

50/100

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-212/96 order sheet pg-1 to 2

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Disposed date-09/12/96

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Disposed date-10/12/96

O.A/T.A No...80/96.....

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

E.P/M.A No...212/96.....

1. Orders Sheet OA-80/96Pg. 1to 4.....
2. Judgment/Order dtd. 05/6/97Pg. NO be paget order dismissed.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
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6. R.A/C.P. M.P-216/96Pg. 1to 6.....
7. W.S.Pg. 1to 6.....
8. Rejoinder..... NILPg.to.....
9. Reply..... NILPg.to.....
10. Any other Papers..... NILPg.to.....
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12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

✓ CA No. 80/96
MP No. (CA)
RA No. (CA)
CP No. (CA)

Dr. Parvati Ch. Boman & Ors. APPLICANT(S)
VERSUS
UOI & Ors. RESPONDENT(S)

Mr. Debajyoti Goswami Advocate for the applicant.
P. K. Goswami

Mr. B.K. Sharma & Ors. Advocate for the Respondents.

Office Notes 27 Court's Orders

28.5.96

Learned counsel Mr. P.K. Goswami for the applicants. None for the respondents.

There are 24 applicants and they have sought permission to join together in a single petition under Rule 4(5)(a) of the C.A.T(Procedure Rules 1987. Heard Mr Goswami. Prayer allowed in terms of Rule 4(5)(a) of the C.A.T(Procedure) Rules 1987 as they fulfil the condition prescribed under the Rule.

Heard Mr Goswami for admission. Perused the contents of the application and the reliefs sought. The application is admitted subject to determination of limitation in the final hearing. Issue notice on the respondents by Registered Post. Written statement within 6 weeks.

List on 17.7.96 for written statement and further orders.

Heard Mr Goswami on the interim relief prayer. The interim relief as prayed for cannot be granted in this O.A. However, the applicants will be at liberty to

Time application is in force and within time C. E. of Rs. 50/- deposited vide IPO/DP No. 346/05 dated 22.5.96.

Mr. P. K. Goswami
24/5

11-6-96

Notia issued to the parties on 12.6.96.
Bow

28.5.96

file a separate O.A. in the matter of transfer without prejudice to the rights and contentions raised in this application.

-It is made clear that pendency of this O.A. shall not be a bar for the respondents to consider regularisation of the services of the applicants.

[Signature]
Member

pg

17.7.96

Written statement has not been submitted.

List for written statement and further orders on 9.8.96.

[Signature]
Member

pg

9.8.96

Mr B.K. Sharma, learned counsel for the respondents seeks time for filing written statement.

List for written statement and further orders on 3.9.96.

[Signature]
Member

nkm

3.9.96

None present. Written statement has not been submitted.

List for written statement and further orders on 3.10.96.

[Signature]
Member

pg

[Signature]
3/5

1) Service Reports are still awaited.
2) W/statement has not been filed.
28/6/97

1) Service Reports are still awaited.
2) W/statement has not been filed.
28/8/96

1) Service Reports are still awaited.
2) W/statement - has not been filed.
2/9

1) Service Reports are still awaited.
2) W/statement has not been filed.
1/10

2

3.10.96 None present. Written statement has not been submitted.

List for written statement and further orders on 15.11.96.

ba
Member

15-10-96

pg
m
3/10

A/S filed by me

Resps. at pg 32-37 15.11.96

None present. Written statement has been submitted. Copy of the same may be served on counsel of the applicant.

List for hearing on 13.12.96.

Copy of A/S sent to applicant.

ba
Member

Service reports are still awaited

pg

m
15/11

pl. comply.

m
15/11/96

14/11

(4)

O.A. 80 of 1996

11.4.97

Let the case be listed on 29.4.97 for further orders.

[Signature]
Member

[Signature]
Vice-Chairman

trd
[Signature]
12/19

28.4.97

Case is ready for hearing. 29-4-97

On the prayer of Mr. S. Sharma on behalf of learned Railway counsel Mr. B.K. Sharma case is adjourned to 1-5-97 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

lm
[Signature]

1.5.39/4

There is no representation on behalf of the applicants. For the ends of justice hearing is adjourned till 5.6.1997.

w/s. for hearing

[Signature]
Member

[Signature]
Vice-Chairman

trd
[Signature]
5/5/97

5.6.97

There is no representation on behalf of the applicant. Mr B.K.Sharma, learned Railway counsel is present on behalf of the respondents.

In view of the above application is dismissed for default.

[Signature]
Member

[Signature]
Vice-Chairman

9.6.97

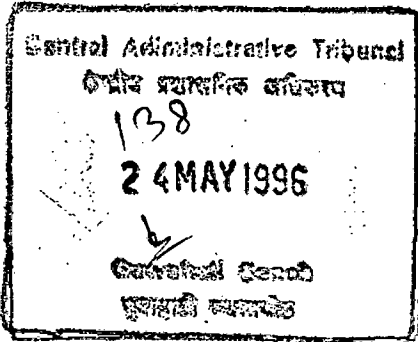
Copy of the order has been sent to the D/Sec. for issuing the same to the L/Advs of the parties.

9/6 received with D.No. 2136 of 21/37 on 16.6.97 pg 6/6

27/5/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

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



O.A. No. 80 /96

Shri Parosh Chandra Barman
and others.

- Applicants,

-Versus-

The Union of India & others,

- Respondents,

I N D E X

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For the use in Tribunal's Office

Copy received
B. K. Sharma
20.5.96
B.K. Sharma, RA.

Date of filing : 24.5.96
Registration No. : OA 80/96
Registrar,

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

BENCH ::::::: GUWAHATI.

Filed by
Sri Rabindra Nath Barman
Through
Pradip M. Goswami
Advocate 20/5/96

DETAILS OF THE APPLICATION :-

1. Particulars of the Applicants, -

1. Sri Paresh Ch. Barman,
Son of Simbhu Ram Barman,
Vill - Porakuchi, P.O. - Sondha,
Dist. - Nalbari.
2. Sri Bhaben Barman,
Son of Late Sona Ram Barman,
Vill - Porakuchi, P.O. - Sondha,
Dist. - Nalbari.
3. Sri Bishay Chandra Das,
Son of Late Furka Das,
Vill - Hatikuchi, P.O. Tulsibari,
Dist. - Kamrup.
4. Sri Rabindra Nath Barman,
Son of Sri Simbhu Ram Barman,
Vill. - Porakuchi, P.O. - Sondha,
Dist. - Nalbari.
5. Sri Gamir Ali,
Son of Late Haider Ali,
Vill. - Uttar Bordol, P.O. - Bordol,
Dist. - Kamrup.

6. Sri Dwipen...

6. Sri Dwipen Kalita,
Son of Late Phatik Ch. Kalita,
Vill. & P.O. - Sondha,
Dist. - Nalbari.
7. Sri Ramesh Ch. Kalita,
Son of Sri Kaniram Kalita,
Vill. - Bishemala,
P.O. - Jantola,
Dist. - Kamrup.
8. Sri Anirudha Barman,
Son of Late Desharam Barman,
Vill - Paikar Kuchi,
P.O. - Sondha,
Dist. - Nalbari.
9. Sri Jamsed Ali,
Son of Late Samir Ali,
Vill. - Khundikar, P.O. Deolkuchi,
Dist. - Kamrup.
10. Sri Dahiram Boruah,
Son of Late Abhoi Boruah,
Vill. - Porakuchi, P.O. Sondha.
Dist. - Nalbari.
11. Sri Gajendra Boruah,
Son of Late Magara Boruah,
Vill. Porakuchi, P.O. - Sondha,
Dist. - Nalbari.
12. Sri Samsar Ali,
Vill & P.O. Udiana,
Dist. - Kamrup.

13. Sri Sahir Ali,
Son of Faiznur Ali,
Vill. & P.O. Udiana,
Dist. - Kamrup.
14. Sri Malek Ali,
Vill. - Kaol Mari,
Dist. - Nalbari.
15. Sri Kutub Ali,
Son of Gani Ali,
Vill - Kurari Salmora,
P.O. - Rangia,
Dist. - Kamrup.
16. Sri Taizul Islam,
Vill. - Rangapani,
P.O. - Barghuli,
Dist. - Kamrup.
17. Sri Keshab Ch. Kalita,
Vill. - Tulsibari,
P.O. - Tulsibari,
Dist. - Kamrup.
18. Sri Pratul Barman,
Son of Sri Lakhi Barman,
Vill. - Paikar Kuchi,
P.O. - Sondha,
Dist. - Nalbari.
19. Sri Dayaram Saloi,
Vill - Kaolmari,
Dist. - Nalbari.

20. Sri Ramesh Rajbanshi,
Son of Sri Ranjit Rajbanshi,
Vill. - Bhadra Mangal,
P.O. - Khatikuchi,
Dist. - Nalbari.
21. Sri Karimuddin Ahmed,
Son of Late Fazar Ali
Vill & P.O. - Udiana,
Dist. - Kamrup.
22. Sri Jogen Ch. Das,
Son of Laghanu Ram Das
Vill. - Bishennala,
P.O. - Jamtala,
Dist. - Kamrup.
23. Sri Naren Ch. Kalita,
Son of Late Apinta Kalita,
Vill. - Bishennala,
P.O. - Jamtala
Dist. - Kamrup.
24. Sri Sarbeswar Barman,
Son of Late Maheswar Barman,
Vill. - Porakuchi, P.O. Sandha,
Dist. - Nalbari.

- APPLICANTS,

2. Particulars of Respondents, -

1. The Union of India,
Represented by -
The Secretary to the Govt. of India,
Ministry of Railway,
New Delhi.

2. The General Manager,
N.F. Railway, Maligaon,
Guwahati - 781 011.
3. The Divisional Railway Manager(P),
N.F. Railway, Alipur Division,
Alipur Duwar.
4. The Deputy Chief Engineer(Con),
Maligaon,
Guwahati - 781 011.

- Respondents.

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

This application is directed against non-regularisation and non-screening of the services of the applicants, for which they have been deprived from enjoyment of their rights as employees, in spite of rendering valuable service for a continuous period of more than 12 years.

4. JURISDICTION OF THE TRIBUNAL :-

The applicants declares that the subject matter of this application is well within the jurisdiction of this Tribunal as all the applicants are employees of the Central Government and the dispute relates to their service conditions. The subject matter of the Case are common to all the petitioner/applicants. As such they may be allowed to approach jointly through the Single petition under Rule 4(5) of the CAT (Proceedings) Rules 1987.

5. LIMITATION :-...

5. LIMITATION :-

The applicants further declare that this application is within the period of limitation. And there has been no action/order made, either allowing or disallowing the various representations of the applicants by the Respondents.

6. Facts of the Case :-

(i) That the applicants are citizens of India and are permanent residents of Assam.

(ii) That all the applicants have been engaged/ recruited in the Railways, after being duly selected by the Railways Selection Board as Casual Gangeman in the year 1984 under the PWL/CON/Rangia, N.F. Railway. Since the date of their joining as such, all of them have been rendering their valuable service continuously till date. As such, all of them have completed more than 120 working days.

A few copies of those appointment letters are annexed hereto which are marked as Annexure "A(1)", "A(2)", "A(3)", "A(4)" and "A(5)".

(iii) That

(iii) That as per their appointment letters the applicants had joined to their services and subsequently they were transferred to different places.

A statement as to the list showing their respective joining date as well as transfer of the applicants is given as under :-

Sl.	Name of the applicants	Date of joining	Transfer Orders
1	2	3	4
1.	Parash Ch. Barman	3-5-84	Transferred to CPWI/BG/CON/PNO in 1986 and at present working in Guwahati.
2.	Sri Bhaben Barman	3-5-84	-do-
3.	Sri Bishey Ch. Das	3-5-84	-do-
4.	Sri Rabindra Nath Barman	3-5-84	Transferred to CPWI/CON/BVU in the year 1988 and subsequently transferred in 1993 and 1995, at present serving in Gauhati.
5.	Sri Gamir Ali	17-5-84	Transferred to Alipur/BG/CON/PNO and now serving at Guwahati.

Sl. No.	Name of the applicants	Dt. of joining	Transfer order
6.	Sri Dwipen Kalita,	17.4.84	Transferred to CPWI/BG/CON/PNO in the year 1986 and again transferred to PWI/Q-C/C/JID and at present working in Guwahati.
7.	Sri Ramesh Ch. Kalita	3-5-84	Transferred to CPWI/BG/CON/PNO and subsequently transferred to PWI/G-C/CON/JID in 1994 and presently working in Guwahati.
8.	Sri Anirudha Barman	17-4-84	Transferred to CPWI/BG/C/PNO in 1986. Now working at Guwahati PNO.
9.	Sri Jamsed Ali	17-4-84	Transferred to CPWI/BG/C/PNO in 1986 and subsequently transferred to PWI/G-C/CON/DGU in 1990 and is working in the same place.
10.	Sri Doloi Ram Baruah	17.4.84	Transferred to CPWI/BG/C/PNO in 1986. Subsequently transferred to PWI/BG/O/Barua and PW.I/BG/C/ID and at present at JID.

Sl. No.	Name of the applicants	Date of joining	Transfer orders
1	2	3	4
11.	Sri Gajendra Boruah	17.4.84	Transferred to CPWI/BG/CON/PNG/ in 1986. Subsequently transferred to PWI/BG/C/Borsoi next transferred to PWI/F-G/C/JID and was working at JID.
12.	Sri Samsher Ali	17-4-84	Transferred to CPWI/CON/BVU in 1988. Subsequently transferred to PWI/G-C/CON/JID and afterwards transferred to PWI/G-C/C/DGU and at present working there.
13.	Sri Sahir Ali	17-4-84	-do-
14.	Sri Malek Ali	17-4-84	Transferred to CPWI/BG/C/PNO in 1986. Subsequently transferred to PWI/BG/C/Borsoi and afterwards transferred to PWI/G-C/C/JID and now working there.
15.	Sri Kutub Ali	17-4-84	-do-

Sl. No.	Name of the applicants	Date of joining	Transfer orders
1	2	3	4
16.	Sri Taizul Islam	26-3-84	Transferred to CPWI/BG/C/PNO in 1986 and subsequently transferred to PWI/BG/C/Barsoi and afterwards transferred to PWI/G-C/C/JID and now working there.
17.	Sri Keshab Ch. Kalita	17-4-84	-do-
18.	Sri Pratul Barman	17-4-84	Transferred to CPWI/BG/C/PNO. Subsequently transferred to PWI/BG/C/Malda in 1987 and again transferred to PWI/C/JID in 1993 and is working there.
19.	Sri Daya Ram Saloi	-do-	Transferred to CPWI/BG/C/PNO in 1986 and transferred to PWI/BG/C/Barsoi and transferred to PWI/G-C/C/JID and is working there.
20.	Sri Ramesh Rajbangshi	-do-	-do-
21.	Sri Karimuddin Ahmed	-do-	Transferred CPWI/BG/G/Bru in 1988 afterwards transferred to PW.I/G-C/CON/JID.
22.	Sri Jogen Ch. Das	17-4-84	Transferred to CPWI/BG/CON/PNB in 1986. Next transferred to PWI/BG/C/Barsoi and again transferred to PWI/B-C/CON/JID in 1992.

Sl. No.	Names of the applicants	Date of joining	
23.	Sri Naren Ch. Kalita	17-4-84	Transferred to CPWI/BG/O/PNO in 1986 and now working there.
24.	Sri Sarbeswar Barman	-do-	Transferred to CPWI/BG/CON/PNO in 1986. Subsequently, transferred to PWI/BG/C/Barsoi and again transferred to PWI/C-C/C/HJI. Now working at HJI.

*Applicants are
Casual labourers -*

(iv) That these applicants beg to state that as mentioned above all of them have completed more than 120 days of work day continuously and as such they are entitled to get permanent employment with consequential benefits as given to other employees under the Railways Department.

(v) That the applicants beg to state that under the Railway Board's circular No.E(RG)11-75-CL/77 dated 12-11-75 casual labourers and substitutes who have completed 4 (four) months continuous service should be considered for empanellment by the Screening Committee

for absorption...

for absorption against regular Class IV posts. The substitutes who put in four months continuous service is entitled to all rights and privileges admissible to them and the persons who have thus acquired status should be immediately screened for empanelment.

(vi) That the applicants beg to state that they were recruited initially after conducting a Selection Test in 1986 but they are not regularised till to-day, while some other persons engaged much latter to the applicants, were already regularised, but not the applicants.

(viii) That the applicants beg to state that some persons recruited much later to your applicants have already been absorbed on regular basis. But the applicants have not yet been posted on regular basis in spite of several representations made by them.

(viii) That the applicants beg to state that as per Railway Board's circular and procedure the applicants are entitled to be empanelled for regularisation through Screening Test.

(ix) That the applicants beg to state that they have been transferred from place to place as stated above but they are not getting the benefits,

as they

as they are not regarded as regular employees, even after serving for more than 12 years in the Department.

(x) That unless the applicants are put in the process of screening and regular absorption in the Railways there would be no ~~no~~ certainty of their job; moreover the applicants having crossed the age limit, cannot go for other Government jobs.

(xi) That the applicants submit that although they have acquired their regular status by operation of Law, long back on completion of 120 working days, they were not put in the process of screening and empanelment for regular appointment.

(xii) That the applicants beg to state that the action of the Respondents are discriminatory illegal and arbitrary and inoperative in the eye of Law inasmuch as some of the persons appointed along with the applicants under the same Division have already been regularised after screening and they have been posted against regular vacancies.

A list of the name of some of those regularised persons under Alipur Division is given as under :-

Name

<u>N a m e</u>	<u>Date of Appointment</u>
1. Sri Haladhar Bora	17-4-84
2. Sri Bipin Chandra Bora	-do-
3. Sri Umesh Ch. Boro	17-4-84
4. Sri Parikshit Namasudra	17-4-84
5. Sri Birsing Boro	-do-
6. Sri Kalaram Bora	-do-
7. Sri Santi Bora	-do-
8. Sri Suben Boro	-do-
9. Sri Kamalcswar Boro	-do-
10. Sri Gopal Das	17-4-84

As such, there is a discrimination writ large.

(xiii) That the applicants beg to state that some of the persons employed under the same Division as that of the applicants under Alipur Division, have already been screened by the Lunding Division and posted under the said Division on regular basis whereas the case of the applicants were not considered by the Respondents.

A list of some of such persons are given below :-

<u>Name</u>	<u>Date of appointment</u>
1. Sri Nagendra Nath Barman	27-3-94

2. Sri

<u>N a m e</u>	<u>Date of appointment</u>
2. Sri Kuddush Ali	27-3-94
3. Sri Jaicharan Tamuli	27-3-94
4. Sri Tabib Ali	-do-
5. Sri Umesh Ch. Das	-do-
6. Sri Nagendra Nath Boro	27-3-84
7. Sri Gani Ali	27-3-84

(xiv) That your applicants beg to state that some of the persons employed much later later to the applicants have also been regularised by the Lunding Division after screening whereas the applicants who have been employed under the Alipur Division have not been screened and posted as yet.

A list of some of the persons employed later to the applicants who have been screened and appointed regularly is given below :-

<u>N a m e</u>	<u>Date of appointment</u>
1. Sri Haradhan Biswas	In 1985
2. Sri Gopal Dutta	-do-

(xv) That the applicants have been drawing their salaries since their appointment upto the month of Aprio, 1996 and they are still attending to their duties as before, but they are not allowed to sign

any

any attendance register presently and there is a whisper that applicants have been transferred to some other places ^{within} ~~under~~ the State. However, no notice or information whatsoever has been served to the applicants as yet.

(xvi) That on enquiry the applicants could come to know that purported office letter has been issued by the Respondent No.4 vide office order No.81-E dtd. 26-2-96 transferring your applicants. Be it stated that no copy has yet been served upon the applicants nor any information has been given to them nor they have been released from their services as yet.

A copy of the said letter is annexed hereto and marked as Annexure "B".

(Xvii) That the applicants beg to state that as no screening has been done in respect of the applicants they have been financially effected in each case of transfer as they have not been allowed to draw benefits like Transfer Allowance, Insurance Benefits, Pensionary benefits and the like benefits.

(Xviii) That the applicants beg to state that for not screening of the applicants their promotional scope have been held up even after serving for more

than

than 12 (twelve) years continuously.

(xix) That being aggrieved the applicants preferred several representations before the authority concerned, but till date no action has been taken by the Respondents for regularisation of the service of the applicants.

A copy of these representations is annexed hereto as Annexure "C".

7. GROUNDS FOR RELIEF :-

The reliefs are prayed for on the following amongst grounds, -

(A) For that as per Railway Rules the applicants have acquired the status of other regular employees on completion of 120 days of service and have earned seniority too and as such, this cannot be denied to them.

(B) For that the Respondents ought to have treated the applicants as regular railway servants in the 4TH Grade cadre immediately on completion of four months (120 days) working days and ought to have put them in the process of screening and regular posting without much delay.

(C) For that

(C) For that for the apathy of the Respondents the Junior of the applicants have been put in the process of screening test before the applicant which is discriminatory and violative of Article 14 of the Constitution of India.

(D) For that the applicants have been denied the benefits to which they are entitled to.

(E) For that the suitability or otherwise was to be adjudged after completion of the period of four months (120 days) and ought to have in fact, put the applicants for screening and regular posting but in the instant case the same has been denied, in spite of rendering their satisfactory service and being posted against regular vacancies.

(F) For that there is no job security of the applicants inasmuch as they have crossed the age limit for another Government service.

(G) For that for negligence of the department in keeping records correctly and delay in processing the applicant's Case and disposing of the applicants' claim, they are put to suffer enormous loss and injury.

8. Relief

8. RELIEF SOUGHT FOR :-

In the facts and circumstances stated above, the applicants pray for the following reliefs.

- (a) A direction that the applicants have acquired the status of regular workman under the Railways Department.
- (b) A direction for screening the applicants for their empanelment for their regular appointment/position.
- (c) To give all the service benefits entitled by ^a/Railway servant, namely, yearly increment; leave, railway pass, medical benefit, provident fund, pensionary benefit, quarter facility etc. to the applicants.
- (d) To pass an interim order staying the operation of the purported order No.81-E dated 26-2-96 issued by the Respondent No.4.
- (e) And any other relief the applicants are entitled under the law and equity.

9. INTERIM ORDER, IF PRAYED FOR :-

Pending....

Pending disposal of this application the Hon'ble Tribunal may be pleased to pass interim order for staying the operation of the impugned order dated 26-2-96 (Annexure "B") and direction may be issued to the Respondents to allow the applicants to serve in their ^{Present} respective posts and not to ^{disturb the} ~~terminate them~~ ^{Continuity of} ~~from~~ their services during the pendency of this application.

10. DETAILS OF REMEDIES EXHAUSTED :-

The applicant declares that there is no other alternative efficacious remedy available to the applicants at present than to prefer this application under the facts and circumstances of the Case and after denial of justice to them.

11. IF THE MATTER IS PENDING IN ANY OTHER COURT, -

The applicants declare that no application has been filed by the applicant in any other Court regarding the matter involved in the application and as such no application is pending in any court.

12. PARTICULARS OF POSTAL ORDER/BANK DRAFT IN RESPECT OF THE APPLICATION FEES :-

A. (i) Name of the Bank on	:-		Nil
which drawn			
(ii) Demand Draft No.	:-		

- B. (i) Indian Postal Order No. : B09-346105
²²⁻⁵⁻⁹⁶
(ii) Name of the Issuing Office : Guwahati GPO
(iii) Date of issue of the IPO : 20th May, 1996.
(iv) Post Office at which : At Guwahati G.P.O.
payable at. dated 22/5/96 for Rs. 50.00

13. DETAILS OF INDEX :-

An index containing the details of the documents to be relied upon is enclosed.

14. LIST OF ENCLOSURES :-

As stated in the Index.

V e r i f i c a t i o n

Verification

I, Sri Rabindra Nath Barman, Son of Sri Simbhuram Barman aged about 32 years by profession employees under the Railway Department Guwahati, resident of Guwahati, Assam, do hereby solemnly affirm and verify that the contents of this application from paragraphs nos 1 to 14 are true to my knowledge as one of the applicants and that I have not suppressed my material facts.

And I sign this verification on this 20th day of May 1996 at Guwahati.

Sri Rabindra Nath Barman,
Signature of the
Applicant.

- 22 -

GOVERNMENT OF ASSAM Annexure "A(1)"
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE :: NALBARI

No.ORD-9/84/1676-98 Dated Nalbari, the 2-5-84.

To

Sri Paresh Ch. Barman,
Regn. No.3979/82

Sub:- Recruitment of Casual Gangman

Dear Sir,

You have been selected by the Selection Board for the post of Casual Gangman under the PWI/Con/Rangiya, N.F. Railway.

You are, therefore, requested to report to PWI/Con/Rangiya, N.F. Railway immediately (within 3 days) with all certificates in original and Employment Exchange Registration Card.

No T.A./D.A. is admissible for the purpose.

Yours faithfully,

Sd/- x x x
2.5.84

(P. C. Sarma)
Assistant Employment Officer,
Employment Exchange, Nalbari.

Copy to :-

The Assistant Engineer, PWI/Con/Rangiya, NF Railway, for information & necessary action with reference to his letter No. Nil dated 30-4-84.

Sd/- x x x
(P. C. Sarma)

Assistant Employment Officer
Employment Exchange, Nalbari.

referred
Under the Government
Advocate 20/5/84

30

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Annexure "A(2)"

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR :::
EMPLOYMENT EXCHANGE ::: NALBARI

No.ORD-9/84/1380-1547 Dtd. Nalbari, the 16th April/84

To

Sri Sahir Ali,
Regn. No.7429/83

Sub:- Recruitment of Casual Gangman.

Dear Sir,

You have been selected by the Selection Board for the post of Casual Gangman under the PWI/Con/Rangiya, N.F. Railway.

You are, therefore, requested to report to PWI/Con/Rangiya, N.F. Railway immediately (within 3 days) with all certificates in original and Employment Exchange Registration Card.

No T.A./D.A. is admissible for the purpose.

Yours faithfully,

Sd/- x x x
(P.C. Sarma)
Assistant Employment Officer,
Employment Exchange, Nalbari.

Copy to :-

The Assistant Engineer, PWI/Con/Rangiya, N.F.Rly.
for information and necessary action with reference to his letter No.Nil dtd. 16.4.84.

(P.C. Sarma)
Assistant Employment Officer
Employment Exchange, Nalbari.

*Attested
By Mr. G. G. G. G.
20/4/84*

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Annexure "A(3)"

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR,
EMPLOYMENT EXCHANGE : NALBARI

No.ORD-9/84/1380-1547 Dtd. Nalbari, the 16th Apr '84.

To

Sri Samsheer Ali,
Regn. No.438/83

Sub:- Recruitment of Casual Gangman.

Dear Sir,

You have been selected by the Selection Board for the post of Casual Gangman under the PWI/Con/Rangiya, N.F. Railway.

You are, therefore, requested to report to PWI/Con/Rangiya, N.F. Railway immediately (within 3 days) with all certificates in original and Employment Exchange Registration Card.

No T.A./D.A. is admissible for the purpose.

Yours faithfully,

Sd/- xxx
(P. C. Sarma)
Assistant Employment Officer
Employment Exchange, Nalbari

Copy to :-

The Assistant Engineer, PWI/Con/Rangiya, N.F. Rly., for information and necessary action with reference to his letter No. Nil dt. 16-4-84.

(P.C. Sarma)
Assistant Employment Officer,
Employment Exchange, Nalbari.

*Attached
Order for Goswami
Advocate 20/5/84*

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Annexure "A(4)"

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE : NALBARI

No.ORD-9/84/1380-1547 Dtd. Nalbari, the 16th.Apr '84

To

Sri Karimuddin Ahmed,
Regn. No.58/83

Sub:- Recruitment of Casual Gangman.

Dear Sir,

You have been selected by the Selection Board for the post of Casual Gangman under the PWI/Con/Rangiya, N.F. Railway.

You,are,therefore, requested to report to PWI/Con/Rangiya,N.F. Rly. immediately (within 3 days) with all certificates in original and Employment Exchange Registration Card.

No T.A./D.A. is admissible for the purpose.

Yours faithfully,

Sd/- x x x
16-4-84

(P. C. Sarma)

Assistant Employment Officer
Employment Exchange,Nalbari.

Copy to :-

The Assistant Engineer, PWI/Con/Rangiya,N.F.R.
for information and necessary action with request to his letter No. Nil dtd. 16.4.84.

(P.C.Sarma)
Assistant Employment Officer
Employment Exchange,Nalbari.

*Checked
Pradyu Mr. Goswami
Advocate 20/8/96*

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Annexure "A(5)"

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE : NALBARI

No.ORD-9/84/1676-98

Dtd. Nalbari, the 2-5-84.

To

Sri Ramesh Kalita,
Regn. No.2898/78

Sub:- Recruitment of Casual Gangman.

Dear Sir,

You have been selected by the Selection Board for the post of Casual Gangman under the PWI/Con/Rangiya, N.F. Railway.

You are, therefore, requested to report to PWI/Con/Rangiya, N.F. Railway, immediately (within 3 days) with all certificates in original and Employment Exchange Registration Card.

No T.A./D.A. is admissible for the purpose.

Yours faithfully,

Sd/- XXX

2-5-84

(P.C. Sarma)

Assistant Employment Officer,
Employment Exchange, Nalbari.

Copy to :-

The Assistant Engineer, PWI/Con/Rangiya, NF Rly, for information and necessary action with reference to his letter No. Nil dated 30-4-84.

Sd/- x x x
(P.C. Sarma)

Asstt. Employment Officer,
Employment Exchange, Nalbari.

*Attested
Pradyot M. Goswami
Advocate 20/3/76*

Annexure "B"

OFFICE OF THE
Deputy Chief Engineer/Con/GC/MLG , Guwahati - 781 011.

Office Order No.81-E

Dated 26-2-96

Following unscreened CL/CPC of this unit
have been transferred and posted as mentioned against
each in their same capacity, pay & Scale with immediate
effect.

<u>S/No.</u>	<u>Name & Designation</u>	<u>At present working</u>	<u>Posted under</u>
1.	Sri Ratneswar Bora, G/man	PWI/G/CPK	Dy. CD/C/MXN
2.	Sri Bhaben Hazarika, "	PWI/C/HJI.	"
3.	Sri Basudev G/man	"	"
4.	Sri Buddhalal Lama "	"	"
5.	Sri Srikanta Das "	CPWI/C/PNO	"
6.	Sri Rahijuddin "	PWI/C/JID	"
7.	Sri Ajit Kr. Sen "	PWI/C/CPK	"
8.	Sri Bijoy Kr. Ghosh, Chow.	DSK/C/PNO	"
9.	Sri Narayan Bara, G/man	PWI/C/NGC, New Guwahati.	"
✓ 10.	Sri Bhaben Barman "	CPWI/C/PNO	"
✓ 11.	Sri Bikhay Ch. Das "	"	"
✓ 12.	Sri Paresb Barman "	"	"
✓ 13.	Sri Ramesh Kalita "	PWI/C/NGC	"
✓ 14.	Sri Rabindranath Barman, Gangman	PWI/C/DGU(Digaru)	"
15.	Sri Bhulan Pd. Kha "	IOW/C/HQ	"
16.	Sri Gomir Ali, G/man	CPWI/C/PNO	"
✓ 17.	Sri Dwipen Kalita, "	PNI/C/DGU	"

S/No.....

Attested
Pradyumn J. J. J.
Advocate
20/2/96

<u>Sl.No.</u>	<u>Name & designation</u>	<u>At present working</u>	<u>Posted under</u>
18.	Dharmeswar Talukdar, G/man	PWI/C/DGU	Dy. CE/C/MXN
19.	Sri Bipin Ch. Kaibarta, "	CPWI/C/ENO	Dy CE/C/MXN
20.	" Aniruddha Barman, G/man	"	"
21.	" Abdul Jalil, Gangman	"	Dy. CE/AGI at TSK
22.	" Jamshed Ali, "	PWI/C/DGU	"
23.	" Naren Ch. Kalita, "	CPWI/C/ENO	"
24.	" Sarbeswar Barman, "	PWI/C/HJI	"
25.	" Sri Suran Ch. Das, "	IOW/C/CPK	"
26.	" Majamil Ali, Gangman	PON/C/HJI	"
27.	" Damodar Das, "	"	"
28.	" Daloyram Barua, "	PWI/C/JID	"
29.	" Gajendra Barua, "	"	"
30.	" Samsher Ali, Gangman	"	"
31.	" Sahir Ali, Gangman	"	"
32.	" Nalek Ali, Gangman	"	"
33.	Kutub Ali, Gangman	"	"
34.	Sri Taizul Islam, G/man	PWI/C/Jid	"
35.	Sri Keshab Ch. Kalita, Gangman	"	"
36.	Sri Pratul Barman, G/man	"	"
37.	Sri Dayaram Saloi, "	"	"
38.	Sri Ramesh Rajbangshi, G/man	"	"
39.	Sri Jogen Ch. Das, Gangman	"	"
40.	Sri Karimuddin Ahmed, "	PWI/C/CPK	"

This issues with the approval of CE/CON/II &

CE/CON/V/MLG against the PP/12 of file No.W/227/BG/CON/
E-3 Pt.IX.

Sd/- Illegible,
20-2-96
Dy. Chief Engineer/CON/GC/MLG
@@@@@@@@

*Approved
Pradyumn Das
Advocate 28/2/96*

No.W/227/BG/CON/E-3.Pt.IX

Dt. 26/2/96

Copy for information & necessary action to :-

1. GM(P)/CON/MLG.
2. CE/CON/II/MLG.
3. CE/CON/V/MLG.
4. FA & CAO/CON/MLG.
5. CPWI/CON/BG/PNO,DSK/CON/BG/PNO,PWI/CON/HJI,IOW/CON/
CPK,PWI/CON/DGU,NGC,JID,CPK.

They are advised to spare the above staff with the direction to report to their new place of posting under intimation to this office immediately.

6. Bill Section at Office.
7. DAO/LMG.
8. DAO/TSK
9. Spare copy for Personal file.
10. Staff concerned.

Sd/- x x x
26-2-96

Dy. Chief Engineer/CON/GC/MLG.

@@@

*A.M.K.A.
President for P. & C. S. M. S.
20/2/96*

Annexure "C"

To
The Dy. Chief Engineer/Con/GC/MLG
N.E. Railway.

Through Proper Channel.

Sub :- Transfer and posting.

Ref :- Your office order No.81-E dt. 26/2/96.

Sir,

///With reference to above mentioned order, we the following staff under PWI/Con/JID like to represent the following facts for your kind consideration.

That Sir, we were appointed as CA/CPC in the year 1984 under AFDJ Dn. still then we were working in several project in N.E. Railway. To speak the truth, we were loitering like 'vagabond' here and there. As a result we become frustrated and feeling insecurity in our service life. From reliable source it come to our knowledge that large number of staff are going to be screened and decanalised within a short time. So, we request you not to transfer us beyond Guwahati till completion of screening on the other hand, as originally we are from AFDJ Division, we will be highly obliged if you transfer us to any project under AFDJ Dn.. Now Jogighopa Project also opened and staff are transferred to that project for maintenance works. Most of us from Kamrup district and it will be very helpful for us if you transfer us to Jogighopa Project. We came to know that some CL/CPC under PWI/CPK/Con are

transferred

Amresh
Pradip K. Goswami
25/2/96

transferred to Jogighopa Project, who are most junior to us. So if any employee transferred to that project, we should get first preference.

We hope you will consider our appeal sympathetically and will issue favourable order.

///ith regards,

Yours faithfully,

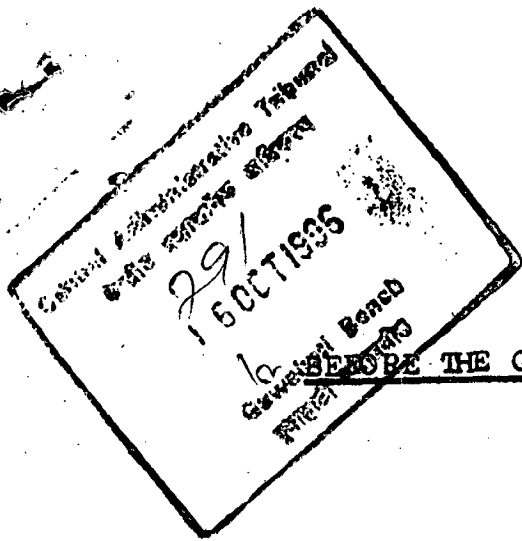
Date :

1. Taizul Islam (Sd/-)
2. Sri Dole Ram Barua (Sd/-)
3. Pratul Barman (Sd/-)
4. Sri Gajendra Barua (Sd/-)
5. Sri Kutub Ali (Sd/-)
6. Md. Samsher Ali (Sd/-)

Copy to :-

BH/Jagiroad Branch
for information and
necessary action
please.

Atk/A
Prady K. Ghosh
Advocate
20/1/2016



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*Filed by
Asst. Secy. Secy
For S.K. Shaw
By S.C.
15-10-86*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 80 of 1996

Shri Paresh Chandra Barman & Ors.

- Versus -

Union of India & Others

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

The answering respondents beg to state as follows :

1. That answering respondents have gone through the copy of the application on the basis of which ~~has~~ above case has been registered and have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the O.A. are categorically denied. Further the statements which are not borne on records are also denied and the applicants are put to strict proof thereof.
2. That with regard to the statements made in paragraphs 6(i) and 6(ii) of the O.A., the answering respondents do not admit anything contrary to the relevant records.
3. That with regard to the statements made in paragraph 6(iii) of the O.A. the answering respondents state that Shri Taizul Islam, Sl. No. 16 against whom date of joining has been shown as 26.3.84 is not correct. As per records, his date of joining is 17.4.84.
4. That with regard to the statements made in paragraph 6(iv) of the O.A., it is stated that the relevant rules vide

Contd...P/2.

letter No. E/NG/4/CI/41 dated 11.9.86 and clarification has been issued as follows :

"..... The Ministry of Railways have decided on principle that casual labour employed in project also known as "Project Casual Labour" may be treated as temporary (temporary status) on completion of 360 days of continuous service with consequential benefits ; but their absorption against regular post depends on vacancy, seniority and screening test etc."

5. That with regard to the statements made in paragraph 6(v) of the O.A. , it is stated that the casual labour who have attained temporary status are considered for employment by the screening committee for absorption against ~~xxxxxxx~~ Class-IV post which is again dependent on availability of vacancy in open line organisation. In this connection, it is the Engineering Department.

6. That with regard to the statements made in paragraph 6(vi) of the O.A., it is denied that the applicants were recruited initially after conducting a selection test. As pointed out above, regularisation of services is dependent on screening test, availability of vacancy, seniority etc.

7. That with regard to the statements made in paragraph 6(vii) of the application, it is stated that no person junior to the applicants have been regularised. Further, no representations from the applicants have been received by the office against the so called screening or absorption.

Contd....P/3.

Pravin Kumar Gupta

8. That with regard to the statements made in paragraph 6(viii) of the O.A. ~~the application~~ it is stated that regularisation against Class-IV Group-D is done through screening test conducted by Open Line with divisional authority. In this connection the Engineering/ Department is the parent department.

9. That with regard to the statements made in paragraph 6(ix) of the O.A. , it is stated that as per rule, as and when works are complete in the Work-charged Establishment the services of the persons concerned are deemed to be terminated. However, in consideration of their services rendered and to maintain their services and not to render them jobless, the persons concerned are transferred from one place to another where works are available and requirement of staff is also there. Such persons are entitled to benefits admissible to temporary status holder. Such temporary status does not mean that the persons concerned are working against regular post.

10. That with regard to the statements made in paragraph 6(xi) of the application, it is ~~denied~~ stated that the applicants have not been put in process of screening as there is no existing vacancy in the Engineering Department with the divisional authority. Moreover, the screening test is also conducted as per seniority list.

11. That with regard to the statements made in paragraph 6(xii) of the O.A., it is denied that the junior to the applicants have also been screened and absorbed against

regular vacancy. Except the person at Sl. No. 2 Shri Bipin Chandra Boro who was transferred to Mechanical Department and subsequently Shri Boro under Carriage Superintendent (CS)/Guwahati has been made by Open Line Lunding Division and absorbed on regular measure in lower scale as Khalasi.

12. That with regard to the statements made in paragraph 6(xiii) of the O.A. it is stated that the seniority of a particular category of employee is based on particular department and unit ~~within~~ within that department. Here the Department of Engineering, mechanical and electrical are different ~~xxx~~ departments. Therefore, the seniority of these three units is also separate. The screening of Casual labour/CPC against regular post are different because the departments are separate. Moreover, screening of substitute in mechanical and electrical department in Lunding Division is in lower scale than the applicants. Persons at Sl. No. 1, 2, 5, and 7 are working under EF/PL/Guwahati and persons at Sl Nos. 3,4 are working under EF/AC/Guwahati.

13. That with regard to the statements made in paragraph 6(xiv) of the O.A., the answering respondents state that the screening against regular vacancy was done by the Lunding Division (Mechanical Department) in lower scale i.e. against the post of Khalasi. The applicants are not admissible for the same as because they are already in higher scale. The concerned casual labour/CPC (staff) were deputed to work on temporary measure, subsequently,

Contd.... P/5.

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v2
Prasann Kumar Gupta

they have been regularly absorbed against the post of Khalasi only in lower scale.

14. That with regard to the statements made in paragraph 6(xv) of the O.A., the answering respondents deny the contentions made therein. It is stated that the applicants have been transferred to new unit which is the subject matter of the O.A. No. 95/96. They have also been spared and their LPCs are sent to the new unit. Hence there is no question of allowing them to sign their Attendance Register. It is denied that ~~no~~ no notice or information whatsoever has been served to the applicants. They have received the order of transfer and was also spared later on and thus there is ~~no~~ suppression of material fact from the applicants.

15. That with regard to the statements made in paragraph 6(xvi) of the O.A. the answering respondents beg to reiterate and reaffirm the statements made hereinabove. The respondents beg to state that copy of the transfer order as well as spare letters have been served on the applicants and they are/aware of the situation. Their LPCs etc. have been sent to the new unit and thus there is no question of their continuance in their old units.

16. That with regard to the statements made in paragraph 6(xvii) of the O.A. it is stated that the applicants have been deputed to the new unit on the basis of the availability of works there. They are not entitled to any transfer allowance etc. Instead of rendering them jobless, they have been works in some other units. Be it stated here

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Pravin Kumar Gupta

that the casual labourers of works unit like that of the applicants are in different footing than that of the casual labourers working in regular units.

17. That with regard to the statements made in paragraph 6(xviii) of the O.A. it is stated that the applicants are already working in higher scale of Rs.775-1025 than that of the staff screened in mechanical/electrical department in lower scale of Rs.750-940/-. As such, the contention of the applicants are not correct.

18. That with regard to the statements made in paragraph 6(xix) of the O.A. it is stated that regularisation of service i.e. absorption in regular post depends on the existing vacancy, availability of vacancy in the same department in Open Line with the divisional authority and also seniority and screening test. In the instant application, the applicants are not entitled to screening as ~~their~~ their seniority position do not permit them ~~for such~~ for such screening and regular absorption.

19. That in view of the aforesaid facts and circumstances, as stated above, none of the grounds for relief is maintainable and the in-stant application is liable to be dismissed.

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

I, Shri Prasen Kumar Gupta aged about 55 years, working as DyCE/C/GC/MLG. of the N.F. Railway Administration do hereby solemnly affirm and verify that the statements made above are true to my knowledge and I have not suppressed any material fact, and I sign this verification on this the 15th day of October 1996.

Prasen Kumar Gupta