

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed date-03/4/97

X

O.A/T.A No. 164/96  
R.A/C.P No.  
E.P/M.A No. 67/97

1. Orders Sheet. OA-164/96 .....Pg..... 1 .....to..... 8 .....
2. Judgment/Order dtd. 11/02/99 .....Pg..... 1 .....to..... 4 ..... Disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 164/96 .....Pg..... 1 .....to..... 35 .....
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6. R.A/C.P..... NIL .....Pg..... .....to.....
7. W.S. .....Pg..... 1 .....to..... 12 .....
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SECTION OFFICER (Judl.)

CA No. 164 196

D. C. Poddar & Ors. Applicant(s)

Union of India & Ors. Respondent(s)

Mr. R. Dutta Advocates for the applicant(s)

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

Office Notes | Date | Courts' Orders

19-8-96

Learned counsel Mr. R. Dutta

for the applicants. Learned counsel Mr. J.L. Sarkar for the respondents.

Mr. R. Dutta seeks <sup>permission under</sup> prayer of

Rule 4(5)(a) of the C.A.T. Procedure Rules, 1987. Heard him and considered his prayer. Prayer is allowed, in terms of <sup>the</sup> rules above.

Heard Mr. counsel of the parties for Admission. Mr. Sarkar raises certain objection on the ground <sup>that</sup> of this application is time barred. Perused the contents of the application and reliefs sought. Application is admitted subject to determination of limitation at the time of final order.

Issue notice on the respondents by registered post. Written statement within 6 weeks. List x for written statement and further order on 30-9-96. Steps within 7 days.

This application is in form and within time C. F. of Rs. 50/- deposited vide

IPOS No. 524484 Dated 20.8.96

by D. Sarkar Dy. Registrar 13/8

22.8.96

Service of Notice exercise may Rs. 295/- has been deposited No. 698 dt. 21.8.96. ~~Recd~~

Ban

6.9.96

lm

m  
19/8

Member

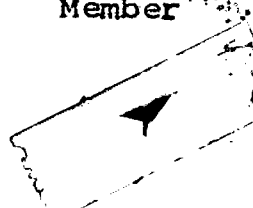
Notice issued to the respondent vide Mr. 2902 dt. 30.8.96.

18.9.96

Ban Notice duly served on respondent No. 42, B.

Ban

w/ statement has not been filed 27/9



N

30-9-96

Learned counsel Mr. R. Dutta for the applicant. Mr. J.L. Sarkar for the respondent. Service report awaited except on respondent Nos. 2 & 3 who have not submitted written statement.

List for written statement and further order on 21-11-96.

*[Signature]*  
Member

Notice duly served on  
O.P. No. 1-3  
2) w/ statement has <sup>sum</sup> not submitted  
29/11

1) Notice duly served <sup>1m</sup>  
on Respondant No- <sup>M</sup>  
1, 2 & 3. <sup>30/9</sup>

21.11.96

2) written statement has  
not been submitted.

19/12

15-1-97

1) Notice duly served on  
Respondant No- 1, 2, 3.

2) w/ statement has not  
been filed.

15/11

trd  
<sup>M</sup>  
21/11

20.12.96

Mr J.L. Sarkar for the official respondents. None for the private respondents and for the applicants.

Written statement has not been submitted.

List for written statement and further orders on 16.1.97.

*[Signature]*  
Member

*[Signature]*  
Member

pg  
<sup>M</sup>  
23/12

16.1.97

Mr R.Dutta for the applicant. Mr J.L.Sarkar for official respondents. None for the private respondents.

25.2.97

Mr Sarkar submits that he may be given further six weeks time to file written statement.

List on 26.2.97 for written statement and further orders.

Member

- 1) W/S has not been submitted.
- 2) Notice duly served on R. 1 to 3 only.
- 3) Memo of appearance has not been filed. pg

AV  
25/2

26-2-97

Written statement has not been filed. No representation on behalf of the respondents. No adjournment have been granted for filing of written statement. We are not inclined to grant any further adjournment. However Mr.J.L.Sarkar learned Railway counsel has been filed a letter of absence before the Registrar.

Let this case be listed on 3-4-97.

Member

Vice-Chairman

lm

26-2-97

To-day written statement has not been filed by the respondents. There is no representation on behalf of the respondents. However, for the ends of justice we extend two weeks time for filing written statement and for further orders.

List for order on 3-4-97.

~~Member~~

Vice-Chairman

20.3.97

lm

W/S filed on R. no. 1, 2, 3 & prayer at 1

1) Notice of app. 1-3.  
2) W/S. by next on R. no. 5 to 60  
P. 11

3.4.97

Let the case be listed on 20.5.97 for further orders.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

trd

*[Signature]*  
2/14

7.4.97

20-5-97

Left over.

List for hearing on 14-7-97.

Rejoinder filed on  
d/h of ~~Applicant~~ Applicant.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

*[Signature]*  
2/15

11.7.97

14.7.97

Due to ref, the court is  
suspended after 12 noon.  
Adjourned to 22.8.97.

Memo of appearance  
not yet filed.

By order.

*[Signature]*  
11/7

W/S and Rejoinder has  
been filed.

22.8.97 Leftover. List on 20.11.97.

By order.  
*[Signature]*

*[Signature]*  
2/18

20.11.97 Adjourned to 4-2-98.

By order.  
*[Signature]*

4-2-98

Case is ready for hearing. List  
for hearing on 14-5-98.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

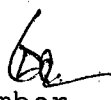
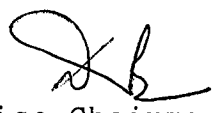



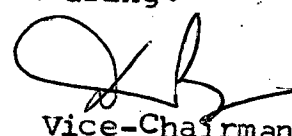
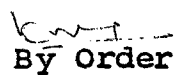
*[Signature]*  
6/2

W/S and Rejoinder has  
been filed.

9/11

W/S and Rejoinder has  
been filed.

2/15

Notes of the Registry	Date	Order of the Tribunal
	14.5.98	<p>On the prayer of Mr J.L. Sarkar, learned Railway Counsel, the case is adjourned till 28.7.98 for hearing. Mr R. Dutta, learned counsel for the applicant, has no objection.</p> <p> Member</p> <p> Vice-Chairman</p> <p>nkm NS 15/5</p>
<p>w/s and Rejoinder has been filed.</p> <p>17/9</p>	28.7.98	<p>On the prayer of Mr B.K.Sharma on behalf of Mr J.L.Sarkar the case is adjourned to 11.9.98.</p> <p> Member</p> <p> Vice-Chairman</p> <p>pg NS 30/7</p>
<p>w/s and Rejoinder has been filed.</p> <p>17/11</p>	11.9.98	<p>Mr R.Dutta, learned counsel for the applicant prays for two weeks adjournment on the ground that he has not yet received some instructions. Mr J.L.Sarkar, learned Railway counsel has no objection. Prayer is allowed.</p> <p>List on 18.11.1998 for hearing.</p> <p> Member</p> <p> Vice-Chairman</p> <p>pg NS 1/19</p>
<p><u>29-12-98</u> Written statement and Rejoinder has been filed.</p> <p>11/12/98</p>	18.11.98	<p>Division Bench is not available. List on 30.12.98 for hearing.</p> <p> By Order</p> <p>nkm NS 18/11/98</p>
	30.12.98	<p>Mr M.Chanda submits that Mr R.Dutta, learned counsel for the applicant is</p>

30.12.98

indisposed and accordingly he prays for adjournment. Mr J.L.Sarkar, learned Railway counsel has no objection.

List on 11.1.99 for hearing.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

pg

*MS*  
*31/12/98*

11-1-99

Adjourned to 22-1-99.

*MS*  
*1/1*

22-1-99

Adjourned to 28-1-99.

*MS*  
*1/1*

28.1.99

Part heard. Adjourned for further hearing on 8.2.99.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

nkm

*MS*  
*1/2/99*

8-2-99

Passover to 10-2-99  
*MS*  
*1/1*

10-2-99

Passover  
*MS*  
*1/1*

11.2.99

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No order as to costs.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

pg

*MS*  
*22/2/99*

v

8.1.99

Case is ready for hearing.

*Bom*

21-1-99

Written statements and rejoinders have been filed.

*MS*  
*1/1/99*

27-1-99

Written statements & rejoinders have been filed.

*MS*  
*27/1/99*

22.3.99

Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Regd with AFO.

Issued vide despatch No. 983 to 999 dt. 24-3-99

*MS*  
*26-3-99*

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

O.A.No. 164 of 1996.

DATE OF DECISION.....11.2.1999.....

!! Shri Dulal Chandra Poddar & 4 others. (PETITIONER(S))

Shri R.Dutta.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Shri J.L.Sarkar, Railway counsel  
for respondents 1-5.

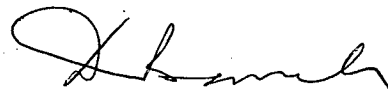
ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 164 of 1996.

Date of Order : This the 11th Day of February, 1999.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

Shri Dulal Chandra Poddar & 4 others. . . . Applicant

By Advocate Shri R. Dutta.

- Versus -

Union of India & Ors. . . . Respondents.

By Advocate Shri J.L. Sarkar, Railway  
Standing Counsel.

O R D E R

BARUAH J.(V.C)

The five applicants have approached this Tribunal by filing the present application challenging the Annexure-A/3 order dated 31.10.1995 passed by the General Manager(P), N.F. Railway, Maligaon and also the decision given by the Divisional Railway Manager, N.F. Railway, Lunding in this connection. The facts are :-

The applicants were appointed as Substitute Engine Cleaner on being selected by a 3 member Committee in May 1975. On 17.9.1976 they were given temporary status and in 19.1.1980 the applicants were regularly absorbed. The private respondent Nos. 6 to 60 were appointed as Khalasi during the period from September 1976 to August 1979. A Permanent Negotiating Machinery for redressal of grievances of the Railway employees was formed as far back in 1951. In 19.9.1979 the Railway Board communicated a decision of the Ministry of Railways that the date of appointment of substitutes would be recorded in the service Book on the date on which the applicants attained temporary status if the same was followed by his regular absorption. The question regarding the seniority

with relation of respondents No.6 to 60 came up for consideration before the authority. The Permanent Negotiating Machinery (PNM for short) took up the matter before the Divisional Railway Manager, Lumding as far back in 1989. The matter was under consideration before the Divisional Railway Manager and a decision was taken by him only on 18.5.1989 rejecting the claim of the applicants and this was communicated to the Convenor of the Mazdoor Union, Lumding. However, the applicants state that they did not know about this decision. According to the applicants the Union on coming to know about it approached the General Manager against the decision of the Divisional Railway Manager on 31.1.1995. However, the General Manager though entertained the case, rejected the prayer with the following order :

"It was explained to the Union that this being a seniority issue having been fixed on accepted norms, it cannot be re-opened at present. The Union however, mentioned that responsibility may be fixed by the Divisions for having recruited certain staff from the Employment Exchange as substitutes, whereas normally they should have been recruited as regular group 'D' staff. This matter would be separately dealt. LMG division would examine whether any specific responsibility can be fixed in this case."

The Union did not proceed further and decided to stop the matter there. But the applicants being aggrieved at the said decision have approached this Tribunal by filing the present application.

2. In due course the respondents have filed written statement. However, records have not been produced.
3. We have heard Mr R.Dutta, learned counsel appearing on behalf of the applicants and Mr J.L.Sarkar, learned Railway counsel for the official respondents. Private respondents have not contested the case. No written statement has been filed on their behalf and none is present for them today.



Mr Dutta submits that as per rule the applicants should be regarded senior to private respondents No.6 to 60 in view of the fact that their dates of appointments were earlier than the private respondents No.6 to 60 in as much as the applicants dates of appointment are to compute from the dates when the applicants had been granted temporary status as per Annexure A-6 letter dated 25.10.79. However, Mr Sarkar does not agree with the submission made by Mr Dutta. Mr Sarkar's first submission is that the matter is hopelessly barred by limitation in view of the fact that the subject matter relates back to 1984. His second submission is under the rules seniority shall not be counted during the period of temporary status but it will commence only from the date of their regular appointment. In this connection Mr Sarkar has drawn our attention to Annexure-I and II letters written by the respondents. As per Annexure-I letter to the written statement dated 16.6.1981, the seniority of substitutes be counted from the date of regular appointment after approval by the screening committee. This procedure had been followed.

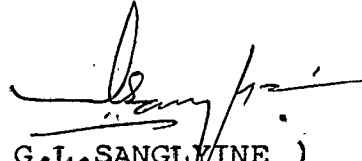
4. On the rival contention of the parties it is to be seen whether the applicants are entitled to any relief.


5. On the point of limitation, we find from the rules that the PNM was established by the Railways to look into the grievances of the Railway employees and in fact the Union took up the matter before the Divisional Railway Manager on behalf of the applicants which decided against them. The contention of the applicants is that the decision was never communicated. The applicants have made a statement in the application that this was never communicated to the Union also. Mr Sarkar on the other hand submits that those were duly communicated. But in the absence of any proof we are inclined to give the benefit to the applicants that they did

*B*

not receive the communication. The Union thereafter took up the matter before the General Manager in 1995 and the General Manager entertained the case though ultimately rejected as per Annexure A/3 letter to the application. Considering the entire facts and circumstances of the case we feel that the applicants having complete faith with the Union did not pursue the matter individually on their own. It was only when the Union declined to proceed further they had approached this Tribunal. Therefore, we feel that the applicants are within time. Regarding the other matters, we are of the view that the matter requires thorough scrutiny by the Railway administration and this can be done by the Railway authority only. Therefore we dispose of this case with direction to the respondents to examine the entire matter as per rules/Government circulars and the professed norms and take a decision. This must be done as early as possible at any rate within a period of 3 months from the date of receipt of this order. We make it clear that if the applicants are still aggrieved by the decision of the respondents they may approach this Tribunal or any other authority. as per rules.

The application is disposed of with the above order. Considering the entire facts and circumstances of the case however, we make no order as to costs.

  
( G.L.SANGLYINE )  
ADMINISTRATIVE MEMBER

  
( D.N.BARUAH )  
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH

O.A. No.164/96

D.C.Poddar and others Versus Union of India & others.

Important dates

- 12.04.75 The applicants were sponsored by the Employot Exchange and advised to appear before the Assistant Mechanical Engineer, N.F.Railway, Badarpur.
- May 1975. The applicants were appointed as substitutes Engine Cleaner after being selected by a ~~3~~ committee.   
*of 3 members*
- 17.09.76. The applicants were given temporary status.   
*20*
- 19.01.80 The applicants were regularly absorbed.
- 30.09.76 The private respondent no 6 to 60 were appointed as Khalasies.   
to
- 30.8.79
- 24.12.51. The Railway Board under letter No. E5 1FEL-22 ~~framed~~ framed rules for formation of the Permanent Negotiating Machinery for redressal of grievances of Railway employees by discussion with the Union representatives across the table.
- 19.09.79. The Railway Board communicated the decision of Ministry of Railways that the date of appointment of the substitutes is to be recorded in the service books to be date on which he attains temporary status ~~is~~ if the same is followed by his regular absorption.
- 16.05.89 The N.F.Railway Mazdoor Union discussed the seniority matter of the applicants with Divisional Railway Manager, N.F.Railway, Luming.   
&  
28.03.93.
- 31.1.95. The General Secretary, N.F.Railway, Mazdoor Union, Pandu took up the seniority of the applicants with the General Manager and as no reply was received included the in the agenda of Permanent Negotiating Machinery in 1995.
- 14.09.95 The issue of the seniority of <sup>the applicant</sup> were discussed in the Permanent Negotiating Machinery the General Manager? N.F.Railway ~~did not~~ opined that the seniority having been fixed on accepted norms it was not to be reopned at present.   
&  
15.09.95

*R. Dutta*  
 R. Dutta 11/2/99  
 Advocate for the applicants

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

14  
India by  
R. Datta  
(A. K. Datta)

O.A.No.164 of 1996.

Shri D.C.Poddar & Others : Applicants.

- VERSUS -

Union of India & Others : Respondents.

LIST OF DATES

<u>DATE</u>	<u>PARTICULARS</u>	<u>PARA</u>	<u>PAGE</u>
24.12.51.	Railway Board under letter No.E51E1-22 communicated the decision of setting up of a permanent machinery described as permanent negotiating machinery (in short PNM)for redressal of grievances of Railway man by discussion between the Union and the Management.	3.2 Annex-A/1	8 19 to 22
12.04.75	The applicants were informed by the Employment Exchange to appear before the Assistant Mechanical Engineer,N.F.Railway, Badarpur.	4.4 Annx-A/8, A/9,A/10, A/11 of the Re- joinder.	11 4 to 10 of the Rejoinder.
May,1975	The applicants were appointed as substitutes and directed to contact the Loco Foreman,Badarpur.	4.5 Annex-A/4.	11
		cont....2.	

<u>DATE</u>	<u>PARTICULARS</u>	<u>PARA</u>	<u>PAGE</u>
17.09.76	The applicants were granted temporary status.	4.6	12
30.09.76 to 30.08.79	The private respondents (No. 6 to 60) were appointed as Khalasis in the Mechanical Department at Lunding, New Guwahati and Badarpur.	4.8 Annx-1/5	12 28 & 29
19.09.79	The Railway Board communicated the decision of the Ministry of Railways that the date of appointment of substitutes is to be recorded in the service Book to be the date on which he attains temporary status if the same is followed by his regular absorption.	4.9 Annx-A/6	12-13 30
19.01.80	The applicants were regularly absorbed.	4.11	13
16.05.89 & 28.03.93.	The Badarpur Branch of N.F.Rly, Mazdoor Union discuss the issue of seniority of the applicants over the respondents in the divisional level of permanent Negotiating Machinery meeting.	4.12	14
31.01.95.	The General Secretary, N.F. Railway Mazdoor Union took up the	4.13	14

*D. D. D.*

<u>DATE</u>	<u>PARTICULARS</u>	<u>PARA</u>	<u>PAGE</u>
	issue of applicants seniority with the General Manager vide letter No.MU/C/Badarpur/95 and as no decision was communicated, included the matter in the agenda of 75th quarterly permanent Negotiating Machinery meeting.		
14/15.9; 95	The issue of seniority of the applicants were discussed along with other items in the permanent Negotiating Machinery meeting wherein the General Manager opined that the seniority having been fixed on accepted norms it was not be re-opened at present.	4.13	14 & 15
01.04.93	The seniority list of Diesel Assistant Driver/First fireman published.	4.14	15
16.06.81	Deputy Director Railway Board replied General Manager,N.F. Railway's letter that the seniority of substitutes be counted from the date of regular appointment after approval by the screening Committee/Selection Board.	3 of the W/S.	3 of the W/S.
25.09.81	Chief Personnel Officer issued Circular quoting Railway Boards letter that Seniority of substitutes is to be counted from the date of regular appointment after	3 of the W/S.	3 of the W/S.

*Done*

DATE

4;  
PARTICULARS

PARA

PAGE

approval by the Screening committee

08.02.80	The Divisional Railway Manager asked option for absorption as Engine Cleaner.	3 of the W/S. Annx-IV of the W/S.	3 of the W/S 8 of the W/S.
17.02.81	The applicants were absorbed as Engine Cleaner.	3 of the W/S. Annx-V of the W/S.	3 of the W/S 10 of the W/S.

Respondent contenting

1. Respondents in the written statement have contended that the application is barred by limitation and that the applicants were not recruited through Employment Exchange and were recruited locally as substitute hence are entitled to the seniority only after the regular appointment after approval of the screening Committee/selection Board and they have applied for the post of Engine cleaner excepting seniority as Engine Cleaner below the then existing Engineer cleaner.

Main Grounds/Relief:-

1. That the applicants were sponsored by the Employment Exchange and were duly selected by 3 members Committee and therefore should be treated as regular employee from the date of their appointment.
2. The date of appointment of the applicants as recorded in the service book is the date on which they attained the temporary status in 1976. As such the respondents who were appointed as Khalasis after that date should be treated as Junior as the applicants are entitled to get the

cont.....5.

*Don't*

seniority from the date of their appointment in terms of Hon'ble Supreme Court's decision in Direct Recruit Class II Engg. Officers Association Vs State of Maharashtra, A.I.R. 1990 SC 1607.

3. Under para 179(XI) of the Indian Railway Establishment Manual the applicants as substitutes had prior claim to permanent recruitment over others. As such the applicants should have been regularised first before recruitment of respondent No. 6 to 60. As the respondent No. 06 to 60 were recruited violating the provisions of para 179(XI) of the Indian Railway Establishment Manual. They cannot be given seniority over the applicants in terms of Hon'ble Supreme Court's decision in K.C. Joshi Vs Union of India AIR 1991 SC 284.

Rules Relied on

Para 179(XI) and 302 of the Indian Railway Establishment Manual Vol. 1.

Rulings Relied on

1. Mahadev Kalkar Vs State Bank of Hyderabad 1990(3) SLJ(SC)15
2. S.S. Rathore Vs State of Madhya Pradesh 1990(1)SJR 98(SC)
3. K.C. Joshi Vs Union of India AIR 1991, SC 284
4. Direct recruit Class II Engineers Association Vs State of Maharashtra AIR 1990 (SC) 1607.

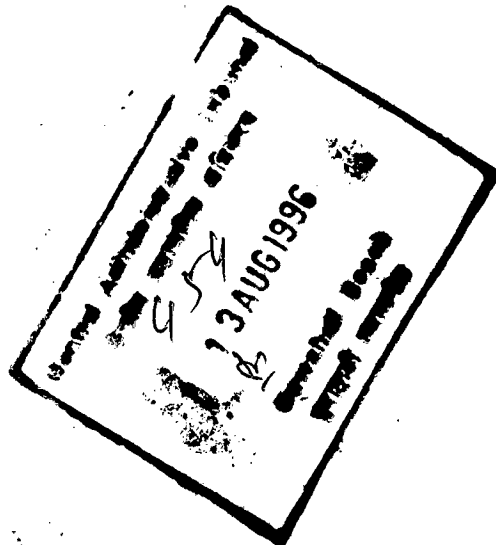
*P. D. Datta*  
Advocate

16/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

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

19  
Filed by  
D. Dutta  
13/8/96  
K. Dutta, (A.T. 1996-1)  
Malgaon, Guwahati, Assam.



O. A. No. 164 of 1996.

Shri Dulal Chandra Poddar & Ors : Applicants

- Versus -

Union of India & Ors. : Respondents.

I N D E X

Sl.No.	Description of Document	Annexure No.	Page.
1.	Application	-	01 to 18.
2.	Rly Board's letter No. E51FE1-22 dtd. 24.12.1951	A/1.	19 to 22.
3.	Copy of the Agenda of N.F. Railway Mazdoor Union for PNM meeting.	A/2.	23 & 24.
4.	Copy of the General Manager/P, letter No.E/301/30/74(u) dtd. 31.10.95	A/3.	25 & 26.
5.	Appointment letter of Respondent No.1. <sup>Applicant</sup>	A/4.	27
6.	A Statement showing the date of appointment of Respondent No. 6 to 60.	A/5.	28 to 29.
7.	Rly. Board's Circular No. E(NG) II/77/SB/38 dtd. 19.09.79	A/6.	30
8.	Extract of Seniority list	A/7.	31 to 35.

Recd  
D.D.  
13/8/96  
(J. L. Sarma)

Filed BY *Shri R. D. Dutta*  
*(R. Dutta)*

*Dulal Ch. Poddar*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

File by 120  
R. Datta 13/8/96  
R. Datta, (Advocate)  
Maligaon, Guwahati-781011.

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

O. A. No. 164 of 1996.

1. Shri Dulal Chandra Poddar,  
Diesel Asstt. Driver, Now working  
under Loco Foreman, N.F. Railway,  
Badarpur, Assam.
2. Shri Haran Kr. Dutta,  
Diesel Asstt. Driver, Now working  
under Loco Foreman, N.F. Railway,  
Badarpur, Assam.
3. Shri Tapan Kanti Dey,  
Diesel Asstt. Driver, Now working  
under Loco Foreman, N.F. Railway,  
Badarpur, Assam.
4. Shri Kajal Chandra Roy,  
Diesel Asstt. Driver, Now Working  
under Loco Foreman, N.F. Railway,  
Badarpur, Assam.
5. Shri Dilip Kumar Das,  
Fireman, Now working under Loco  
Foreman, N.F. Railway,  
Badarpur, Assam.

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Applicants

Cont .... 2.

- Versus -

1. Union of India represented by  
the Secretary, Railway Board, Rail Bhawan,  
New Delhi - 1.
2. General Manager, N.F. Railway,  
Maligaon, Guwahati - 781011.
3. Divisional Railway Manager,  
N.F. Railway, Luming,  
District - Naogaon, Pin - 782447.
4. Divisional Mechanical Engineer,  
N.F. Railway, Luming,  
District - Naogaon, Pin - 782447.
5. General Secretary, N.F. Railway,  
Mazdoor Union, Water Works Colony,  
Pandu, Guwahati - 781012.
6. Shri Madan Chandra Deka Raja,  
Shunter Under Loco Foreman,  
N.F. Railway, Luming,  
P.O. Luming, Assam.
7. Shri Sambhu Kumar Dey,  
Shunter under Loco Foreman,  
N.F. Railway, Luming,  
P.O. Luming, Assam.
8. Shri C. L. Kahar,  
Diesel Asstt. Driver/1st under  
Loco Foreman, N.F. Railway, Luming,  
P.O. Luming, Assam.

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9. Shri Narayan Chandra Dey,  
DAD/1st Fireman under Loco Foreman  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
10. Shri Arun Chandra Bora(II)  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
11. Shri Loknath Das (SC)  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
12. Shri Golap Chandra Bora  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
13. Shri Subhash Chandra Deb,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
14. Shri Prasanta Kumar Roy,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
15. Shri Nepal Chandra Dey  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
16. Shri Prabin Chandra Das (SC)  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
17. Shri Pradip Kumar Chakraborty,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
18. Shri Sontosh Kumar Das,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
19. Shri Nibaran Chandra Biswas,  
DAD under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
20. Shri R. K. Saikia,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
21. Shri Suna Khi Ram Burua,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.

22. Shri Narandra Nath Bora  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
23. Shri Pradip Chandra Barua  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
24. Shri Nandeswar Bora  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
25. Shri Poritosh Chandra Das  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
26. Shri Holi Ram Hazarika (SC)  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
27. Shri Guna Ram Das,  
DAD/1st Fireman under Loco Foreman  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
28. Shri Sabeswar Barua (SC)  
DAD/1st Fireman under Loco Foreman  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
- ~~29.~~ Shri C. R. Rajbongshi,  
DAD/1st fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
30. Shri D.C. Khound,  
DAD/1st Fireman under Loco Foreman,  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
31. Shri Girish Chandra Das (SC)  
DAD/1st Fireman under Loco foreman  
N.F. Railway, Lumding,  
P.O. Lumding, Assam.
- ~~XXX~~ ( Notice in respect of Respondent No. 6 to  
31 to be served through Loco Foreman,  
N.F. Railway, Lumding, P.O. Lumding  
P.O. Lumding, Dist - Naogaon, Assam.  
Pin - 782447. )
32. Shri Tapan Kumar Mazumder,  
Shunter under Loco Foreman,  
N.F. Railway, Badarpur, ~~Assam~~  
P.O. Badarpur, Assam.
33. Shri W. D. Costa,  
DAD/1st Fireman under loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.

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34. Shri Sachindra Mandal.  
1st Fireman under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
35. Shri Babul Chandra Das,  
1st Fireman under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
36. Shri Ashok Kumar Sarkar (I)  
1st Fireman under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
37. Shri Pradip Sangupta,  
Shunter under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
38. Shri Gopal Chandra Deb,  
Shunter under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
39. Shri Shyam Raj Muchi (SC)  
1st Fireman under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
40. Shri Surat Kumar Das  
Shunter under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
41. Shri Sushen Das (SC).  
DAD under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
42. Shri Amaresh Chandra Das (SC)  
1st Fireman under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
43. Shri Jiten Deb Barman  
DAD under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
44. Shri Arun Kumar Nath  
DAD under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
45. Shri Sukumar Chandra Dey  
DAD under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.

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46. Shri Rabindra Chandra Das (SC)  
1st Fireman under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
47. Shri Kanchan Chandra Paul  
DAD under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
48. Shri Pramode Chandra Chakrabarty  
DAD under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
49. Shri Apurba Kumar Deb  
DAD under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
50. Shri Kanchi Lal Das  
DAD under Loco Foreman,  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
51. Shri Kamala Kumar Singh  
DAD under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
52. Shri M.C. Deb Barman  
DAD under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
53. Shri Rabindra Marak  
DAD under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.
54. Shri Kollol Deb Barman  
1st Fireman under Loco Foreman  
N.F. Railway, Badarpur,  
P.O. Badarpur, Assam.
55. Shri P.N. Deb Barman  
DAD under Loco Foreman  
N.F. Railway, Badarpur  
P.O. Badarpur, Assam.

(Notice in respect of Respondent No. 32 to  
55 to be served through Loco Foreman, N.F.  
Railway, Badarpur, P.O. Badarpur, District-  
Karimganj, Assam. Pin - 788806)

56. Shri Haran Sakia,  
DAD under Loco Foreman,  
N.F. Railway, New Guwahati,  
P.O. New Guwahati, Assam.

57. Shri Santi Ram Bora  
DAD under Loco Foreman,  
N.F. Railway, New Guwahati,  
P.O. New Guwahati, Assam.
58. Shri Ati Ram Boro (ST)  
DAD under Loco Foreman  
N.F. Railway, New Guwahati,  
P.O. New Guwahati, Assam.
59. Shri Rup Kumar Das  
DAD under Loco Foreman  
N.F. Railway, New Guwahati,  
P.O. New Guwahati, Assam.
60. Shri Golam Sangma,  
DAD under Loco Foreman  
N.F. Railway, New Guwahati  
P.O. New Guwahati, Assam.

(Notice in respect of Respondent No. 56 to 60 to be served through Loco Foreman, N.F. Railway, New Guwahati, P.O. New Guwahati, District - Kamrup, Assam. Pin - 781020.)

..... Respondents.

1. Particulars of the Orders/grievances for which the application is made.

Item of the minute of 74th Permanent Negotiating Machinery meeting circulated under General Manager (P) N.F. Railway, Maligaon's No. E/501/30/74(u) dt. 31.10.95 Annexure - A/2 in the matter of fixation of applicants seniority from the date of appointment.

2. Jurisdiction of the Tribunal :-

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

Cont ... 8.

3. Limitation :-

3.1. The applicants declared that the application is within the period of limitation as ~~the~~ <sup>was</sup> ~~was~~ <sup>persuing</sup> the alternative remedy provided to the Railway employee for mitigation of their grievances through their Union and as the final decision was taken in the meeting held on 14.09.95 and 15.09.95 between the General Secretary N.F. Railway Mazdoor Union Respondent No.5 (herein after called Union) and the General Manager, N.F. Railway, Maligaon Respondent No.2 took place on 14/15.09.95 wherein the General Manager, N.F. Railway did not agree with the proposal of the said Union.

3.2. That, the Railway Board under letter No. E51FE1-22 dated 24.12.1951 communicated the decision of the Railway Board for setting up of a permanent machinery, described as a permanent negotiating machinery, for redressal of grievances of the Railway-man by way of discussion between the Union and the Management across the table. The machinery was envisage in 3 ~~tier~~ <sup>✓</sup> tiers, one at the Railway level another at Railway Board's level and the 3rd tier being Railway Tribunals. Subsequently, this was extended to Divisional level also.

A copy of the said letter is annexed herewith as ANNEXURE - A/1.

3.3. That, the applicants when did not get any response to its representation as described in facts of the cases referred the matter to the Branch Secretary of

the N.F. Railway Mazdoor Union(Respondent No.5) of which they are members.

3.4. That, N.F. Railway Mazdoor Union took up the matter with Respondent No.3 namely Divisional Railway Manager, Lumding for giving seniority to the applicants from the date of completion of 120 days working as substitute from which they are entitled to be absorbed for permanent absorption as per para 179 Sub Rule XIII of the Indian Railway Establishment Manual Vol.1. As no satisfactory result was available the Divisional Convener of the N.F. Railway Mazdoor Union included the matter in the Agenda for discussion between Respondent No.3 of the Union in the permanent negotiating machinery which take place quarterly between Union and the Respondent No.3. But Respondent No.3 held the view that seniority of the applicants has been fixed as per rule and closed the matter on 17.03.93.

3.5. As the Union was not satisfied the grievances of the applicants was referred to the General Manager by the Secretary of the Union and ultimately the matter was included in the item for discussion in the 75th quarterly PNM meeting held between the General Manager, N.F. Railway and the General Secretary, N.F. Railway Mazdoor Union.

3.6. In the meeting held on 14/15.09.95 the Administration held the view that the seniority of the applicants has been correctly fixed.

Copy of the item 75/4 of the Agenda is annexed herewith as ANNEXURE - A/2.

Copy of the item 75/4 of the Minutes as circulated under General Manager (P), N.F. Railway, Maligaon No. W E/301/30/74 (U) dtd. 31.10.95 is annexed herewith as ANNEXURE - A/3.

4. Facts of the Case :-

4.1. That, the applicants are citizen of India and applicant Nos. 1 to 4 are working as Diesel Asstt. Driver in Scale Rs. 950/- - 1,500/- and applicant No.5 is working as Fireman in Scale Rs. 950/- - 1,500/-. All the applicants are at present posted at Badarpur under Loco Foreman, N.F. Railway, Badarpur within the Lunding Division of N.F. Railway.

4.2. That, the applicants pray to the Hon'ble Tribunal for permitting them to join together and file a single application under Rule 4(5)(a) of the Central Administrative Tribunal procedure Rules, 1987 as they have identical interests, common cause of action in being deprived of their legitimate seniority position and the nature of relief prayed for is also same..

4.3. That, the N.F. Railway is one of the Zonal Railways owned and operated by Union of India and its territorial jurisdiction is spread over the states of Tripura, Mizoram, Manipur, Assam, Nagaland, Meghalaya, Arunachal Pradesh, West Bengal & Bihar. The Northeast Frontier Railway (in short N.F. Railway) has four divisions

namely, Katihar, Alipurduar, Lumding and Tinsukia. The Lumding Division is spread over the states of Tripura, Mizoram, Nagaland and Assam.

4.4. That, all the applicants are citizen of India and were enrolled in the Employment Exchange, Karimganj for their employment. In the year 1975 the Assistant Employment Officer, Employment Exchange, Karimganj vide letter No. KXJ/33/75/1718-34 dt. 12.04.75 informed the applicants that their particulars have been forwarded to the Divisional Superintendent(P), N.F. Railway, Lumding for the post of un-skilled Class -IV staff and requested the applicants to appear before the Asstt. Mechanical Engineer, N.F. Railway, Badarpur for interview on 17.04.75.

4.5. That, as per the advice of the Assistant Employment Officer, Karimganj, the applicants appeared in the selection before the selection Committee comprising Assistant Mechanical Engineer, N.F. Railway, Badarpur, Assistant Personnel Officer, N.F. Railway, Lumding, Principal, Halflong College, Halflong and Assistant Medical Officer, N.F. Railway, Badarpur and all the applicants among others were selected and were appointed as substitute by the Divisional Superintendent(P), N.F. Railway, Lumding.

A copy of the appointment letter issued to applicant No.1 is enclosed herewith as ANNEXURE - A/4.

Cont ... 12.

4.6. That, the applicants were granted temporary status with effect from 17.09.76.

4.7. That, the procedure for recruitment of Class - IV(Group-D) Railway Servants in the Indian Railways were provided in para 179 of the Indian Railway Establishment Manual Vol.1 Sub-Rule XIII of para 179 provides that substitute and Temporary workers will have prior claim over others to permanent recruitment and substitute and Temporary workmen should acquire Temporary status, as a result of having worked ~~for~~ <sup>15</sup> ~~more~~ then 120 days in other than project employment and for 360 days for employment in project should be considered for regular employment first.

4.8. That, all the applicants were working continuously from the date of appointment, namely 17.5.76<sup>15</sup> and completed 120 days and were given temporary status from 17.9.76. Instead of considering their case the Respondent No.3 and 4 resorted to direct recruitment from the Employment Exchange without considering the applicants case and employed Respondent Nos. 6 to 60 ignoring the legitimate claim of the applicants.

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A statement ~~was~~ showing the date of appointment of respondent Nos. 6 to 60 is annexed herewith as ANNEXURE - A/5.

4.9. That, the Railway Board's under letter No. E(NG)11/77/SB/38 dated 19.9.79 communicated the decision

of the Ministry of Railway's that the date of appointment of a <sup>Substituted</sup> ~~status~~ is to be recorded in the service Book should be the date on which he attains temporary status if the same is followed by his regular absorption. Otherwise it should be the date on which he <sup>is</sup> ~~regularly~~ appointed or <sup>is</sup> ~~absorbed~~.

A copy of the said circular is annexed herewith as ANNEXURE - A/6.

4.10. That, as the applicants were given temporary status with effect from 17.9.76 and were continuously working till they were finally absorbed on 19.01.80 they should have been treated senior to the Respondent who were appointed after 17.9.76. But N.F. Railway Administration treated the Respondent Nos. 6 to 60 senior to the applicants and gave earlier promotion to them.

4.11. That, the applicants made number of representations for their regularisation and were finally absorbed alongwith others vide Office memorandum No.E/227/1/LM dated 19.1.80. Since their appointment the applicants agitated over the seniority matter and ultimately represented the matter to N.F. Railway Mazdoor Union of which they are the members.

4.12. That, Badarpur Branch of the N.F. Railway Mazdoor Union took up the matter with Respondent No.3 and 4 and made a number of correspondences for giving seniority

to the applicants from the date of completion of 120 days from which they are entitled for permanent absorption as per para 179 Sub-Rule XIII of the I.R.E.M Vol. I. As the things did not improve, the Divisional Convenor of the N.F. Railway Mazdoor Union for Lumding placed the matter in the Agenda for discussion between the Divisional Railway Manager, N.F. Railway, Lumding Respondent No.3 and the Union in the permanent negotiating Machinery meeting (in short PNM) which takes place quarterly between the Union and the Railway Administration in Lumding Divisional level for settlement of the grievances of the Railway-men of Lumding Division. The disputes regarding the applicants seniority position was discussed between the Union and the Respondent No.3 as item 21(A) of 23rd PNM meeting dated 16.05.89 and item No. 17 of 36 PNM on 23.08.93 where in the Administration's ~~view~~ view that the seniority has been fixed as per rule and item was treated closed by the Respondent No.3.

4.13. That, as the decision was not based on rules and reasons the General Secretary, N.F. Railway, Mazdoor Union took up the matter with the General Manager, N.F. Railway, Maligaon vide his letter No. MU/C/Badarpur/95 dated 31.01.95 and subsequently included the matter in the 75th quarterly permanent negotiating machinery meeting. The matter was discussed with the General Manager, N.F. Railway, Maligaon in the permanent negotiating meeting held on 14/15.09.95, N.F. Railway, Mazdoor Union and N.F. Railway Administration wherein the General Manager held as under :-

Cont .... 15.

It was explained to the Union that this being a Seniority issue having been fixed on accepted norms, it was not be re-opened at present. The Union however, mentioned that responsibility may be fixed by the divisions for having recruited certain staff from the Employment Exchange as substitutes, whereas normally they should have been recruited as regular group 'D' staff. The matter would be separately dealt. Lunding division would examine whether any specific responsibility can be fixed in this case.

4.14. That, the Divisional Railway Manager, N.F. Railway, Lunding Respondent No.3 has circulated a seniority list of the Diesel Assistant Driver/1st Fireman of the Lunding division as on 01.04.93 showing the respondents above, the applicants although, they were recruited after recruitment of the applicants and after continuing the temporary status by the applicants.

An extract copy of the Seniority list showing the names of the respondents viza-vis applicants is annexed herewith as ANNEXURE - A/7.

5. Ground for Relief :-

5.1. That, the applicants should have been appointed directly against the cadre instead of substitute in as much as they were appointed continuously and not against leave vacancies.

5.2. That, the applicants even as substitute senior to the respondents as they were given temporary

status on 17.09.76 and thereafter they were continuously in appointment till they were finally absorbed on 19-01-80.

5.3. That, the applicants had prior ~~to~~ claim over all others <sup>for</sup> permanent recruitment being a substitute and therefore, they should have been appointed prior to the respondents in terms of Rule 179(XI) of the ~~Rail~~ Indian Railway Establishment Manual Vol.1.

5.4. That, the date of appointment has been correctly shown in the seniority list (ANNEXURE - A/7) to be 17.09.76 terms of Annexure - A/6 and therefore, they are entitled to get the seniority from the date of their appointment.

5.5. That, all the Respondent No. 6 to 60 have been appointed after 17.9.76 (the date of appointment of applicants).

6. Details of remedies exhausted :-

*see*  
The applicants have represented their grievances to respondents No. 2 & 3 through the Union and the permanent negotiating machinery meeting for redressal of their grievances.

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7. Matter not previously filed or pending with any other Court :-

The applicants further declares that they had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application is made before any other Court or any bench of the Hon'ble Tribunal nor any such application, Writ or Suit is pending before any of them.

8. Relief Sought :-

In view of the facts and grounds mentioned in the application, the applicants pray for direction to the applicants for regularising their seniority from the date of 17.9.76 after quashing the General Manager, N.F. Railway, Maligaon's decision has recorded in the item 75/4 of the Minutes of the Permanent Negotiating Machinery meeting has circulated under No. E/301/30/74(u) dated 31.10.95 (ANNEXURE - A/2)

And for this act of your kindness the applicants shall ever pray.

9. Interim Relief :-

Nil.

10. Particulars of Application fees :-

Indian Postal Order No. 524484 dtd. 20.6.96 for Rs. 50/-(Rupees fifty) only in favour of the Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati is enclosed.

-: : VERIFICATION : :-

I, Shri Dulal Chandra Poddar, Son of Late  
Madhusudan Poddar, aged about 40 Working  
as Diesel Assistant Driver under Loco Foreman, N.F.  
Railway, Badarpur, P.O. Badarpur, District - Karimganj  
(Assam) do hereby verify the contents of para 3, 4,  
6, 7 & 10 of this application are true to my knowledge  
and belief and the rests are my humble submission  
before this Hon'ble Tribunal.

*Dulal Ch. Poddar.*

Signature of Applicant.

Dated :- 12/8/96.

Place :- ~~Badarpur.~~

*Maligani*

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAY  
(Railway Board)

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No. E51FE1-22

New Delhi dated the 24th Dec.1951.

To,

The General Managers and C.A.O.Rs.  
Indian Railways.

Subject : Setting up of Permanent Negotiating Machinery for dealing with disputes between Railway Labour and Railway Administration.

As you are aware, the Railway Board have had under consideration the question of setting up a permanent Negotiating Machinery for dealing with disputes between Railway labour and Railway Administration. After discussions with labour, it has now been decided that a permanent Machinery as described below should be set up for maintaining contact with labour and resolving disputes and differences which may arise between them and the Administration. These arrangements will come into force with effect from 1st January, 1952. Your attention is, in this connection, invited to the Press communiques issued by the Railway Board on the 10th November, 1951 and the 1st December, 1951 from which you will observe that both the All India Railwaymen's Federation and the Indian National Railway Worker's Federation have agreed to the setting up of the Machinery as proposed by the Board.

2. The Machinery is envisaged in 3 tiers : one at the Railway level, the recognised unions having access to district/divisional Officers and subsequently to Officers at the headquarters including the General Manager ; at the next tier, matters not settled at Railway level will be taken up by the respective Federation with the Railway Board ; and at the third tier, in cases in which agreement is not reached between the Federation and the Railway Board and the matters are of sufficient importance, reference will be made to an adhoc Railway Tribunal composed of representative of the Railway Administration and labour presided over by a neutral Chairman.

3. The following detailed procedure is laid down for the working of the machinery referred to above :-

- (1) At the district or divisional level, the District or Divisional Officers should meet the branches of the recognised unions which may be established in the districts or divisions at least once in two months and oftener if necessary. Each workshop will be considered as a district. The particular branches which should

*Alleged*  
*D. D. D.*  
*...*

Cont .... 2.

meet the District or Divisional Officer as prescribed above should be agreed upon between the General Manager and the Union. The detailed procedure of arranging these meetings should be agreed upon with the Union, but this should include a provision that the branch should supply in sufficient time before the meeting the subjects which it proposes to raise at the meeting with memoranda setting out its point of view. This would enable the District or Divisional Officer to examine the questions and be prepared to take part in a useful discussion.

- (ii) At the Railway Headquarters, the General Manager or the Assistant Deputy General Manager in charge of staff will meet the Unions at least once a quarter and oftener if necessary.
- (iii) All disciplinary matters and subjects like promotion, transfer etc. of individual members of the staff which do not involve any general principle will be excluded from the scope of the discussion at all these levels except at the discretion of the Officer concerned. Where, however, Unions have been given certain privileges in these matters, these will not ordinarily be curtailed. If, in an intergrated unit, there is disparity between the existing privileges in this matter and agreement cannot be reached with the Union on a uniform application of some procedure, the matter should be referred to the Railway Board for further instructions. Pending the receipt of these instructions, the General rules set out above should be followed.
- (iv) At the district and Railway levels, subjects will comprise these which are within the powers of the Officers concerned.
- (v) Questions Concerning pay-scale, allowances etc. will only be discussed between the Federations and the Railway Board and not at lower levels.
- (vi) At the Centre, negotiations will be between the Railway Board and the two Federations and for this purpose, there will be quarterly meetings between the Railway Board and the Federations.
- (vii) When a matter which is raised for discussion at the district level is not settled by agreement ~~xxxxxxxRailway~~ it may be raised at the Railway level, for further negotiation. Similarly, a matter not settled at the Railway may be brought up by the Federations to the Railway Board for discussion.

Cont ... 3.

A. K. S. -  
D. J. S. -

: 3 :

- (viii) All subjects brought up for discussion at the various levels should be disposed of as expeditiously as possible.
- (ix) If after discussions between the Railway Board and the Federations, agreement is not reached between the two sides on any matters of importances, such matters may be referred to an ad-hoc Railway Tribunal which will be set up for dealing with them at the Centre. This Tribunal will consist of an equal number of representatives of Railway labour and the Railway Administration with a neutral Chairman. The Tribunal will be enabled to make such investigations as they deem necessary before they give their decision. The detailed procedure which the Tribunal should adopt for conducting its proceeding and submitting its decisions has yet been drawn up; this will appropriately be dealt with when the Tribunal is set up for the first time.
- (x) It would be open to Government to accept, reject or modify the decision of the Tribunal and where the matters in dispute affect the workers under Ministries other than the Railway Ministry, these Ministries will be consulted as to :-
- (a) Whether they have any objection to the disputes being referred to the Railway Tribunal or,
  - (b) Whether they would like the dispute to be referred to an ad-hoc Commission on which they will also be represented.
- (xi) On matters which have been settled by agreement or in which Government ultimately accept the decision of the Tribunal, it will not be open to the Federation to raise the same issue again for a period of two years. In those cases in which Government have rejected or modified the decision of the Tribunal, the issue may be raised at the end of one year.
4. The Board will be glad if you will take the necessary steps to establish this machinery to enable it to start functioning from 1.1.1952. They may also be advised when the machinery starts to function and be supplied with copies of any detailed instructions which you may issue.

Cont .... 4.

Attested  
R. D. [Signature]  
Secy. (A.C. Secy.)  
Muzumdar, Buzzaiah-781011.

5. Certain amendments to the disciplinary rules have also been agreed upon. A separate communication will be sent to you in regard to these.

D.A - Nil

Sd/-

R. Srinivasan  
Dy. Director Establish-  
ment, Railway Board.

No. ES1FE1-22.

New Delhi dated 24th Dec. 1951.

Copy forwarded :-

1. The General Secretary, A.I.R./I.N.R. W.F with 22 spare copies.
2. The Secretaries, Home, Defence, Labour, W.H.S communications, Commerce & Industry and transport minister-ies.

for information.

Sd/-

R. Srinivasan  
Dy. Director Establish -  
ment, Railway Board.

*Atkins*  
*P. Datta*  
R. Datta, (Ad: 7011)  
Mallagan, Guwahati-781011.

75/4

Irregularity in preparation of seniority list of Engine Cleaners in the Lumding Division.

POINTS RAISED BY NFRMU :

Gross irregularities occurred in preparation of seniority list as above.

The matter was put in the Divisional PNM vide agenda item - 17 of the 36th Qrly. Divisional PNM held between this Union and LMG Divisional Administration. The matter was reviewed in the 37th Qrly. PNM held on 23/24-8-93 and the Administration admitted of the irregularities and assured that a letter of corrigendum would be sent to this Union and with this the item was closed.

But no such letter either was issued or the seniority was corrected.

The list of the case in respect of two group of substitutes. Engine Cleaners recruited in LMG Division in respect of whom anomalies in seniority crept up are detailed below :-

Group - 1.

- |                                |   |  |
|--------------------------------|---|--|
| 1) Sri Dulal Ch. Poddar        | : | 1. Sponsored by Asstt. Employment Exchange Officer/ Karimganj vide letter No. MXN/38/75/1718-34 dtd. 13.04.75. |
| 2) Sri Haren Kr. Dutta         | : |  |
| 3) Sri Tapan Kanti Dey         | : | 2. Tested by LF/BPB on 17-4-75.  |
| 4) Sri Kajal Ch. Roy & others. | : | 3. Appointed as substitute at BPB Loco Shed vide DS (P)/LMG's letter No. E/227/1/LM Dated 16.5.75.             |
|                                | : | 4. Joined at BPB as Sub-Engine Cleaner on 17.5.75.   |
|                                | : | 5. Temporary status granted on 17-9-75.  |
|                                | : | 6. Medical fitness on 18-1-77.   |

Cont ... 2.

Attested  
 R. Dutta. (Advocate)  
 Lumding, Garo 24.7.1977.

Group - 2.

- |                                    |   |                               |
|------------------------------------|---|-------------------------------|
| 1) Sri P.B. Rakshit                | : | 1. Directed by Employment     |
|                                    | : | Exchange in October '75.      |
| 2) Sri Rathindra Kr. Deb           | : | 2. Tested on 18.9.75          |
|                                    | : |                               |
| 3) Sri Kanchan Ch. Paul            | : | 3. Medical fitness on 27.9.78 |
|                                    | : |                               |
| 4) Sri P.N. Deb Barman             | : |                               |
|                                    | : |                               |
| 5) Sri J. Deb Barman               | : |                               |
|                                    | : |                               |
| 6) Sri Sushen Das                  | : |                               |
|                                    | : |                               |
| 7) Sri R. Marak                    | : |                               |
|                                    | : |                               |
| 8) Sri Bibaran Biswas &<br>Others. | : |                               |

It is to be mentioned here that Group -1 was given lower position in the seniority list whereas the Group - 2 was recruited later on but given higher position thus a gross irregularities committed by the LMG Division in maintenance of seniority position of Engine Cleaners.

It is quite natural that future promotions depending upon such an incorrect seniority would further aggravate the case.

Union demands that the seniority would have to be corrected by showing Engine Cleaners under Gr.I with higher position than Group -2. In this connection, kindly refer this Union's letter No. MU/C/BPB/95 dated 31.1.95 addressed to General Manager/P, N.F. Railway, Maligaon.

A/le MS

*R. Datta (A. Datta)*  
R. Datta (A. Datta)  
Maligaon, Guwahati. 781001

ANNEXURE - A/3.

NORTHEAST FRONTIER RAILWAY

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

No. E/301/30/74(U).

Dated - 31.10.95.

To,

CE, CME, COM, F.A & C.A.O, CCM, SDGM,  
CE/CON, CEE, CSTE, COS, CMD, CSO, Dy.  
CPO/G, DRMs/KIR, APDJ, LMG & TSK, Dy.  
CE/Br/Line/MLG, Dy.CME/DBWS, SPO/W,  
SPO/E&PC, SPO/HQ,  
SPO/M, SPO/T, SPO/RP, APO/G&S, APO/Engg.  
APO/Comm., APO/M, APO/Med. APO/GHY.

Sub : Minutes of 75th Qrly. PNM Meeting held  
between N.F. Railway Administration and  
N.F. Railway Mazdoor Union at Hd.Qrs.  
level on 14.9.95 and 15.9.95.

A copy of the minutes of 75th Qrly. PNM  
Meeting is enclosed herewith.

SECTION 'A' - INTRODUCTORY  
SECTION 'B' - FRESH ITEMS  
SECTION 'C' - REVIEW ITEMS

Followup action against each of the items in-  
cluding the items on Introductory Speech pertaining to  
your department may be taken up expeditiously and comple-  
tion/latest progressive report must be advised to the  
undersigned on or before 17.11.95 so that GM can be appri-  
sed of the position.

The target dates as laid down above may be  
strictly adhered to.

PLEASE NOTE THAT TRIPLICATE COPY OF ALL THE  
CIRCULAR/REFERENCE MADE MEMORANDUM/OFFICE  
ORDERS/LETTERS ISSUED ETC. WHICH HAVE BEEN  
REFERRED TO IN THE REMARKS MUST INVARIABLE  
BE ENCLOSED ALONG WITH THE TRIPLICATE COPIES  
OF THE REMARKS.

Each PHOD will ensure that an Officer of at-  
least a junior Administrative Grade (JAG) is nominated  
from his department to co-ordinate the follow up action  
and submission of detailed remarks by the target date.

HINDI VERSION WILL FOLLOW.

DA : AS above.

Ad/- 27.10.95.

Sd/-  
( B. N. SEN )  
Sr. Personnel Officer/Union  
for General Manager(P), MLG.

Cont ... 2.

Attns

*[Signature]*  
Dy. Comm. (Admin.)  
Guwahati.

4. 74/4 Irregularity in preparation of seniority list of Engine Cleaners in the Lumding Divn.

It was explained to the Union that this being a seniority issue having been fixed on accepted norms, it cannot be re-opened at present. The Union however, mentioned that responsibility may be fixed by the divisions for having recruited certain staff from the Employment Exchange as substitutes, whereas normally they should have been recruited as regular group 'D' staff. This matter would be separately dealt. LMG division would examine whether any specific responsibility can be fixed in this case.

( FINALISED )

*AMW*

*Booth*

Mallgaon, Guwahati-781011

ANNEXURE A/4

N.F.Rly.

No E/227/1/LM.

Dated 16/5/95.

To  
Shri Dulal Chandra Poddar  
C/O Sri Parimal Poddar  
East Bazar, Karimganj.

In terms of selection held for appointment of xxxx substitutes you are hereby directed to contact xxx Loco Foreman/Badarpur immediately for further instruction regarding appointment of substitute as and when necessary. If you do not report to LF/BPB within seven days of the receipt of this letter, your name will be scored out from the panel.

Sd/-  
for DS(P)/ N.F.Rly  
Luding.

.....

Atul

D. D. D.

R. Datta. (S. D. D.)  
Mallagan, Guwahati-781001

ANNEXURE - A/5.

STATEMENT SHOWING THE DATE OF APPOINTMENT OF THE  
RESPONDENT NO. 6 TO 60.

<u>Respondent No.</u>	<u>Name of the Respondent</u>	<u>Date of Appoint- ment.</u>
6.	Shri Madan Chandra Deka Raja	21-09-78
7.	Shri Sambhu Kumar Dey	06-08-78
8.	Shri C.L. Kahar	18-09-78
9.	Shri Narayan Chandra Dey	19-09-78
10.	Shri Arun Chandra Bora(II)	21-09-78
11.	Shri Loknath Das (SC)	23-09-78
12.	Shri Golap Chandra Bora	01-11-78
13.	Shri Subhash Chandra Deb	08-09-78
14.	Shri Prasanta Kumar Roy	08-09-78
15.	Shri Nepal Chandra Dey	28-10-78
16.	Shri Prabin Chandra Das(SC)	30-12-78
17.	Shri Pradip Kumar Chakraborty	30-12-78
18.	Shri Sontosh Kumar Das	30-12-78
19.	Shri Nibaran Chandra Biswas	20-10-78
20.	Shri R.K. Saikia	02-01-79
21.	Shri Guna Khi Ram Burua	02-01-79
22.	Shri Narandra Nath Bora	08-01-79
23.	Shri Pradip Chandra Barua	09-01-78
24.	Shri Nandeswar Bora	19-01-79
25.	Shri Poritosh Chandra Das	13-06-79
26.	Shri Holi Ram Hazarika(SC)	29-06-79
27.	Shri Guna Ram Das	29-06-79
28.	Shri Sabeswar Barua(SC)	30-08-79
29.	Shri C.R. Rajbongshi	17-10-76
30.	Shri D.C. Khound	30-09-76
31.	Shri Girish Chandra Das(SC)	16-11-76
32.	Shri Tapan Kumar Mazumder	06-08-78

Cont .....

*Alleged*  
*R. Datta*  
R. Datta. (Adm...)  
Malgaon, Guwahati.

<u>Respondent No.</u>	<u>Name of the Respondent.</u>	<u>Date of App- ointment.</u>
33.	Shri W.D. Costa	09-12-76
34.	Shri Sachindra Mandal	05-04-78
35.	Shri Babul Chandra Das	12-04-68
36.	Shri Ashok Kumar Sarkar (I)	14-09-78
37.	Shri Pradip Sengupta	15-09-78
38.	Shri Gopal Chandra Deb	15-09-78
39.	Shri Shyam Raj Muchi (SC)	16-09-78
40.	Shri Surat Kumar Das	18-09-78
41.	Shri Sushen Das (SC)	20-09-78
42.	Shri Amaresh Chandra Das (SC)	21-09-78
43.	Shri Jiten Deb Barman	06-06-79
44.	Shri Arun Kumar Nath	29-10-78
45.	Shri Sukumar Chandra Dey	17-10-76
46.	Shri Rabindra Chandra Das (SC)	25-09-78
47.	Shri Kanchan Chandra Paul	05-01-79
48.	Shri Pramode Chandra Chakrabarty	05-01-79
49.	Shri Apurba Kumar Deb	05-01-79
50.	Shri Kanchi Lal Das	07-01-79
51.	Shri Kamala Kumar Singh	14-02-79
52.	Shri M.C. Deb Barman	09-06-79
53.	Shri Rabindra Marak	24-06-79
54.	Shri Kollol Deb Barman	28-06-79
55.	Shri P.N. Deb Barman	30-06-79
56.	Shri Haran Sakia	20-09-78
57.	Shri Santi Ram Bora	29-05-79
58.	Shri Ati Ram Boro (ST)	29-05-79
59.	Shri Rup Kumar Das	20-01-79
60.	Shri Golam Sangma	23-06-79

*A. D. Datta*

*R. Datta*

R. Datta. (Advocate)  
Mallagan, Guwahati-781011

XXXXXX

N. F. RAILWAY

RECT-604.

E/41/5 P.II(C)

Pandu dated 25.10.79.

To,  
All Heads of Departments,  
All DRMs, DAOs, WAO/DBRT & NBO, DVS/TSK  
All Distt. & Asstt. Officers of  
non-divisionalised Officer,  
General Secretary, NFRMU/PNO with 40 spare copies  
General Secretary, NFRMU/PNO with 35 spare copies.

Sub : Determination of date of appointment  
of substitutes to be recorded in  
service records.

A copy of Railway Board's letter No.E(NG)II/  
77/SB/38 dated 19.09.79 on the subject mentioned above, is  
forwarded for information and guidance.

Sd/-

for CHIEF PERSONNEL OFFICER.

(Rly.Board's letter No.E(NG)II/77/SB/38 dt. 19.9.79)

Sub : Determination of date of appointment  
of substitutes to be recorded in  
service records.

Reference Ministry of Railway's letter of  
even number dated 13.1.1978 and your replies thereto. Mini-  
stry of Railways have carefully considered the matter and  
have decided that the date of appointment of a substitute  
to be recorded in the Service Book against the column 'date  
of appointment, should be date on which he attains tempor-  
ary status if the same is followed by his regular absorp-  
tion otherwise, it should be the date on which he is regul-  
arly appointed/absorbed. This applies to substitute teacher  
also who attain temporary status after a continuous service  
of three months only.

2. Receipt of this letter may be acknowledge

(This disposes of Eastern Railway's letter No.E-  
633/0/11/A dated 2.9.1977)

Alle MS  
D. Datta,  
Asstt. Secy. (Adm. Secy.)  
Mellson, Guwahati-781011

Extract of seniority list as on 1.4.93 Unit LMG Mech.Division. Category - 1st F/man/DAD, Classification :-  
 Selection, Scale Rs. 950-1500/- Criterion - Length of Non-fortuitous service in the grade.

Sl. No.	Name	Station	Date of birth	Date of apptt.	Date of promotion to the grade	Confid/ Offg.	Length of Service			Remarks.
							Y	D	M	
1	2	3	4	5	6	7	8	9	10	11
28.	Shri M.C. Dekaraja (ST)	LMG	31.03.51	21.09.78	12.03.84	Confid.	09	-	19	Promoted to Shunter.
41.	Shri Tapan Kr. Mazumder	BPB	30.08.53	06.08.78	19.06.84	"	08	09	12	- do -
42.	Shri Sambhu Kr. Dey	LMG	02.01.54	06.08.78	04.06.84	"	08	09	27	- do -
63.	Shri W.D. Costa	BPB	30.11.53	09.12.76	28.06.84	"	08	09	3	- do -
88.	Shri Sachindra Mandal	BPB	28.08.48	05.04.78	19.06.84	"	08	09	12	- do -
92.	Shri Bibhash Ch. Das	BPB	22.03.56	08.09.78	03.07.84	"	08	08	28	Remove from Service.
93.	Shri Ashok Kr. Sarkar (I)	LMG	04.03.55	14.09.78	18.07.84	"	08	08	13	- do -
94.	Shri Pradip Sengupta	BPB	01.12.56	15.09.78	03.07.84	"	08	08	28	Promoted to Shunter.
95.	Shri Gopal Ch. Deb	BPB	28.02.57	15.09.78	03.07.84	"	08	08	28	- do -
96.	Shri Shyam Raj Muchi (SC)	BPB	10.10.54	16.09.78	04.07.84	"	08	08	27	- do -

1	2	3	4	5	6	7	Y	D	M	11
							8	9	10	
97.	Shri Surat Kr. Das(SC)	BPB	11.01.55	18.09.78	06.07.84	Confd.	08	08	25	Promoted to Shunter
98.	Shri C.L. Kahar	LMG	01.12.57	18.09.78	18.07.84	"	08	08	13	- do -
99.	Shri Narayan Ch. Dey	LMG	10.05.58	19.09.78	23.07.84	"	08	08	08	- do -
100.	Shri Haren Saikia	NGC	31.12.53	20.09.78	20.08.84	"	08	07	11	-
101.	Shri Sushen Das(SC)	BPB	14.05.68	20.09.78	06.07.84	"	08	08	25	-
102.	Shri Arun Ch. Bora(II)	LMG	28.02.54	21.09.78	18.07.84	"	08	08	13	-
103.	Shri Amaresh Ch. Das(SC)	BPB	22.10.57	21.09.78	06.07.84	"	08	08	25	-
104.	Shri Loknath Das(SC)	LMG	29.12.52	23.09.78	18.07.84	"	08	08	13	-
105.	Shri Santi Ram Boro(ST)	NGC	31.12.53	29.05.79	18.07.84	"	08	08	13	-
106.	Shri Ati Ram Boro(ST)	NGC	31.05.57	29.05.79	25.01.86	"	07	02	06	-
107.	Shri Jiten Deb Barman(ST)	BPB	31.12.57	06.06.79	10.07.84	"	08	08	21	-
-----										
109.	Shri Nibaran Ch. Biswas(SC)	LMG	14.07.53	20.10.78	26.03.85	"	08	-	05	-
110.	Shri Arun Kr. Nath	BPB	11.08.54	29.10.78	23.03.85	"	08	-	08	24
111.	Shri Golap Ch. Bora	LMG	01.09.52	01.11.78	19.03.85	"	08	-	12	-
121.	Shri Sukumar Ch. Dey	BPB	04.11.47	17.10.76	23.03.85	"	08	-	08	-
-----										
124.	Shri Prasanta Kr. Roy	LMG	06.02.56	08.09.78	19.03.85	"	08	-	12	-
125.	Shri Rabindra Ch. Das(SC)	BPB	05.10.58	25.09.78	24.12.85	"	07	03	07	-
126.	Shri Nepal Ch. Dey	LMG	23.11.50	28.10.78	20.04.85	"	07	11	11	-
127.	Shri Prabin Ch. Das(SC)	LMG	31.12.51	30.12.78	01.04.85	"	08	-	-	-
128.	Shri Pradip Kr. Chakraborty	NGC	01.03.53	30.12.78	07.04.85	"	07	11	24	-

Attested  
 P. Datta

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1	2	3	4	5	6	7	Y	D	M	11
129.	Shri Santosh Kr. Das	LMG	26.07.54	30.12.78	01.04.85	Confd.	08	-	-	-
130.	Shri R.K. Saikia(SC)	LMG	31.12.54	02.01.79	04.01.86	"	07	02	27	-
131.	Shri Guna Khi Ram Barua	LMG	01.11.55	02.01.79	21.03.85	"	08	-	10	-
132.	Shri Canchan Ch. Paul	BPB	30.03.50	05.01.79	24.03.85	"	08	-	07	-
133.	Shri Promode Ch. Chakraborty	BPB	30.06.54	05.01.79	23.03.85	"	08	-	08	-
134.	Shri Apurba Kr. Deb	BPB	01.12.55	05.01.79	23.03.85	"	08	-	08	-
135.	Shri Kanchi Lal Das	BPB	15.03.50	07.01.79	07.04.85	"	07	11	24	-
136.	Shri Narendra Nath Bora	LMG	31.03.50	08.01.79	10.04.85	"	07	11	21	-
137.	Shri Pradip Ch. Barua	LMG	01.03.59	09.01.79	07.04.85	"	07	11	24	-
138.	Shri Nandeswar Bora	LMG	11.12.50	19.01.79	23.03.85	"	08	-	08	-
139.	Shri Rup Kr. Das(SC)	LMG	01.01.52	20.01.79	21.01.79	"	08	-	10	-
140.	Shri Kamala Kr. Singha	BPB	16.02.63	14.02.79	27.03.85	"	08	-	04	-
-----										
142.	Shri M.C. Deb Barman(ST)	BPB	20.02.54	09.06.79	01.04.85	"	08	-	-	-
143.	Shri Paritosh Ch. Das	LMG	01.01.53	13.06.79	04.04.85	"	07	11	27	-
144.	Shri Golam Sangma(ST)	NGC	08.10.56	23.06.79	01.04.85	"	08	-	-	-
145.	Shri Rabindra Marak(ST)	BPB	09.10.58	24.06.79	07.04.85	"	07	11	24	-
146.	Shri Kallal Deb Barman(ST)	BPB	27.10.54	28.06.79	17.04.85	"	07	11	14	-
147.	Shri Holi Ram Hazarika(SC)	LMG	01.01.52	29.06.79	15.12.85	"	07	03	16	-
148.	Shri Guna Ram Das(SC)	LMG	01.09.56	29.06.79	09.04.85	"	07	11	22	-
149.	Shri P.N. Deb Barman(ST)	BPB	16.10.53	30.06.79	11.04.85	"	07	11	20	-

A/MS  
R. Dutta,

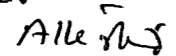
R. Dutta, (Advocate)  
Mallgaon, Guwahati-781001.

Cont ... P/4.

: 4 :

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1	2	3	4	5	6	7	Y	D	M	10	11
158.	Shri Sabeswar Barua(SC)	LMG	01.03.55	30.08.79	08.02.86	Confid.	07	01	23	-	-
177.	Shri C.R. Rajbongshi	LMG	01.01.53	17.10.76	05.03.86	"	07	-	26	-	-
186.	Shri D.C. Khound	LMG	01.09.54	30.09.76	15.12.86	"	06	03	16	-	-
192.	Shri Haran Kr. Dutta	BPB	28.05.55	01.07.76	04.06.86	"	06	09	27	-	-
193.	Shri Girish Ch. Das(SC)	LMG	31.12.55	16.11.76	19.05.86	"	06	10	12	-	-
195.	Shri H.C. Khound	LMG	01.01.55	15.06.76	28.05.86	"	06	10	03	-	-
196.	Shri Dilip Kr. Das(SC)	BPB	30.06.54	17.05.76	06.06.86	"	06	09	25	-	-
197.	Shri Kajal Ch. Roy	BPB	28.09.54	17.05.76	10.06.86	"	06	09	21	-	-
198.	Shri Tapan Kr. Dey	BPB	27.12.53	17.05.76	18.06.86	"	06	09	13	-	-
210.	Shri Dulal Ch. Podder(SC)	BPB	12.09.53	17.05.76	21.11.84	"	08	04	10	-	-
531.	Shri Partha Sarathi Bhatta- charjee.	LMG	18.12.58	22.11.84	10.02.93	"	-	01	21	-	-

  
 K. Dutta, (Advocate)  
 Maligaon, Guwahati-781011.

Sd/-  
 for D.R.M(P)/LMG.

No. E/255/I/LM. Dtd.LMG / 1193.

Copy forwarded to :-

1. LF/LMG, BPB & BGC.S/copies are enclosed for publication among the staff concerned.
2. G.S. N.F.RLY/PNO & N.F.RLY/PNO with the extra copies.

N.B. Any representation against the seniority position must be submitted within one month from the date of its publication. No representation will be entertained after the target date.

*A. Gupta*

*R. Datta*

R. Datta, (Advocate)  
Maligaon, Guwahati-781011.

Sd/-

for D.R.M(P)/LMG.

Dated - 11.11.93.

36

359  
20 MAR 1997

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

359/3.9/96  
Outstanding Nos  
1, 2, 3, 4  
Mitya Hand Taken  
Divisional personnel officer  
N.F. Ry. Ltd. Guwahati  
19.3.97

O.A. No. 164/96

Shri D.C. Poddar

-Vs.-

Union of India & Ors.

In the matter of :-

Written Statement on  
behalf of the Respondents  
No.1, 2, 3 & 4.

The Respondent Nos. 1, 2, 3 & 4  
most respectfully beg to state as under :-

1. That the application filed by the applicants is barred by limitation and should be dismissed in the threshold on that count alone. In reply to the statements made in paragraph 3.1, 3.2, 3.3, 3.4, 3.5 and 3.6 it is stated that the Railway Administration holds discussion with the recognised unions with a view to fulfil the reasonable requirements of the employees

Cop. delivered  
to Mr. R. S. Saha Ad.  
19/3/97

....2/-

represented by the Unions within the frame work of rules. There are at present two such recognised unions one is Northeast Frontier Railway Mazdoor Union and the other Northeast Frontier Railway Employees' Union. During the discussions with the Northeast Frontier Railway Mazdoor Union nothing emerged showing any right of the applicants in favour of improving their seniority. These discussions and meetings with Unions cannot be a ground to save limitation under law. The seniority claim by the applicant is from 17.9.76. After this date long period has elapsed and things which have settled for long time cannot be unsettled.

2. That in reply to <sup>statement in</sup> para 4.4 and 4.5 it is stated that the applicants were appointed as Substitutes, and their recruitment was made locally and they were not sponsored by any Employment Exchange. That in reply to paragraph 4.6, 4.7, 4.8 and 4.9. it is stated that the applicants were initially appointed as Substitutes and they were given temporary status with effect from 17.9.76 and they got the benefits admissible as a result of getting temporary status. Other recruitments were made as usual in those periods that is 1975 onwards. As already stated the applicants were not sponsored by any Employment Exchange. However as the Railway Authorities recruited them locally, their case was duly considered and they were given temporary status benefits as explained above and

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H. J. M. D. Thakur  
Director General  
N.F.Rly, Lmddng.

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subsequently they have been given all the benefits of service as per rules. It is stated that substitutes would be absorbed as regular employees only after a process of screening and they will get the seniority after the approval as a result of the Screening/Selection Board . The Railway Board under their letter No.E/NG/II/77/5B/38 dated 16.6.81 have ~~laid down~~ <sup>Confirmed</sup> that the seniority of Substitutes is to be counted from the date of regular appointment after approval of the Screening/Section Board. The seniority of the applicants have been correctly fixed and they have not been denied any rightful claim and there has not been violation of any rule and there has not been any deprivation of any right.

*Heita Man d Talan*  
*Divisional Personnel Officer*  
*M.F. B.R. Lunding*

vs

A copy of the Railway Board's letter

dated 16.6.81 is enclosed as Annexure-I.

*vs* *Chief Personnel Officer, M.F. Railways (letter dated 25.9.81 is enclosed as Annexure - II)*

3. That in reply to the statements made in paragraphs 4.10, 4.11, 4.12, 4.13 and 4.14 it is stated that the applicants were approved as Engine Cleaners under Divisional Railway Manager(P), Lunding's letter No.E/202-I(C) dated 17.2.81 on the basis of their options in terms of Divisional Railway Manager(P), Lunding's letter No.E/202-I(C) dated 8.2.80 specifying the conditions <sup>therein</sup> ~~therein~~. The applicants have opted accepting the item No.4 of the said letter dated 8.2.80. Moreover in view of the Railway Board's letter dated 16.6.81 the applicants cannot claim seniority for the period



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भारत सरकार  
रेल मंत्रालय (रेलवे बोर्ड)  
GOVERNMENT OF INDIA (Bharat Sarkar)  
MINISTRY OF RAILWAYS (Rail Mantralaya)  
(Railway Board)

105

11/10/81  
No Annexure  
2 50

नई दिल्ली-110001, भारत  
New Delhi-110001, भारत

11/10/81  
OFFICE OF THE GENERAL MANAGER,  
N.F. RAILWAY, GAUHATI;  
GAUHATI-781001

No. E(NG)11177/SB/38

The General Manager  
N.F. Railway  
Gauhati.

Sub: Determination of date of appointment of  
substitutes to be recorded in service records.

Reference correspondence resting with Sh. Barry  
D.O.No.E/41/5(c) P.II dated 15/18.5.81 on the above subject.

The presumption made in your Railway's letter No.  
E/41/5(c) P.II dated 1.7.81 that the seniority of substitutes  
be counted from the date of regular appointment after approval  
by the screening Committee/Selection Board is hereby  
confirmed.

DA: Nil

*H.R. Niagat*  
( H.R. NIAGAT )  
DY. DIRECTOR ESTT. (II)  
RAILWAY BOARD.

*AMC*  
*10*  
*AR*

Annexure-II  
180  
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N. F. RAILWAY.

Office of the  
Chief Personnel Officer,  
Gauhati-11.

RECT/672  
No.E/CI/S Pt.II (C).

Dated the 25<sup>th</sup> Sept'81.

- To
- All Heads of Departments.
- All DRMs. & DVS/TBK.
- All DAOs, UAOs/NBO & DBUS.
- All Distt: & Asst: Officers of  
Non-Divisionalised Offices.
- The Genl.Secy./NFRMII/PNO. with 40 spare copies.
- The Genl.Secy./NFRMU/PNO. with 35 spare copies.

Sub: Determination of date of appointment  
of substitutes to be recorded in service  
records.

On a reference made to the Railway Board on the above  
subject, Board vide their letter No.E(NG)II/77/SB/38 dated  
16-6-81 have decided that the seniority of substitutes is  
to be counted from the date of regular appointment after  
approval by the Screening Committee / Selection Board.

For Chief Personnel Officer.

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7-  
Annexure - III  
Office of the  
Divisional Rly. Manager (P),  
Landing, dtd. 18-5-1959.

No. E/301/I/LM/MJ/M.

To  
The Convener,  
Mazdoor Union/Landing.

Dear Sir,

(4 items 21A of 23rd PNM  
Sub:- Item No.29 of Review Meeting/Irregular  
fixation of seniority of screened substitutes  
of BFB shed.

!!!!

On scrutiny of <sup>records</sup> recruit it is seen that the names  
shown by the Mazdoor Union have not been sponsored by any Employment  
Exchange and they were locally recruited and subsequently screened and  
their seniority has been given from the date of screening as per ex-  
tent rule. The case of Electrical Deptt. is not identical with the  
above as the staff involved were sponsored by Employment Exchange.

In view of the above, question of <sup>recussing of</sup> seniority of the staff mentioned in the above agenda does not arise.

Yours faithfully,

for Divisional Rly. Manager (P),  
N. F. Railway & Landing.

copy to Union

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B.S.

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18/5

18/5/59

N.F.RLY.

DEM(P)'s office/Lunding.

Notice.

Applications are invited from the regular unskilled class-IV staff including the approved substitutes employed in Locoshed who are interested to have their avenue of promotion to running side. They will first be posted as Engine Cleaner subject to the conditions that -

1. They are upto the age of 30 years relaxable upto 35 years in the case of persons belong to SC/ST community.
2. They are found suitable for the post and pass M/E in class A/One.
3. They must have educational qualification upto Class V standard.
4. They will rank junior to all existing Engine cleaner on roll.

Applications are required to be submitted through respective shed incharges on or before 15.2.80.

This should be given wide publicity amongst the staff. No applications from unapproved substitutes will be entertained.

Sd/-  
for DEM(P)/Lunding.

No.E/202-1(C) Dt. 8/2/1980.

Copy to: LF/LMG, NGC & BPB, ALF/CPK & HJO, Shedman I/C-PNO for information and wide publication. Applications received should be forwarded in a lot to reach this office latest by 20.2.80 certain. In case no application is received, shed incharges will send such information on expiry of Notice period.

Spares copies are enclosed for publication.

Sd/-  
for DEM(P)/Lunding.

*attested*

*Sansur*  
 13/2/97  
 Asstt. Personnel Officer (Legal Cell)  
 N.F. Railway, Malabar, Guwahati

N.F. railway.

DMR(P)'s office,  
Landing, dt/- 13-2-81

Office order.

In response to the notification issued vide No. E/202-1(C) dated 6.2.80 the following staff having been found suitable for the post of Engine cleaners are hereby posted as Engine cleaner on their existing pay and scale and posted to the stations noted against each. Their seniority in the new unit will count from the date of issue of this order but their interse seniority will be maintained. Posting of S/Nos. 8, 9 & 10 are subject to their passing M.E. in class 4/One.

S/Nos. 4, 47, 48, 49 & 50 will be released only when they are replaced by S/cleaners to be directed by medical department, but their seniority as E/cleaner will count from the date of issue of this order.

S/No.	Name	Design. & station	Stn. of posting	Remarks
1.	Sri Nayan Kanti Roy,	F/khal/LMG	LMG	
2.	" B.C. Hrisaidas(SC)	" "	LMG	
3.	" Aswini Kr. Das(SC)	" "	LMG	
4.	" Ranik Basore(SC)	S/cleaner/HJO	HJO	
5.	" Banerwar Bhattacharjee	F/khal/LMG	LMG	
6.	" Mongalmoy Mukherjee	khal/LMG	LMG	
7.	" Ranjit Kr. Paul	" "	LMG	
8.	" Aboul Kofar	Exporter/BPB	BPB	
9.	" Habibur Rahaman	khal/BPB	BPB	
10.	" Sukumar Ch. Dey	" "	BPB	
11.	" Tarun Kr. Rani	" LMG	LMG	
12.	" Hassanuddin	" "	LMG	
13.	" Tapan Kr. Paul	" "	LMG	posted in law
14.	" Subhansu Kn. Deb	" "	LMG	
15.	" Chandara Kn. Das(SC)	" CPA	CPA	
16.	" Prasanta Kr. Roy	Callman/LMG	LMG	
17.	" Rabinara Ch. Das(SC)	khal/BPB	BPB	
18.	" Nepal Ch. Dey	B/khal/LMG	LMG	
19.	" Pabim Ch. Das(SC)	khal/LMG	LMG	
20.	" Pradip Kr. Chakraborty	" "	LMG	
21.	" Santosh Kr. Das	" "	LMG	
22.	" Rama Kanta Saikia(SC)	Bearer/LMG	LMG	
23.	" Gunabhi Ram Barua	khal/CPA	CPA	
24.	" Kanchan Lal Paul	" BPB	BPB	
25.	" Promode Ch. Chakraborty	" BPB	BPB	
26.	" Apurba Deb	" "	BPB	
27.	" Bishnu Ram Saikia	" LMG	LMG	
28.	" Kanchilal Das	" HJO	HJO	
29.	" Narendra Nath Bora	" LMG	LMG	
30.	" Pradip Ch. Barua	" "	LMG	
31.	" Nandeswar Bora	" CPA	CPA	
32.	" Kup Kanta Das(SC)	" CPA	CPA	
33.	" Samala Kn. Singh	" BPB	BPB	
34.	" Rabinara Nath Gur(SC)	" LMG	LMG	
35.	" Santi Ram Boro(ST)	" CPA	CPA	
36.	" Ati Ram Boro(ST)	" CPA	CPA	

contd... 2

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S.No.	Name	Desig. & Stn.	Stn. of posting	Remarks
37.	Jitendra Deb Barman (ST)	Kh/HJO	BPB	
38.	M.C. Deb Barman	"	"	Own request.
39.	Paritosh Ch. Das	"	"	"
40.	Gulam Sangma	Callman/LMG	LMG	
41.	Rabindra Marak (ST)	(ST) Kh/HJO	HJO	
42.	Kalul Deb Barman (ST)	"	BPB	
43.	Hali Ram Hazarika (SC)	Kh/BPB	BPB	Own request.
44.	Guna Ram LAS (SC)	Kh/LMG	LMG	
45.	P.N. Deb Barman (ST)	"	"	
46.	Narayan Ch. Nagh	Kh/BPB	BPB	
47.	Arjun (SC)	"	"	
48.	L. Palaiya (SC)	S/Cleaner/LMG	LMG	
49.	Praneswar Malakar (SC)	"	"	
50.	Dulal Ch. Malakar (SC)	" /CPK	CPK	

Sd/...  
LME(P)/LMG.

Dt. 13-2-81.

No. E/202-1(C)

Copy to LF/LMG, NGC, BPB, ALF/CPK, HJO for information and immediate necessary action.

" Staff concerned (through Shed Incharges.

" DAO/LMG

" P. Bill (Mech) & OS (M) at office.

" MS/LMG. He will please direct four Sanitary Cleaners three to report to LF/LMG, one to ALF/CPK.

" LMD/EPB. He will please direct one S/Cleaner to report to ALF/HJO.

DIVISIONAL RLY. MANAGER (P)  
N.F. RLY. LUMDING.

Handwritten signature/initials at the bottom of the page.

OFFICE ORDER.

In continuation of this office O.O.No.E/202-1(C) dated 13.2.61 the following remaining staff having been found suitable for the post of Engine Cleaner are hereby posted as Eng.Cleaner on their existing pay and scale at the stations noted against each. Posting of S/No.22 is subject to passing M.E. in Class A/one.

SL No.	Name	Designation and station	Station posted at	Remarks
1	2	3	4	5
1.	Sri Sarbeswar Bera(SC)	Khalasi/CPK.	CPK.	-
2.	" Subodh Ran Das(SC)	-do- HJO.	BFB.	Own request.
3.	" Ashim Kanti Padder.	" BFB.	- BFB	-
4.	" Nantu Banik.	" BFB.	BFB.	-
5.	" P.N.Hazarika.	" CPK.	CPK.	-
6.	" Nibaran Ch.Dey.	" BFB.	BFB.	-
7.	" Prafulla Hazarika.	" CPK.	CPK.	-
8.	" Rup Ram Hira(SC).	" LMG.	LMG.	-
9.	" M.K.Debnath.	" NGC.	NGC.	-
10.	" A.C.Rajbongshi.	" NGC.	NGC.	-
11.	" S.B.Chanda.	" HJO.	HJO.	-
12.	" Bhusan Ch. Hira(SC).	" CPK.	CPK.	-
13.	" A.M.Dewan.	" CPK.	CPK.	-
14.	" Jankar Lal Bhar.	" BFB.	BFB.	-
15.	" Abdul Salam.	" LMG.	LMG.	-
16.	" Pradip Kr.Deb.	B/Khal/ LMG.	LMG.	-
17.	" Laksheswar Bora.	-do- LMG.	LMG.	-
18.	" Bhola Nath Saha.	Callman/ LMG.	LMG.	-
19.	" S.K.Singha Roy.	Khalasi/ LMG.	LMG.	-
20.	" Sukhar Nandi.	-do- LMG.	LMG.	-
21.	" Kamakshya Kr.Roy.	" LMG.	LMG.	-
22.	" Abdul Matlib.	Box Porter/BFB.	BFB.	-
23.	" Manik Lal Datta.	-do- HJO.	BFB.	-
24.	" Ranjit Kr.Nath.	Khalasi/BFB.	BFB.	-
25.	" C.R.Rajbongshi.	-do- CPK.	CPK.	-
26.	" Aghor Ch.Chowdhury.	-do- NGC.	NGC.	-
27.	" Sankar Debnath.	Callman/ LMG.	LMG.	-
28.	" A malendu Paul.	Khalasi/ LMG.	LMG.	-
29.	" Rup Ram Hazarika.	-do- LMG.	LMG.	-
30.	" Mihir Ch.Bardhan.	-do- LMG.	LMG.	-
31.	" D.B.Chetri.	Callman/ LMG.	LMG.	-
32.	" Narendra Nath Kalita.	Khalasi/ LMG.	LMG.	-
33.	" Sukleswar Bora.	-do- LMG.	LMG.	-
34.	" Biren Ch.Goswami.	-do- LMG.	LMG.	-
35.	" Dhiron Ch.Khaund.	-do- LMG.	LMG.	-
36.	" Badan Ch.Bordoloi.	" LMG.	LMG.	-
37.	" Sunil Ch.Mali(SC)	" LMG.	LMG.	-
38.	" Swapan Dhowmick.	" LMG.	LMG.	-
39.	" Bikash Ran.Paul.	" LMG.	LMG.	-
40.	" Subash Dey.	" LMG.	LMG.	-
41.	" Tapan Kr.Das.	" LMG.	BFB.	-

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*[Handwritten signatures and initials]*

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1	2	3	4	5
42.	Sri Pradip Deb Roy.	Khalasi/LMG.	LMG.	--
43.	" Krishna Pada Deb.	-do-	LMG.	--
44.	" Haran / Kr. Dutta.	" BFB.	BFB.	--
45.	" P.K.Singh.	" HJO.	BFB.	Own request.
46.	" Girish Ch.Das(SC).	" LMG.	LMG.	--
47.	" Guna Kanta Hazarika.	" LMG.	LMG.	--
48.	" Hiranya Ch. Khaund.	" LMG.	LMG.	--
49.	" Dilip Kr. Das(SC).	" BFB.	BFB.	--
50.	" Kajal Ch. Roy.	" BFB.	BFB.	--
51.	" Tapan Kanti Doy.	" BFB.	BFB.	--
52.	" Paresch Ch. Das(SC).	" NGC.	NGC.	--
53.	" Daya Ram Baishya.	" NGC.	NGC.	--
54.	" Gopal Ch. Datta.	" NGC.	NGC.	--
55.	" Hari Nath Kumar.	" NGC.	NGC.	--
56.	" Akkash Ali.	" NGC.	NGC.	--
57.	" Makbul Hossain.	" NGC.	NGC.	--
58.	" Sahiruddin Ahmed.	" NGC.	NGC.	--
59.	" Ester Ald.	" NGC.	NGC.	--
60.	" L.R. Baishya.	" NGC.	NGC.	--
61.	" Gouranga Ch. Das.	Khalasi/NGC.	NGC.	--
62.	" Seraj Ali.	-do-	NGC.	--
63.	" Dulal Ch. Foddor(SC).	" BFB.	BFB.	--
64.	" Babul Ch. Das(SC).	" NGC.	NGC.	--
65.	" Babul Ahmed.	" NGC.	NGC.	--
66.	" Monsor Ali.	" NGC.	NGC.	--
67.	" Sifat Ali Laskar.	" BFB.	BFB.	--
68.	" Dilip Ch. Chakraborty.	" LMG.	LMG.	--
69.	" Pradip Kr. Gupta.	" BFB.	BFB.	--
70.	" Swapan Kr. Doy.	" HJO.	BFB.	--
71.	" Anil Ch. Das(SC).	" HJO.	BFB.	--
72.	" Bhadreswar Koot.	" LMG.	LMG.	--
73.	" Shyamal Ch. Deb.	" BFB.	BFB.	--
74.	" Ranjash Mohan Das(SC).	" BFB.	BFB.	--
75.	" Madan Kr. Doy.	" BFB.	BFB.	--
76.	" S.C. Sutrachar(SC).	" LMG.	LMG.	--
77.	" Pratap Ch. Pater(ST).	" LMG.	LMG.	--
78.	" Guna Kanta Gayan.	" LMG.	LMG.	--
79.	" Bidyot Kr. Chakraborty.	" BFB.	BFB.	--
80.	" C.L. Ra bidas(SC).	" BFB.	BFB.	--
81.	" Kali Pada Chakraborty.	" LMG.	LMG.	--
82.	" Jiton Ch. Kalita.	" LMG.	LMG.	--
83.	" Bhog Ram Nath.	" LMG.	LMG.	--
84.	" Prasanna Kr. Das(SC).	" BFB.	BFB.	--
85.	" D.C. Lapang (ST).	" LMG.	LMG.	--
86.	" Bakul Ch. Doy.	" LMG.	LMG.	--

Sd/-  
DMC(P)/LMG.

No. F/202-I(C). dtd. 17.2.01.  
Copy to LE/LMG, NGC & BFB. ALM/CPK & HJO for information and immediate n/action under intimation to this office.  
Copy to staff concerned (thro. shed incharges). Copy to DAO/Lunding.  
Copy to P. Bill (Mech) & S(M) at office.

for P.R.M. (P)/LMG.

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DMC  
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Adv.

18-2-01

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- (u.s.) -

Filed by  
D. D. Datta / 4/19/97  
B. Datta, Advocate,  
Guwahati, Guwahati-781018

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

IN THE MATTER OF

O.A. No. 164 of 1996

Shri D.C. Poddar & Others

- Vs -

Union of India & Others.

- AND -

IN THE MATTER OF :

Rejoinder to the original Application in response to the written statement submitted by the respondent No. 1, 2, 3 & 4.

The applicants beg to submit as under :-

1. That, the applicants have gone through the Written Statement and understood the contents thereof.
2. That, in respect of para 1 of the written Statements the applicants beg to submit that permanent Negotiating Machinery (in short PNM) provide one of the remedy available to the Railway Servants who are members of the Union for redressal of grievances and the applicants filed the original application within one year from the date of decision. As such the application is within the period of limitation.

Contd ... P/2.

Contd ... P/2.

3. That, in respect of para 2 of the Written Statement, the applicants beg to deny the correctness of the same. All the applicants were recruited by a Selection Committee consisting of the Assistant Mechanical Engineer, N.F. Railway, Badarpur, Lumding, the Principal Halflong College, Halflong and the Assistant Medical Officer, N.F. Railway, Badarpur. The applicant No. 1 to 4 were sponsored by Assistant Employment Exchange Officer, Karimganj and applicant No. 5 was sponsored by the District Employment Exchange Officer, Silchar.

Copies of the letter served to the applicants by the Employment Exchange Officer are annexed herewith as ANNEXURE - A/8, A/9, A/10, & A/11 respectively.

4. That, the Statement made in para 2 of the Written Statement in respect of Railway Board's letter No. E/NG/II/77/SB/ 38 dated 16.06.81 is not admitted by the applicant. The said letter has been issued by a Deputy Director and same cannot change or modify the decision of the Ministry of Railway's communicated by the Railway Board under No. E(NG)/II/77/SB/38 dated 19.09.79 (Annexure - A/6). Besides the Master circular No. 12/91 issued under No. E(NG)/II/90/SB/Master circular dated 29.01.91 also provides that the date of appointment of the Substitutes would be the date on which he/she attains temporary status.

A Copy of the said Master circular is Annexed as Annexure - A/12.

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5. In respect of para 5 of the written Statement the applicants beg to submit that they exercised the option at the first opportunity <sup>of</sup> ~~of~~ their regularisation.

: VERIFICATION ::

I, Shri Dulal Chandra Poddar, son of Late Madhusudan Poddar, aged about 41 years working as Diesel Assistant Driver under Loco Foreman, N.F. Railway, Badarpur, P.O. Badarpur, District - Karimgang (Assam) do hereby verify that the contents of paras 1, 3 and 5 are true to my knowledge in respect of my own position and true to my information obtained from other applicants in respect of their particulars which I believe to be true and the contents of paras 2 and 3 is my submission to the Hon'ble Tribunal.

*Dulal Ch. Poddar*

Signature of the Applicant.

Dated : 4/4/97

Place : Gauhati

*sq*

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GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR  
EMPLOYMENT EXCHANGE, KARIMGANJ:

No. KXJ/38/75/ 1717-31 Dated Karimganj the 12th April/75.

To Shri..... Dulal Ch Paddar

You are hereby informed that your particulars have been forwarded to the Divisional Superintendent(P) N.F.Railway, Lunding for the post of Unskilled Class IV Staff. The vacancies are purely temporary and may be for few days even. You are requested to appear before the Loco Foreman, N.F.Railway, Badarpur for interview at 7.30 A.M. You are also requested to take the filled application form at the time of interview as per specimen copy of the application given below.

Application form.

- 1. Name.....
- 2. Father's name.....
- 3. Date of birth....
- 4. Qualification.....
- 5. Whether SO/St.....
- 6. Address at Silchar, Badarpur.....
- 7. Present address-
- 8. Any other informations-
- 9. Details of Rly Service, if any.

Signature of the candidate.

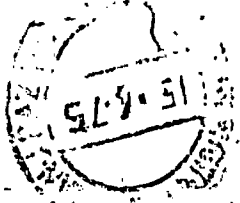
*H. Chakraborty*  
12/4/75

(H. Chakraborty)  
Asstt. Employment Officer,  
Employment Exchange,  
Karimganj.

XXXXXXXXXXXX

*R.O. [Signature]*

True Copy  
2 Dts 11/4/75  
S. Dutta (Asstt. Secy)  
Ballgaon, Guwahati-781018



Annex A/B Contd.

POSTAGE ONLY

BOOK POST.

To Shri Dulal Ch. Podder  
C/o Paramal Kr. Podder  
East-Bazar  
P.O. Kamrangaj  
Cachar

DISPATCHED  
EMPLOYMENT EXCHANGE  
Kamrangaj



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Annexure A/g

2-6-

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR  
EMPLOYMENT EXCHANGE, KARINGANJ  
221111

No. KEJ/22/75/

/Dated Karinganaj the 12th April/75.

To Shri. Haran Ks Datta

You are hereby informed that your particulars have been forwarded to the Divisional Superintendent (P) N.F. Railway, Lounding for the post of Unskilled Class IV Staff. The vacancies are purely temporary and may be for few days even. You are requested to appear before the Local Foreman, N.F. Railway, Madarpur for interview on 17-4-75 at 7.30 A.M. You are also requested to take the filled up application form at the time of interview as per specimen copy of the application given below.

Application Form.

- |                       |                                    |
|-----------------------|------------------------------------|
| 1. Name.....          | 6. Present address.....            |
| 2. Father's name..... | 7. Any other information.....      |
| 3. Date of birth...   | 8. Details of Ely Service, if any. |
| 4. Qualification..... |                                    |
| 5. Whether SC/ST..... |                                    |

Signature of the candidate.

*(Handwritten signature)*  
12/2/75

(H. Chakraborty)  
Asstt. Employment Officer,  
Employment Exchange,  
Karinganaj.

\*\*\*\*\*

True Copy

R. Datta  
4/4/75

R. Dutta, (Advocate)  
Guwahati, Guwahati-781007

*Aniruddha*

NO. 111/74/70

Date: Karinganaj, the 13th April/75.

To  
Mr. .... *Kapal ch Roy*

13

You are hereby informed that your particulars have been forwarded to the Divisional Superintendent (P) N.F. Railway, Lending for the post of Unskilled Class IV Staff. The vacancies are purely temporary and may be for less than even. You are requested to appear before the Local Foreman, N.F. Railway, Badarpur for interview on 17-4-75 at 7.30 A.M. You are also requested to take the filled up application form at the time of interview as per specimen copy of the application given below.

Application form.

- 1. Name.....
- 2. Father's name.....
- 3. Date of Birth...
- 4. Qualification.....
- 5. Address.....

- 6. Address at Silchar, Badarpur.....
- 7. Present address-
- 8. Any other informations-
- 9. Details of Ely Service, if any.

Signature/LSI of the candidate.

.....

*A. Chakraborty*  
*13/4/75*

(A. Chakraborty)  
Asstt. Employment Officer,  
Employment Exchange,  
Karinganaj.

.....

*True copy*

*R. Torik*  
*4/4/77*



APPLICATION FOR UNSKI

D.M.E./LUMDING.

- 1. Name :- Shri Dilip
- 2. Fathers Name:- Shri Kali Kumar Das
- 3. Date of birth:- 31-6-54
- 4. Qualification. Read upto Class VII (Seven)
- 5. Whether S/C S/T. yes. Scheduled Caste (Patni Community)
- 6. Address at Silchar, Badarpur.
- 7. Present Address:- vill. Rakha khalspar P.O. Annachal
- 8) Any other information:- passed farm machinery training Course at Annachal training centre in the year 1970.
- 9) Details of Rly. Service if any.. Nil

Shri Dilip Kumar Das  
Signature /LTI of the candidate.

True copy

D. Das  
4/4/97

Sub-Station Officer  
Mallgaon, Assam

Mallgaon, Assam

R.B.E. No. 12/91

Master Circular No. 12/91

Subject: Substitutes.

No. E(NG) III/90/SB/Master Circular, dated 29.1.91

Instructions on the subject "Substitutes" are contained in Chapter 23-A (ii) of IREM 1968 and also in various letters and circulars issued from time to time. from Railway Board. The question of issue of a consolidated instructions has been engaging the attention of the Railway Board for quite some time. It has now been decided by them to issue a consolidated instructions in the form of a Master Circular on the subject "Substitutes" as below for the information and guidance of all concerned.

2. Definition:

"Substitutes" refer to persons engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts falling vacant because of absence on leave or otherwise of permanent or temporary Railway Servant and which cannot be kept vacant.

[No.E (NG)65/ILR 111 dated 1.9.1965]

3. Circumstances under which "Substitutes" can be appointed:

Ordinarily, there should be no occasion to engage "Substitutes" having regard to the fact that practically in all categories of Railway Servants leave reserve has been provided for. Occasions may, however, arise when owing to an abnormally high rate of absentees, the leave reserve may become inadequate or ineffective, e.g., heavy sickness etc. or where leave reserve is available but it is not possible to provide the same, say, at a wayside station. On such occasions, it may become absolutely necessary to engage substitutes even in vacancies of short duration as otherwise the Railway service may be adversely affected.

3.1. Substitutes should, as far as possible, be drawn from a panel of suitable candidates selected for Group 'C' (Class III) and Group 'D' (Class IV) posts and should be engaged up to the age of 28 years only, subject to the observations made above, only in the following circumstances:

- (i) Against regular vacancies of unskilled and other categories of Group 'D' (Class IV) staff requiring replacement for which arrangements cannot be made within the existing leave reserve;
- (ii) Against a chain vacancy in the lower category of Group 'D' (Class IV) staff arising out of the incumbent in a higher Group 'D' (Class IV) category being on leave, where it is not possible to fill the post from within the existing leave reserve and when otherwise the Railway service will be affected;
- (iii) Appointment of substitute school-teachers on ad-hoc basis on the Railways should normally be avoided and where it becomes inescapable, it should be for short periods and that too with the personal and prior approval of the General Managers.

True Copy

D. Dutta  
2/4/97

D. Dutta, (Advocate)

Belligaan, Guwahati-781011

13-

Annexure A/4 contd

77

Adequate panel has to be maintained to fill regular vacancies of teachers and adequate waiting list for appointing substitute teachers therefrom so that the tail end of the panel can be treated as a waiting list for the purpose. Therefore, there should be no separate panel (waiting list) for substitute teachers. In cases where due to any compelling reasons a waiting list is not available or the wait listed candidate is not forthcoming and the post cannot be left unfilled till a regular incumbent is available, the post may be temporarily manned by recruiting a substitute, who should be selected through a procedure of calling for applications locally and making a selection from out of these applications. Such an arrangement should not be extended beyond six months within which time a regular panel for appointing substitute teachers should be formed;

(iv) Substitutes in the lowest grade may be engaged to fill vacancies arising on account of the Railway Territorial Army Unit personnel called up by the Army for training or for military duty in emergency of 30 days duration or more.

(v) Against vacancies in other circumstances specified by the Railway Board from time to time.

**Note :** 1. The Phrase "as far as possible" occurring at the beginning of this para is not intended to confer unfettered discretion to appoint substitutes from outside. Substitutes should be appointed only from the panel. However, in special circumstances persons not in panel may be appointed but this should be for a very short period and only in urgent cases.

**Note :** 2. Persons proposed to be appointed as substitutes are to be clearly warned that their appointment is only as substitutes and services will be terminated immediately on return of the persons on leave or regular selected candidates become available.

- [No. E(NG) II/65/LR 1/1 dated 1.9.65]
- [No. E(NG) II/68/SB/1 dated 29.6.68]
- [No. E(NG) II/69/SB/12 dated 25.11.69]
- [No. E(NG) II.68/SB/1 dated 31.3.7]
- [No. E(NG) II/68/SB/1 dated 8.7.70]
- [No. E(NG) III/ 65/RC 1/121 dated 9.1.76]
- [No. E(NG) III/77/RC-1/43 dated 12.8.77]
- [No. E(NG) III/78/RC-1/4 dated 25.7.78]
- [No. E(NG) III/78/RC-1/4 dated 24.8.78]
- [No. E(NG) II/80/RC-1/42 dated 19.6.89]
- [No. E(NG) II/89/RC-3/2 dated 22.2.89]
- [Bahri's R.B.O. 1989-1, 61 (RBE 58/89)]
- [No. E(ML) 69/ML 3/30 A dated 25.9.69]

**4. Benefits:**

4.1. Substitutes engaged should be paid regular scales of pay and allowances admissible to the post against which they have been appointed irrespective of the nature or duration of the vacancy.

4.2. They should be allowed all the rights and privileges as are admissible to temporary Railway employees on completion of four months continuous service.

Time Copy  
R. Dutta. w/4/97  
Ballia, Guwahati-781010

4.3. Substitute school teachers may, however, be afforded temporary status after they have put in continuous service of three months. Their services to be treated as continuous for all purposes except seniority on their eventual absorption against regular posts after selection.

4.4. The conferment of temporary status after completion of four months continuous service in the case of others and three months continuous service in the case of substitute teachers mentioned in paras 4.2 and 3 above does not entitle them to automatic absorption/appointment to Railway service unless they are selected in the approved manner for appointment or absorption to regular posts.

4.5. Service of substitutes will count for pensionary benefits from the date of completion of four months (3 months in the case of teachers) continuous service provided it is followed by absorption in regular Group 'C' (Class III)/Group 'D' (Class IV) service without break.

4.6. Age limit for recruitment to Group 'D' (Class IV) service may be relaxed to the extent of their total service rendered as substitute which may be either continuous or in broken periods.

The above provision of age relaxation apply equally to such cases of regularisation in Group 'C' (Class III) skilled or highly skilled grades also.

4.7. Substitutes as have put in 3 years' service (at a stretch or in broken spells) who are matriculate/Diploma holders and who wish to apply for the posts advertised by the Railway Service Commissions (now Railway Recruitment Boards) may be given relaxation in age to the extent of service put in by them, continuous or in broken spells, subject to age of 35 not being exceeded.

4.8. Festival/Flood advances : The substitutes who have attained temporary status and have put in three years' continuous service should be treated on par with the temporary status Railway servants and granted these advances on the same conditions as are applicable to temporary Railway servants, provided they furnish two surities from the permanent Railway servants.

4.9. Substitutes are eligible for medical facilities for self only in the out-patient Department. The service cards etc. of the employee may be utilised as identification cards for this purpose.

4.10. When substitutes selected for absorption in regular service and sent for medical examinations, the standard of medical examination should be of a relaxed standard as prescribed for re-employment during service.

[No. E (NG) 65/LR1/1, dated 1.9.65]

[No. E (NG) II/73/SB/14, dated 6.3.74]

[No. F (E) III/69/PM 1/21, dated 22.7.70]

[No. E (NG) 58/RC 1/61, dated 31.1.61]

[No. E (NG) II/74/CL/26, dated 18.6.74]

[No. E (NG) II/74/CL/26, dated 25.2.75]

[No. E (NG) II/75/CL/85, dated 3.1.76]

[No. E (NG) II/78/CL/14, dated 22.11.78]

Tone Copy  
D. Dutta  
4/4/97  
D. Dutta. (Advocate)  
Dalgan, Guwahati-781016

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Annexure II/CL/2  
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- [No. E (NG) II/78/CL/14, dated 26.12.78]
- [No. E (NG) II/79/CL/17, dated 28.4.79]
- [No. E (NG) I/73/PM1/315, dated 20.11.76]
- [No. E (NG) II/77/CL/2, dated 3.5.78]
- [No. E (NG) II/77/CL/2 dated 16.5.79]
- [No. E (NG) II/71/CL/84, dated 13.12.72]
- [No. E (NG) II/71/CL/84, dated 10.5.73]
- [No. E (NG) II/71/CL/84, dated 1.8.73]
- [No. E (NG) II/88/CL/34, dated 14.4.88]
- [Bahri's R.B.O. 1988-I, 74 (RBE 71/88)]

**5. Screening of the substitutes for their absorption in regular service:**

5.1. Substitues, who have acquired temporary status should be screened by a Screening Committee and not by selection Boards, constituted for this purpose before being absorbed in regular Group 'C' (Class III) and Group 'D' (Class IV) posts.

Such a Screening Committee should consist of at least three members, one of whom should belong to the SC/ST Communities and another to minority communities.

[Board's letter No. E (NG) II/83/RR-II/7, dated 1.6.83]

5.1. A Screening/empanelment of Casual Labour/Substitues for purpose of absorption in regular employment be restricted to only those who are in the current casual labour/substitues Registers except such of them as are absent on two occasions when called for such screening. For this purpose the said 'Register' should be maintained in duplicate. [Board's letter No. E(NG) II/78/CL/2, dated 21.2.84]

5.2. Though no roster is required to be maintained, still the intake of SC/ST while engaging substitutes against each individual category in the various departments should not be below the prescribed percentage of reservation in favour of the two communities.

5.3. The Screening Committee should make good the shortfall, if any, by resorting to direct recruitment from the open market in each Group 'D' (Class IV) category before the panel is published. Ordinarily, the question of shortfall in non-technical categories should not rise.

5.4. So far as technical categories in Group 'D' (Class IV) are concerned, if there is any shortfall the matter should be reported to the Railway Board with the detailed remarks giving reasons for shortfall and also the steps taken by the Railway Administration to make good the shortfall.

5.5. Screening of substitutes for absorption in regular employment may be made by the Screening Committee with reference to the vacancies available at present and the vacancies likely to arise due to normal wastage up to the end of next one year and available for absorption of Casual Labour. The number to be called for screening will continue to the number assessed in the aforesaid manner plus 25% thereof. In other words, the number to be kept in the panel should be the number assessed, although 25% more are called to cater against the absentees in terms of Board's letter No. E(NG) II/79/CL/2 dated 3.3. 82).

Time Copy  
R.D.G.  
4/4/87

B. Dutta (Advocate)  
Balgang... 781016

[Board's letter No. E (NG) II/88/CL/18 dated 1.11.88]  
[Bahri's R.B.O. 1988-I, 305 (RBE 250/88)]

5.6. As long as it is established from records that the substitutes have been enrolled within the age limit, relaxation at the time of actual absorption should be automatic.

5.7. In old cases where the age limit was not observed, relaxation of age at the time of regular absorption should be considered sympathetically. CPOs/DRMs are empowered to grant such relaxations in hard cases.

5.8. In the case of vacancies in the Elec./Mech. and S&T Departments, substitutes will be eligible for absorption in regular employment only if they have the minimum educational qualifications of ITI or they are course completed Act Apprentices.

5.9 Subject to what is stated at para 5.8 above and with exceptions like compassionate appointments, recruitment to Diesel/Elec. loco sheds and workshops etc. all Group 'D' (Class IV) vacancies that may become available up to 31.12.89 or till further instructions in the matter are issued, whichever is earlier, will be filled by the screening and empanelment of substitutes.

5.10 When called for screening, substitutes will be issued passes for their journeys and the period treated as on duty.

5.11. Gaps which may occur in service of Substitutes between two engagements should be ignored for the purpose of temporary status on completion of four months service, and in case of Teachers, on completion of 3 months' service.

[Board's letters No. E(NG) II/82/SB/8 of 6.1.63 & 12.3.83]

5.12 The practice of entrusting establishment work to the casual labour/substitute Khalasis in executive offices wherever exists, should be stopped forthwith and they should be utilised only on the work, they are meant for.

[Board's letter No. E(G) 82/ALI-9 dated 20.8.85]

[Bahri's R.B.O. 1985, 229 (RBE 244/85)]

[No. E (NG) II/70/CL/28,	dated 20.7.70]
[No. E (SCT) /70/CM15/15/2,	dated 19.11.70]
[No. E (NG) II/69/RC 1/90,	dated 18.12.70]
[No. E (SCT) 74/CM 15/7,	dated 27.4.74]
[No. E (NG) II/74/CL/26,	dated 18.6.74]
[No. E (SCT) 74/CM 15/7,	dated 9.10.74]
[No. E (SCT) 79/15/1,	dated 10.3.79]
[No. E (NG) II/79/CL/16,	dated 27.4.79]
[No. E (NG) II/79 CL/5,	dated 16.5.79]
[No. E (NG) II/79/CL/5,	dated 29.9.80]
[No. E (NG) II/79/CL/5 ,	dated 10.10.80]
[No. E (NG) II/ 82/CL/18,	dated 3.3.82]
[No. E (NG) II/82/CL/W/5,	dated 21.4.83]
[No. E (NG) II/82/CL/W/5,	dated 23.7.83]
[No. E (NG) II/84/CL/85,	dated 27.12.84]

True Copy

R. Datta  
4/4/97

R. Datta (Advocate)

Guwahati. 781010

- 17
- Annexure A/II Confd
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- [No. E (NG) II/84/CL/85, dated 31.7.85]
  - [No. E (NG) II/84/CL/85, dated 12.9.85]
  - [No. E (NG) II/84/CL/85, dated 4.9.86]
  - [No. E (NG) II/84/CL/85, dated 17.6.88]
  - [No. E (NG) II/88/CL/18, dated 1.10.88 & 1.11.88]
  - [No. E (NG) II/84/CL/85, dated 15.12.88]
  - [No. E (NG) II/84/CL/85, dated 20.1.89]
  - [No. E (NG) II/88/RR 1/7(1), dated 1.6.83]
  - [No. E(NG) II/78/CL/2, dated 21.2.84]
  - [No. E (NG) II/79/CL/2, dated 3.3.82]

#### 6. Date of appointment

The date of appointment of a substitute to be recorded in the Service Book against the column "Date of appointment" should be the date on which he/she attains temporary status after a continuous service of four months if the same is followed by his/her regular absorption. Otherwise, it should be the date on which he/she is regularly appointed/absorbed.

This applies to substitute teachers also who attain the temporary status after a continuous service of three months only.

#### 7. Break in service.

The following cases of absence will not be considered as "break in service" for determining the four months continuous service for the purpose of absorption in regular employment :

- (a) the periods of absence of a substitute who is under medical treatment with injury sustained on duty covered by the provisions of workman's Compensation Act;
- (b) authorised absence not exceeding 20 days during the preceding six months.

- Note :**
- (a) The term "authorised absence" for this purpose covers permission granted by the Supervisory Official in-charge to be away from the work for the period specified.
  - (b) Unauthorised absence or stoppage of work will be treated as a break in continuity of employment.
  - (c) days of rest even under HOER or under the statutory enactments and the days on which the establishment employing the substitutes remains closed will not be counted against the limit of 20 days authorised absence; and
  - (d) period involved in journeys for joining the post on transfer from one station to another or within the same stations itself but not exceeding in any case, normal period of joining time permissible under the Rules.
  - (e) The recommendations of the Task Force on Vigilance regarding the observance of rules to avoid artificial breaks in service of Casual Labour/Substitutes should be ensured and responsibility in the matter should be fixed on the concerned Senior Subordinate/Officer.

[(Board's letter No. E (NG) III/77/CL/2, dated 31.3.79); (E (NG) III/65/LR/11, dated 1.9.65); (ENG III/77/SB/37, dated 24.10.78)]

Tone copy  
R.D. Dwivedi  
4/4/97  
B. Dutta, (Advocate)  
Biliggaon, Guwahati-781018

Annexure A12  
62/3002

**8. Re-engagement of Substitutes:**

8.1. Substitutes who have been discharged during the strike of 1974, and have not been re-employed will be re-engaged against future requirements in the order of priority on the basis of their total period of service prior to their discharge.

8.2. When forming panels, substitutes in question should be allotted seniority by reckoning their previous spells of employment and on the basis of such cumulative aggregate service.

8.3. The substitutes who have not been engaged so far will also be considered based on the length of their employment prior to their discharge.

8.4. The substitutes in question will not be subjected to any additional disability for the purpose of any limit on account of their break in service.

8.5. Substitutes who worked during the 1974 strike and are continuing as such should be given protection at the time of retrenchment. Those who were engaged after the strike was over would not be eligible for any special considerations.

8.6. In the case of retrenchment of substitutes the Rule "last come first to go" may not be applied but the reasons for the same have to be recorded by the Railway.

- [No. E (NG) II/74/CL/9, dated 25.8.75]
- [No. E (NG) II/74/CL/9, dated 10.9.76]
- [No. E (NG) II/74/CL/99, dated 16.10.76]
- [No. E (NG) II/74/CL/99, dated 9.11.76]
- [No. E (LL) 76/AT/D/1-16, dated 17.2.78]

**9. Service Register.**

9.1. In view of economy measures and ban on recruitment, no fresh face of substitutes should be engaged without the prior personal approval of the General Manager concerned.

9.2. It is not, however, the intention that the services of the existing substitutes should be dispensed with merely because of the Railway Board's ban orders.

9.3. A register should be maintained for recording the names of all "Substitutes" whenever employed according to the Unit of recruitment, e.g., Divisions, Workshops etc. strictly in the order of their up employment at the time of their initial engagement. The names of such of those Casual Labours/Substitutes who were discharged from employment at any time after January, 1981 on completion of work or for want of further productive work, can continue to be borne on the Live Casual Labour Register.

[Board's letter No. E (NG) II/78/CL/2, dated 25.4.86]  
[Bahri's R.B.O. 1985, 82 (RBE 82/85)]

9.4. If a substitute who was earlier discharged from service on completion of work or on return of the person against whose post he/she was engaged as substitute has not booked again in the preceding two complete calendar years, his/her name should be struck off the register.

9.5. If a substitute retrenched on completion of work or return of the person against whose post he/she was working does not accept subsequent offer made on

*True Copy*

*12/4/97*

**E. Datta. (d. care)**  
Bhilai, Guwanati. 781014

availability of a vacancy, he/she loses the benefit of the previous spell of employment as such.

9.6. The register should be reviewed and updated annually. The register should be scrutinised by a senior Gazetted Officer preferably both at the beginning and closing of the year and also sign the register in token of scrutiny.

- [No. E (NG) 65/LR1/1, dated 1.9.65]
- [No. E (NG) II/84/PL/43, dated 7.6.84]
- [No. E (NG) II/SB/8 Pt., dated 21.11.84]
- [No. E (NG) II/78/CL/2, dated 22.11.84]

10. General :

- (a) While referring to this circular, the original letters referred to herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.
- (b) The instructions contained in the original circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to.
- (c) If any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

The consolidation has been made from the following letters :

- 1. E (NG) 58/RC1/61 dated 31.1.61
- 2. E (NG) 65/LR1/1 dated 1.9.65
- 3. E (NG) II/68/SB/1 dated 29.6.68
- 3. A. E (ML) 69/M L3/30A dated 25.9.69
- 4. E (NG) II/69/SB/12 dated 25.11.69
- 5. E (NG) II/68/SB/1 dated 31.3.70
- 6. E (NG) II/68/SB/1 dated 8.7.70
- 7. E (NG) II/70/CL/20 dated 20.7.70
- 8. F (E) III/69/PM1/21 dated 22.7.70
- 9. E (SCT)/70/CM15/2 dated 19.11.70
- 10. E (NG) II/69/RC1/90 dated 18.12.70
- 10 A. E (NG) II/71/CL/84 dated 13.12.72
- 10 B. E (NG) II/71/CL/84 dated 10.5.73
- 10 C. E (NG) II/71/CL/84 dated 1.8.73

*True Copy*  
*D. Datta*  
*9/4/97*  
 D. Datta, (Advocate)  
 Maligaon, Guwahati-781012

11. E (NG) II/73/SB/14 dated 6.3.74
12. E (SCT) 74/LM15/7 dated 27.4.74
13. E (NG) II/74/CL/26 dated 18.6.74
14. E (SCT)/74/CM15/7 dated 9.10.74
15. E (NG) II/74/CL/26 dated 25.2.75
16. E (NG) II/74/CL/99 dated 25.8.75
17. E (NG) II/75/CL/85 dated 3.1.76
18. E (NG) III/75/RC1/121 dated 9.1.76
19. E (NG) II/74/CL/99 dated 10.9.76
- 19A. E (NG) II/74/CL/99 dated 16.10.76
20. E (NG) II/74/CL/99 dated 9.11.76
21. E (NG) I/73/PM1/315 dated 20.11.76
22. E (NG) III/77/RC1/43 dated 12.8.77
23. E (LL) 76/AT/D/1-16 dated 17.2.78
24. E (NG) II/77/CL/2 dated 3.5.78
25. E (NG) III/78/RC1/4 dated 25.7.78
26. E (NG) III/79/RC1/4 dated 24.8.78
27. E (NG) II/77/SB/37 dated 24.10.78
28. E (NG) II/78/CL/14 dated 22.11.78
29. E (NG) II/78/CL/14 dated 26.12.78
30. E (SCT)/79/15/1 dated 10.3.79
- 30 A. E (NG) II/77/CL/2 dated 31.3.79
31. E (NG) II/79/CL/16 dated 27.4.79
32. E (NG) II/79/CL/7 dated 28.4.79
33. E (NG) II/77/CL/2 dated 16.5.79
34. E (NG) II/79/CL/16 dated 16.5.79
35. E (NG) II/77/SB/38 dated 19.9.79
36. E (NG) II/80/RC1/42 dated 19.6.80
37. E (NG) II/79/CL/5 dated 29.9.80
38. E (NG) II/79/CL/5 dated 10.10.80
39. E (NG) II/82/CL/18 dated 3.3.82
- 39 A. E (NG) II/79/CL/2 dated 3.3.82
40. E (NG) II/79/CL/W/5 dated 21.4.83
41. E (NG) II/79/CL/W/5 dated 23.7.83
- 41 A. E (NG) II/83/RR1/7(1) dated 1.6.83
42. E (NG) II/84/PL/43 dated 7.6.84
43. E (NG) II/84/SB/8 dated 21.11.84

True Copy  
 R. Datta  
 4/4/97  
 R. Datta (Advocate)  
 Balligan, Guwahati-781011

44. E (NG)II/78/CL/2 dated 22.11.84  
45. E (NG) II/84/CL/85 dated 27.12.84  
45 A. E (NG) II/78/CL/2 dated 21.2.84  
46. E (NG) II/78/CL/85 dated 31.7.85  
[Bahri's R.B.O. 1985, 217 (RBE 222/85)]  
47. E (NG) II/78/CL/85 dated 12.9.85  
48. E (NG) II/84/CL/85 dated 4.9.86  
49. E (NG) II/78/CL/85 dated 17.6.88  
50. E (NG) II/88/CL/34 dated 14.4.88  
[Bahri's R.B.O. 1988-I, 74 (RBE 71/88)]  
51. E (NG) II/88/CL/18 dated 1.10.88 & 1.11.88  
[Bahri's R.B.O. 1988-II, 304-5  
(RBE 250/88 and RBE 251/88)]  
52. E (NG) II/84/CL/85 dated 15.12.88  
53. E (NG) II/84/CL/85 dated 20.1.89  
[Bahri's R.B.O. 1989-I, 33 (RBE 26/89)]  
54. E (NG) II/89/RC3/2 dated 22.2.89  
[Bahri's R.B.O. 1989-I, 61 (RBE 58/89)]

True Copy  
D. Datta  
4/4/97.

K. Datta, (Advocate)  
Bhatnagar, Guwahati-781011