are true to my legal  
advice and I have not suppressed any material facts.

And I am the applicant No. 1 in the instant  
case and I am also authorised to sign this verification  
on behalf of the other applicants.

.....18.



18.

And I sign this verification on this  
the 8<sup>th</sup> day of October, 1996.

*Mr*

Kanti Yoham Sinha.

SIGNATURE OF THE APPLICANT.

NORTHEAST FRONTIER RAILWAY.

OFFICE ORDER NO. 47/94 (TTVCD).

1) Shri B.C.Lama, OS/Comml. under Area Manager (Traffic)/NJP, who is empanelled for promotion to Gr.B service purely on ad-hoc basis, is appointed to officiate in Group B Service and posted as ACM/Rates against an existing vacancy.

for a period of ninety days

2) Shri K.M.Sinha, CLA/HQ, who is empanelled provisionally for ad-hoc promotion to Gr.B service purely on ad-hoc basis is appointed to officiate in Group B service and posted as ACM/Court for a period of 90 days.

The dual function of Shri J.Mandal, ALO/MLG (Open Line) issued vide this Office Order No. 134/93 (Traffic) circulated under No. E/283/32 Pt. XIV(O) dt. 6/7/7.93 will stand terminated from the date Shri K.M.Sinha, take over charges.

3) Shri S.Mukherjee, CLA/HQ who is empanelled provisionally for ad-hoc promotion to Gr.B Service purely on ad-hoc basis is appointed to officiate in Group B service and posted as Law Officer (the down-graded Sr. Scale post of Law Officer) for a period of 90 days vice Shri B.D.Sinha, retired from service on 28.2.94 (AN) on attaining the age of superannuation on 28.2.94 (AN).

4) Shri J.AO(ST), CCI/HQ who is empanelled provisionally for ad-hoc promotion to Gr.B service purely on ad-hoc basis is appointed to officiate in Group B service and posted ACM/Claims/HQ for a period of 90 days against an existing vacancy.

The ad-hoc promotion of S/Shri Lama, Sinha, Mukherjee and Ao are purely on temporary ad-hoc basis and will not confer on them any claims for seniority, on promotion on regular basis.

This issues with the approval of CCM.

(C.R.Hans)

Dy. Chief Personnel Officer/G  
for GENERAL MANAGER(P)/MLG.

Copy forwarded for information & necessary action to:-

1. CCM, COM, SDGM (2). All PHODs (3). CVO, CPRO, CCO (4). FA & CAO/EGA/MLG.
- (5). DRM/KIR (6). DCM/KIR, AM/NJP (7). Sr. DPO/KIR, DAO/KIR
- (8). Dy. CCM/Claims/HQ (9). Private Secy. to GM (10). Shri B.D.Sinha, Law Officer (11) Officer concerned.

(C.R.Hans)

Dy. Chief Personnel Officer(G)  
for GENERAL MANAGER(P)/MLG.

*Alleged*

Shri P. D. Tigga, CLA/HQ under. Law Officer/HQ

Annexure 2

22

1221  
28/5/93

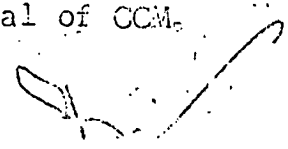
NORTHEAST FRONTIER RAILWAY:

OFFICE ORDER NO. 101/93 (Commercial)

Shri P.D. Tigga, Ofg. CLA/HQ who is Provisionally empanelled for Promotion to Gr-'B' service purely on adhoc basis is appointed to officiate in Gr-'B' and posted as AGM/Claims/MLG (adhoc) vice Shri P.C. Barman, who is ordered to be posted as AGM/Rates vice office order No. 173/92. (Commercial) dated 20/21-5-93.

The above promotion of Shri P.D. Tigga is purely on temporary and adhoc basis and will not confer on him any Claims for Seniority or Promotion on regular basis.

This issues with the approval of CCM.



for GENERAL MANAGER (D)  
NORTHEAST FRONTIER RAILWAY

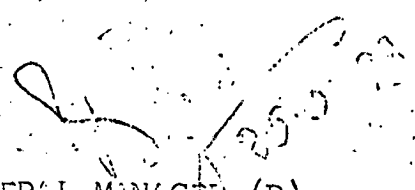
NO:E/283/82 Pt-XIV(O)

Maligaon, dated: 25-5-1993

26

Copy forwarded for information and necessary action to:-

1. CCM, COM, FA&CAO/MLG.
2. CVO, CPRO.
3. CCO, CLA/HQ.
4. FA to CCM.
5. OS-P-Bill-P-Branch.
6. Officer concerned.
7. Spare copy for P/Case.



for GENERAL MANAGER (D)  
NORTHEAST FRONTIER RAILWAY

DS.

03/20/93  
Banka  
21/5/93

Shri Tigga  
20/5

Allex  
Sym

NORTHEAST FRONTIER RAILWAYOFFICE ORDER NO. 149/93 (Traffic & Comml.)

1. Shri P.C.N. Parmar, Offg. ACM/APDJ is transferred and posted as Asstt. Divisional Safety Officer/KIR against the Sr. Scale post of DSO/TSK temporarily downgraded to Jr. Scale.
2. Shri D.N. Baruah (ST), Offg. CCC/NBQ who is provisionally empanelled for promotion to Gr. B service purely on adhoc basis is appointed to officiate in Gr. B and posted as ACM/1/APDJ, vice Shri PCN Parmar, transferred.
3. Shri BK Saikia (ST), CTCR/NGC, who is provisionally empanelled for promotion to Gr. B service purely on adhoc basis is appointed to officiate in Gr. B and posted as Commercial Publicity Officer.

The above promotion of Shri Baruah & Saikia are purely on temporary and adhoc basis and will not confer on them any claim for seniority or promotion on regular basis.

This issues with the approval of COM, CCM & GM.

*Ka*  
12/8/93  
( CR Hans )

Dy. Chief Personnel Officer (G),  
for General Manager (P)

No. F/283/82 Pt. XV(0) (Loose). Maligaon, dated 12-8-1993.

Copy forwarded for information and necessary action to :-

1. COM, CCM, FA & CA/MEG.
2. DRM(P)/APDJ, LMG, KIR.
3. DAO/APDJ, LMG, KIR.
4. CPRO, CVO & SDGM
5. EA to COM.
6. DCM/GHY, DGM/APDJ
7. Officers concerned.
8. Spare copies for P/case.

*Ka*  
12/8/93  
( CR Hans )

Dy. Chief Personnel Officer (G),  
for General Manager (P)

*Alaw  
am*

N. P. MalhotraOffice of the  
GENERAL MANAGER  
Gautati-11.

NO: A/254/11/CON-Pt. II (O) : : Dated 08-12-1995.

To

General Manager (Construction)/Maligaon, CCM, CCO & CVO/Maligaon,  
 DRM(P)s/KIR, APDJ, LMG & TSK, CCM(G)/Maligaon, CPRO/Maligaon  
 Dy. CCM/G, Dy. CCM/Claims/MLG, Dy. CVO(T)/MLG, Dy. CE (con)/JP2,  
 Sr. Area Manager/WJP, Sr. DCMs/KIR, APDJ & LMG,  
 DCM/TSK, SCM/G, SCM/Rates/MLG, SCM/Catering/MLG, DCM/GHY, DCM/DBRT,  
 Presenting Officer/MLG, Law Officer/MLG,  
 Area Managers/TSK, EPE, NCC, REAN, NBQ & SGUJ, Estate Officer/IG.  
 Registrar, Railway Claims Tribunal, Station Road, GHY-781001,  
 Joint Director, Traffic Commercial (Claims), Railway Board,  
 New Delhi.

Sub : Selection for the post of ACM/Group-'B'  
 against 70% vacancies.

Ref : CCM/MLG's D.O. letter of even No. dt. 25.05.95.

It has been decided to hold a selection for forming a panel of 12 (10-URs & 2-SCs) persons for ACM (Group-'B') against 70% vacancies shortly.

The selection will be based on candidates' performance both in written test as well as viva-voce test. The candidates who qualify in the written test will only be eligible for Viva-voce test. The list of Senior Supervisory staff of Commercial Department including stand-by list who are eligible to appear in the said selection are enclosed in Annexure-'A' and Annexure-'B' respectively.

As per Railway Board's existing instruction, the written test for Departmental Selection (against 70% vacancies) will consist of only one paper on the following subjects, the maximum and qualifying marks of which is indicated against it :-

<u>Subject.</u>	<u>Maximum marks</u>	<u>Qualifying marks.</u>
Professional subject Establishment & Financial Rules.	150	90

The Controlling Officers should notify this widely amongst the staff of Commercial Department in general and the staff whose name mentioned in both the lists wide Annexure-'A' and Annexure-'B' in particulars individually. The willingness/unwillingness of the candidates to appear in the said written test should be obtained in prescribed proforma (as enclosed) and sent to the undersigned so as to reach by 31.12.95. If no option received from any eligible staff as per Annexure-'A' within the stipulated period mentioned above, it will be deemed that he is not willing to appear in the selection, and the

Contd...2/-

*Alien*

willing candidates from the stand-by list will be called in his place as per seniority.

The candidates who have already exercised their options in terms of GCM/Maligaon's D.O.No.1/254/II/COM-Pt. II(O) dated 25.05.95 as indicated in the Annexure, need not send their options a fresh unless they want to opt out now.

It may be noted that only SC/ST eligible candidates, on receipt of their willingness to appear in the selection of ACM/Group-'B'(70%), will be given pre-selection coaching, date and venue of which will be notified later on. The said coaching is mandatory for SC/ST candidates only as per Board's instruction vide their letter No.E(GP)91/2/10 dated 20.10.93 circulated under GM(P)/Maligaon's No.E/254/90/1 Pt. III(O) dated 14.12.93. The Controlling Officers will also ensure that the SC/ST candidates are spared by the Incharge of the sub-office to attend pre-selection coaching well in time. The SC/ST candidates may be advised to insist their Sr. Subordinate in their own interest to be spared to undergo such training, failing which they will bring this matter to the notice of their controlling officer well in advance.

The Executive and personnel Department's Officers will keep in touch with Sr. Subordinate offices so that the candidates are spared in time to appear in the pre-selection coaching as well as to appear in the written test. In order to ascertain this aspect, they may depute Inspectors/Welfare Inspectors if necessary for this purpose to avoid complication in future. No such appeal to this effect will be entertained by GM(P)/Maligaon after the pre-selection coaching is over. If anybody is unwilling to undergo pre-selection coaching, a written declaration should be obtained from him and sent to this office for record.

Anybody, who has not yet exercised his option, is on leave training/transfer/deputation, he should be advised at his address of leave/training/new place of working/deputation by the controlling officer without fail. It will be the responsibility of the controlling officer to inform the candidates at their present place of working, obtain their willingness in prescribed proforma and forward the same duly certify to this office well in advance so that the willing candidates from the stand-by list may be called against unwilling candidates of the main list. The need to stress upon the foregoing is to avoid re-appointment/complication from the staff in future.

Please acknowledge receipt.

DA : As above.

for GENERAL MANAGER(P)/MLG.

Contd...3/-

*Compared*

*1/11/95  
08/12/95*

List of the Senior Supervisory Staff of Commercial Department from whom options were invited vide CCM(P)'s Memorandum No.E/254/2/Comm./Pt.II(P) dated 25-05-95 for the selection of ACM/Group 'B' against 70% vacancies (as per seniority):-

MAIN LIST:

ANNEXURE 'A'

S.No	Name of the staff	Designation and Station	Whether exercised options in terms of the CCM(P)'s Memorandum No.E/254/Comm/Pt.II(P) dated 25-05-95
01.	Shri P.D.Tigga (ST) ✓	ACM/CL(adhoc)/MIG	Opted willingness
02.	" D.N.Barmah (ST)	ACM(adhoc)/APDJ	-do-
03.	" B.K.Saikia (ST) ✓	PRO(adhoc)/HQ	-do-
04.	" D.N.Brahmo (ST)	CCC/APDJ	No option received.
05.	" A.K.Ghatak	CI/HQ/MIG	-do-
06.	" B.P.Singh	OSD/COB/JPZ	Opted willingness
07.	" K.M.Sinha ✓	ACM/CL/adhoc/MIG	-do-
08.	" S.Mukherjee	ACM(adhoc)/MIG	No option received
09.	" S.A.Das (SC)	OS/KIR	-do-
10.	" H.L.Panwar (SC)	CS(Coaching)/KNE	Opted unwillingness
11.	" K.G.Mondal (SC)	CS/CHJ	-do-
12.	" N.Lama (ST)	CTRC/NJP	Expressed willingness
13.	" K.N.Bardoloi (ST)	CCC/GHY	-do-
14.	" A.K.Sinha	OS/APDJ	Opted unwillingness
15.	" E.Dungdung (ST)	CTRC/I/KIR	Opted willingness
16.	" C.K.Machary (ST)	CTRC/RNY	-do-
17.	" B.K.Baishya (SC)	CTRC/IC/NDJ	-do-
18.	" B.K.Saikia (ST)	CTRC/APDJ	No option received
19.	" H.Doloi (ST)	CTI/IC/TSK	-do-
20.	" B.N.Kachari (ST)	CGS/MDG/NGC	Opted willingness
21.	" B.Das (SC)	CCM/KIR	Opted Un-willingness
22.	" R.S.Mishra	CI/CO/NDDB	No Option received
23.	" D.A.Sarkhel,	CCC/NCB	-do-
24.	" K.Khaliko (ST)	CS(CG)/NJP	Opted willingness
25.	" B.R.Kachari (ST)	CSC/RPAN	-do-
26.	" P.K.Narzary (ST)	CGS/RPAN	Opted Un-willingness
27.	" K.Das (SC)	CCC/I/GHY	Opted willingness
28.	" R.Basumatary (ST)	CCC/IMG	-do-
29.	" M.M.Choudhury (SC)	CCC/KIR	No Option received
30.	" K.Kaloo (ST)	CCC/IMG	-do-
31.	" R.L.Rakesh (SC)	CS/GI/I/KIR	Opted willingness
32.	" S.K.Kerkatta (ST)	CCC/I/NJP	-do-
33.	" K.N.Boro (ST)	CS(CG)/RNY	-do-
34.	" A.K.Bose	CCC/IMG	Opted un-willingness
35.	" G.C.Roy	CI/HQ	No option received
36.	" R.Ramshary (ST)	CCM/TSK	Opted willingness
37.	" P.Ninglery (ST)	CCM/RNY	Opted un-willingness
38.	" B.N.Verma	CS/CG/KIR	Opted willingness
39.	" B.N.Hazarika (SC)	CTI/I/SIGR	-do-
40.	" K.C.Roy, ST	CTI/APDJ	Opted un-willingness
41.	" B.K.L.Mochi (SC)	CTI/APDJ	-do-
42.	" J.N.Sonowal (ST)	CTI/I/MXN	No option received
43.	" K.C.Malakur (ST)	CCC/I/TSK	Opted unwillingness
44.	" M.M.Das (ST)	CTI/I/GHY	Opted willingness
45.	" Dimbeswar Das (ST) ✓	CCC/I/DBIT	-do-
46.	" P.K.Roy Sarkar (SC)	CTI/IC/APDJ	Opted un-willingness
47.	" Haradwar Doloi (ST)	CTI/I/DBIT	Opted willingness
48.	" K.N.Boro (ST)	CGS/I/HTN	-do-
49.	" J.C.Das (SC)	CTI/I/TSK	-do-
50.	" G.C.Biswas	CCC/I/HJI	-do-

GC.8/12/95.

*Handwritten signature/initials*

1.	2.	3.	4.
01.	Shri K.K.Das	CCG/I/IMG	Opted un-willingness
02.	" P.K.Dutta	CL/HQ/CM-Law/HQ	Opted willingness
03.	" D.S.Paul	OS/I/CL/MIG	Opted un-willingness
04.	" Kishore Roy (SC)	CPII/IC/KIR	Opted willingness
05.	" S.K.Ram (SC)	CPII/KIR	Opted un-willingness
06.	" S.B.Das (SC)	CPII/I/IMG	Opted willingness
07.	" S.Ram (SC)	CPII/KIR	Opted unwillingness
08.	" M.R.Das (SC)	CCG/I/IMG	No option received
09.	" B.N.Biswas (SC)	CCMI/APJ	Opted willingness
10.	" A.K.Pathang (ST)	CPRC/KIR	Opted willingness
11.	" N.A.Sangma (ST)	CPRC/NJP	-do-
12.	" A.K.Biswas (SC)	CPRC/NBQ	-do-
13.	" S.K.Haldar (SC)	CPRC/NBQ	-do-
14.	" R.K.Biswas (SC)	CPRC/Ge.I/GHY	-do-
15.	" R.K.Roy Basunia (SC)	CPRC/SGUJ	-do-
16.	" Baban Saikia (ST)	CGS-IPS/SAG	-do-
17.	" N.C.Pawan (SC)	CPII/KIR	-do-
18.	" P.D.Konungo	CL/CCO/MIG	-do-
19.	" S.K.Das	CPII/IC/NCB	Opted un-willingness
20.	Ms.Saifulla	CCMI/MIG	No option received
21.	Shri P.N.Sarkar (SC)	CCMI/IMG	Opted willingness
22.	" G.C.Das (SC)	CCMI/MXN	-do-
23.	" S.C.Mahman (SC)	CCMI/APJ	-do-
24.	" B.C.Ratha (ST)	OS/CCM(Rates)/MIG	-do-
25.	" L.Ram (SC)	CPRC/1/RNY	-do-
26.	" L.N.Barmia (SC)	CPII/APJ	Opted un-willingness
27.	" R.A.Mondal (SC)	CPII/APJ	Opted willingness
28.	" M.C.Deka (ST)	CPII/IRPAN	-do-
29.	" D.K.Brahma (ST)	CPII/I/FS/HQ	Option not yet received
30.	" B.P.Chakraborty	CI/HQ/MIG	-do-
31.	" S.K.Das (ST)	CGS/GOGH	Opted willingness

GC.8/12/95.

:: 3 ::

PROFORMA (COUNTERFOIL)

- 1. Name (In Full Block Letter) :-
- 2. Designation & Station. :-
- 3. Working under. :-
- 4. Pay and scale. :-
- 5. Whether the candidate is willing :-  
/unwilling to appear in Departmental selection.
- 6. Whether the candidate belongs :-  
to SC/ST communities.
- 7. Choice of language to answer the :-  
question for the candidate in case of willing to appear in the selection (English/Hindi). Please indicate either of the above two languages.
- 8. Date of submission of option :-  
to the controlling officer.

Signature of the candidate.

CERTIFICATE TO BE FURNISHED BY THE CONTROLLING OFFICER.

It is certified that the particulars furnished by the candidate are verified and found correct as per record.

The counterfoil duly filled in by the candidate has been received on or before..... by this office.

Date.....

Signature of the controlling officer with office seal and date.

hb/-

*Approved  
20/11*

8/2/96 9

N. P. Railway.

ANNEXURE

List of willing staff of Commercial Department who come within the Zone of eligibility for the selection of ACM/Group-1 against 70% vacancies (Unit wise).

KIR Division.HQ's Office.

- |                                |                                       |
|--------------------------------|---------------------------------------|
| Sri S.K. Das (20), OS/KIR.     | 1. Sri P.D. Tigga, ACM(CL)/Adhoc/MLG. |
| " N. Lama CTRC/NJP.            | 2. " B.K. Saikia, PRO(Adhoc)HQ.       |
| " E. Dandung CTRC/I/KIR.       | 3. " A.K. Ghatak, CI/HQ/MLG.          |
| " K. Khalko CS(CG)NJP.         | 4. " K.M. Sinha, ACM(CL)/Adhoc/MLG.   |
| " R.L. Rakesh, CS/Gr.I/KIR.    | 5. " S. Mukherjee, ACM(Adhoc)/MLG.    |
| " S.K. Kerkotta, CCC/I/NJP.    | 6. " T.K. Dutta Roy, CLA/GM(Law)MLG.  |
| " B.N. Verma, CS(CG)/KIR.      | 7. " P.D. Kanungo, CLA/CCO/MLG.       |
| " Kishori Roy, CTTI/IC/KIR.    | 8. " B.C. Rabha, OS(Rates)/MLG.       |
| " A.K. Pathang, CTRC/KIR.      |                                       |
| " N.K. Sangma, CTRC/NJP.       |                                       |
| " R.K. Roy Basunia, CTRC/SGUJ. |                                       |
| " R.C. Kaswan, CTTI/KIR.       |                                       |

GM(Construction) Maligaon.

1. Sri B.K. Singh, OSD(Con)/Adhoc/JR%.

ADJ Division.Railway Board, New Delhi.

- |                                 |                                 |
|---------------------------------|---------------------------------|
| Sri D.N. Baruah, ACM(Adhoc)ADJ. | 1. Sri R.S. Mishra, CI/CB/NDRB. |
| " C.K. Mahary, CTRC/RNY.        |                                 |
| " B.K. Baishya, CTRC/IC/NBQ.    |                                 |
| " B.R. Kachari, CGS/RAN.        |                                 |
| " K.N. Boro, CS(CG)/RNY.        |                                 |
| " B.N. Biswas, CCMI/ADJ.        |                                 |
| " A.K. Biswas, CTRC/NBQ.        |                                 |
| " S.K. Halder, CTRC/NBQ.        |                                 |
| " S.C. Banman, CCMI/ADJ.        |                                 |
| " L. Ram, CTRC/I/RNY.           |                                 |

LMG Division.

- Sri K.N. Bordoloi, CCC/GHY.  
 " B.N. Kachari, CGS/NGC.  
 " K. Das, CCC/I/GHY.  
 " R. Basumatary, CCCII/GHY.  
 " M.M. Das, CTTI/I/GHY.  
 " G.C. Biswas, CCC/I/HJI.  
 " S.B. Das, CTTI/I/DMR.  
 " R.K. Biswas, CTRC/I/GHY.  
 " P.N. Sarkar, CCMI/LMG. - 9

TSK Division.

- Sri R. Ramohary, CCMI/TSK  
 " B.N. Hazarika, CTTI/I/SLGR.  
 " Dimbeswar Das, CCC/I/DBRT.  
 " Hareswar Doloi, CTTI/I/DBRT.  
 " K.N. Boro, CGS/I/JTTN.  
 " J.C. Das, CTTI/I/TSK.  
 " Raban Saikia, CGS/I/TSKG.  
 " G.C. Das, CCMI/MXM.

Attest  
 per

per



11

KRR

HNO

12-05-96

-----  
 DIT (P)s/ETR, AFDJ, ICG & TSK,  
 Sr. IAS/ETR, AFDJ & ICG,  
 DCMs/TSK, DBRE & CHY,  
 Joint Director, Traffic Commercial (CL)/HDBR;  
 CCO/Maligaon ( By hand )  
 -----

E/254/11/CCM Pt II (O) (.) FOLLOWING CANDIDATES UNDER YOUR CONTROL HAVE QUALIFIED IN WRITTEN TEST OF ACM/GROUP 'B' SELECTION AGAINST 70% VACANCIES HELD ON 16-03-96 & 26-06-96 S/SHRI (1) DE<sup>M</sup> BARUAN, ACM (ADHCC)/AFDJ (2) BN BISWAS, CCM/AFDJ, (3) SC BARIAN, CCM/AFDJ, (4) HJ SARKAR, CCM/ICG (5) DEBESWAR DAS, CCC/GR I/DBRE (6) RS MISHRA, CI/DB/DBRE (7) R RANCHIARY, CCM/TSK & (8) PD KANUNGO, CIA/CCO/MLG (9) RK ROY BASUNIA, CTC/SGUJ (10) K DAS, CCC/I/CHY (.) DIRECT THEM TO REPORT TO THEIR RESPECTIVE MEDICAL AUTHORITIES FOR MEDICAL EXAMINATION BEFORE APPEARING IN VIVA-VOCE TEST OF ABOVE SELECTION FIXED ON 9-10-96 (.) ALSO DIRECT THEM TO APPEAR IN VIVA-VOCE TEST ON 9-10-96 AT 10-00 HOURS IN CCM/MALIGAON'S CHAMBER SUBJECT TO SUBMISSION OF PHYSICAL FITNESS CERTIFICATES (.) PHYSICAL FITNESS CERTIFICATES SHOULD BE PRODUCED BEFORE COMMENCEMENT OF AFORESAID VIVA-VOCE TEST (.) ENSURE (.)

= (M) (P) =

NOT TO BE TELEGRAPHED.

CONFIRMED.

  
 for GENERAL MANAGER (P)/MLG.

ab/a

*Abu*  
*an*

To  
The General Manager,  
N.F. Railway, Maligaon.  
Guwahati-781011.

(Through Proper Channel)

(For personal attention of Sri S.D. Gupta)

Sub: Prayer for regularisation/continuing  
in Group-'B' service (ACM).

Ref: GM(P)/MLG's Memorandum No.E/283/82-  
Pt.XV(O) dt.23/24.2.94 vide Office  
Order No.47/94(TTCD).

Sir,

Respectfully, I beg to be excused for intruding upon your valuable time with the following lines for your kind and sympathetic consideration please.

That Sir, I am a Law graduate having experience of practice in Bar. I joined in Railway service on 7.4.77 and worked as Law Asstt./Chief Law Asstt. with entire satisfaction of my superiors.

That Sir, by virtue of seniority I have been promoted as ACM on adhoc basis and worked since 24.2.94. During this tenure I have assumed charge of ACM/Court and then ACM/Claim which is still continuing, and performed my duties with full satisfaction of superiors.

But unfortunately in the recent selection of ACM Group-B, I have been declared unsuccessful in the written test. This situation of putting back to permanent cadre is not only a financial loss but also loss of social and mental status which is quite against the principle of natural justice.

In Eastern Rly. the staff who performed in selection/non-selection on adhoc basis beyond 18 months may be permitted to continue on the basis of their CR, service record and record of their performance in higher grade and if found satisfactory, they should be considered for empanelment without any further test vide E.Railway Sl.No.207/88 issued on 26.10.88.

In view of the circumstances explained above, you are therefore prayed to please consider my case to regularise adhoc service. Your act of kindness will be a great boon to me and my family.

Thanking you,

Yours faithfully,

Dated, Maligaon,  
dated 27th Sept '96.

(Kanti Mohan Sinha)  
ACM/Claims  
CCO's Office/Maligaon.

Copy to: CPO/Maligaon for his kind information and necessary action.

Asstt. Comml. Manager/Claims  
CCO's Office/Maligaon.

*Attn to am*

To

The General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 781011.

(For Personal attention of GM)

Through Proper Channel.

Sir,

Sub - Appeal against selection for the post of  
ACM(Group-'B') vide GM(P)'s letter No.  
E/254/II/CON-Pt. II(O) dated, 8.12.95.

With due respect I beg to lay before you the following facts for your kind consideration and necessary order please.

1. That sir, I am Law Graduate having experience in Bar for five years practice.
2. That sir, due to some personal difficulties, I had to give up my practice and joined this Railway as a Law Assistant in the month of March, 1976.
3. That sir, I performed my duties to the entire satisfaction of my superior officers and for that I have been promoted on 26.5.1993 and deputed to work as Asstt. Commercial Manager/Claims on ad-hoc basis in Claims Office.
4. That sir, I have completed more than 3 (three) years in Group-'B' service in Claims Office to the full satisfaction of the administration.
5. That sir, I had appeared in written tests for the purpose of regularisation of my Group-'B' Service. But unfortunately I was declared unsuccessful in the written examination and even then Railway Administration had allowed me to continue in the same post on ad-hoc basis without any break.
6. That sir, the written test of ACM Group-'B' selection against 70% vacancies held on 16.3.96 is purely irregular as the same did not start in Scheduled time and complete within the stipulated period.
7. That sir, Railway Administration should consider the case of mine sympathetically and liberally considering the ad-hoc Group-'B' service rendered by me sincerely and with full satisfaction to the Railway Administration.

Under the above circumstances, it is prayed to intervene into the matter and pass necessary orders to regularise the ad-hoc Group-'B' service of mine on the basis of the Service Records, CRs and record of my performance in the officiating post without any further test.

I shall be ever grateful to you.

Yours faithfully,

Dated, Maligaon,  
the 25th Sept '96.

( P. D. Tigga )  
ACM/Claims (Ad-hoc)  
CCO's Office/Maligaon.

Copy to the Zonal Secretary, All India SC & ST Railway Employees' Association, N.F. Railway Zone, Maligaon for information and necessary action please.

*P. D. Tigga*  
( P. D. Tigga )  
ACM/Claims (Ad-hoc)  
CCO's Office/Maligaon.

*Always on*

44

To  
The General Manager,  
N. F. Railway,  
Malleswara.

(Through proper channel)

Sub:- Regularisation in Gr. 'B' service.

Sir,

With profound respect I beg to state the following few lines for your kind consideration please.

1. That Sir, I was working in HGC Goods Shed as Senior Subordinate and I ~~was~~ rendered my duties with full satisfaction to my Superior Officers and for that I was promoted as Commercial Publicity Officer at HQrs. on ad hoc basis vide GM(P)'s Office Order No.149/93 (Traffic & Commercial) circulated vide No.3/283/82 Pt.XV(O) dated 12/7/93.

2. That Sir, after working at HQrs. I was transferred to Lunding vide GM(P)'s O.O.No.56/94 (TRAFFIC) dt.30.3.94 to work as ACM/LMG and I rendered my duties with full satisfaction to my superior Officers.

Again I was transferred back to HQrs. as CPUO/HQ vide GM(P)'s O.O.No.54/95 (Commercial) circulated under No.3/20 '82 Pt.XV(O) dated 2.3.95, and have been working in various posts at HQrs.

GPUO/HQ	W.o.f.	03.4.95	to	24.4.95
ACM/C1.	"	24.4.95	to	12.6.95
GPUO	"	12.7.95	to	12.7.95
PRO/HQ	"	12.7.95	to	15.3.96
GPUO	"	15.3.96	to	03.5.96
ACM/LMG	"	03.5.96	to	15.7.96
ACM/C1.	"	15.7.96	to	till date.

3. In the above mentioned period I appeared the Departmental selection examinations.

70% ACM Gr.'B'	on	24.3.94
30% ACM Gr.'B'	on	11.12.94
and 70% ACM Gr.'B'	on	16.3.95

But unfortunately I was declared fail in the above selections even though I was allowed to continue in Gr.'B' service without any break and till date I covered more than 3 yrs. in Gr.'B' service on ad hoc basis.

Further it is learnt that in Eastern Railway there is a practice for regularisation of ad hoc promotees by maintaining the following procedures:

Forwarded by  
Necessary action  
please.

contl...2.

*[Signature]*  
25/7/96

GM (P) OFFICE  
Dy. Chief Commercial Manager/Claims  
No. 3/20 '82 (Pt. XV(O))

*[Handwritten signature]*

"E.R.S1 No.207/88 issued on 26.10.88

In Eastern Railway, it has been decided that in case adhoc appointment is likely to continue beyond the period of 18 months the candidate concerned should separately be examined observing same procedure as applicable for filling up selection/non-selection posts. It should however, be made clear that this test is only for his continuance beyond the period for 18 months. In case the candidate is found suitable then he should be allowed to continue on ad hoc basis, otherwise his ad hoc appointment should cease. As and when the regular panel is formed that appointee need not be tested again for empanelment and he should be given his due position in the panel according to his seniority vis-a-vis other norms subject to his having not earned any adverse report during the currency of his officiating on adhoc basis. In case adhoc appointee does not come within the zone of consideration, then as and when his turn comes for empanelment he should be placed in the panel. (No one should be allowed to be on ad hoc arrangements if he does not come within the zone of consideration for continuance of person on ad hoc basis beyond 18 months not coming within the zone consideration, prior clearance of CRD should be obtained). In respect of past cases of persons who are working on adhoc basis arrangement beyond the period of 18 months as an one time selection it has been decided that their service records, CRs and record of their performance in the higher grade should be consulted and if found satisfactory then should be considered for empanelment without any further test as envisaged above."

In view of above, I would like to request you to kindly intervene in the matter personally and arrange to consider the matter sympathetically and liberally for regularisation in Gr.'B' service. Moreover, I am belongs to ST community category and hope that natural justice to be done with positive and fair. Hon'ble Rly. Minister also desires that the interest of this ~~community~~ community people to be considered liberally. This is as per MS/Rly. Bd's letter circulated to all zonal Rlys. vide No.AM/MS/MISC/96 dated 15.7.96.

Thanking you,

Yours faithfully,

Dated, Maligaon  
the 25th Sept.'96.

( B. K. Saikia )  
ACM/Cl.(ad hoc)

Copy to: General Secy., All India SC/ST Association, NF Rly. Zone,  
Maligaon for information & necessary action.

o/c Recd. Am copy only  
6/9/96  
G.M. office

Am

To:  
The General Manager,  
N.F. Railway, Maligaon,  
Guwahati-781011.

(Through Proper Channel)

Sir,

Sub:- Prayer for regularisation/continuing  
in Group-'B' service(ACM).

Ref:- GM(P)/MLG's Memorandum No.E/283/82/Pt.XV(0)  
dated 23/24.2.94 vide Office Order  
No.47/94(TTVCD).

In addition to my previous representation dt.27th.  
Sept/96, I beg to submit as follows :

1. That sir, as per notification NO.GM(P)'s letter NO.  
E/254/11/CON/Pt.II(0) dt. 8.12.95 the total vacancy has  
been shown for 12(10+2) posts of ACM(Group-B) posts but total  
49 candidates have been called for to appear at the said  
selection test violating the norms of 3 x formula by  
calling 49 persons.

2. That by putting question NO.1 it was required to answer  
about the candidates designation, capacity and place of work etc  
in doing to his identity will come to the knowledge of the  
persons who will evaluate the answer scrips as a result  
of which the interested candidates will easily be able to  
score more marks over others.

3. That the candidates were required to present at the  
place of examination/written test at 10.00 but waiting for  
3 or 4 hours it was not certain as to when the said test  
will commence. Even after repeated enquiry no specific  
time was fixed as a result most of the candidates were to  
face mental anxiety, tension and lost the tranquility of mind  
which is very essential for an examination but for want of  
conveniences. Thus we had to suffer mental depression causing us to face

That by all these action in conducting the test go to  
prevent that the examination is nothing but a farce and  
the sole purpose of it was to accomodate the junior and  
interested candidates under extraneous consideration only  
to deprive the senior candidates having working experiences.

5. That sir, I am a Law Graduate having experience of  
practice in Bar joined in Railway Service on 7.4.'77 and  
worked as Law Asstt.Chief Law Asstt.nominated Presenting -  
Office with entire satisfaction of my superiors.

6. That sir, I have been promoted as ACM on ad-hoc basis  
and assumed charge of ACM/Court on 24.2.94.and then ACM/Claims  
Since then I am continuing on ad-hoc bails and performed my  
duties with full satisfaction of superior Officers.

Under the circumstances, I pray before your honour to  
look into the matter and take necessary action by way of  
interference towards getting the anomalies as aforesaid  
which cripples the selection procedure dispelled and keep  
the finalisation of the said selection proceeding in abeyance  
for the time being till a resonable decision is arrived at.

And for this act of your kindness I shall remain bound  
in deep gratitude.

Yours faithfully,

dt. -10.96.

(K.M.Sinha)  
ACM/Claims, CCO's Office.

Approved  
4/10/96  
Chief Commercial Manager,  
N.F. Railway, Maligaon, Guwahati-781011.

Approved

To

The General Manager,  
N.F. Railway,  
Maligaon, Guwahati-11.

Through Proper channel.

Sir,

Sub - Prayer for regularisation/continuing in  
Group-'B' Service (ACM).

Ref - GM(P)/MLG's Memorandum No. G/283/82-Pt. XIV(O)  
dated 25/26.5.1993 vide Office Order No. 104/93  
(Commercial).

Further to my representation dated 25.9.1996,  
I beg to submit as follows :-

1. That sir, as per notification No. GM(P)'s letter No. E/254/II/CON-Pt. II(O) dt. 8.12.95, the total vacancy has been shown for 12 (10+2) posts of ACM(Gr.B) posts but total 49 candidates have been called for to appear at the said selection test violating the norms of 3X formula by calling 49 persons.
2. That by putting question no. 1 it was required to answer about the candidates designation, capacity and place of work etc. in doing to his identity will come to the knowledge of the person who will evaluate the answer scripts as a result of which the interested candidate will easily be able to score more marks over others.
3. That the candidates were required to present at the place of examination/written test at 9.00 hrs. but waiting for hours it was certain as to when the said test will commence. Even after repeated enquiry no specific time was fixed as a result most of the candidates were to face mental anxiety, tension and lost the tranquility of mind which is very essential for an examinee but for want of this we had to suffer mental depression causing us to face inconveniences.
4. That by all these action in conducting the test go to prove that the examination is nothing but a farce and the sole purpose of it was to accommodate the junior and interested candidates under extraneous considerations only to deprive the senior candidates having working experiences.
5. That sir, I belong to ST community and seniormost in eligibility list and having years of experience and entitled to the norms of best amongst the failed candidates but always deprived of the opportunity of being called in the viva-voce test.

Under the circumstances, I pray before your honour to look into the matter and take necessary action by way of interference towards getting the anomalies as aforesaid which cripples the selection procedure dispelled and keep the finalisation of the said Gr.-'B' selection proceeding in abeyance for the time being till a reasonable decision is arrived at.

And for this act of your kindness I shall remain bound in deep gratitude.

Yours faithfully,

Prabhu Dayal Tigga  
( P. D. Tigga ) 04.10.96  
ACM/Claims in  
CCO's Office.

Agreed  
to  
Mr

To  
The General Manager,  
N.E. Railway, Maligaon,  
Coochabati-11.

Through Proper Channel.

Sub: Regularisation in Gr.'B' Service.

Ref: GM(P)'s Office Order No.149/93 (Traffic & Commercial)  
circulated vide No.E/283/82 Pt.XV(0)Loose, dt.12.7.93.

.....

Sir,

Further to my representation dt. 25.9.96, I beg to submit the following few lines for kind information and necessary action please.

1. That Sir, I appeared in the ACM Gr.'B' Departmental Examination on 16.3.93, where 49 nos. of candidates were called for to appear against 12 nos. vacancies, but the selection was violating the norms of 3X formula by calling more than actual 36 nos.
2. That Sir, regarding part of the Q.No.1 of the examination question paper required to answer about the candidates designation, capacity, working place etc. , in doing so the identity of the candidate will come to the knowledge of the person who will evaluate the answer script, as a result of which interested candidate will easily be able to score more marks over others.

That Sir, candidates were asked to present at the examination hall within <sup>morning</sup> 10 hrs. but waiting for hours it was not ascertained as to when the said test will commence. Even after repeated enquiry no specific time was fixed, as a result most of the candidates were to face mental anxiety, tension and lost the tranquility of mind which is very essential for an examination but for want of this we had to suffer mental depression causing us to face inconvenience.

4. That Sir, by all these action in conducting the test going to prove that the examination is nothing but a farce and the sole purpose of it was to accommodate the interested candidate under strenuous consideration only to deprive the senior candidates having working experience.

*Allex*

*L Said*

Under the above circumstances I pray before your honour to look into the matter and take necessary action by way of interference towards getting the anomalies as aforesaid which cripple the selection procedure dispelled and keep the finalisation of said selection procedure in abeyance for the time being till a reasonable decision arrived at.

For this act of your kindness I shall remain bound in deep gratitude.

Maligaon, dt. 04.10.1996.

Yours faithfully,

*[Handwritten signature]*

(B. K. SAIKIA)  
ACM/Claims (Adhoc).  
N.F. Railway, Maligaon.

*[Handwritten notes]*  
Recd  
14/12/96

*[Handwritten signature]*  
G.M. of/for C.

*[Handwritten note]*  
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munt

E.R. Sl.No.207/88 issued on 26.10.88

In Eastern Railway, it has been decided that in case adhoc appointment is likely to continue beyond the period of 18 months the candidate concerned should separately be examined observing same procedure as applicable for filling up Selection/Non-Selection posts. It should, however, be made clear that this test is only for his continuance beyond the period of 18 months. In case the candidate is found suitable then he should be allowed to continue on adhoc basis, otherwise his adhoc appointment should cease. As and when the regular panel is formed the adhoc appointee need not be tested again for empanelment and he should be given his due position in the panel according to his seniority vis-a-vis others and norms, subject to his having not earned any adverse report during the currency of his officiating on adhoc basis. In case the adhoc appointee does not come within the zone of consideration, then as and when his turn comes for empanelment, he should be placed in the panel. (No one should be allowed to be on adhoc arrangement if he does not come within the zone of consideration. For continuance of persons on adhoc basis beyond 18 months not coming within the zone of consideration, prior clearance of CPO should be obtained). (In respect of past cases of persons who are working on adhoc basis arrangement beyond the period of 18 months, as an one-time relaxation it has been decided that their service records, CRs and record of their performance in the higher grade should be consulted and if found satisfactory they should be considered for empanelment without any further test, as envisaged above).

\*\*\*

*Accepted  
le  
mm*



Handwritten notes and stamps in the top right corner, including a circular stamp with the text "RECEIVED" and "10/10/88".

Moreover, the applicants are challenging the selection, after voluntarily and participating in the same selection, when they got the result of their failure. The respondents humbly submit that the application deserves to be dismissed in the threshold on this count. It is stated that in absence of selected candidates the posts are operated by Ad-hoc arrangement by promotion on purely adhoc basis which does not create any right of selection and regular promotion. The applicants were given such adhoc promotion. The applicants have failed in the written examination and have no scope of regularisation and have since been reverted and the posts have been filled up *regularly* by selected candidates.  $\bar{I}$

It is also stated that the applicants also appeared in the earlier selections for the same posts as indicated below, but failed to qualify :-

Name	Appeared in the selection of Asst. Commercial Manager (ACM) on.	Result
1. Shri K.M. Sinha,	ACM (75%) 20.8.88	Failed.
(Applicant No.1)	" (25%) 4.6.89	-do-
	" (75%) 2.6.90	-do-
	ACM (25%) 5.7.92	-do-
	ACM (70%) 24.3.94	-do-

Handwritten notes and stamps in the top right corner, including a circular stamp with text in Hindi and English, and some illegible handwritten marks.

2.	Shri P.D. Tigga,	ACM(75%)	20.8.88	Failed
	Applicant No.2.	ACM(75%)	30.6.90	-do-
		" (70%)	24.3.94	-do-
		" (30%)	11.12.94	-do-
3.	Shri B.K. Saikia,	ACM (75%)	2.6.90	-do-
	Applicant No.3.	" (70%)	24.3.94	-do-
		" (30%)	11.12.94	-do-
		" (70%)	16.3.96	-do-

However, when Ad-hoc promotions were considered, the applicants were given Ad-hoc promotion being senior employees, but this cannot cause loss to selected candidates.

With the above back ground the respondents beg to reply against the statements in the application.

2. That in reply to the statements in paragraphs 4.3(a), (b), (c), 4.4, 4.5, 4.6 and 4.7, it is stated that the applicants were promoted on ad-hoc basis, and this gives them no right for promotion without selection, or regularisation. It is stated that the selection process has been completed and the applicants have already been reverted and the posts have been filled up by selected candidates.

3. That in reply to the statements in paragraphs 4.8, 4.9, 4.10 and 4.11 of the application, the allegation of malafide intention is denied.

It is also denied that any favour has been done to the private respondents. It is denied that respondents were allowed more time. It is stated that there was no occasion for protest by the applicants. It is denied that they had made protest. It is stated that there was some delay in the commencement of the examination due to administrative difficulties, but full 3(three) hours were given and the time schedule was same for all the candidates and the same did neither cause prejudice nor favour to any body. It is stated that the applicants also appeared with all other candidates without any grievance and <sup>are</sup> trying to make out reasons after they have failed.

4. In reply to statements in Paragraph 4.9 it is stated that in terms of Railway Board's letter No.E(GP)85/1/78 dated 10.9.86 in addition to candidates on 3 X (three times the number of vacancies) formula, additional candidates equal to number of candidates appeared and failed twice, have been called. As such the number of candidates have been called correctly. The allegation of the applicants is vague and baseless.

Copy of the Railway Board's letter dated 10.9.1986 is enclosed as Annexure-R-1.

3  
N. F. Ry. Bd. Gwalior 78112  
Chief Personnel Officer  
Railway Board  
Gwalior  
10/9/86



8. That in the facts and circumstances, the application deserves to be dismissed with cost.

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

I, *Sgt.* M. BRAHMO . . . . . ,  
by profession Railway service, working as  
*by cpo/Gaz.* . . . . . aged  
about *36* . . . . . years do hereby verify that the  
statements made above in paragraphs 1, 2, 3, 4, 5,  
6, 7 and 8 are true to my knowledge.

Guwahati

19 - 3 - 97.

*M. Brahma*

Deponent

ज्व मुख्य फार्मिक अधिकारी (राज०)  
Dy. Chief Personnel Officer (G)  
पू० सी० रेलवे, गुवाहाटी-781011.  
N. F. Rly., Guwahati-781011.

1177  
19  
5/2/86  
GOVERNMENT OF INDIA (BHARAT SAHAKAR)  
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)  
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)  
(RAILWAY BOARD)

NO.E(GP)85/1/78

New Delhi, Dated: 10-9-1986

The General Managers,  
All Indian Railways,  
including CLW, DLW & ICF.

The General Manager,  
Wheel & Axle Plant,  
Bangalore.

SUB: Selection for appointment to Group 'B' post.

In terms of the instructions contained in Board's letter No.E(GP)81/1/18 dated 9.4.1981, the field of consideration for Group 'B' selection is determined on the basis of a sliding scale indicated therein with 3X formula being applied where the vacancies are four or more in number. Based on a recommendation of the CSTES and CEs who attended a Workshop in April '86, your views have been sought as to the need or desirability of extending the field to six times the number of vacancies as was the practice in force prior to the issue of instructions vide Board's letter dated 9.4.1984 quoted above. D.O. letter No.E(GP)86/2/49 dated 24.7.86 addressed to your Chief Personnel Officer by the Executive Director, Management Services refers in this connection. Pending an examination of the matter in the context of the issue referred to in EDMS's D.O. letter dated 24.7.86, it has been decided by the Board as follows:-

- i) The field of consideration for the Group 'B' selection should continue to be determined on a sliding scale as indicated in Board's letter No.E(GP)81/1/18 dated 9.4.81.
- ii) If the field constituted as at (i) above includes employees who had failed twice in the earlier selections, a corresponding number of additional employees should be called for the selection, e.g. if the field consists of 15 employees for selection against five vacancies and it includes, say three employees who had appeared earlier in selections twice and failed, three more eligible employees as per seniority should be included in the field. This will apply in respect of selections initiated after the issue of this letter.

2. Kindly acknowledge receipt of this letter.

*Plan...*  
(N. ANANTARAMAN)  
Joint Director, Establishment (Gaz)  
Railway Board.

P.T.O.

Att...  
128  
AD  
20/8/86