

50/600

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

X

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 50/96

R.A/C.P No.

E.P/M.A No. 73/97

- 1. Orders Sheet..... *BA* ..... Pg. *1* ..... to *6* .....  
*MP 73/97 order P* ~~Page 1~~ *+ allowed 17/2/97*
- 2. Judgment/Order dtd *22/4/98* ..... Pg. *x* ..... to *10* .....  
*Department order*  
*before us*
- 3. Judgment & Order dtd.....Received from H.C/Supreme Court
- 4. O.A..... *50/96* ..... Pg. *1* ..... to *11* .....
- 5. E.P/M.P. *73/97* ..... Pg. *1* ..... to *3* .....
- 6. R.A/C.P.....Pg.....to.....
- 7* 7. W.S.....Pg. *1* ..... to *9* .....
- 8. Rejoinder.....Pg.....to.....
- 9. Reply.....Pg.....to.....
- 10. Any other Papers.....Pg.....to.....
- 11. Memo of Appearance.....
- 12. Additional Affidavit... *Supplementary Affidavit Page 10/11* .....
- 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  
GUWAHATI

ORIGINAL APPLN. NO. 50 OF 1996  
 TRANSFER APPLN. NO. OF 1995  
 CONTEMPT APPLN. NO. OF 1995 (IN OA NO. )  
 REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
 MISC. PETN. NO. OF 1995 (IN OA NO. )

A. K. Mittal ..... APPLICANT(S)

-VE-

h. O. I. Gow ..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. In person  
 MR.  
 MR.  
 MR.

FOR THE RESPONDENTS ... MR. B. K. Shanon  
 Pky. advocati

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. 333/149 Dated 18.3.96</p> <p><i>B.P.</i>  <i>2/13</i>  <i>PD</i></p>	<p>25.3.96</p>	<p>Applicant in person. None for the respondents.</p> <p>The grievance in this case is that Shri A.K.Lal, Deputy Chief Mechanical Engineer, N.F. Railway, Bongaigaon and Shri A.S.Choudhury, District Electrical Engineer, Bongaigaon were given Bungalow peon but the applicant was not provided with such a peon in his official Bungalow.</p> <p>Issue notice on the respondents to show cause as to why the application should not be admitted and relief should not be allowed. Six weeks for show cause.</p> <p>List on 27.5.96 for disposal of show cause and consideration of admission.</p> <p>Interim relief as prayed for in this application cannot be granted. However, pending disposal of the show cause the respondents are at <del>liberty</del> liberty to consider the claim of the applicant and in the meantime dispose of the representation dated 14.8.95 submitted by the applicant to the Controller of Stores, Maligaon.</p>

Copy of the order may be furnished to the applicant as well as to the counsel of the respondents.

By order

*25.3.96*

pg

*25/3*  
Member

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO. 50 OF 1995  
TRANSFER APPLN. NO. OF 1995  
CONTEMPT APPLN. NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... APPLICANT(S)

-VS-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ... MR.

OFFICE NOTE

DATE

ORDER

27.5.96

Mr A.K.Mittal is present in person. Steps were taken on 1.5.96. Show cause has not been submitted. Service report awaited.

List on 2.7.96, for show cause and consideration of admission.

*ba*  
Member

pg

2.7.96

Applicant in person. Show cause has not been submitted. Mr D.S.Bhattacharjya informs on behalf of Mr B.K.Sharma, Railway counsel that the show cause is almost ready for submission and the matter may be adjourned for short time. The applicant however, seeks for longer adjournment for personal difficulty.

Adjourned for show cause and consideration of admission to 6.8.96.

*ba*  
Member

pg

*Requisites are yet to be received  
Order for the applicant & counsel received  
v. no-677-78 dt. 29.3.96  
by 20/5.*

*Steps are received  
on 1-5-96 & issued  
v. no 913-15 dt. 2.5.96.  
by 1/5 30.5.96.  
Notice duly served on 2,3.*

*Ban.*

19.11.96

The applicant, Mr. A.K. Mittal in person. Leave note of Mr B.K. Sharma, learned Railway counsel till 30.11.96. Written statement has not been submitted.

List for hearing on 31.12.96.

The respondents may submit written statement with copy to the applicant before that date.

*be*  
Member

*Statement has not been filed*

nkm

*M 19/11*

31-12-96

None present. Written statement has not been submitted.

List for hearing on 7-2-97.

*be*  
Member

*Statement has not been filed*

lm

10.2.97

Let this case be listed on 3.3.97 for hearing.

Member

*SB*  
Vice-Chairman

*1/ notice duly served on Respondant No- 1, 2 & 3.*

*2/ written statement has not been filed.*

3.3.97

Let this case be listed on 17.4.97 for hearing.

*be*  
Member

*SB*  
Vice Chairman

*28.2.97*  
*claims of appearance has been filed.*

pg  
*M 5/3*  
17.4.97

In view of the order passed in Misc. Petition No.73/97 the applicant is allowed time till 30.4.97 for filing of rejoinder as prayed for.

Let this case be listed for hearing on 16.5.97.

*be*  
Member

*SB*  
Vice-Chairman

*D/S filed on 6/4/97 as prays for.*  
*Resps. with a prayer by filing MP No. 73/97.*

21-3-97

pg  
*M 22/4*

6.8.96

Mr A.K.Mittal in person present. None for the respondents. Notice duly served on respondents 1, 2 and 3. Show cause ~~not~~ has not been submitted.

Application is admitted. Issue notice on the respondents.

List on 6.9.96 for written statement and further orders.

Interim order dated 25.3.96 will be applicable pending disposal of the application.

*62*  
Member

pg

13-8-96

*or*  
6/8

*Mr B.K. Sharma R.C.  
Submitted Memo of  
Appearance.*

6-9-96

None present. No written statement has been submitted.

List for written statement and further order on 4-10-96.

*62*  
Member

*6/8*

*1) Notice duly served on  
Respondt nos. 1-3.*

lm

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

4.10.96

The applicant informs that he is unable to attend court today.

Mr. B.K.Sharma railway counsel for the respondents present.

Written statement has not been submitted.

List for hearing on 19.11.96. In the meantime the respondents may submit written statement with copy to the applicant.

*62*  
Member

*Letter of absence filed  
by the petitioner, at place  
A' dt. 30-9-96.*

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

*3/10*

*10/ statement - has not been  
filed.*

trd  
*M*  
9/10

*15/11*

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

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-VE-

h. O. I. Roy ..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. In person  
 MR.  
 MR.  
 MR.

FOR THE RESPONDENTS ... MR. B. K. Shanon  
 Pky. advocati

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*25.3.96*

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*25/3*  
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-vs-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ... MR.

OFFICE NOTE

DATE

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Member

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*ba*  
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*Requisites are yet to be issued read order for the applicant & counsel's name v.no-677-78 dt-29-3-96*

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The applicant, Mr. A.K. Mittal in person. Leave note of Mr B.K. Sharma, learned Railway counsel till 30.11.96. Written statement has not been submitted.

List for hearing on 31.12.96.

The respondents may submit written statement with copy to the applicant before that date.

*be*  
Member

*Statement has not been filed.*

nkm

*19/12*

31-12-96

None present. Written statement has not been submitted.

List for hearing on 7-2-97.

*be*  
Member

*Statement has not been filed.*

lm

10.2.97

Let this case be listed on 3.3.97 for hearing.

Member

*SB*  
Vice-Chairman

6-2-97

*1/ notice duly served on Respondant No- 1, 2 & 3.*

nkm

*2/ written statement has not been filed.*

3.3.97

Let this case be listed on 17.4.97 for hearing.

*be*  
Member

*SB*  
Vice Chairman

28.2.97

*claims of appearance has been filed.*

*W 28/2*

pg

*W 5/3*

17.4.97

In view of the order passed in Misc. Petition No.73/97 the applicant is allowed time till 30.4.97 for filing of rejoinder as prayed for.

Let this case be listed for hearing on 16.5.97.

*be*  
Member

*SB*  
Vice-Chairman

21-3-97

*D/S filed on behalf of Responds. with a prayer by filing MP No. 73/97.*

pg

*W 22/4*

6.8.96

Mr A.K.Mittal in person present. None for the respondents. Notice duly served on respondents 1, 2 and 3. Show cause ~~not~~ has not been submitted.

Application is admitted. Issue notice on the respondents.

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Interim order dated 25.3.96 will be applicable pending disposal of the application.

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pg

13-8-96

*or*  
6/8

*Mr B.K. Sharma R.C.  
Submitted Memo of  
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List for written statement and further order on 4-10-96.

*62*  
Member

*or*  
12/8

*1) Notice duly served on  
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lm

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filed.*

4.10.96

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Written statement has not been submitted.

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*62*  
Member

*Letter of absence filed  
by the petitioner, at place  
'A' dt. 30-9-96.*

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

*or*  
3/10

*10/ statement - has not been  
filed.*

trd  
*or*  
9/10

*or*  
15/11

25-4-97

Supplementary Affidavit  
filed by Sri A.K. Mittal,  
Petitioner Imperson. at  
page - 20 to 23.

En

16.5.97

Heard the applicant, Mr A.K. Mittal,  
and Mr B.K. Sharma, learned Railway  
Counsel, in part. List for further hearing  
on 20.6.97.

  
Member

  
Vice-Chairman

30-4-97

Rejoinder filed  
by Mr. A.K. Mittal,  
Petitioner Imperson.  
at page 24 to 30.

En

nkm

  
20/5

20.6.97

Mr B.K. Sharma, learned  
counsel for the respondents is not  
present and on his behalf a mention  
has been made for adjournment. The  
applicant appearing in person is  
present before the Tribunal. We find  
no justifiable ground for adjournment  
due to the absence of the counsel for  
the Railways. At the same time we  
also do not like that the Railways  
should go undefended in view of the  
fact that the Railway Administration  
has engaged several counsel to appear  
on behalf of the Railway Administra-  
tion. Considering all these for the  
ends of justice we grant adjournment  
till 24.7.97 for hearing.

  
Member

  
Vice-Chairman

nkm

  
25/6

24.7.97

Left over. list on 9.9.97.  
By order.

9.9.97

Adjourned to 13.11.97.  
By order.

13.11.97

Adjourned to 21.1.98.  
By order.

*W/S and Rejoinder has  
been filed.*

*En  
23/7*

*W/S. & Rejoinder has  
been filed.*

*En  
14/11*

*W/S and Rejoinder has  
been filed.  
En  
20/11*

25-4-97

Supplementary Affidavit  
filed by Sri A.K. Mittal,  
Petitioner Imperson. at  
page - 20 to 23.

En

16.5.97

Heard the applicant, Mr A.K. Mittal,  
and Mr B.K. Sharma, learned Railway  
Counsel, in part. List for further hearing  
on 20.6.97.

  
Member

  
Vice-Chairman

30-4-97

Rejoinder filed  
by Mr. A.K. Mittal,  
Petitioner Imperson.  
at page 24 to 30.

En

nkm

  
20/5

20.6.97

Mr B.K. Sharma, learned  
counsel for the respondents is not  
present and on his behalf a mention  
has been made for adjournment. The  
applicant appearing in person is  
present before the Tribunal. We find  
no justifiable ground for adjournment  
due to the absence of the counsel for  
the Railways. At the same time we  
also do not like that the Railways  
should go undefended in view of the  
fact that the Railway Administration  
has engaged several counsel to appear  
on behalf of the Railway Administra-  
tion. Considering all these for the  
ends of justice we grant adjournment  
till 24.7.97 for hearing.

  
Member

  
Vice-Chairman

nkm

  
25/6

24.7.97

Left over. List on 9.9.97.  
By order.

9.9.97

Adjourned to 13.11.97.  
By order.

13.11.97

Adjourned to 21.1.98.  
By order.

*W/S and Rejoinder has  
been filed.*

*En  
23/7*

*W/S. & Rejoinder has  
been filed.*

*En  
14/11*

*W/S and Rejoinder has  
been filed.  
En  
20/11*

W/S. and rejoinder has been filed.

21-1-98

Applicant in person is present. Case is adjourned till 28-4-98.

27/4

  
Member

  
Vice-Chairman

lm  
27/5  
27/1

28.4.98

It is reported by Mr B.K.Sharma, learned Railway standing counsel that the applicant who appeared in person has since expired. This case relates to entitlement of a bungalow peon. We feel that the right to sue will not survive. Accordingly the application has become infructuous and it is disposed of as infructuous.

14.5.98

Copies of the order have been sent to the D/CC for sending the same to the Respondent through Regd. W/S A/D.

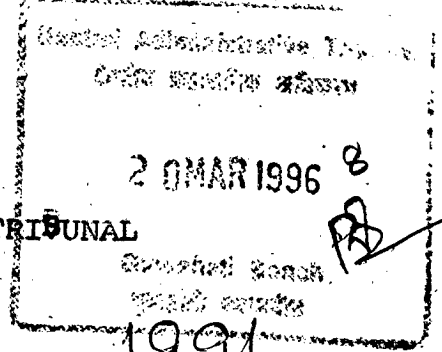
Issued vide Nos. 1270 to 1272 dt 14.5.98.

  
Member

  
Vice-Chairman

pg  
27/5  
27/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT GAUHATI.



ORIGINAL APPLICATION NO ..... 50 ..... OF ..... 1996 .....

AJENDRA KUMAR MITTAL ..... APPLICANT

VERSUS

UNION OF INDIA & OTHERS ..... RESPONDENTS

- I N D E X -

S. No.	CONTENTS	ANNEXURE	PAGE
<u>COMPILATION - No. 1</u>			
1.	Application under Sec. 19 of CAT Act.	-	1 to 7
2.	Copy Representation Dated, 12. 6. 95.	A - 1	-
<u>COMPILATION No. 2</u>			
3.	Copy of Bungalow peon attached to Dy. CME	A - 2	-
4.	Copy of Bungalow peon attached to DEE	A - 3	-
5.	D.O. letter to C.O.S. N. F. Rly.	A - 4	-

New Bongaigaon.

Date 10.3.96

*A. Mittal*  
APPLICANT  
( FILED IN PERSON )

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL

BENCH AT GAUHATI

ORIGINAL APPLICATION NO. \_\_\_\_\_ OF \_\_\_\_\_

(UNDER SECTION 19 OF THE A.T. ACT.)

Ajendra Kumar Mittal, aged 52 yrs.

Son of (Late) Narain Das,

Dy. Controller of Stores (Dy.C.O.S.)

(Resident of Bangalow No. R-34),

N.F. Railway, New Bongaigaon. (Pin Code:- 783381)

----- Applicant

VERSUS

- 1) Union Of India through, the Secretary,  
Railway Board, Rail Bhawan, New Delhi.
- 2) The General Manager, N.F. Railway,  
Maligaon, Guhati.
- 3) Mr. A.K. Brahma, Dy. C.P.O. (I.R.), N.F. Railway,  
Maligaon, Guhati.

----- Respondents

The abovesaid applicant, with honour before the Tribunal showeth as under:

DETAILS OF APPLICATION

1.0 Particulars of order against which the application is made.

That, the petitioner joined on 21.6.94 as Dy. Controller of Stores in Store Depot attached to Railway Workshop, at New Bongaigaon. Bungalow peons (or equivalent designation) are attached to two officers viz. Dy.C.M.E. and D.E.E. of the Railway Workshop, New Bongaigaon. The petitioner's duties are in office and field like these two officers'. In addition to it, the petitioner also deals with general public. The petitioner is in higher pay scale than these two officers and as such petitioner's duties and responsibilities are otherwise also more important than these two officers'. No Bungalow peon has been sanctioned/allowed to the post of the petitioner, inspite of representation and discussion with concerned authorities. The respondent's inaction on the petitioner's representation vide No.Dy.C.O.S.

*Ajendra Mittal*

/MISC/NBQ/1 dt. 12.6.95 (copy attached as annexure A-1) is nothing also but, a tool for harassment, discrimination and causing injury to the petitioner and his family. The petitioner after exshausting departmental channels has moved this writ petition of mandamus for seeking relief before this Hon'ble Tribunal.

2.0 Jurisdiction of the Tribunal

The applicant is posted and resides in New Bongaigaon, Assam which is under the jurisdiction of the Hon'ble Tribunal, Guhati. Therefore the application has been correctly filed.

3.0 Limitation

The applicant declares that the cause of action accrued to the applicant six months after the date of the representation dated 12.6.95. The applicant has approached the Hon'ble Tribunal within the limitation period of one year w.e.f. 12.12.95 to ~~11.12.96~~ 11.12.96.

4.0. FACTS OF THE CASE.

4.1 That, the petitioner is a Group 'A' officer in Indian Railway Store Service (I.R.S.S.) and w.e.f. May 1992 the petitioner is working in Selection Grade (Pay scale- Rs. 4500/- - 5700/- ).

4.2. That, the petitioner joined as Deputy Controller of Stores (Dy. C.O.S.) in New Bongaigaon depot on 21.6.94, on transfer from Maligaon, Guhati.

4.3 That, the depot at New Bongaigaon is the feeding depot of various items of store for the Mechanical Workshop and like Electrical Wing and Accounts Wing, the depot is also one of the integral wing/departments of the Railway Workshop complex.

4.4 That, other posts attached to the workshop at New Bongaigaon include as shown below. ( post as shown in January 1996).

*Submitted*

- i) Dy. Chief Mechanical Engineer  
(Dy.C.M.E.) Junior Administrative Grade  
(J.A. Grade) pay scale Rs.3700/-  
- 5000/- present incumbent -  
~~iii~~ Mr. A.K. Lal.
- ii) District Electrical Engineer  
(D.E.E.) Senior Scale in pay scale  
Rs. 3000/- - 4500/- Present  
incumbent - Sri A.S.Chowdhury.

4.5 That, Bungalow peon, Emergency Bungalow peon and substitute bungalow peon etc. have the same duty-list for performance. In the writ petition the bungalow peon will mean to include the equivalent categories. The main duty of the bungalow peon is to attend the officer ~~in office as well as~~ in residence.

4.6 That bungalow peon is also a status symbol of the officer and officer provided with bungalow peon is considered higher in status than the officer without bungalow peon.

4.7 That, duties and responsibilities of the petitioner as Depot Officer are in field as well as in office and in no way less important than that of Dy. C.M.E. and D.E.E. The petitioner also deals with general public while procuring stores and disposing off scrap material.

4.8. That, relative importance of duties and responsibilities of the officers can be assessed also by their relative pay scales. As already stated above at para 4.1 the petitioner is <sup>in</sup> selection Grade-Pay scale Rs. 4500/- - 5700/-. Whereas Dy. C.M.E. and D.E.E. are in lower scales.

4.9 That, the posts of DY. C.M.E. and D.E.E. have bungalow peons attached to these posts. Copies of supporting documents No. E/M/227/1Pt.VIII dt. 11.1.96 and office order No. 58/99 dt. 9.6.89 are placed as annexure A-2 and A-3 respectively.

4.10 That, no bungalow peon has been attached to the post of the petitioner. The petitioner further states that officers junior to him in headquarter at Maligaon and also elsewhere like Depot at Gorakhpur are having bungalow peons attached to these junior officers.

- 4.11 That, the petitioner's efforts through representation and discussion brought no fruitful results. Please see annexure A-1 in this context.
- 4.12 That, ~~therefore~~ the petitioner wrote a D.O. letter to the Controller of Stores, N.F. Railway, Maligaon vide No. S/44/Misc/Dy. C.O.S./NBQ dated 14.8.95 (copy attached as annexure ~~Annex~~ A-4).
- 4.13 That, no reply to the annexure A-5 has been received by the petitioner and also no post of bungalow peon has been sanctioned/provided.
- 4.14 That, respondent No. 3 has been making all the objections after objections to see that bungalow peon may not be given to the petitioner. The respondent No. 3 has been adopting harassing attitude, delaying ~~xxxxxx~~ tactics and throwing away even contents of Art. 14 of the constitution. The respondent No. 3 being a ~~pe~~ personnel officer is not involving himself in welfare activities rather having malafide intentions and denying even the justified claim without merit.
- 4.15 That, due to non-provision of bungalow peon family of the petitioner is put to great inconvenience due to attending official telephone calls and dealing with official dak-pad etc.
- 4.16 That, due to non-provision of bungalow peon the petitioner has been suffering loss of status, inconvenience, harassment, discrimination, mental agony, divine displeasure as a result of deliberate and malafide action of the respondents.

5.0 GROUNDS FOR RELIEF WITH LEGAL PROVISIONS.

- 5.1 Because, the duties and responsibilities of the petitioner is more important to that of Dy.CME and DEE which is also evident from the fact that petitioner is in selection grade (Pay scale Rs.4500/5700/-) whereas the DY. CME is in JA grade (Pay scale Rs.3700-5000/-). And DEE is only is Sr. Scale (Pay Scale, Rs.3000-4500/-).

*[Handwritten signature]*

- 5.2 Because, the bunglow peon has been provided to Dy. C.M.E. and D.E.E. ~~which~~ but no provision has been made for the bunglow peon for the petitioner who is senior to both these officers and also having more responsibilities.
- 5.3 Because, the petitioner's representations have not been cared and no fruitful result has come <sup>till</sup> filing of this writ petition.
- 5.4 Because, the attitude of respondents particularly respondent No. 3 has been harassing and causing injury to the petitioner, by way of putting all type of objection after objection in process of sanctioning the post of bunglow peon.
- 5.5 Because, non-provision of bunglow peon has been resulting into loss of status of the petitioner in the eyes of Railway staff, officers and public in general.
- 5.6 Because, non-provision of bunglow peon has been creating inconvenience to the family of the petitioner who has to attend official telephone calls and other related matters which otherwise could have been tackled by bunglow peon.
- 5.7 Because, the petitioner has been suffering discrimination, harassment, mental agony, and divide displeasure as a result of deliberate, and malafide intentions of the respondents.

6.0 Details of remedies exhausted

The petitioner declares that more than six months have already been passed after the date of representation i.e. 12.6.95 there seems to be no other remedy but to approach the Hon'ble Central Administrative Tribunal for redressal of his grievances.

7.0 MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The petitioner further declares that matter regarding provision of bunglow peon contained in this writ petition has, filed of pending in any other court of law or authority.

*not been*

*Submitted*

8.0 Relief Sought.

8.1 That, the Hon'ble Tribunal may graciously be pleased to direct respondents ~~No. 1~~ to sanction immediately a post os bunglow peon, appoint and post him under the petitioner.

8.2 The Hon'ble Court may please summon the respondent No. 3 to justify the delay of more than a year on his part which resulted into non-provision of bunglow peon even under justified circumstances.

8.3 Hon'ble Tribunal may please pass any other order in favour of the petitioner under facts and circumstances of the case.

8.4 The Hon'ble Tribunal may kindly order to award cost to the petitioner.

9.0 Interim order if any <sup>prayed</sup> paid for.

The petitioner requests that bunglow peon & (in accordance with the rules) may be posted under the petitioner. The salary of bunglow peon may be recovered from the salary of the petitioner if this writ petition is finally ~~disposed~~ disposed off against the petitioner.

10.0 Filing of application.

The application has been filed in person and petitioner desires to have oral hearing at the admission stage. A self addressed envelope is attached at which intimation regarding the date of hearing may please be sent.

11.0 Particulars of the postal order.

( i ) I.P.O. No.	8 09 333 149
( ii ) Name of issuing Post Office	Bongaigaon
(iii) Date of issue	18.3.96 (Rs.50)
(iv ) Post office at which payable.	Gauhati

12.0 List of enclosures (copy of

- ( i ) Representation dated 12.6.95 ---- A-1.
- ( ii ) Bunglow peon attached to Dy. C.M.E. -- A-2.
- ( iii ) Bunglow peon attached to D.E.E. -----A -3.
- ( iv ) D.O. letter to C.O.S. N.F. Rly. dt. 14.8.95. --A-4.

*Submitted*

VERIFICATION

I, the applicant, Ajendra Kumar Mittal, Dy. Controller of Stores, N.F. Railway, New Bongaigaon do hereby verify that contents of Paras Nos. 4.5, 4.6, 4.8, 4.11, 4.14, 4.15, 4.16 and 10.0 are true to my personal knowledge, those of contents of paras nos. 1.0, 4.1 to 4.4, 4.7, 4.9, 4.10, 4.12, 4.13, 6.0, 7.0, 11.0 and 12.0 are based on perusal of records, and those of contents of paras nos. 2.0, 3.0, 5.0, 8.0 and 9.00 are based on perusal of legal advice, which all I believe to be true that no part of it is false and nothing material has been concealed in it.

So help me God.



Place: New Bongaigaon.

( Ajendra Kumar Mittal )

Dated: 18.3.96

N. F. RAILWAY.

Office of the  
Dy. Controller of Stores,  
N.F.Rly/New Bongaigaon.

NOTE.

No. DyCOS/MISC/NBQ/1, Dtd. 12/6/95.

Sub: Appointment of Bungalow Peon  
attached to Dy.COS/NBQ.

.....

*vice* I have joined as Dy.COS/NBQ in the month  
of June/'94 by Sri Hemant Kumar, DCOS/NBQ, when the post  
of DCOS was upgraded to JA Grade. There was no bungalow  
peon when I took over the charge and also till date.

It is, therefore, requested that a post  
of bungalow peon may be created at NBQ so that I may  
get the requisite facility. This may please be treated  
as most urgent as appointment of bungalow peon is  
probably held up for want of sanction of post of bungalow  
peon.

*A K Mittal*

( A. K. Mittal )  
DY.COS/NBQ.

CWE. *AB*  
*12/6/95*  
*12/6/95*  
*12/6/95*

COS.

*A K Mittal*

*Attended*

*AB*  
*12/6/95*  
Assistant Controller of Stores  
G. D. Bollyway, New Bongaigaon.

ANNEX A-2

Office of the  
Dy. Chief Mech. Engineer,  
New Bongaigaon.

No. E/M/227/1/Pt. VIII  
Date: 11.1.96:

To  
Shri Manan Prasad,  
Emergency Peon  
attached to ~~Mr~~ Dy. CME.

Shri Manan Prasad, Emergency Peon who  
was selected for the post of Khalasi  
(Gr. D) under Dy. COS/NBQS in terms of  
No. E/M/254/SP /CON dt. 13.7.95  
is hereby spared on date with instruc-  
tion to report to Dy. COS/NBQ.

for Dy. CME/C&W/NBQS

Copy to : 1) Dy. COS/NBQ. 2) SAO/W/NBQ.  
3) Dy. COS/PNO. 4) COS/MLG.  
5) CPO/MLG.

for Dy. CME/C&W/NBQS

Attchd

B. H. 203  
सहायक मन्त्र नियन्त्रक,  
सी. रेलवे, न्यूगार्गोप।  
Assistant Controller of Stores  
Railway, New Bongaigaon

DCS - Ahl.  
DCME - AK Lal  
DEE - A.S. Chakraborty



Office of the  
Dy. Controller of Stores,  
New Bongaigaon.

D.O.NO. 5/44/MISC/Dy. COS/NBQ Dated 14-8-95.

Dear Sri Paul,

Sub:- Emergency Peon attached to depot Officer, NBQ

Following points are submitted for your kind perusal and immediate action.

- 1) The post of Dy. COS/NBQ is a work charge post which was being operated at HQ before it was restored back to NBQ vide office order No. 130/94(Store) dt. 2-6-94.
- 2) It also appears that post of Emergency Peon/Bungalow Peon was neither sanctioned nor operated against the post of Dy. COS either in HQ or at NBQ.
- 3) Dy. CPO/IR has also confirmed that at present there is no vacancy of Emergency Peon as other sanctioned post are duly filled up.
- 4) Dy. CME/NBQ and DEE/W/NBQ are having the post of Emergency Peon/Bungalow Peon.
- 5) The post of Dy. COS at NBQ deserves also the post of Emergency Peon/Bungalow Peon attached to it as because duty of Dy. COS regular field work and office work like that of Dy. CME and DEE/W/NBQ.
- 6) A selection grade Dy. COS posted at NBQ mean thereby that this post is in no way inferior to that of Dy. CME/DEE and therefore the post of Emergency Peon/Bungalow Peon attached to Dy. COS is justified in all respects.
- 7) In view of the above facts it is requested that the post of Emergency Peon/Bungalow Peon may please be either transferred from elsewhere or sanctioned. At present there are 21 post of Khalasi lying vacant in the depot. Therefore, if the post of Emergency Peon/Bungalow Peon to be created then 3 post of 2 (two) Khalasis can be accordingly surrendered.

It is requested that matter may be decided on top priority. Please treat this as urgent.

With regards,

Yours sincerely,

A Heated

*(Signature)*

18/10/95

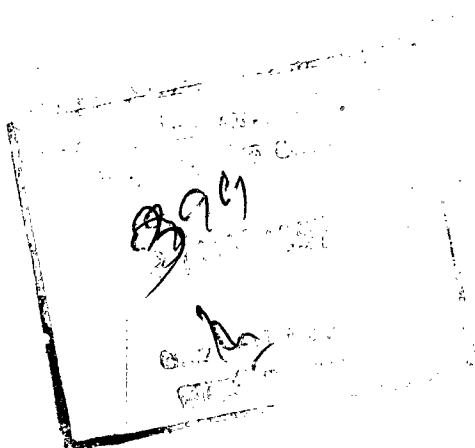
(A.K.Mittal)

*(Signature)*

To  
Sri S. Paul,  
COS/NBQ.

স্বাক্ষরিত  
অতিরিক্ত নিয়ন্ত্রক,  
নতুন বঙ্গাইর  
Assistant Controller of Stores,  
New Bongaigaon.

H. G. M.



12

Filed by me respondents  
through

B. Mehta  
Advocate  
21.3.97

Dr. S. P. K. Sharma, Advocate

*[Handwritten signature]*

162 2/7

NI, P. ACHARYA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

IN THE MATTER OF :-

O.A. No. 50 of 1996

Shri A.K. Mittal ... Applicant.

Vs.

Union of India & Ors.... Respondents.

AND

IN THE MATTER OF :-

Written statements for and on  
behalf of the respondents.

The answering respondents beg to state as follows :-

1. That the answering respondents have gone through a copy of the application filed by the applicant and have understood the contents thereof.

2. That save and except the statements which are specifically admitted here-in-below, other statements made in the application are categorically denied. Further, the statements which are not borne on records are also denied and the applicant is put to the strictest proof thereof.

Contd.....2

3. That with regard to the statements made in paragraphs 4.1 to 4.5 of the application, the answering respondents do not admit anything contrary to relevant records of the case.

4. That the statements made in paragraph 4.6 of the application are nothing but figment of the applicant's imagination. Officially, there is no distinction made between the Officers with Emergency Peon or those without.

5. That with regard to the statements made in paragraph 4.7 of the application, it is stated that the administration has never suggested that the work being performed by the applicant is less important than the work being performed by the other two Officers, posted in the New Bongaigaon Workshop.

6. That with regard to the statements made in paragraph 4.8 of the application, the answering respondents state that the applicant and the Deputy Chief Mechanical Engineer in the New Bongaigaon Workshop are on the same footing as they both occupy Jr. Administrative Grade posts. The applicant is in non-functional selection grade of Rs.4500-5700/-. This non-functional selection grade is granted to Railway Officer during the 14th year of their service as counted from the year of examination. This grade is granted to the incumbent and on getting this scale he does not become higher in rank than a Jr. Administrative Grade Officer.

13  
182  
221  
BY CHIEF  
N. F. Railway, BONGAIGON

79  
182  
22  
N. P. ...

There are no separate set of powers for the selection grade officer. They are vested with the same powers as those of Jr. Administrative Grade Officer. The Divisional Electric Engineer in scale Rs. 3000-4500/- is, however, in a lower scale than the applicant. It is reiterated that the seniority of the officers is not the criteria for providing them Emergency Peons. The crucial point in determining whether a particular officer would get services of an Emergency Peon or not is whether a particular post has been provided with a post of Emergency Peon or not.

7. That with regard to the statements made in paragraph 4.9 of the application, it is stated that the posts of Dy. Chief Mechanical Engineer and Divisional Electric Engineer in the New Bongaigaon Workshop are regular posts and they have the sanction of Emergency Peons with them. The post of Dy. Controller of Stores (which the applicant is holding) is work-charged post and does not have a sanction of Emergency Peon along with it.

8. That with regard to the statements made in paragraph 4.10 of the application, it is stated that the provision of the post of Emergency Peon is not laid down in any service condition. No officer can claim that he should have the services of Emergency Peon as a matter of right. The post of Dy. Controller of Stores is temporary work-charged post as mentioned above whereas the post of Dy. Chief Mechanical Engineer and Divisional Electric Engineer are regular cadre post of permanent nature. Therefore, the latter have been provided with regular post of

*Handwritten signature*  
11/20  
23  
N. F. Railway

Emergency Peons. It is, however, clarified that all posts of permanent nature do not have the sanction of Emergency Peon with them. On the N.F. Railway, out of 644 Officers only about 100 posts of Emergency Peons are sanctioned. It is clarified that the stature of the incumbent officer is not a criteria to claim the services of Emergency Peon. They all depends on whether the sanction of Emergency Peon is exist with a particular post of Officer or not.

9. That with regard to the statements made in paragraph 4.11 of the application, the answering respondents state that the petitioner has already been replied suitably vide No. E/205/D/RP-Emergency Peon dtd 19.6.1995 that his request for engagement of Emergency Peon made vide his note No. E/Misc./3 dtd 1.5.95 and letter of the same number dtd 3.6.96, had already been examined and since there was no sanctioned post of Emergency Peon attached to Dy. Controller of Stores, his request for engagement of Substitute Emergency Peon could not be acceded to.

A copy of the reply dtd 19.6.95 is annexed herewith and marked as ANNEXURE 'A'.

10. That with regard to the statements made in paragraph 4.12 of the application, it is stated that since his request could not be acceded to as mentioned above, there was no need to give further reply to his letters as mentioned in para 4.12.

15  
John...  
Chief Personnel Officer (P.O.)  
N.F. Railway, Bangalore

11. That with regard to the statements made in paragraph 4.13 of the application, it is stated that Annexure 'V' has not been enclosed as will be seen from the contents furnished by the applicant in his petition. As already stated, he has been replied to already.

12. That with regard to the statements made in paragraph 4.14 of the application, the answering respondents state that the allegation made against respondent No. 3 has no justification or grounds whatsoever. He has not been able to produce any documents to indicate that the respondent no. 3 had been deliberate delaying the provision of Subs. Emergency Peon to the applicant. As a matter of fact, respondent no. 3 is only looking after the processing of the cases for engagement of incumbent as Subs. Emergency Peons against sanctioned post. He is not in any way responsible for getting the post created. It has also been explained above that the applicant has already been replied on 19.6.95, that his request could not be acceded to because of the reasons mentioned. The allegation made in paragraph 4.14 are sweeping and baseless and should be completely ignored. The applicant has no right to comment about the over-all performance of a senior officer of the N.F. Railway, who has been classified as Outstanding, in all his report so far and has enjoyed a very sound reputation all over the N.F. Railway. ~~Nothing further~~ It is prayed that the applicant should be suitably cautioned and restrained from bringing baseless allegation against respondent no. 3.

16  
[Signature]  
Chief Personnel Officer  
N. F. Railway, Maligaon

13. That with regard to the statements made in paragraph 4.15 of the application, it is stated that no specific comments can be given against this para. It is explained earlier that provision of Subs. Emergency Peon cannot be claimed as a matter of right and for non-provision of one, if it causes inconvenience to Officer, he cannot seek legal help on the same.

14. That with regard to the statements made in paragraph 4.16 of the application, the answering respondents do not admit anything contrary to relevant records of the case and reiterate and reaffirm the statements made herein-above.

15. That the answering respondents submit that the applicant, at present, is holding the post of Deputy Controller of Stores in the New Bongaigaon Workshop, which is itself a work-charged post. Currency of the post was last extended vide GM(P)/Maligaon's memorandum No. E/41/232/2(0) dtd 8.1.96 (Copy annexed as ANNEXURE 'B'). The posts of Emergency Peons (referred to by the applicant as Bungalow Peon) are not provided as a matter of course with every Jr. Administrative Grade Post created against estimates (work-charged post). The seniority of the officer holding a particular post is not the criteria nor does it vest the holder of such post with any right to be entitled to an Emergency Peon automatically. The main criteria is

Contd....7

17  
Chief Personnel Officer  
N. F. Railway, Maligaon

whether a particular post has been provided with the sanctioned post of Emergency Peon or not. Entitlement to the post of Emergency Peon is not laid down in any service condition or terms and condition of appointment of Gr. 'A' Officers on the Indian Railways. No officer can claim the services of the Emergency Peon as a matter of right. Therefore, non-provision of an Emergency Peon is not violative of any service condition.

16. That in view of the facts and circumstances stated above, the instant application is not maintainable and liable to be dismissed.

VERIFICATION.

I, AMIT KUMAR BRAHMO, aged about 37 years, by occupation Railway Service, working as Deputy Chief Personnel Officer of the N.F. Railway administration, do hereby solemnly affirm and state that the statements made in paragraph 1 and 2 are true to my knowledge, those made in paragraphs 3 to 15 are true to my information being matters of records of the case, which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal;

✓ Amit Brahma

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

Chief Personnel Officer (12)

पू. सी. ब्रेह्म, मालिगाँव  
N. F. Railway, Maligaon

Office of the  
General Manager (Personnel)  
NF Rly. Maligaon.

No. E/205/0/RP-Emergency Peon, June 19, 1995.

To  
Shri AK Mittal,  
Dy.COS/NF Railway,  
New Bongaigaon.

Sub: Appointment of Shri Sashi Bhusan Mehta  
as Emergency Peon under Dy.COS/NBQ.

Ref: 1. Your Note No. E/Misc/3 dt 1.5.95.  
2. Your letter No. E/Misc./3 dt 3.6.95.

---

Your request for engagement of Emergency Peon,  
made vide your letters quoted above, has been examined.  
It is informed that as there is no sanctioned post of  
Emergency Peon attached to the post of Dy.COS/NBQ, your  
request for engagement of Substitute Emergency Peon cannot  
be acceded to.

Sd/-

for General Manager(P)  
NF Railway, Maligaon.

...

## N. F. RAILWAY.

MEMORANDUM NO. 2/96.

Post facto sanction is accorded by the AGM with the concurrence of FA&CAO(F&B)/Maligaon for extension of currency of the workcharged posts of Stores Deptt. for a period as indicated against each post against the provision available in the sanctioned estimates in the Memorandum.

SN.	Designation of posts	Post operated		Provision available in the sanctioned estimates.	Remarks.
		From	To		
1.	Dy. COS/S&D	1.4.95	30.6.96	1/CE of 95-96	15 months.
2.	Dy. COS/NBQ	1.11.95	30.6.96	6/CE of 95-96	8 months.

for GENERAL MANAGER(P)/MLG.

No. E/41/232/2(0)

Maligaon, dated 8.1.1996.

Copy forwarded for information and necessary action to :-

1. FA&CAO(F&B)/Maligaon in ref. to his U/O No. FE/1/5/Pt.I dt 28.12.95.
2. FA&CAO/EGA/MLG
3. COS/Maligaon.
4. DRM(P)/APDJ.
5. DAO/APDJ.
6. CE/Maligaon.
7. Dy. CME/NBQ.
8. Principal Director of Audit/Maligaon.
9. OS/EQ Bill - 'P' Branch.
10. EO Cadre, 'P' Branch.

Sd/-  
for GENERAL MANAGER(P)/MLG.

Count - 1  
Copy

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BENCH AT GAUHATI.

ORIGINAL APPLICATION NO. 50 OF 1996

AJENDRA KUMAR MITTAL ..... PETITIONER.

VERSUS

UNION OF INDIA AND OTHERS ..... RESPONDANTS.

SUPPLIMENTARY AFFIDAVIT.

The petitioner most respectfully submits before the honourable tribunal, on oath, as under:

1.0 ADDITIONAL FACTS:

1.1 That, the petitioner had requested the respondents for appointment of Sri Sashi Bhusan Mehta, hereafter called as Mr. Mehta for the post of petitioner's bungalow peon/emergency peon, vide letter no.E/Misc/3dt. 1.5.95. This letter also contained application from Mr. Mehta addressed to the respondents, seeking his appointment. A copy of the abovesaid letter is enclosed herewith as Annexure - S.S.-1.

1.2 That, as per norms of appointment Mr. Mehta has been a person of the petitioner's choice, and otherwise also eligible for the said appointment, on the basis of his qualification and age etc.

1.3 That, the respondents have never intimated the petitioner disqualifying Mr. Mehta from the appointment on the basis of his merit/qualification.

1.4 That, Mr. Mehta's application is still pending with the respondents and he has not so far been given appointment.

1.5 That, Mr. Mehta has never been so far in any appointment under Government.

2.0 GROUND FOR RELIEF WITH LEGAL PROVISIONS:

Cond-2

*Ajendra*  
17.4.97

(Ajendra Kumar Mittal)

579  
21-4-97

Received by  
Ajendra Kumar Mittal  
B.K. Chatterjee  
R17-56  
21-4-97

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2.1 Because, Mr. Mehta applied for appointment on 1.5.95 and since then he has been fully eligible and competent to get the job of the post of bungalow peon/emergency peon.

2.2 Because, Mr. Mehta's candidature has never been disputed on merit by the respondents, therefore Mr. Mehta's appointment from the date of his application i.e. 1.5.95 is otherwise justified and legally O.K.

2.3 Because, Mr. Mehta has never got any Govt./SemiGovt. job, therefore his employment w.e.f. 1.5.95 for the abovesaid post is legally O.K.

3.0 PRAYER.

3.1 The honourable tribunal may kindly be pleased to direct the respondents to appoint Mr. Mehta as bungalow peon/emergency peon attached to the petitioner giving Mr. Mehta the benefit of arrears of pay of his salary w.e.f. 1.5.95.

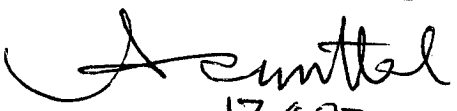
4.0 VERIFICATION.

I, Ajendra Kumar Mittal, S/O Late Narain Das, Dy. Controller of stores do hereby solemnly affirm on oath, as under:

1. That the contents of paras 1.1, 1.3 and 1.4 are based on perusal of records, those of paras 1.2 and 1.5 are based on my knowledge and belief and those of paras - nil are based on legal advice which all I believe to be true. No material fact/ truth has been concealed or suppressed by me.

Place :- Gauhati.

Date :- 17.4.97.

  
17.4.97  
( AJENDRA KUMAR MITTAL )  
PETITIONER - IN - PERSON

.....

ANNEXURE S-A-I

22

NORTHEAST FRONTIER RAILWAY

Office of the  
Dy. Controller of Stores,  
N.F.Rly, New Bongaigaon.

NOTE.

No. E/MISC/3

Dtd. 1/5/95.

Sub: Appointment of Sri Sashi Bhushan  
Mehta as Bungalow Peon under  
Dy. COS/N.F.Rly/New Bongaigaon.  
.....

An application in original alongwith School  
Certificate showing date of birth and educational  
qualification of the applicant is recommended for  
appointment as Bungalow Peon under me.

Please arrange to issue appointment letter,  
*after taking necessary action at your end*

*A. K. Mittal*

( A. K. Mittal )  
Dy. COS/N.F.Rly/NBQ.

C.M.M. PA to CPO

*Photocopy Attested*

*[Signature]*  
16-4-97

No SBA / 1

Date : 27.4.95

To

The Dy. Controller of Scores,  
N. Railway, New Bongaigaon.

Subj:- Appointment as Bungalow Peon.

Sir,

With due respect and humble submission I beg to state that it is learnt through some reliable source that post of one bungalow Peon is lying vacant under your control. I want to offer myself for the above post. My bio-data is given below :

1. Name :- Shashi Bhushan Mehta
2. Father's Name :- Shree Guresh Mehta
3. Date of birth :- 20-06-1976
4. Educational qualification :- Passed Class-IX (Certificate attached).
5. Other experience :- I have knowledge of Hindi, English and Assamese. I repair domestic electric appliances, C.V. electric welder.
6. Any other remarks :- I am a young man having sound physique. I work hard with efficiency.

It is hoped that I shall be given a chance to serve you. I assure that I shall discharge my duties through devotion, sincerity and honesty.

Thanking you,

Yours faithfully,

Shashi Bhushan Mehta

( Shashi Bhushan Mehta )  
Gr.No.483-D  
New Adabari Railway Colony  
Gandu, Gauhati-12.

The applicant is recommended  
for appointment as Bungalow  
Peon under me.

*A. K. Mittal*  
( A.K. MITTAL )  
30.4.95  
Dy. C.O.S. (NBQ)

Photocopy Attested

*[Signature]*  
16.4.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BENCH AT GAUHATI.

IN THE MATTER OF

O.A.NO. 50 OF 1996

AJENDRA KUMAR MITTAL

..... PETITIONER.

VERSUS

UNION OF INDIA & OTHER

..... RESPONDENTS.

IN THE MATTER OF:

REJOINDER AFFIDAVIT.

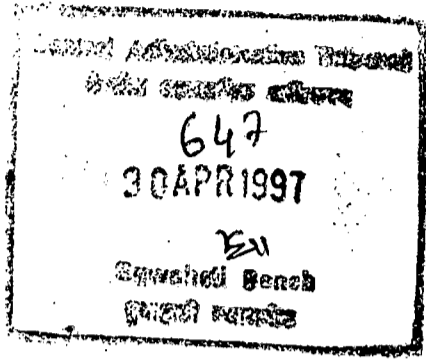
The abovesaid petitioner most respectfully submits on oath as under:

That, parawise remarks against the written statement are given below:

1. That, in reference to para 1 of the W.S. no remark is necessary from the petitioner.
2. In reference to para 2 of the W.S. it is submitted that contents of W.S. are general and needs no specific remark.
3. That, the respondents have neither admitted nor denied the contents of these five paragraphs, individually. This is not as per procedure of the law. Therefore all the facts submitted by the petitioner are assumed to be admitted by the respondents.
4. That, the contents of para are denied and that of the petition are reiterated.

*A. Mittal*  
22.4.97

30/4/97



*Received copy  
from B.C. Sharma  
30.4.97*

5. That, the respondents have admitted the contents of the application, hence no comment.

6. That, the content of the application are reiterated and that of W.S. are denied. It is also submitted that relative importance of these posts can be judged by the criteria that

a. J.A. Grade officer drawing basic pay less than Rs. 4500/- p.m. is entitled neither to an A.C. office room nor to travel on duty by A.C. First class. Whereas, the petitioner, a selection Grade officer is entitled to both these facilities/working conditions. It is ridiculous to provide junior post carrying less responsibilities with emergency peon, whereas a senior officer occupying higher post having more responsibilities and more need for the emergency peon is not so provided.

7. That, the contents of the application are not disputed by the respondents. It is further submitted that work charged posts are created against a specific work of temporary nature and spanning for a short duration. The respondents are fully responsible for not sanctioning the post of emergency peon alongwith the post being occupied by the petitioner. It is similar to a case of soldier without rifle/weapon. The Railway workshop at New Bongaigaon is functioning for the past three decades. It is surprising that it's Mechanical and Electrical officers are on regular post, whereas the Store officer(the petitioner ) is still on work-charged post.

8. That, the respondents have not disputed the contents-

*J. Senthil*  
27.4.97

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9

of the application. It is further submitted that the respondents have mentioned that provision of the post of emergency peon is not laid down in any service condition. No criteria has been given by the respondents for sanction of emergency peon. It therefore, clearly indicates that the respondents provide emergency peon to officer purely at their choice, sweet will and whim, never on the basis of merit of the post.

9. That, non-provision of the emergency peon to the petitioner is unjustified, illegal and full of discrimination, and that is why the petitioner approached this hon'ble tribunal for redressal of his grievances.
10. That, no comments are offered.
11. That, the annexure referred to above is A-4 (not A-5, which is due to typing error). No further comments are necessary now.
12. That ever since the petitioner joined on the present post, he has been persuing with the respondents for provision of emergency peon. The petitioner has met repeatedly Mr.S.Paul, Controller of Store who had been telling that Mr.Paul had been persuing the matter with respondent no.3 and fruitful result would come soon, but of no avail. The petitioner also wrote a d.o. letter to the respondents no. 2 vide no.AKM/Dy.COS/Misc/12 dated 6.9.95(Copy enclosed as annexure R.A.I.).

*Submitted*  
22.4.97

It is learnt that the respondent no.2 agreed with the view-point of the petitioner and ordered for provision of emergency peon but respondent no. 3 being the concerned officer did not carry out orders. Also there was a proposal for provision of emergency peon for the petitioner's post and it is learnt that ~~two~~ has been objected to and shelved by the respondent no. 3. The so called outstanding officer of the Railway (respondent no.3) is discriminating the petitioner against the Art. 14 of the constitution.

13. That the contents of WS are denied and that of the petition are reiterated.

14. That the contents of the petition are reiterated.

15. i) That the Railway workshop at New Bongaigaon has like Mechanical department also Store department as it's integral part. The workshop is regularly functioning for the past more than three decades. It is surprising that Mechanical and Electrical officers are on regular post but Store officer(Petitioner) is still on work-charged post. The estimate probably covers 6-8 five year plans and it is still for some temporary work.

ii) Estimate includes post of J.A. Grade officer but post of emergency peon has been deliberately left over purely as malice against the petitioner. Had the respondents' been concerned the post of emergency peon could

have been created/sanctioned by the local authorities in time. Almost all the work charged posts of J.A. Grade and even lower i.e. senior scale on Railways are provided with emergency peons. Some examples are DY.C.O.S./Construction/ Maligaon and S.S.O. Allahabad **CORE**.

iii) The responsibility and the importance of a post is judged by its scale of pay. The respondents can not ignore the provision of emergency peon to the petitioner as because the requirement of emergency peon with the post is to be examined. It is immaterial whether the post is regular (Revenue expenditure) or work-charged (estimate against a specific work/project).

iv) When there is necessity of provision of emergency peon to the junior officers in the workshop it is surprising that in the same workshop a senior officer having more responsibilities is not so provided with. The respondents may designate any post as work-charged as per their choice and thus they have refused the emergency peon without any justification.

v) No criteria for provision of emergency peon has been laid down by the respondents, in service condition, it means that provision to one officer and non-provision to other is purely arbitrary in the hands of the respondents.

LIST OF ANNEXURE:-

D.O.Letter no.AKM/Dy.COS

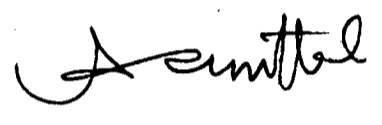
MISC/12 dated 6.9.95 ..... R.A.I.

*A. Senthil*  
27.4.97

29  
38

I, Ajendra Kumar Mittal, son of late Narain Das, aged 53 years, R.O.R-34, Officers' colony, N.F.Railway, New Bongaigaon do hereby solemnly affirm on oath and verify that contents of para 3,7,9,10,11, 12,14 and 15 are based on perusal of records, those of paras 1,2,4,5,6,8,12 and 13 are based on my personal knowledge and belief and those of paras 3,6,8,9 and 15 are based on legal advice which all I believe to be true. No material fact has been suppressed or concealed.

So help me God.



Place:- New Bongaigaon./

( AJEMDRA KUMAR MITTAL )

Date:- 27.4.1997.

Petitioner.

IN PERSON

.....

N. F. RAILWAY:

Confidential

Office of the  
Dy. Controller of Stores,  
New Bongaigaon.

No. AKM/Dy COS/Misc/12

Dated 6/9/95.

Dear Sri Sinha

Sub:- Appointment of Emergency Peon  
attached to Dy. COS/NBQ.

With due regard I want to bring <sup>to</sup> your kind notice the following points for judicious and favorable consideration.

- 1) I am a selection grade officer and for the last one year I am posted as Dy. COS/NBQ.
- 2) The post of Dy. COS/NBQ is a work charged post which was being operated at HQ and it was restored back to NBQ against which I joined vide Office Order no. 130/94/Store.
- 3) No bungalow peon was ever attached to this post also in the past, even if the post was sanctioned in the estimate.
- 4) In NBQ Workshop Dy. CME and also DEE are having bungalow Peon attached to them.
- 5) Both these officers are junior to me in grade. Also on the basis of duty if Dy. CME and DEE have bungalow Peons attached to them then the post of Dy. COS also deserves attachment of Bungalow Peon.
- 6) Non-availability of bungalow Peon to Dy. COS seems to be quite illegal harassing, demoralising and defamatory.
- 7) I have been facing for the past one year great difficulty, discrimination and loss of prestige in the back-ground of above facts.
- 8) The above subject has been brought to the notice of all concerned officers but no fruitful result has come out.
- 9) APPEAL.

It is, therefore, requested that a post of Emergency Peon may please be sanctioned. This depot has sufficient vacancy of class IV staff and 2 (Two) post of Khalasi can be immediately surrendered so that economy of the Railway is not effected.

With best regards,

Yours sincerely,

(A. K. Mittal 999)

Dy. COS/NBQ

To  
Sri A. N. Sinha  
GM/N.F. Railway/MLG.

Attached

104197  
श्री. श्री. सिन्हा, सहायक निरीक्षक,  
असिस्टेंट कंट्रोलर ऑफ स्टोर्स  
N. F. Railway, New Bongaigaon