

600
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

X

(DESTRUCTION OF RECORD RULES, 1990)

M.P-302/97 order sheet Pg-1

INDEX

Disposed date-18/11/97

O.A/T.A No. 278/96.....

M.P-208/97 order sheet Pg-1

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

Disposed date-16/7/97

E.P/M.A No. 302/97.....

1. Orders Sheet O.A-278/96..... Pg..... 1 to 5
all 18/01/88 ref
2. Judgment/Order dtd. 01/91/98..... Pg..... 1 to 4
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 278/96..... Pg..... 1 to 32
5. E.P/M.P..... 302/97..... Pg..... 1 to 3
6. R.A/C.P..... M.P-208/97..... Pg..... 1 to 3
7. W.S..... Pg..... 1 to 3
8. Rejoinder..... Pg..... 1 to 9
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.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA

No.

278 196

S. P. L. Versus ... Applicant(s)

... Respondent(s)

M. M. Chanda ... Advocates for Applicant(s)

M. J. S. Sarkar, R. ... Advocates for Respondent(s)

Office Notes

Date

Court's Orders

Tr. of 12/12/96
F. No. 12/12/96
C. No. 12/12/96
Deposited by Mr.
IRON ID No. 969587
Dated 25/12/96

3.12.96

Learned counsel Mr. M. Chanda for
the applicants.

Mr. J. L. Sarkar, learned Railway
counsel for the respondent.

The 4 applicants seek permission
to join in this single application under
Rule 4 (5) (a) of the Central
Administrative Tribunal (Procedure)
Rules, 1987. Heard counsel of both
parties. Permission as prayed for is
allowed as the condition laid down in the
rule are fulfilled.

Perused the contents of the
application and reliefs sought for and
heard counsel of the parties for
admission. Application is admitted.

Issue notice on the respondents by
registered post. Written statement
within six weeks.

List for written statement and
further orders on 15.1.1997.

Heard counsel of the parties on
the interim relief prayer. The
applicants have prayed for stay of the
selection proceeding for the posts of
Office Superintendent Gr. II issued
under Notification No. E/254/87 Pt. VI.

Contd....

(2)

OB 278/76

M.P. No. 147 of 1996 (O.A.243/95)

Fazal, A. 101 2000, VBA

(1) Application for leave to appeal
 Date of Original Order
 3.12.96 (T) dated 2.8.96, Annexure 2 to the application, and viva-voce test to be held on 4.12.1996 consequent to the

Notice issued to the concerned parties

vide - D.No. 4595-4607

31.12.96

W.M.C. INT. E.V.T. TARTS. M.M.C.A. J.A.W.H.A.D.I. S.E.N.C.H. selection proceeding and consequential

actions thereto shall be subject to the results of this Original Application. It is further made clear that pendency of

this application shall not be a bar for the respondents to dispose of the

representation dated 29.11.96, Annexure

4 to the application.

29.12.96
8.1.97

1) Notice duly served
Respondent No. 8, 16.

2) Notice duly served
Respondent No. 2, 5, 13.

Member

w/s if has not been
submitted.

trd

15.1.97 Mr. M.Chanda for the applicant.

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

1) Notice duly served
on R.No - 2, 5, 6, 12 & 13.

List for written statement and
further orders on 14.2.1997.

2) Notices on Respondent No. 8 & 10
returned un-served.

trd

on

15/1

Member

1) Notices un-served on
Respondent nos 8 & 10
as names are "NOT KNOWN".

14.2.97

On the prayer of Mr J.L.Sarkar
learned Railway counsel time for
filing written statement is extended.
Mr. M.Chanda has no objection. No
further adjournment will be granted.

2) Written statement has
not been submitted.

List on 10.3.97 for written
statement and further orders.

3) Name of appearance
not yet fixed.

W/
6/3

Member

Vice-Chairman

11

16.7.97

Written statement has been filed.

15-7-97

written statement
filed on behalf of
The respondent No.
1 to 3 with a prayer
M.P. No - 208/97.

nkm

Mr M. Chanda, learned counsel for the applicant, prays for some time to file rejoinder. The case is adjourned to 4.8.97. The applicant may file rejoinder within one week.

60

Member

Vice-Chairman

S.B

1.8.97

Rejoinder has not
been filed by the
Applicant Alveed.

4.8.97. There is no sitting of
Division Bench today. List
on 21.11.97.

By order

Bos

12-11-97

Rejoinder filed
on behalf of the
applicant at page
36 to 44

21.11.97 The Railway administration has not been able to produce the documents as directed. Mr J.L. Sarkar, learned Railway standing counsel has prayed for a short adjournment to enable him to produce the documents. Prayer allowed.

Adjourned the case till 27.11.97.

60

Member

S.B

Vice-Chairman

pg

27/11

W.S. and Rejoinder
has been filed.

26/11

27.11.97 Division Bench is not sitting.
List on 9-12-97.

By order

W.S. and Rejoinder
has been filed.

27/11

9.12.97. There is no representation.
Adjourned to 19.12.97.

By order

(3)

O.A.278/96

10-3-97

17-3-97

On the request of Mr.M.Chanda
counsel for the applicant 10 days
time is extended to take further
steps.

Let this case be listed for
hearing on 20-3-97.

6
Member

Vice-Chairman

20/3

18-3-97lm
W
11/3

Fresh steps issued
by R. post A.D. vide 20.3.97
J. NO- 832 & 833 of
18-3-97.

Let this case be listed for hearing on
12.5.1997.

6
Member

Vice-Chairman

1) Notice duly served
on op. Nos. 2, 5, 6, 12 & 13.
2) Notice return unserved
on R. No. 8 & 10.
3) Et Service Reports on op. trd
Nos. 1, 3, 4, 7, 9 & 11. over
still awaited.
4) Fresh notice send to
dispatch see on 17-3-97
for resps. in 8 & 10.
5) W/ statement has not been

12.5.97

On the prayer of Mr M.Chanda, learned
counsel for the applicant the case is
adjourned to 16.6.97 for hearing.

6
Member

Vice-Chairman

16-6-97

List for hearing on 16-7-97.

6
Member

8/3 26.6.97
1) Notice duly served
on respondent No. 8, 10. lm

fr
16/6

1) op. has not been filed.
2) Notice duly served on R.Nos.
8 & 10.
3) No. appearance to be filed
4) op. has been filed on R.Nos 1-3.
5) op. has been filed on R.Nos 1-3.
6) op. has been filed on R.Nos 1-3.

19.12.97

The case is ready for hearing. List
it for hearing on 24.3.1998.

By Order

Notes of the Registry	Date	Order of the Tribunal
W/S and Rejoinder has been filed as R-Nos 1-3 2/18	24.3.98	Let this case be listed for hearing on 25.6.98. Member pg 25/3
W/S and Rejoinder has been filed 10/8	25.6.98	Mr J.L. Sarkar, learned Railway Counsel, prays for a weeks adjournment. Mr M. Chanda, learned counsel for the applicant has no objection. List it on 10.7.98. Member
	11.8.98	On the prayer of Mr. M.Chanda, learned counsel appearing on behalf of applicants the case is adjourned till Monday next. Records may be inspected by Mr. Chanda in presence of Mr. J.L.Sarkar or any other officer of this Tribunal. List on 17.8.98.
W/S and Rejoinder has been filed 31/8	17.8.98	Member trd 12/8 Mr. M.Chanda, learned counsel appearing on behalf of the applicant prays for short adjournment as he needs instructions in this matter. Accordingly we grant 10 days time. List on 1.9.98.
	trd 29/8	Member Vice-Chairman

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
<p>26.10.98</p> <p>Copies of the Judgment have been sent to the D/see. for issuing the same to the parties through Regd. with BFO.</p> <p>Sl. No. 3113 to 3115 D. No. 3113 to 3115 D. 26.10.98</p> <p>SS</p>	<p>1-9-98</p> <p>1m</p>	<p>Heard counsel for both sides. Hearing concluded. Judgment pronounced in open Court. Kept in separate sheets. Application is dismissed. No order as to costs.</p> <p>Member</p> <p> Vice-Chairman</p>

8

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

O.A.NO. 278 OF 1996

DATE OF DECISION. 1-9-1998

Sri Patindralal Choudhury & Ors. (PETITIONER(S))

Mr .M.Chanda ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Mr .J.L.Sarkar ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE SHRI 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.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.278 of 1996

Date of Order: This the 1st day of September 1998.

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

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

1. Shri Patindralal Choudhury
S/O. Late N.R.Choudhury
Head Clerk,
Office of the Chief Commercial Manager/Rats
N.F.Railway, Maligaon,
Guwahati.
2. Mrs. Brati Das
Wife of Shri S.Das
Head Clerk,
Office of the Chief Commercial Manager/Rats,
N.F.Railway, Maligaon,
Guwahati.
3. Shri Pranayendra Kishore Choudhury
Son of Late R.K.Choudhury,
Head Clerk
Office of the Chief Commercial Manager(claims)
N.F.Railway, Maligaon,
Guwahati
4. Shri Bhaben Haloi
Son of late Angad Halio
Head Clerk,
Office of the Chief Commercial Manager(claims)
N.F.Railway, Maligaon.
Guwahati.

... ... Applicants.

By Advocate Mr.M.Chanda.

-Vs-

1. The Union of India
(Through the General Manager(P)
N.F.Railway, Maligaon..
Guwahati.
2. The Chief Personnel Officer,
N.F.Railway
Maligaon, Guwahati.
3. The Chief Commercial Manager,
N.F.Railway,
Maligaon, Guwahati
4. Shri N.Patowari
5. Shri Bijoy Kalita
6. Md.Abdul Jabbar
7. Shri Sanjeev Das


contd/-

8. Shri A.Chakraborty
9. Shri A.C.Dey
10. Shri Hareswar Deka
11. Shri W.B.Marak
12. Shri B.Deka
13. Shri Subal Chandra Das Respondents.

By Advocate Mr.J.L.Sarkar.

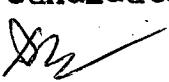
O R D E R.

BARUAH J.(V.C.):

All the 4 applicants in the present application have challenged the selection of 27 posts of Office Superintendent held on 28-9-96 and also seek certain directions.

Facts are :-

The General Manager(P), N.F.Railway, Maligaon issued notification dated 2-8-96 for selection of 27 posts of office Superintendent Grade II in the scale of Rs. 1600-2660/-.. Pursuant to the above notification the applicants applied for the said post as they were eligible to appear in the selection. They were asked to appear in written test held on 28-9-96. The applicants however, could not come out successful in the written test held on 28-9-96. This result was published on 28-11-96, wherein 31 candidates were declared successful in the written test and subsequently they were declared selected on the marks obtained in the written test. Their seniority was also fixed. A circular was issued by the Railway Board dated 11-11-94 prescribing 2 years minimum service in the Lower cadre to become eligible for such selection. However, in the event of non-availability of candidates this can be relaxed. According to the applicants


contd/-

the entire process of selection was arbitrary vitiated because of manipulation, in the process of selection. Hence the present application.

In due course the respondents have entered appearance and filed written statement controverting the averments made in the petition.

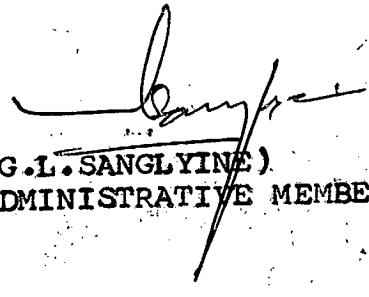
We have heard Mr.M.Chanda learned counsel appearing on behalf of the applicant and Mr.J.L.Sarkar for the Railway Administration. Mr.Chanda submits that the selection process was not properly made and notional seniority was given to the respondent Nos.10,12 and 13 in total violation of Railway Board Circular dated 11-11-94. Having statutory force Mr.J.L.Sarkar, learned Standing counsel for Railway Administration on the other hand he refuted the averments made by the applicant. According to him there was no anomaly in giving the notional seniority. Mr.Sarkar also submits that conditions of 2 years service should be fulfilled at the time of giving actual promotion to the post of office Superintendent II. Mr.Sarkar also very fairly submits that in case of applicant No.1, Shri Patindralal Choudhury, there had been some Arithmetical mistake in evaluating the marks. This occurred through inadvertance. However, in case of the others there was nothing wrong. We called for records and pursuant to our direction the respondents have produced the records. We allowed Mr.M.Chanda to inspect the records. To-day Mr.Chanda also informs us that there was no mistake.

Considering the submission of the learned counsel for the parties we find no merit in the application except the Arithmetical mistake that occurred through inadvertance in case of applicant No.1 Mr.Sarkar has informed that the

AB

contd/-

Railway Administration has agreed to correct the mistake and also called the applicant Shri Patindralal Choudhury for the viva-voce test. Therefore, we dismiss the application with the above observation. No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE-CHAIRMAN

LM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

13

O.A. No. 278 of 1996

Sri P.L.Chowdhury, & Ors.

-vs.-

Union of India & Ors.

Filed by the applicant
through Manik chandani
2-9-98. (Rukhi Adwachya)

LIST OF DATES

Sl.No.	Date	Particulars	Page	Para
1	02.08.96	General Manager (P) N.F. Railway, Maligaon issued notification dt. 2.8.96 for selection to fill up 27 posts of Office Superintendent, Gr.II in the scale of Rs. 1600-2660/- and in pursuance to the above notification, selection comprising written test held on 28.9.96 however applicant could not come out successful in the written test held on 28.9.96 (Annexure-2).	6-8	6.3
2	28.11.96	Result of the written test held on 28.9.96 published on 28.11.96 wherein 31 candidates declared successful in the written test and declared selected on the basis of marks obtained in the written test and on the basis of marks allotted on notional seniority basis (Annex.3).	8	6.4

1	2	3	4	5
3	11.11.94	Respondent Nos. 4-13 called for the written test held on 28.9.96 were ineligible in terms of the Railway Board Circular dated 11.11.94 wherein it is prescri- bed minimum 2 years of service in the minimum lower cadre, however persons with 1 year service may appear in the selection with the personal approval of General Manager in the event of non-availability of sufficient number of candidates.	9-10	6.5

Prayer : Applicants pray for quashing of the selection proceeding conducted in pursuance of the notification dated 2.8.96.

Submission : The entire selection proceeding is vitiated due to violation of statutory Railway Board Circular dated 11.11.94 which is circulated vide letter dated 21.12.94 issued by the General Manager (P), N.F.Railway, Maligaon and also on the ground of malafide, manipulation in the process of allotment of marks of notional seniority and in answer script.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

F.No.2

Presented By:

Applicant : Mr. M Chanda, Ad.

Respondent : Jr. Santra.

Nature of grievances: Relief

No. of application : 4 (for)

Diary No. 943

Date of representation:

2-12-91

No. of Respds. 13.....

Dept. Rly

1. Is the application in the proper Form : Y
2. Whether name, description and address of all the parties been furnished in the cause title ? : Y
3. (a) Has the application been duly signed and verified ? : Y
- (b) Have the copies been duly signed ? : Y
- (c) Have sufficient number of copies of the application been filed ? : 2 copies
4. Whether all the necessary parties are impleaded ? : Y
5. Whether English translation of documents in a language other than English or Hindi been filed ? : NO
6. Is the application in time ? : Y
7. Has the Vakalatname/Memo. of appearance /authorisation been filed ? : Y
8. Is the application maintainable ? : Y
9. Is the application accompanied by IPO/BD for Rs.50/- ? : 1 POM. 469582 of B-572
02.12.91
10. Has the impugned orders original/duly attested been filed ? : Y
11. Have legible copies of the annexures duly attested been filed ? : Y
12. Has the index of documents been filed and pagination done properly ? : Y
13. Has the applicant exhausted all available remedies ? : Y
14. Has the declaration as required by item 7 of Form I been made ? : Y
15. Have required number of enveloped bearing full addresses of the respds. been filed ? : NO
16. (a) Whether the relief sought for arise out of single cause of action : Y
- (b) Whether any interim relief is prayed for : Y
17. In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant? : Y
18. ~~xxxxxx~~ Whether this case can be heard by Single Bench : Y
19. Any other point :
20. Result of the Scrutiny with initial of the Scrutiny Clerk :

21/12/91
SECTION Officer

21/12/91
DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

16
BA No. 278 / 1396

Filed by the applicant
through Mr. Chandra Mohan
2.12.96.

Shri Phanindra Lal Chaudhury & Ors.

Versus

Union of India & Ors.

INDEX

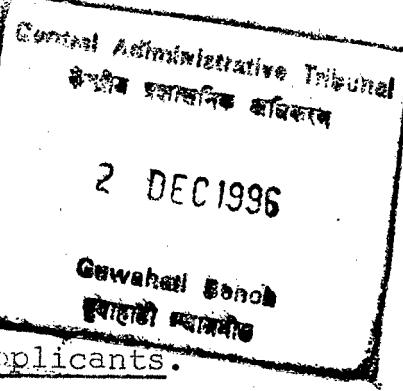
S.No.	Annexure	Particulars	Page No.
1.	-	Application	1- 18
2.	-	Verification	19
3.	1	Railway Board Circular dt. 11.11.94	20-28.A
4.	2	Notification dt. 2.8.96	21-23.
5.	3	Select List dt. 28.11.96	24-25.
6.	3 A	A copy of Seniority List dt. 1.7.96	26-29.
7.	3 B	A copy of select List dt. 28.11.96	30
8.	4	Representation dt. 29.11.96	31-32.

Filed By :

Dt. 2.12.96

(Signature)
Advocate.

f. undertake,
to serve the copy to
Shri J. Atal Sankar
S. C. S. C.
to Shri
Adv.
2.12.96.



-2-

1. Particulars of the Applicants.

1. Shri Patindralal Choudhury
Son of late N.R.Choudhury
Head Clerk,
Office of the Chief Commercial Manager/Rats
N.F.Railway, Maligaon,
Guwahati

2. Mrs. Brati Das
Wife of Shri S. Das
Head Clerk,
Office of the Chief Commercial Manager/Rats,
N.F.Railway, Maligaon,
Guwahati.

3. Shri Pranayendra Kishore Choudhury
Son of late R.K.Choudhury,
Head Clerk,
Office of the Chief Commercial Manager (Claims)
N.F.Railway, Maligaon,
Guwahati

4. Shri Bhaben Haloi
Son of late Angad Halio
Head Clerk,
Office of the Chief Commercial Manager (Claims)
N.F. Railway, Maligaon,
Guwahati.

... . . Applicants

Contd... P/3

Pranayendra Lal Choudhury.

2 DEC 1996

Guwahati Bench
গুৱাহাটী বৰ্ষণ

2. Particulars of the Respondents.

1. The Union of India

(Through the General Manager (P)

N.F.Railway, Maligaon,
Guwahati).

2. The Chief Personnel Officer,

N.F.Railway
Maligaon,
Guwahati

3. The Chief Commercial Manager,

N.F.Railway,
Maligaon
Guwahati.

...xxxRespondents

4. Shri N. Patowari

5. Shri Bijoy Kalita

6. Md. Abdul Jabbar

7. Shri Sanjeev Das

8. Shri A. Chakraborty

9. Shri A.C. Dey

10. Shri Hareswar Deka

11. Shri W.B. Marak

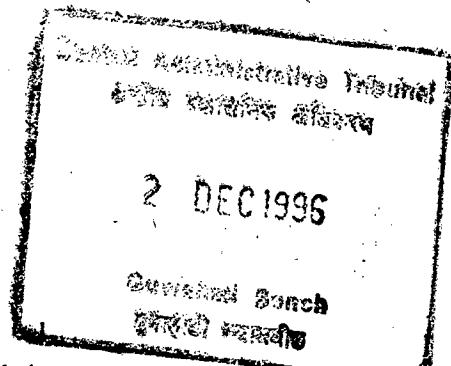
12. Shri B. Deka

13. Shri Subal Chandra Das

.....Respondents.

(Respondent No. 4, 5, 6, 7 and 13 are working as Hd. Clerk in the office of the Chief Commercial Manager (General,) Maligaon, Guwahati and respondent Nos. 8 & 9 working as Head Clerk in the office of the Chief Commercial Manager (Rats) & Respondents No. 11 & 12 are working as Hd. Clerk in the office of the Chief Commercial Manager (Claims), N.F.Railway, Maligaon).

Phanindra Lal Choudhury



3. Particulars for which this application is made.

This application is made for quashing and setting aside of the entire selection proceeding conducted by the N.F.Railway, Maligaon, Guwahati in terms of Notification issued under letter No. E/254/87 Pt. VI (T) dated 2.8.96 whereby the Railway authorities initiated the selection proceeding for the post of Office Superintendent Grade II in the scale of Rs. 1600-2660 of Commercial Department of Head Clerk Unit in total violation of the statutory guidelines issued under Railway Board's letter No. E(NG)-94 Pt.1/17 dated 11.11.94 and also due to discrepancies and manipulations in the entire selection proceeding and also for a direction upon the respondents to constitute a fresh selection proceeding for filling up the existing vacancies of Office Superintendent Grade II in the Commercial Department of the Head Clerk Unit, N.F.Railway, Guwahati.

4. Jurisdiction

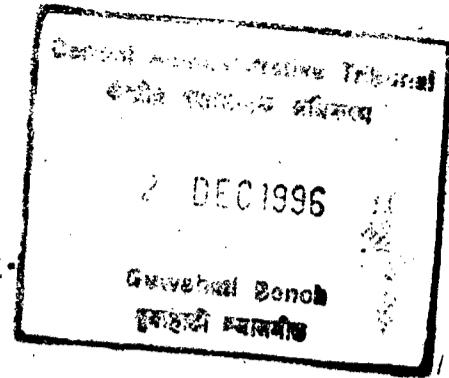
That the applicants declare that the subject matter of this Application is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation

That the applicants further declare that this application is filed before this Hon'ble Tribunal within the prescribed time in the Administrative Tribunals Act, 1985.

Contd...P/5

Phenindra Lal Chowdhury



6. Facts of the Case.

6.1) That the applicants are citizen of India and as such they are entitled all the rights and privileges as guaranteed under the Constitution of India.

The applicants are presently serving in the grade of Head Clerk under the Office of the Chief Commercial Manager in the N.F.Railway, Maligaon, Guwahati and all the applicants are very senior in the cadre of Head Clerk of the Commercial Department of N.F.Railway. The detailed particulars of date of promotion and seniority position in the combined seniority list dated 2.8.96 of Head Clerk is furnished hereunder :

Sl.No.	Name	Date of promotion as Head Clerk	Seniority position in the combined seniority list
1	Sri P.L.Choudhury	1.11.1991	4
2	Mrs. Brati Das	3.12.1992	9
3	Sri P.K.Choudhury	16.11.1993	18
4	Sri Bhaben Haloi	1.2.1994	26

All the above applicants are now serving as Head Clerk in the pay scale of Rs. 1400-2300. The next avenue of promotion of the applicants to the grade of Office Superintendent, Grade II in the pay scale of Rs. 1600-2660. As per Railway Board's Circular No. E(NG)-94 Pt 1/17 dated 11.11.94 which is circulated vide letter No. E/234/0-Pt XII (C) dated 21.12.1994 issued by the General Manager (P), N.F. Railway, Maligaon. As per the above Railway Board

Contd... P/6

Phonindra Lal Choudhury

2 DEC 1996

2
Circular for attaining eligibility for any promotion to the higher pay scale in the cadre of Group C a minimum period of 2 years service is required in the lower grade and it is further stated in the said Railway Board Circular in an exceptional case when lower grade candidates are not readily available for filling up the vacancies. The General Manager (P) made relaxation the eligibility criteria subject to minimum period of service of 1 year in the immediate lower grade. Be it stated that the Railway Board Circular has got statutory force and therefore the same cannot be violated by the Zonal Railways.

A copy of the Railway Board Circular dated 11.11.94 which is circulated vide letter dated 21.12.94 is annexed herewith as Annexure-1.

6.2) That the applicants pray before the Hon'ble Tribunal that as the grievance of the applicants are same they be allowed to file their grievances in a single Application under rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

6.3) That the General Manager (P), N.F.Railway, Maligaon issued a notification under letter No. E/254/87 Pt. VI (T) dated 2.8.96 for selection to the post of Office Superintendent Grade II in the scale of Rs. 1600-2660 of Commercial Department of Head Quarter Unit. In the said Notification it is stated that it has been decided to hold a selection

Contd....

Phanindra Lal Choudhury.

2 DEC 1996

Gawahati Bench
গুৱাহাটী বৰ্ষাবৰ্তী

for forming a panel for Office Superintendent Grade II of Commercial Department of Headquarter Unit for 27 vacancies out of which 23 unreserved, 2 SC, 2 ST. It is also stated that the selection would consist of written test followed by viva voce test, with those who would qualified in the written test. In the 2nd paragraph it is stated that the following Head Clerks in the scale of Rs. 1400-2300 (RPS) are eligible to appear in the Selection and they should be asked to appear in the written test to be held on 7.9.96 at 10.00 hrs. in CCO MLG's Office. The relevant portion of paragraph 2 is quoted below :

" The following Head Clerks in scale Rs.1400-2300 (RPS) are eligible to appear in the selection and they should be asked to appear in the written test to be held on 07-09.96 at 10.00 hrs. in CCO/MLG's Office."

It is further stated in the said Notification that a absentee test will also be held if anybody is on leave and the same would be intimated immediately for enabling them to appear before the Aforesaid written test. In the said Notification names of 81 candidates has been declared eligible for appear in the written test as well as the viva-voce test in the event of their success in the written test. The names of the present applicants also found placed in the said Notification dated 2.8.96. In this connection it may be stated that the applicant No. 1 and 2 also appeared in the similar selection ~~which was~~ which was held in the year 1995 and they were declared successful in the written test examination. However they

Contd...

Phenindra Lal Chowdhury.

2 DEC 1996

could not be empanelled as seniority had been given weightage for empanelment in the viva-voce test. However although the railway authorities did not hold the selection test on 7.9.96 and the same was postponed and subsequently written test was held on 28.9.96 and all the applicants appeared in the written test. But unfortunately they could not come out successfully in the written test held on 28.9.96.

A copy of the Notification dated 2.8.96 is annexed herewith as Annexure-2.

6.4) That the General Manager (P), N.F. Railway vide his letter No. E/254/87/Pt VI(T) dt. 28.11.96 publishing the result of the selection i.e. written examination for promotion to the post of Office Superintendent Grade II in the scale of Rs. 1600-2660 (RPS) of Commercial Department of Head Quarter Unit. In the said Select List names of 31 candidates appeared and shown successful in the written examination and they have been allowed to appear in the viva-voce test on marks on written test and notional seniority. It is also stated in the note of the said select list dated 28.11.96 that the above selected candidates have been called for viva-voce test based on marks of written test and notional seniority and their empanelment will be subject to securing 60% marks in professional ability and 60% marks in aggregate.

A copy of the said select list dated 28.11.96 is annexed as Annexure-3.

Contd...

Phenindra Lal Choudhury.

2 DEC 1996

-9-

Gewahal Bench
1986 results

6.5 That your applicants came to know immediately after publishing of the result that some ineligible ~~candidate~~ ^{date}, namely respondent Nos. 4 to 13 have been called for the written test vide impugned Notification dated 2.8.96. Their position shown in the said Notification from serial Nos. 73-81 and thereafter the applicants immediately verified this fact after reconciling the seniority position and the date of promotion of the private respondents No. 4 to 13 and it would be evident from the provisional seniority list of Head Clerk in the scale of Rs.1400-2300 (RPS) published as on 1.7.1996 of Headquarter Unit of Commercial Deptt. and it is evident from the said seniority list that they have not completed even 1 year of service in the grade of Head Clerk whereas as per the statutory Circular dated 11.11.94 issued by the Railway Board stated that a minimum period of service immediate cadre of lower grade require 2 years. The detail service particulars of the private respondents are furnished below :

Names in order of seniority	Date of ini- tial appoint- ment	Date of pro- motion to Sr. Clerk	Date of promotion to Hd. Cl
1. N. Patowari	17.1.1978	22.5.89	2.8.95
2. Bijoy Kalita	2.4.1981	31.8.88	9.2.96
3. Abdul Jabbar	21.4.82	31.8.88	9.2.96
4. Sanjeev Kr. Das	19.5.82	31.8.88	9.2.96
5. A. Chakraborty	12.7.78	22.5.89	9.2.96
6. A. C. Das Dey ✓	2.1.79	26.5.89	9.2.96
7. Smt. Aparna Das	12.7.76	11.4.90	9.2.96
8. B. Chakraborty ✓	27.9.96	11.4.90	9.2.96
9. W. V. Marak ✓	6.9.96	11.4.90	9.2.96
10. R. P. Rajbhar	4.6.1958	11.4.90	9.2.96
11. Hares Deka ✓	25.5.1985	1.11.90	9.2.96
12. B. Deka ✓	19.11.90	19.11.90	9.2.96
13. Subhal Ch. Das	19.11.90	19.11.90	9.2.96

Writ
Adv.

Phanindra Lal Chakraborty

2 DEC 1996

Guwahati Bench
High Court

From above it appears that respondent No. 4 has not completed 2 years of service and the respondent Nos. 5 to 13 not even completed 1 year of service on the date of notification whereas by the impugned notification local dated 2.8.96 it is declared by the ~~Railway~~ authority that the respondent Nos. 4 to 13 are eligible for appearing in the written test as well as in the viva-voce test. In this connection it may be state that the present applicants came to know from a reliable source that a vested circuse is working against the present applicants and working in favour of these private respondents and although they are not eligible on the date of issuance of the Notification dated 2.8.96, to give undue advantage and benefit the local railway authority have declared them eligible for appearing in the written test as well as in the viva voce test in the event of their passing in the written test. It would be further evident from the select list dated 26.11.96 that the names of respondent Nos. 9, 10, 12 and 13 has been found placed at serial No. 29, 30, and 31 respectively. Therefore it is quite clear that private respondent Nos. 9, 10, 12 and 13 although ~~ineligible~~ but even then they are called for the written test as well as they have declared selected in the written examination and they have been allowed in the viva voce test. Therefore this has been done in total violation of the statutory rule as circulated under the Railway Board's Circular dated 11.11.1994 which cannot be permitted under the Law of the Land. Therefore the entire selection proceeding has been vitiated and therefore entire proceeding is liable to be set aside and quashed.

(iv) A copy of ~~seniority~~ ~~list~~ enclosed
as annexure - 3A -

Contd...

Phanindra Lal Chowdhury

2 DEC 1996

General Bench
Court of Appeals

6.6) Most surprisingly although initially the select list which was published on 28.11.96 figured names of 31 successful candidates in the select list and 1 Shrimati Pranita Mazumdar who is an eligible candidate and one of the seniormost Head Clerks serving under the Commercial Department who was declared eligible for appearing in the written test in the Notification dated 2.8.96 placed at serial No. 56 appeared in the written examination on 28.9.96 but initially she was declared unsuccessful and her name was not found in the select list dated 28.11.96. It is learnt by the applicants from a reliable source that Shrimati P. Mazumdar lodged a verbal complaint to the Chief Personnel Officer, Maligaon claiming that her name has been intentionally deleted from the select list published on 28.11.96 and she also claimed that she did well in the written test. Immediately after on receipt of her complaint the Railway Authorities surprisingly issued a letter bearing No. E/254/87/Pt-VI(T) dated 28.11.96 on the same day declared her successful subsequently and whereby declared that Shrimati P. Mazumdar (SC) is allowed to appear in the viva-voce test to be held on 4.12.96 at 10.00 hrs. in the chamber of Deputy Chief Commercial Manager Claims, N.F. Railway interms of note received from the Selection Committee vide letter No. E/254/Misc/Select/SPO/Pt dt. 28.11.96 but no reason has been given in the said letter except stating that a note has been received from the Selection Committee. Therefore it is surprising to note that without giving any satisfactory reason in the subsequent result sheet how the name of

Contd...

Praninda Lal Chowdhury.

2 DEC 1996

-12-

Gewahal Bench
District Court

Mrs. Pranita Mazumdar is declared successful subsequently and this would be evident that the entire process is vitiated due to malpractice, manipulation and by violating the statutory rule of the Railway Board's Circular. It is also learnt reliably that answer script is also not properly evaluated and it is also learnt that manipulation has also been made in the matter of allotting of marks to the individual candidates and also in the matter of granting marks on the basis of notional seniority. Therefore Hon'ble Tribunal be pleased to direct the respondents for production of answer scripts of all the candidates appeared in the selection test including the answer scripts of the present applicants for the purpose of judicial review. Further be pleased to set aside the entire selection proceeding which cannot be sustained in the eye of law as the same has been done in total violation of the statutory rule of the Railway Board.

6.7) That as a result of discrepancies, manipulations violation of statutory rules, the entire proceeding is vitiated and the private respondent Nos. 4 to 13 who are ineligible for appearing in the written test/examination as well as in the viva-voce test for the purpose of promotion to the Grade of Office Superintendent Grade II as per Railway Board Circular dated 11.11.1994 granted undue favour by the local railway authorities and they have been allowed to appear in the viva voce test which is scheduled to be held on 4.12.1996. Therefore there is an apprehension that if these ineligible persons are finally declared selected in that event the present

Contd.....

Phanindra Lal Choudhury

2 DEC 1996

General Bench
गणपति नामांकन

applicants would be deprived ~~xxxxxxxxxxxxxxxxxxxx~~ in as much as their prospect for appearing in the next selection will be reduced to the extent of vacancies to the grade of Office Superintendent Gr. II being likely to be filled up by ineligible private respondents and their rights are definitely going to be prejudiced.

Therefore it is a fit case where the Hon'ble ^{tribunal} should interfere and further be pleased to set aside the entire selection proceedings and the circumstance deserves that the proposed viva-voce test scheduled to be held on 4.12.96 should be stayed till final disposal of the application as an interim measure.

6.8) That the present applicants are very senior in the cadre of Head Clerk and due to arbitrary process of selection, manipulating, the entire proceeding, undue advantage are being granted to the respondent Nos. 4 to 12. Therefore it is a fit case for interference of the Hon'ble Tribunal as the entire selection proceeding is vitiated and malafide to protect the rights and interest of the applicants although they could not come out successfully in the written examination due to the unfair practice adopted by the vested circule of the authorites even then their chances for further promotion in the next selection is also going to be adversely affected in as much as vacancies is going to be filled up by ineligible candidates in total violation of the Railway Board's Circular dated 11.11.1994.

Contd.....

Phonindra Lal Choudhury.

2 DEC 1996

-14-

Supreme Bench
सुप्रीम बैच

6.9) That your applicants preferred a representation to the Chief Commercial Manager, N.F.Railway, Maligaon vide their representation dated 29.11.96 praying for review of the result of the written test for selection for Office Superintendent Grade II held on 28.9.96 on the ground of violation of statutory Railway Board Circular and also for granting undue favour to the ineligible candidates and for adopting unfair procedure in the matter of selection and also being aggrieved for non-evaluation of answer script in proper manner and prayed for re-evaluation of the answer scripts and also cited subsequent declaration of result of Shrimati Pranita Mazumdar as successful but the Railway authorities did not give any response to the representation dated 29.11.96 submitted by the applicants till filing of this application. Therefore finding no other alternative the applicants approaching this Hon'ble Tribunal for redressal of their grievances. (Copy of the representation dt. 29.11.96 is annexed as Annexure-4). *Copy of representation dt. 29.11.96 as annexure-4.*

6.10) That this application is made bonafide and for the cause of justice.

7. Reliefs prayed for :

Under the facts and circumstances the applicants pray for the following reliefs :

1. That the Notification issued under letter No. E/254/87 Pt. VI (T) dt. 2.8.96 and the result of selection of the written examination for promotion to the post Office Superintendent Grade II published under letter No. E/254/87/Pt. VI (T) dated 28.11.96 be set

Phenindra Lal Chowdhury

2 DEC 1996

-15-

General Govt
गणराज्य सरकार

aside and quashed, or

alternatively the Hon'ble Tribunal be pleased to direct the respondents to review the entire selection proceeding particularly the written examination deleting the names of ineligible candidates for the selection of Office Superintendent Grade II held on 28.9.96 strictly in terms of Railway Board Circular dt. 11.11.94.

2. That the respondents be directed to hold a fresh selection of written examination for promotion to the post of Office Superintendent Grade II in the scale of Rs. 1600-2660 (RPS) of Commercial Department of Headquarter Unit, N.F. Railway, Maligaon against the existing 27 vacancies strictly in terms of Railway Board Circular dated 11.11.94.
3. To pass any other order or orders as deemed fit and proper under the facts and circumstances of the case.

The above reliefs are prayed on the following amongst other-

-G R O U N D S-

1. For that the Notification for selection for the post of Office Superintendent Grade II of Commercial Department of Headquarter Unit issued under letter dated 2.8.96 (Annexure- in total violation of statutory Railway Board Circular dated 11.11.94.

P. Beninda Lal Choudhury.

2 DEC 1996

Supreme Court
New Delhi

2. For that Respondent Nos. 4 to 13, has been declared eligible by the impugned notification dated 2.8.96 for appearing in the written test for selection for the post of Office Superintendent Grade II in violation of statutory Railway Board Circular dated 11.11.94.
3. For that the Private Respondents No. 10, 12, 13, has been declared successful in the written examination.
4. For that in the event of selection of private respondents No. 10, 12, 13 for the post of Office Superintendent Gr. II is definitely going to affect the applicants at this stage in as much as to the extent of vacancies being filled by the ineligible candidates for the selection of the Grade of Office Superintendent.
5. For that the entire selection proceeding has been vitiated due to adoption of unfair practice, manipulation, malpractice, in the matter of evaluation of answer script and also in the matter of allotting marks in the notional seniority.
6. For that the subsequent inclusion of Shrimati P. Mazumdar in the viva voce test is clear evident of manipulation, malpractice in the matter of evaluation of answer script and allotment of marks.

Phanindra Lal Chowdhury

2 DEC 1995

Decided Bench
Ranjan Bhattacharya

-17-

7. For that notional seniority has been granted to respondent Nos. 10, 12, ~~13~~ in total violation of statutory Railway Board Circular dated 11.11.94.

8. For that the rights of the applicants has been prejudiced in as much as the chances of their empanelment has been reduced to the extent of vacancies are being filled in the ~~vacancies~~ instant selection by the ineligible private respondents.

9. For that the entire proceeding has been vitiated and the entire process of selection is malafide and the colourable exercise of power of the local authorities.

10. For that the applicants have been discriminated in the matter of equal opportunity and equal treatment in the eye of law in as much as in the matter of evaluation of answer script and in the matter of allotment of marks for notional seniority.

~~XXX~~

8. Interim Reliefs prayed for :

During the pendency of this application the applicant prays for the following reliefs :

1. That the entire selection proceeding for selection of Office Superintendent Grade II in the pay scale of Rs. 1600-2660 of Commercial Department of Head-

Phanindra Lal Choudhury.

2 DEC 1995

-18-

Gewahali Bench
গুৱাহাটী বেংক

quarter unit, N.F. Railway, Maligaon issued under Notification No. E/254/87 Pt.VI(T) dated 2.8.96 be stayed till final disposal of this application.

2. That the viva-voce test which is scheduled to be held on 4.12.1996 in the chamber of Deputy Chief Commercial Manager (Claims), Maligaon at 10.00 hrs. be stayed as proposed under letter No. E-254/87/PT VI(T) dated 28.11.96 till final disposal of this application.
3. To pass any other order or orders as deemed fit and proper as an interim ~~proper~~ measure to protect the rights and interests of the present applicants

The above reliefs are prayed on the grounds explained in paragraph 7 of this application.

9. Details of the remedy exhausted :

There is no other scope/remedy save and except filing this application before your Lordships.

10. That the matter is not pending in any Court/Tribunal.

11. Particulars of the Postal Order :

Postal Order No. : DD 46 9587.

Date of Issue : 2-12-96.

Issued from : GPO, Guwahati

Payable at : GPO, Guwahati

12. Details of Index

As Index showing the particulars of documents is enclosed.

13. List of enclosures

As per Index.

Phanindra Lal Choudhury.

-19-

2 DEC 1996

Guwahati Bench
Guwahati

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

I, Shri Phonindra Lal Chowdhury, Son of
late Nagendra Lal Chowdhury, aged about 56 years,
working as Head Clerk, in the office of the Chief
Commercial Manager ~~General~~, N.F.Railway Maligaon,
one of the applicants in this application and empowered
and competent to swear this verification on behalf of
the other applicants.

The statements made in this application are
true to my knowledge and belief and I have not suppressed
any material facts in this case.

And I sign this verification on this the 2-12-~~day~~
of December, 1996.

Signature
Phonindra Lal Chowdhury
Head Clerk, CCM(Rail), N.F.Rly,
Maligaon.

Annexure — 1

— 20 —

35

N.F RAILWAY

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

Dated 21.12.1996

No. EPS-379
E/254/0-Pt-XII (C)

To

All HODs
All DAOs WAOs/NBQ & DBWs.
All Controlling Officers of the
Non-Divisionalised Offices,
N.F.Railway

The General Secy. NFREU/ENG - with 50 spare copies.
The General Secy NFRMU/ENG - with 40 spare copies.
The General Secy. AISCTREA/MLG - with 20 spare copies.

Sub : Relaxation of 2 years rule for promotion -
delegation of power to the General Managers.

A copy of Rly. Board's letter No. E(NG)I-94/Pt 1/
1 dated 11.11.94 regarding the above is forwarded herewith
for information and guidance. Board's earlier letter as
referred to in their present letter was circulated under
CPO's circular No. EPS -315 dt. 10.03.87.

DA/as above

for CHIEF PERSONNEL OFFICER/MLG

(Copy of Rly Board's letter No. E(NG)-94/Pt 1/17 dt.
11.11.94

Sub : Relaxation of 2 years rule for promotion-
delegation of power to the General Managers.

Pursuant to the recommendation of the Rly. Board's
reference Committee, instructions were issued under this
Ministry's letter No. E(NG)I/85/Pt.1/12 (RRC) dt.19.02.87
providing for 2 years' service in the immediate lower
grade for all promotions within Group 'C'. The 2 years'
rule also provides that if persons with 2 years' service
in the immediate lower grade are not available, the post
should be operated in a lower grade. However, it has been
noticed that in a number of cases persons with 2 years'
service in the lower grade are not readily available for
filling up vacancies in the higher grade, it is sometimes
not practicable to operate the posts in the lower grade.
In such case the Railways have been approaching the Board
for relaxation of the 2 years' rules in the interest of
administration.

*Attentd
Chhita
J.W.*

The matter has been considered by the Board, and it
has been decided except in the case of running categories
the 2 years service condition may be relaxed by the Railways
with the personal approval of the General Manager whenever
such relaxation is found to be inescapable in the interest
of administration, subject to the conditions of minimum

Annexure - 2

H. M. L. M.

Office of the
GRI-HAK KATAK (P) - 21
Sambalpur-11.

Ref: 2/254/87 Pt.VI (7) :

Dated 2-9-1996.

To,

GM(CE) / Calcutta.
Dy. COM(Claims) / M.G.
SCM(Gen) / M.G., SCM(Ents) / M.G.,
Ass't. Registrar / M.G./M.G.

Sub : Selection for the post of Office Supdt./II in scale
Rs.1600-2660/- of Commercial Deptt. of H.M.R.C. Unit.

It has been decided to hold the selection for forming a
panel of Office Supdt./II in scale Rs.1600-2660/- of Commercial
Dept. of H.M.R.C. Unit for 27 (twenty seven) (UR-23, SC-2, ST-2)
vacancies. The selection will consist of written test followed
by viva-voce test with those who will qualify in the written
test.

The following Head Clerks in scale Rs.1400-2300(RPS) are
eligible to appear in the selection and they should be asked to
appear in the written test to be held on 07.09.96 at 10-00 hrs.
in CGO/M.G.'s office.

No absentee test will be held. If anybody is on leave he/
she should be intimated immediately in his/her leave address to
enable him to appear before the aforesaid written test. If any-
body is not willing to appear the above written test, he/she
should intimated his/her unwillingness in written through his/her
immediate Superior Officer.

SN.	Name.	Community.	Working under.
1.	Sri K.M. Mohi	SC	CGO(Claims) / M.G.
2.	Sri P.C. Das	UR	-do- (Gen) only
3.	Sri K. Dutta Choudhury	UR	-do- (Claims) only
4.	Sri P.L. Choudhury	UR	CGO/Claims/M.G.
5.	Sri Bishnunay Ray	UR	CGO/Claims/M.G.
6.	Sri G.P. Dutta	UR	-do-
7.	Sri T.C. Choudhury	UR	-do- (now GM/M.G/Genl).
8.	Sri B.K. Sengupta	UR	-do-
9.	Srimati Pronto Das	UR	CGO/Ents/M.G.
10.	Smt. Arati Das	ST	-do-
11.	Smt. Leena Talukdar	SC	-do-
12.	Sri N. Barua	UR	CGO/Claims/M.G (now at ICT/G.H.Y.)
13.	Sri K.C. Barua	UR	CGO/Claims/M.G.
14.	Smt. B. B. Talukdar	UR	-do-
15.	Sri Kamala Kt. Das	UR	-do-
16.	Sri H.K. Das	UR	-do-
17.	Sri B.K. Roy Choudhury	UR	-do-
18.	Sri P.K. Choudhury	UR	-do-
19.	Smt. B.R. Chatterjee	UR	-do-
20.	Smt. Dipali Roy	UR	-do-
21.	Smt. R.C. Saha	UR	-do-
22.	Smt. M. Purkaynetha	UR	-do-
23.	Sri P.K. Roy	UR	-do-
24.	Smt. Falguni Choudhury	UR	-do-
25.	Sri Sanjib Mitra	UR	-do-
26.	Sri B. Haloi	UR	-do-
27.	Sri P. Knr.	UR	CGO/Genl) / M.G.
28.	Smt. M. Paul	ST	CGO/Claims/M.G.
29.	Sri S.P. Roy	UR	-do-
30.	Ma. T. Seikha	UR	-do-

After 1st ed
Mukherjee
pd.

Annexure - 2

22 : 2 :

Sl. No.	Name	Community	Working under
27.	Smt. Kalita Bas.	ST	CCM(Claims)/MLG.
27.	" Asha Ganguly.	IR	-do-
33.	Shri S.K. Choudhury.	IR	CCM(Rates)/MLG.
34.	Shri S.K. Roy Choudhury.	IR	-do-
35.	Smt. Anupama Banerjee.	IR	-do-
36.	Shri N.K. Choudhury	IR	-do-
37.	Smt. Ranjita Sarkar.	IR	-do-
38.	Shri Jayananda Sarkar.	IR	-do-
39.	Shri Ashish Kundu.	IR	-do-
40.	Smt. Purabi Dey.	IR	CCM(Claims)/MLG.
41.	Shri S. Banerjee.	IR	-do-
42.	" K. Bhattacharya.	IR	-do-
43.	Md. A. Rahman.	IR	-do-
44.	Shri P.C. Bhattacharya.	IR	-do-
45.	Shri M.C. Bhattacharya.	IR	-do-
46.	Shri Sekhar Sarkar.	IR	-do-
47.	Shri Tapas Basak.	IR	-do-
48.	" N.K. Kumar.	IR	-do-
49.	Smt. Ranju Basu Choudhury.	IR	-do-
50.	Shri S.P. Bhattacharya.	IR	-do-
51.	Smt. A. Dutta.	IR	-do-
52.	Smt. Nirmal Basu.	ST	CCM(Rates)/MLG.
53.	" Hiranya Bhattacharya.	ST	-do-
54.	" Dipali Basu.	IR	-do-
55.	" R. Bhattacharya	ST	CCM(Claims)/MLG.
56.	Smt. Parimaladevi.	SC	CCM(Claims)/MLG.
57.	Shri P.K. Dutta.	IR	-do-
58.	Shri D.N. Dey.	ST	-do- ✓
59.	" Chirantan Basu.	IR	-do- ✓
60.	" P. Patra.	IR	-do- ✓
61.	" P. Ranjana Basu.	IR	-do- ✓
62.	" G. Basu.	IR	-do- ✓
63.	" P.C. Bhattacharya.	IR	-do- ✓
64.	" N.C. Kalita.	IR	-do- ✓
65.	Smt. A. Bhattacharya.	IR	CCM(Claims)/MLG.
66.	" R.K. Dey.	IR	-do-
67.	" S. Basu.	IR	-do-
68.	Shri S.K. Bhattacharya.	IR	-do- (Add PCT/CHY)
69.	Md. Abdul Hossain.	IR	-do-
70.	Shri S.P. Chatterjee.	IR	-do-
71.	Shri T.C. Bhattacharya.	IR	-do-
72.	Shri R. Patowary.	IR	-do-
73.	Smt. Bijaya Kalita.	IR	CCM(Claims)/MLG. ✓
74.	Shri Abdul Jaber.	IR	-do- ✓
75.	" Sanjib Chatterjee.	IR	-do- ✓
76.	Smt. T. Chatterjee.	IR	CCM(Claims)/MLG.
77.	Shri A.C. Dey.	IR	CCM(Rates)/MLG.
78.	Shri N.B. Mukherjee.	ST	CCM(Claims)/MLG.
79.	Shri Hemendra Deka.	SC	CCM(Rates)/MLG.
80.	Shri B. Deka.	SC	CCM(Claims)/MLG.
81.	Shri Subei Ch. Basu.	SC	CCM(C)/MLG. ✓

Syllabus for the above selection is indicated below :-

- Important rules regarding attendance of staff, travelling allowance and control of Imprint cash.
- Working knowledge of different rules of coaching, Goode, Rcd and Library Tariff.

Contd..... 2/2

✓ Hartal
✓ Ankha
✓ Adv.

Annexure - 2

3. Working knowledge of Commercial Manual, Annual of station accounts and conference Rules.
4. Procedures for opening of New stations, Half stations and Half Agencies.
5. Market activities.
6. Working knowledge of Catering/Vending at stations, in-trains, ticket booking.
7. CCI Meeting, obligation to station rates and fixation of classification of Commodity.
8. Load Licensing, Handling Counter to both the Goods and Parcel.
9. Computerised Reservation.
10. Procedure for remittance of cash and system of Travelling cash box.
11. Function of ERMC, Policy regarding Passenger amenities at station.
12. Delegation of Powers for entitlement of compensation and refund claims.
13. Working knowledge of Article 30 and 31, section 80 and 82 CPC, Claims prevention, outstation accident claims.
14. Rules and procedure for disposal of unclaimed and unclaimed consignments.
15. Rules regarding open and weightment delivery procedure of acknowledgement of damaged Goods.
16. Rules regarding other tags, Demurrage and write off and permission thereto.
17. Rules regarding Overages, interception and re-booking of Goods.
18. Rules regarding delivery of Goods/Parcels on Indemnity rates.
19. Rules of lost property office and auction.
20. Railway Claims Tribunal.
21. Fixation of staff responsibility and inter Railway liability in claims cases.

(S. Chakraborty) 1/8/96
A.P.O./C.
for GENERAL MANAGER (P.)

Copy forwarded for information and necessary action to
DS/Claims/MLG. He is requested to make the arrangement for the above written test accordingly.

for GENERAL MANAGER (P.)

Print/1.8.96.

Affixed
Chakraborty
AdV

No. E/254/87/Pt.VI(T)

Office of the
General Manager (P)
Maligon, Guwahati-11

Dated 28-11-96

24

To
GM (P) Metro Railway,
35/1 Chowringhee Road,
Calcutta - 700071

GM (Gen)/Maligon

GM (Gen)/Maligon

Dy. GM (Claims)/Maligon

SCM (Rates)/Maligon

Asstt. Registrar/RCT/GHY.

Sub: Result of the selection (written examination)
for promotion to the post of Office Superintendent
in scale Rs. 1600-2650/- (EPS) of Commercial dep'tt.
of M. Qrs. Unit.The following Head Clerks of Commercial department who
appeared in the selection held on 28-9-96 (written test) and
22-11-96 (obtained) respectively for promotion to the post of
O/S/II in scale Rs. 1600-2650/- are allowed to appear in the Viva-
voce test to be held on 14.12.96 at 10.00 hrs. in the Chamber
of Dy. GM (Claims)/Maligon.

Sl.	Name	Community	Working under
1.	Sh. Sudhorey Dey,	OR	HC/Claims
2.	Sh. Dilip Kr. Sengupta,	OR	HC/Claims
3.	Smt. Arati Deka,	GT	HC/Rates
4.	Smt. Leena Malukder,	GT	HC/Rates
5.	Sh. Narendra Barua,	UR	HC/RCT
6.	Sh. Rajendra Ch. Barua,	UR	HC/Claims
7.	Smt. Biraju Dala Malukder,	UR	HC/CCO
8.	Sh. Kamala Kanta Deka,	UR	HC/CCO
9.	Sh. Hari Kanta Deka,	UR	HC/CCO
10.	Sh. B.K. Roy Choudhury,	UR	HC/CCO
11.	Smt. M. Purakajastha,	UR	HC/CCO
12.	Smt. B.C. Saha,	UR	HC/CCO
13.	Sh. S.K. Roy,	UR	HC/CCO
14.	Sh. Palgami Choudhury,	UR	HC/CCO
15.	Smt. Kalitara Deka,	UR	HC/CCO
16.	Smt. Asha Ganuli,	UR	HC/CCO

Contd. 2

Approved
Chander
AS

-22- 25-
u

17. Smt. Anurupa Banerjee,	UR	ES/Rates
18. Smt. Bani Sarkar,	UR	ES/Rates
19. Smt. Purabi Dey,	UR	ES/CCO
20. Sh. S. Banerjee,	UR	ES/CCO
21. Md. A. Rahman,	UR	ES/CCO
22. Sh. P.C. Barman,	UR	ES/CCO
23. Sh. S. Barker,	UR	ES/CCO
24. Smt. Miru Das	ST	ES/CCO/Rates
25. Smt. H. Brahma,	ST	ES/Rates
26. Smt. Dipali Biswas,	UR	ES/Rates
27. Smt. R. Khaklary,	SC	ES/CCO
28. Sh. P. K. Dutta,	UR	ES/CCO(C)
29. Sh. R. Deka,	SC	ES/Rates
30. Sh. B. Deka,	SC	ES/CCO
31. Sh. S.C. Das,	SC	ES/CCO(C)

H. B.

* 10: 2, 3, 6, 7, 16

They have been called for Viva-voce test based on marks of written test and national seniority. Their appointment will be subject to the examination securing 60% marks in professional ability and 60% marks in aggregate.

No further chance Viva-voce test will be held. If any body on leave, duty etc. may be intimated at his/her address.

14
ASO/C 25/1/66
for General Manager(P)

Copy forwarded for information and necessary action to :

1. PA to GM/HQ. They are requested to connect the ERGs for the last three years of the above staff immediately in connection with the above selection.
2. PA to CCO/HQ.
3. PA to Dy.GM/HQ.

for General Manager(P)

Affected
Chander
JDN

sanctioned strength.

(1) CCM (Claims)/MLG = 71
(2) CCM(Genr)/MLG = 16
(3) CCM(Rates)/MLG = 103.

N. F. Railway.

Provisional seniority list of Head Clerk in scale
B. 1400-2300/- (RPS) as on 01-07-96 of Id. rs.
Unit of Commercial Department.

SN	Name in order of seniority.	Designation.	Working under	Date of birth.	Date of appointment.	Date of promotion.	Remarks.
1.	X. Sri M. R. Meli	SC Head Clerk.	CCM(CL)/MLG as Peón	30-11-38	04-10-63	12-05-82	07-01-86
2.	" P. G. Das	UR do- CCM(Genr)/MLG	30-06-40	11-09-63	27-02-82	01-09-99	
3.	" K. Dutta Choudhury	UR do- CCM(CL)/MLG	07-06-39	13-09-58	01-10-80	01-02-90	
4.	" N.C. Mazumder	UR do- CCM(Rates)/MLG	15-7-38	06-10-58	01-10-80	18-06-90	
5.	" P.L. Choudhury	UR do- CCM(CL)/MLG	30-01-40	28-03-64	01-10-80	04-11-91	
6.	" Sudhanoy Dey	UR do- CCM(CL)/MLG	01-02-41	15-03-63	10-03-82	23-11-92	
7.	" G.P. Dutta	UR do- CCM(CL)/MLG	01-12-39	22-03-63	10-03-82	23-11-92	
8.	" S.G. Choudhury	UR do- CCM(CL)/MLG	11-02-44	21-03-63	10-03-82	23-11-92	NOW working at GM(MTP)/Cal.
9.	" D.K. Sengupta	UR do- CCM(CL)/MLG	01-08-40	16-03-63	10-03-82	01-12-92	
10.	Smt. Prati Das	UR do- CCM(Rates)/MLG	26-09-43	16-08-65	01-10-80	03-12-92	
11.	" Arati Das	ST do- CCM(CL)/MLG	16-03-41	10-12-65	01-10-80	03-12-92	
12.	" Leena Takudar	SC do- CCM(CL)/MLG	01-03-39	20-05-82	11-12-85	01-01-93	
13.	" Smt. R.C. Beruah	UR do- CCM(CL)/MLG	01-08-43	20-03-63	10-03-82	01-03-93	NOW Wkg. at RCT/KGH.
14.	" B.B. Talukdar	UR do- CCM(CL)/MLG	01-01-40	20-03-63	10-03-82	01-03-93	
15.	" Sri Kamala Kt. Das	UR do- CCM(CL)/MLG	01-01-40	04-04-63	10-03-82	16-11-93	
16.	" H. K. Das	UR do- CCM(CL)/MLG	01-03-42	05-08-63	10-03-82	16-11-93	
17.	" B.K. Roychoudhury	UR do- CCM(CL)/MLG	01-03-43	26-08-63	10-03-82	16-11-93	
18.	" P.K. Choudhury	UR do- CCM(CL)/MLG	31-12-40	12-07-64	10-05-82	16-11-93	
19.	" P.K. Choudhury	UR do- CCM(CL)/MLG	16-09-45	22-10-64	10-05-82	16-11-93	
20.	" Dipali Roy	UR do- CCM(CL)/MLG	01-03-45	20-02-65	10-05-82	13-12-93	Conta. P/2
21.	" Dipali Roy	UR do- CCM(CL)/MLG	01-03-45	20-02-65	10-05-82	13-12-93	Conta. P/2

22. Smt. R.C. Saha

Clerk.

23. " N. Pratikarastha, UR

24. Smt. K. Roy, CL

25. " S. K. Roy, CL

26. " S. K. Roy, CL

27. " S. K. Roy, CL

28. " S. K. Roy, CL

29. Smt. M. Paul

30. Sri S. K. Dey

31. Md. Md. Seikh

32. Smt. K. Kaitaran Das

33. " Asha Ganguly

34. Sri S. K. Choudhury

35. " S. K. Roy Choudhury

36. Smt. Anupama Banerjee

37. Sri N. Choudhury

38. Smt. Bani Sarkar

39. Sri Jayananda Sarmas, UR

40. " Ashish Roy

41. Smt. Prabhu Dey

42. " Sri S. Banerjee

43. " S. K. Bauman

44. Md. A. Bishen

45. Sri P.C. Bauman

46. " M. C. Baishya

47. " Sekhar Sarkar

48. " Tapan Jaskar

49. " H. K. K. Kumar

50. Smt. Mangudasa Chou

51. Sri S. P. Bhattacharjee, UR

52. " S. K. Choudhury

53. " S. K. Choudhury

54. " S. K. Choudhury

55. " S. K. Choudhury

56. " S. K. Choudhury

57. " S. K. Choudhury

58. " S. K. Choudhury

59. " S. K. Choudhury

60. " S. K. Choudhury

61. " S. K. Choudhury

62. " S. K. Choudhury

63. " S. K. Choudhury

64. " S. K. Choudhury

65. " S. K. Choudhury

66. " S. K. Choudhury

67. " S. K. Choudhury

68. " S. K. Choudhury

69. " S. K. Choudhury

70. " S. K. Choudhury

71. " S. K. Choudhury

72. " S. K. Choudhury

73. " S. K. Choudhury

74. " S. K. Choudhury

75. " S. K. Choudhury

76. " S. K. Choudhury

77. " S. K. Choudhury

78. " S. K. Choudhury

79. " S. K. Choudhury

80. " S. K. Choudhury

81. " S. K. Choudhury

82. " S. K. Choudhury

83. " S. K. Choudhury

84. " S. K. Choudhury

85. " S. K. Choudhury

86. " S. K. Choudhury

87. " S. K. Choudhury

88. " S. K. Choudhury

89. " S. K. Choudhury

90. " S. K. Choudhury

91. " S. K. Choudhury

92. " S. K. Choudhury

93. " S. K. Choudhury

94. " S. K. Choudhury

95. " S. K. Choudhury

96. " S. K. Choudhury

97. " S. K. Choudhury

98. " S. K. Choudhury

99. " S. K. Choudhury

100. " S. K. Choudhury

101. " S. K. Choudhury

102. " S. K. Choudhury

103. " S. K. Choudhury

104. " S. K. Choudhury

105. " S. K. Choudhury

106. " S. K. Choudhury

107. " S. K. Choudhury

108. " S. K. Choudhury

109. " S. K. Choudhury

110. " S. K. Choudhury

111. " S. K. Choudhury

112. " S. K. Choudhury

113. " S. K. Choudhury

114. " S. K. Choudhury

115. " S. K. Choudhury

116. " S. K. Choudhury

117. " S. K. Choudhury

118. " S. K. Choudhury

119. " S. K. Choudhury

120. " S. K. Choudhury

121. " S. K. Choudhury

122. " S. K. Choudhury

123. " S. K. Choudhury

124. " S. K. Choudhury

125. " S. K. Choudhury

126. " S. K. Choudhury

127. " S. K. Choudhury

128. " S. K. Choudhury

129. " S. K. Choudhury

130. " S. K. Choudhury

131. " S. K. Choudhury

132. " S. K. Choudhury

133. " S. K. Choudhury

134. " S. K. Choudhury

135. " S. K. Choudhury

136. " S. K. Choudhury

137. " S. K. Choudhury

138. " S. K. Choudhury

139. " S. K. Choudhury

140. " S. K. Choudhury

141. " S. K. Choudhury

142. " S. K. Choudhury

143. " S. K. Choudhury

144. " S. K. Choudhury

145. " S. K. Choudhury

146. " S. K. Choudhury

147. " S. K. Choudhury

148. " S. K. Choudhury

149. " S. K. Choudhury

150. " S. K. Choudhury

151. " S. K. Choudhury

152. " S. K. Choudhury

153. " S. K. Choudhury

154. " S. K. Choudhury

155. " S. K. Choudhury

156. " S. K. Choudhury

157. " S. K. Choudhury

158. " S. K. Choudhury

159. " S. K. Choudhury

160. " S. K. Choudhury

161. " S. K. Choudhury

162. " S. K. Choudhury

163. " S. K. Choudhury

164. " S. K. Choudhury

165. " S. K. Choudhury

166. " S. K. Choudhury

167. " S. K. Choudhury

168. " S. K. Choudhury

169. " S. K. Choudhury

170. " S. K. Choudhury

171. " S. K. Choudhury

172. " S. K. Choudhury

173. " S. K. Choudhury

174. " S. K. Choudhury

175. " S. K. Choudhury

176. " S. K. Choudhury

177. " S. K. Choudhury

178. " S. K. Choudhury

179. " S. K. Choudhury

180. " S. K. Choudhury

181. " S. K. Choudhury

182. " S. K. Choudhury

183. " S. K. Choudhury

184. " S. K. Choudhury

185. " S. K. Choudhury

186. " S. K. Choudhury

187. " S. K. Choudhury

188. " S. K. Choudhury

189. " S. K. Choudhury

190. " S. K. Choudhury

191. " S. K. Choudhury

192. " S. K. Choudhury

193. " S. K. Choudhury

194. " S. K. Choudhury

195. " S. K. Choudhury

196. " S. K. Choudhury

197. " S. K. Choudhury

198. " S. K. Choudhury

199. " S. K. Choudhury

200. " S. K. Choudhury

201. " S. K. Choudhury

202. " S. K. Choudhury

203. " S. K. Choudhury

204. " S. K. Choudhury

205. " S. K. Choudhury

206. " S. K. Choudhury

207. " S. K. Choudhury

208. " S. K. Choudhury

209. " S. K. Choudhury

210. " S. K. Choudhury

211. " S. K. Choudhury

212. " S. K. Choudhury

213. " S. K. Choudhury

214. " S. K. Choudhury

215. " S. K. Choudhury

216. " S. K. Choudhury

217. " S. K. Choudhury

218. " S. K. Choudhury

219. " S. K. Choudhury

220. " S. K. Choudhury

221. " S. K. Choudhury

222. " S. K. Choudhury

223. " S. K. Choudhury

224. " S. K. Choudhury

225. " S. K. Choudhury

226. " S. K. Choudhury

227. " S. K. Choudhury

228. " S. K. Choudhury

229. " S. K. Choudhury

230. " S. K. Choudhury

231. " S. K. Choudhury

232. " S. K. Choudhury

233. " S. K. Choudhury

234. " S. K. Choudhury

235. " S. K. Choudhury

236. " S. K. Choudhury

237. " S. K. Choudhury

52. Smt. A. Dutta	UR	Head Clerk.	CT (CL) / MLG
53. " Minu (Swargiary) Das	ST	do-	CCM (Rates) / MLG 30-04-59
54. " Hiranya Brahma	ST	do-	15- 1-54
X 55. " Dipali Biswas	UR	-do-	18-03-61
X 56. " R. Khaklary	ST	-do-	01-06-63
X 57. Smt. P. Mazunder	SC	-do-	01-10-62
X 58. Sri F.K. Dutta	ST	-do-	25-09-59
X 59. " D.R. Boro	UR	-do-	11-10-59
60. " Chandan Das	UR	-do-	22-11-44
61. Sri P. Parijal	UR	-do-	01-04-53
62. " R. Rafiabandi	UR	-do-	19-12-80
63. " B. N. Das	UR	-do-	01-04-52
64. " F. C. Sarmee	UR	-do-	01-09-63
65. " N. C. Kelita	UR	-do-	31-12-38
66. Smt. A. Bhowal	UR	-do-	30-06-52
67. " R. K. Roy	UR	-do-	29-10-54
68. " S. Dasgupta	UR	-do-	26-11-52
69. " S. K. Mazunder	UR	-do-	01-09-72
70. " Abdul Russain	UR	-do-	01-04-49
71. " S. P. Chanda	UR	-do-	05-03-53
72. " T. C. Barman	UR	-do-	01-11-44
73. " N. Patowary	UR	-do-	01-06-44
74. Smt. Bijaya Kelita	UR	-do-	02-07-62
75. Sri Abdul Jabbar	UR	-do-	01-07-58
76. " Sanjib Kr. Das	UR	-do-	28-11-56
77. Smt. A. Chakraborty	UR	-do-	13-09-51
78. Sri A. C. Dey	UR	-do-	01-04-53
79. Smt. Aparna Das	UR	-do-	22-05-54
80. Sri B. Chakraborty	UR	-do-	01-08-52
			27-09-76
			11-04-90
			09-02-96
			Contd. ... P/4

Now working at
RCT/GTY

Contd. ... P/4

2/25/87 (T) AEO (C) :
FOR GENERA. M.I.H. C.R. (P) /MLG:
Maligaon, dt. 30.02.96.
1. For purpose for information and necessary action to
be taken, (1) G.M. (R.P)/Cal. (2) G.I. (R.P)/MLG. (3) G.M. (R.P)/
Ass't. Registrar/RUT/CGW. (4) SCM(G)/MLG. (5) SCM (R.P)/MLG.
General Secy. NEERU & NTRKU/PRO. - with/special
Staff concerned through their respective Controlling Officer.
They are at liberty to prefer representation, if any; within one month from the date of issue
of this seniority list through their respective controlling officer. Representation received
beyond the aforesaid target date shall not be entertained.

For GENERAL MANAGER (P) / W.I.

大水

Ex. 25,796.

28/11/96
E. F. Railway.

SN. 96 30
Annexure - 3B.

No. E/254/87 Pt-VI (T).

Maligaon, dt. 26-11-1996.

To,
DY. CCM(Claims)/MLG.
SCM(Rates)/MLG.
SCM(Genl)/MLG.

Sub:- Result of the selection (Written examination) for promotion to the post of Office Supdt/II in scale Rs. 1600-2660/- (RPS) of Commercial Deptt. of Hd. Qrs. Unit.

In continuation of this office letter of even number dated 26-11-96 Smt. Pranita Mazumder (SC), Hd. Clerk in scale Rs. 1400-2300/- under CCO/Maligaon who appeared in the written test held on 20-09-96 for promotion to the post of OS/II in scale Rs. 1600-2660/- is allowed to appear in the viva-voce test to be held on 4-12-96 at 10.00 hrs. in the Chamber of Dy. CCM(Claims)/MLG in terms of Note received from the selection committee vide their No. E/254/Misc/Select/SPO/MLG dated 28-11-96.

She may be advised accordingly.

This issues with the approval of competent authority.

28/11/96
(S. Chakraborty)
A.O.P.C. (C)

For GENERAL MANAGER (F)

Copy forwarded for information and necessary action to :-

PA to CCO/Maligaon. He is requested to connect the ACRs for the last three years of the above staff immediately in connection with the above selection.

28/11/96
For GENERAL MANAGER (F)/MLG:

28/11/96
G.R.

28/11/96
R.G.

28/11/96
S.G.

28/11/96
Dated
Charles
S.D.

To:
 The Chief Commercial Manager,
 Northeast Frontier Railway,
 Maligaon, Guwahati-781011.

Dated Guwahati, the 29th Nov/1996.

Sir,

Sub:- Review of the result of the written Test for the selection of Office Supdt-II held on 28. 11. 96

We, the following staff of the Commercial department under your esteemed disposal, beg to state the few lines that follow for your kind consideration and favourable orders.

That we all appeared in the above written test and have been disappointed at the very much unexpected result of ours for the reasons we may seek the liberty to cite here.

(a). That the unsuccessful candidates have been variously on senior positions discharging their official functions with efficiency while exhibiting their knowledge of the job and have been legitimately expected to get through the test :

(b). That there are some discrepancies in the manner in which some of the candidates have been entertained by inviting them to appear in the test; that such candidates have been promoted to their present posts as Head Clerk just within the last few months not exceeding in any case twelve months, though the hether to practice as auctioned by rules has been to find a candidate eligible to be called to appear in such test only after two years in the minimum have had elapsed since their last promotion; that such selective treatment is in direct violation of rules and does promote discrimination among the prospective candidates and that such selective and preferential treatment to those candidates has vitiated the selection procedure itself and is seem to be potentially benefiting them at the cost of us.

(c). That in the result sheets we have found certain candidates to be given notional credit for a pass in their favour which is surprising as it is practised to favour a few though the number of candidates appearing in the test was large and all of them can legitimately claim equal treatment as these few; and moreover that these few have been mostly on lower positions in the seniority list that many of us below.

That, generally speaking we have been confident of doing well upto the requisite mark and even higher in the test and have been aggrieved at the evaluation of the answer scripts, that only a review of the results by necessary re-evaluation of the answer scripts and affirmation of equal treatment as to the eligibility to be called to appear in the notional credit and liability under the service conducted rules can remove the doubt as to the propriety and fairness of the written test from our minds.

Under the circumstances we beg that you would kindly take necessary early steps to mitigate our above grievances and be pleased to do justice to us considering the urgency of the matter.

Contd...2

*Afterward
When
J.D.V.*

That one Shrimati Pranita Majumdar, whose name was not included in the list of successful candidates No. 8/253/87/470 dt. 26/11/96. But subsequently, when she met CPO and claimed that she is a successful candidate but her name is not included in the list of successful candidates, CPO vide No. 8/254/87/47-6170 dt. 28/11/96 declared her passed. This is a burning instance to prove that the list of successful candidates published under No. dt. is an incorrect list and as such there is every possibility of dropping the names of many other successful candidates from the list. u/s

Yours faithfully,

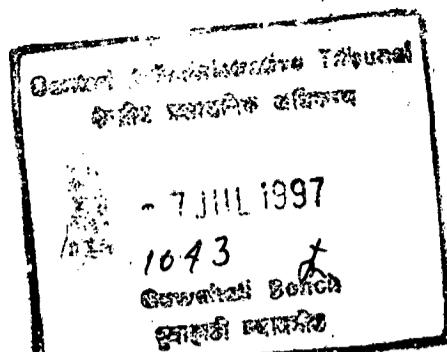
- 1). Sanjib Kr. Mitra
- 2). B. N. Basu Halsi
- 3). Shiba Prasad Choudhury
- 4). Sunshanta Kr. Ray
- 5). Karun Basu
- 6). Kalyani Datta Choudhury
- 7). Bhavati Rani Chatterjee
- 8). Dipali Roy
- 9). Archana Datta
- 10) Biswajit Kar
- 11) Brijya Kalita
- 12)

Copy to :

- 1). Chief Vigilance Officer/N.F.Railway, Maligaon for kind information and judicious action please.
- 2). Chief Comml. Manager/Genl. N.F.Rly, Maligaon for information and necessary action please.

- 1). Sanjib Kr. Mitra
- 2). B. N. Basu Halsi
- 3). Shiba Prasad Choudhury
- 4). Sunshanta Kr. Ray
- 5). Karun Basu
- 6). Kalyani Datta Choudhury
- 7). Bhavati Rani Chatterjee
- 8). Dipali Roy
- 9). Archana Datta
- 10) Biswajit Kar
- 11) Brijya Kalita

Attested
Dhruva
D.W.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 278/96

Shri P. E. Chowdhury & Ors.

-Vs.-

Union of India & Ors.

In the matter of :-

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

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

1) That the Respondents have gone through
the Original Application and understood the
contents thereof.

2) That in reply to statement made in para
6.5 of the application it is stated that for filling
up of 27 vacancies (UR-23, SC-2 & ST-2) candidates
have been called under 3X formula that is 3 times the

- 2 -

number of vacancies. It is denied that ineligible candidates have been called for in the selection.

It is stated that the condition of 2 (two) years service should stand fulfilled at the time of actual promotion. It is stated that none of the candidates with less than 2(two) years service have been ordered for promotion to the post of Office Superintendent-II after they came out successful in the selection.

3) That in reply to statement made in para 6.6 it is stated that the selection committee initially recommended 31 candidates for Viva-Voce test fixed on 4.12.96 but on further scrutiny it was found Smt. Pranati Majumder who is a Scheduled Caste candidate was treated as Un-reserved candidate and her qualifying marks was taken as 60%. Therefore she was not called for the Viva-Voce. The qualifying marks for SC/ST is 10 out of 35 as against 21 out of 35 for UR candidates. Smt. Majumder got more than 10, out of 35 and as such was called for the Viva-Voce test.

It is stated that marks for notional seniority is given in terms of Railway Board's Circular and the same has been given correctly to the candidates according to the seniority. The applicants can have no grievance against the marks given on the notional seniority as per instructions of the Railway Board.

4) That in reply to statement made in Para 6.7, 6.8 and 6.9 it is stated that the applicants have made vague statements. It is also stated that the

- 3 -

allegations of the applicants are baseless and unfounded. The candidates have been called for the selection following selection rules with consideration of qualifying marks for SC and ST candidates. It is also stated that the candidates have been promoted to the next higher post after 2(two) years working in the lower posts. As such there has not been violation of any rule.

In this connection it is stated that the applicants have appeared in the said selection but have failed in the written test. After their failure they have come out with the unfounded pleas as an after thought. They took a chance and after their failure have raised the issues and in humble submission of the Respondents they are not entitled to do the same under the process of law and their application deserves to be dismissed on that ground alone.

5) That in the facts and circumstances explained above the application deserves to be dismissed.

VERIFICATION

I, Shri C. ... Sarker ... by profession Railway service working as Deputy chief Personnel Officer aged about 32 years do hereby verify that the statements made in paragraph 1 to 5 are true to my knowledge derived from the records which I believe to be true.

Guwahati

Dated 28.6.97.

Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 278 of 1996

Shri P.L.Chowdhury & Ors.

-versus-

Union of India & Ors.

In the matter of :

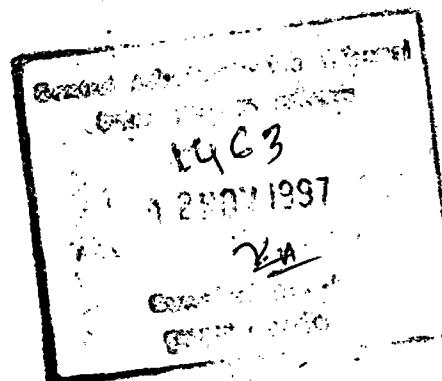
Rejoinder submitted by the applicants

Theat the humble applicants most respectfully begs to state as under :

1. That a copy of written statement filed on behalf of the official Respondents has been received by the applicants, gone through it carefully and understood the contents thereof. The applicants in thier respecful submission states that the statements made in the written statement which are not specifically admitted, are denied.

2. That the truth of ^{the} statements made in paragraph 2 of the written statement are denied and reaffirm the statements made by the applicants in paragraph 6.5 of the application. In this connection the applicants further state that (1) Railway Board in their letter dated 11.11.94 (a copy of which annexed as Annexure A-I page 20 of the application) specifically laid down that relaxation of 2 years can be granted only on personal sanction of the General Manager but in the instant case the candidates from serial No. 78-81 were included in the Notification knowingly well by the Railway Authorities that they are

Contd...



3
Filed by the applicant
through N.D. Goswami
Adv.

11-11-97

not within the eligibility zone in terms of Railway Board's letter dated 11.11.94, which was issued regarding relaxation of two years for promotion.

(Annexure-I of the Original Application)
in-

Even then the eligible candidates were also called for the selection by the Railway authorities to show undue favour to them by a vested circle working in the Railway Office in total violation of the Railway Board's Statutory Rule as stated above. The applicant subsequently came to know after appearing in the examination that no sanction of the General Manager is obtained for ineligible candidates who appeared in the said selection for promotion to the post of Supdt. Grade II, as a result of allowing in the ~~selection process~~ ineligible persons to appear in the selection process the scope and possibility for the applicants for the purpose of success in the said selection, have widened and as a result of this manipulation the applicants in the selection process have been excluded in the stage of written examination in a very well planned manner as designed by a vested circle in the Railway office. Therefore scrutiny of relevant records as well as the selection proceedings is necessary for proper adjudication of the case of the applicant and the Hon'ble Tribunal be pleased to direct the respondent for production of the relevant records, Answer Scripts and selection proceeding. Be it stated that on the date of issue of notification for the selection on 2.9.96 (Annexure-2) the candidates belong to serial Nos. 78-81 have completed only 6 months 17 days and therefore they cannot appear in the examination etc.

It is clearly mentioned in Railway Board's letter dated 11.11.94 that on completion of one year service in the grade, General Manager may relax the rule prescribed for 2 years service in the grade for declaring a candidate eligible to get a call in the written examination as a part of Selection process for promotion in the next higher grade. Therefore, violation of Railway Board's order dated 11.11.94 is conclusively proved on the basis of record. It is further submitted that the procedure adopted for grant of notional seniority marks is contrary to the procedure laid down by the railway board but their letter dated 5.12.84 as per the modified procedure for allotment of notional seniority marks the object laid down by the Railway Board to make the senior persons eligible for the entire selection. Therefore, the ~~maximum~~ notional seniority marks ought to have been allotted in progressive order from serial No. 1 to 12 but in the instant case the notional seniority marks is allotted on pick and choose basis. Therefore entire selection is vitiated due to manipulation in the process of allotment of marks as well as for violation of statutory railway board circular dated 11.11.94.

3. That with regard to the statements made in paragraphs 4 and 5 of the written statement, the applicant denies the truth of the statements and re-affirm the statements made in paragraphs 6, 7, 6.8 and 6.9 of the application.
4. That the applicants further submit that out of 81 candidates, 31 were declared pass in the written examination (Vide Annexure 3 page 24 of the application) It is indicated

in page 25 of result sheet that serial 2,5,6,7 and 16 have been awarded notional seniority marks to make them eligible to call for in the interview. In this connection the applicants submit that the Railway Board in their letter No.E(NG)1-83-PM 1-65(PNM)/NFIR) dated 5.12.84 circulated the modified procedure for calling of staff in the interview with a view to enable the selection committee to consider some of the senior candidates, who under the existing rules, would not be eligible to be called for in the interview and also circulated a statement showing the implication of the proposed rules for selection.

A copy of Railway Board's letter dated 5.12.84 together with its encloser are annexed and marked as Annexure-5)

5. That the applicants submit that for better appreciation of their case, the applicants state the detailed procedure of Selection. The Selections are held on (1) Professional ability (2) Personality leadship etc and (3) Record of service viz. Seniority. The Marks allotted for Professional ability 50, for Personality, Leadership are 25 and for Record of service 25. The maximum and minimum marks have been prescribed for only professional ability. On account of professional ability maximum marks allotted 50 and minimum 30 marks prescribed as qualifying marks. On account of Personality, Leadership etc. 25 marks have been allotted but no minimum qualifying marks have been prescribed. Similarly on account of Record of Service viz Seniority 25 marks have been allotted. It is further mentioned that Professional ability consists of written test and 15 marks for Viva-voce test, ~~and~~ and out

of 50 marks 35 allotted for written test and 15 marks for Viva-voce test. This position appears from column 3 of Annexure to Ministry of Railways letter dated 5.12.84 annexed as Annexure 5 of this rejoinder. In this connection a detailed guide line has been issued confidentially and the same are not in the possession of the applicants but the applicants are aware of the guide line. In the written ~~test~~ if an employee obtained 21 out of allotted 35 marks, he will be declared as pass in the written test and will be eligible for Viva voce test.

6. That the applicants state that the Ministry of Railways laid down the modified selection procedure for awarding marks of seniority on notional basis in regressive order from serial 1 to 12 irrespective of fact whether an employee obtained qualifying marks of 21 or not. The purpose of awarding of marks of seniority on notional basis is to provide an opportunity to the senior employees who failed to obtain prescribed 21 marks in the written examination to declare them eligible to call for in the Viva Voce test. But in the instant case, the selection Committee adopted pick and choose policy in the complete disregard to the Ministry of Railways instruction contained in their letter dated 5.12.84. The specific instances of discriminatory application of rule are enumerated herein below :-

a) Serial 4 has been denied the benefit of awarding marks of seniority on notional basis whereas serial 8 has been given the benefit.

b) Serial 13 and 14 though outside the purview of awarding marks of seniority on notional basis but have been given in preference to serial 9 and 11.

As per instruction the marks of seniority on notional basis can be awarded from serial 1 to 12.

Since the Selection Committee adopted a pick and choose policy in awarding the marks of seniority on notional basis, have awarded the marks of seniority on notional basis to Serial 13 and 14 in complete violation of instruction.

(c) Serial 32 though completely outside the purview of awarding marks of seniority on notional basis but the Selection Committee awarded the marks only to prove their malafide of their action. The Selection Committee have acted in complete violation of rule laid down by the Ministry of Railways in their letter dated 5.12.84 for modified selection procedure.

These are the glaring instances of discriminatory application of Railway Ministry's instructions contained in the letter dated 5.12.1984 in regard to the modified selection procedure. The discriminatory application of rule conclusively proved on the basis of record and therefore, entire selection proceedings vitiated and are liable to be quashed and setaside.

Under the facts and circumstances state herein above, the application is deserves to be allowed with costs.

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

I, Sri Phanindra Lal Choudhury, son of late N.R.Choudhury, Head Clerk, working in the office of the Chief Commercial Manager/rats N.F.Railway Maligaon applicant in the above case and I have been duly authorised by all other applicants to sign this verification as am well acquainted with the facts and circumstances of the case and accordingly I do hereby verify and declare that the statements made in paragraphs 1 to 6 in this rejoinder are true to my knowledge and belief and I have not suppressed any material facts.

I, sign this verification on this the 11th day of Nov 1997.

Phanindra Lal Choudhury

Signature

No. 1. *Wadsworth*

Maligaon, dated the 22nd November 1885.

43.

93

Pt. XI (C)

Names of Departments.

DRMS. DAWS. WADS/NBQ & DBWS.
Officer & Asstt: Officers of
Divisinalised Offices.

Divisionalised Offices.
Gen. Secy./NFRMU/PNO. with 40 spare copies.
Gen. Secy./NFRMU/PNO. with 50 spare copies.

Genl. Secy./NFRMU/PNO. with 50 spare copies.
Genl. Secy./NFRMU/PNO. with 50 spare copies.

A copy of Railway Board's letter No. E(NG)I-83-PMI-65 (PNM/NR/IN) dated 5-12-84 on the above subject is forwarded herewith for information and guidance.

As per Rly. Board's earlier letters dt. 29-1-66 and 12-12-66 contained in 1st para of their present letter, instruction on the subject were circulated to all concerned under CPO's circular EPS-48/E/254/O P.VI (C) dt. 24-12-66 & EPS-168/E/254/O P.VIII (C)

For Chief Personnel

copy of Army Board's letter No. E(NG)I-83-PMI-65 (PNM/NFIR) dt. 5-12-84.

Sub: As above.

Sub: As above.

As the Railway Administrations are aware, in terms of this letter No.E(NG)I/65/PMI/5 dated 29-10-1966 read with their letter No.E(NG)I/72/PMI/138 dated 12-12-1973, where both written and oral tests are held for assessing the professional ability of staff in selection for promotion to a selection post, the marks for the written test should not be less than 35 (thirty five) out of 50 and a candidate must secure a minimum of 60% marks in the written test for the purpose of being called for the voce-voce test. Further a candidate must secure not less than 60% (30 out of 50) marks in the professional ability and not less than 60% in the aggregate to be empanelled.

5. The above relate to the eligibility

These instructions, in so far as they relate to the eligibility of a candidate in a selection (where a written test is held) to be held for viva-voce test, have been reviewed by this Ministry in accordance with demand made in the PNM Meeting held between the NFIR and the Board on 16/17-9-1983 and ~~against~~ on 27/28-9-1984. Both recognised federations were also consulted. On the basis of this view, the Ministry of Railways have now decided that 60% of the total of the marks prescribed for written examination and for priority should also be the basis for calling candidates for viva-voce test (interview) instead of 60% of the marks for the written examination only as at present. ---

Contd...

2

EPS 297 / 325

Statement of Persons Applicable to Railways (Part B) Form No. 12
No. order or written
Seniority
test (Max. 35)
City
Mark 1.

ANNEXURE C - ESTIMATING OF RAILWAYS (PART B) FORM NO. 12
Name in Marks in Marks for proposed modified Railways (Part B) Form No. 12
Seniority written for other original or proposed changes
test plus et present.
Seniority
Mark 2.

for interview, if no or marks
under proposed required for
modification. Pass (Max. 15).

1	A	20	15	35	NO	YES	10
2	B	16	14	30	NO	YES	14
3	C	15	13	28	NO	NO	-
4	D	22	12	34	YES	YES	8
5	E	24	11	35	YES	YES	6
6	F	21	10	31	YES	YES	9
7	G	18	9	27	NO	NO	2
8	H	25	8	36	YES	YES	8
9	I	22	7	29	YES	YES	7
10	J	16	6	22	NO	NO	6
11	K	23	5	28	YES	YES	5
12	L	19	4	23	NO	NO	4

1) Number of persons eligible for interview under present rules
1i) Number of persons who will be eligible for interview under modified rules

6