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5  
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(1) MP 261/98 under para 1 to 2 dtd 2/10/4/12/1998  
(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 185/96

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

E.P/M.A No.....

(2) MP 265/98 under para 1 dtd 2/10/4/12/1998  
(3) MP 122/96 under para 1 to 3 allowed 5/3/97

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SECTION OFFICER (Judl.)

*Sahitya*  
30.10.98

Or No. 185196

Sri Deonar  
VS

Applicant(s)

Union of India &c. Respondent(s)

Mr. P. Upadhyay, M.C. Day

~~Mr. A. K. Sharma~~, Advocates for the applicant(s)

Mrs. P. K. Sharma, LL. Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
This application is in form and within time. C.P. of Rs. 50/- deposited vide IPO/DP No 346806 Dated 26.8.96	19.9.96	Heard learned counsel Mr. P. Upadhyay for the applicant. Perused the contents of the application and the reliefs sought. Application is subject to determination after limitation at the final hearing of admitted. Issue notice on the respondents by Registered Post. Written statement within six weeks.
<i>6/9/96 D. Registrar. 10/9/96</i>		List for written statement and further orders on 13.11.1996.
<i>6/9/96 D. Registrar. 10/9/96</i>		This is a Division Bench matter <del>list</del> To be listed before Division Bench.
<i>W/ statement has not been submitted Service copy has not been submitted pg</i>		<i>6/9/96</i>
<i>W/ statement has not been submitted Service copy has not been submitted pg</i>		<i>6/9/96</i>
<i>5.11.96</i>		None present. Written statement has not been submitted.
		List for written statement and further orders on 16.12.96.

Service of copy to  
Respondent set get  
filed by the applicat  
Advocate.

*B.M.  
W/ statement has not been  
submitted*

*5/12*

*6/9/96*  
Member

*6/9/96*  
Member

*W/ pg  
14/11/96*

Notice issued to the concerned parties to the Respondent No. 1 to 6. Xide D. No. 4137 to 4142 Dated - 17.12.96.

6.12.96

None present.

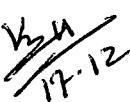
Written statement has not been submitted.

List for written statement and further orders on 6.1.1997.

  
Member

trd

  
6/12

 17.12  
written statement has not been filed.

6.1.97

None present. No written statement has been filed.

List for written statement and further orders on 28.1.97.

9-1-97

Notice duly served Respondent No. 3, 4, 2  
5. 4.

pg

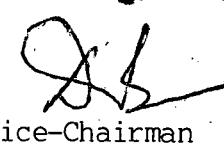
24

28.1.96

None present for the applicant.

Mr. B.K.Sharma, Railway counsel present for the respondents.

List for further order on 5.2.1997.

  
Vice-Chairman

trd

  
6/12
4.3.97

Written statement has not been filed by the respondents.

PM

5.2.97

Written statement has not been submitted in spite of several extensions of time. We are not inclined to grant any further time.

List this case for hearing on 5.3.97.

  
Member

nkm

  
6/12

  
Vice-Chairman

(3)

5.3.97

In view of the order passed in M.P. No. 122 of 1996(O.A. 185/96) we grant three weeks time to file written statement.

1) ~~Service~~ duty sum  
on O.P. Nos. 1, 3, 4 & 5.

2) Service Reports are  
still awaited on O.P.  
Nos. 2 & 6.

3) W/ statement - is not  
sum b/w.

4) Memo of appearance  
is not sum b/w -

Member

trd

M/13



Vice-Chairman

31.3.97

Mr B.K. Sharma, learned Railway Counsel, informs that he has not been able to file the written statement. He prays for further extension of time for filing of written statement. We have perused the order sheets. Several adjournments have been granted. We are not inclined to grant any further time. The case will be heard without the written statement.

Let this case be listed for hearing on 19.5.97.

Member

nkm

M/14

19-5-97



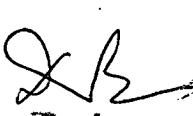
Vice-Chairman

1) Service Reports are  
ready on O.P. Nos. 1, 3, 4 & 5

2) W/s h. not b/w (b/w)

There is no representation.  
List on 3/7/97, for hearing.

Member



Vice-Chairman

3.7.97

A mention has been made on behalf of Mr P. Upadhyaya, learned counsel for the applicant that Mr Upadhyaya is unable to attend court today due to his personal difficulty.

14.8.97

1) Notice duly served on R-1, 3-5.

2) NO written statement has been filed.

3) Memo of appearance for not yet filed. 14/8/97

nkm

The case is adjourned till 18.8.97.



Vice-Chairman

14/8/97

18-8-97

Member

Heard Mr. P. Upadhyaya, learned <sup>Sharma</sup> counsel for the applicant and Mr. B. K. learned counsel for Railway Administration.

Hearing concluded. Orders to-morrow.

60  
Member

  
Vice-Chairman

lm

19.8.97

Judgement delivered in the open court. The application is disposed of. No order as to costs. Order is kept in separate sheets.

60  
Member

  
Vice-Chairman

trd

13.11.97  
Copy of the Judgment  
has been sent to the  
D.P.C. for issuing and  
serving to the party's

File No. 34096

Dated 18.11.97.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 185 of 1996

Date of decision 19.8.1997

Sri Dina

PETITIONER(S)

Mr. P. Upadhyay, Mr. M.C. Das.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. B.K. Sharma, Railway Standing Counsel.

ADVOCATE FOR THE  
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman



**CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH**

Original Application No. 185 of 1996

Date of decision : This the 19th day of August, 1997.

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

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Sri Dina  
Son of Ramji  
Compulsory Retired Carriage/Fitter/BPB  
Riy Qtrs No. L-205/A, Jharna Colony,  
P.O. Bodarpur,  
District-Karimganj (Assam)

**Applicant.**

By Advocate Mr. P.Upadhyay.

-versus-

1. Union of India  
through the Secretary to the Govt. of India,  
Ministry of Railway,  
New Delhi.

2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati-II.

3. The Senior Divisional Mechanical Engineer (P),  
LMG, N.F.Railway, Lumding,  
District-Nagaon, Assam.

4. The Divisional Railway Manager (P),  
N.F.Railway, Lumding,  
Lumding, District-Nagaon,  
Assam.

5. The Divisional Mechanical Engineer (C&W)  
N.F.Railway, Lumding,  
District-Nagaon (Assam).

6. The Assistant Mechanical Engineer,  
N.F.Railway, Badarpur.

**Respondents.**

By Advocate Mr. B.K.Sharma, Railway Standing Counsel.

**O R D E R**

**BARUAH J.(V.C.).**

In this application the applicant has challenged the Annexure-A/20 order dated 1.12.1994 passed by the Respondent No. 5 terminating the service

*b*

....of

of the applicant with effect from 20.12.1994 and the compulsory retirement order dated 8.2.1995 Annexure-A/22 by way of punishment passed by the Appellate Authority and also prays for further directions to give him consequential benefits including back wages and promotion. The facts are;

2. At the material time the applicant was Carriage Fitter under the Carriage and Wagon Superintendent, Badarpur, N.F.Railway and was working there. According to him he rendered his service to the satisfaction of his superior authorities. After about 22 years of unblemish service the applicant was placed under suspension by order dated 22.2.1986. He states that suspension order was revoked with effect from 12.6.86 by the order dated 24.6.86 passed by the 5th respondent. During the period of suspension the applicant was verbally informed by his Office Superintendent that he was transferred to New Guwahati but he was not allowed to join his duty. On 27.11.86 the order of transfer was cancelled and the applicant was allowed to resume his duty. Again he was suspended by the 6th respondent by Annexure A/3 order dated 11.9.87 and the order of suspension was revoked on 4.10.1987. Later on memorandum of charges framed against him was served and appellant was directed to show cause as to why action would not be taken against him. The written explanation was submitted by the applicant. The authority not being satisfied with the explanation submitted by the applicant decided to hold an enquiry. An enquiry officer was appointed accordingly. The enquiry officer after the enquiry found him guilty and therefore he

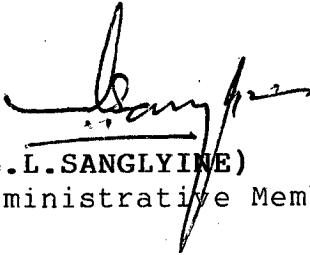
DR ...was

was dismissed from his service. On appeal the Appellate Authority confirmed the finding of the Disciplinary Authority holding him guilty. However the order of dismissal was converted to compulsory retirement. Hence the present application.

3. We have heard Mr. P.Upadhyay, learned counsel appearing on behalf of the applicant and Mr. B.K.Sharma, learned Standing Railway Counsel. Learned counsel for the applicant submits that after alteration of the punishment from dismissal to compulsory retirement, the applicant was not paid the retirement benefits. Mr. B.K.Sharma, learned Railway counsel very fairly submits that if any amount purusant to the voluntary retirement is due to him as per rules, he will get the same if not already paid.

4. On hearing counsel for the parties we dispose of the application with direction to the respondents to pay all the retirement benefits which an employee on voluntarily retired is entitled to, if not already paid, as early as possible at any rate within a period of 3 months from the date of receipt of the copy of this 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

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Copy of  
Court of  
Central Adminis-  
trative Tribunal  
Guwahati Bench  
S. No. 185 of 1996  
25/10/96

To be filed by  
Sri Dina  
through him before  
the Court  
26/10/96

O.A. No. 185 of 1996

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

Sri Dina .... Applicant  
-Versus-

Union of India & Ors ... Respondents.

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Date of Filing 30/8/96

Registration No. 07 185/96

Registrar.



12

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH

BETWEEN

Sri Dina ..... Applicant

-Versus-

Union of India & ers ..... Respondents

**1. PARTICULAR OF APPLICANT**

SRI DINA

son of Ramji

Compulsory Retired Carriage/Fitter/BPB

Rly Qutrs No. 1-205/A, Jharna Colony

P.O. Bedarpur, District-Kamrimganj (Assam)

**2. PARTICULAR OF RESPONDENTS**

(1) Union of India

through the Secretary

to the Govt. of India

Ministry of Railway,

New Delhi

(2) The General Manager

N.F.Railway, Maligaon

Guwahati - 11

(3) The Senior Divisional Mechanical Engineer(♂)

LMG, N.F.Railway, Lumding

District-Nagaon, Assam.

Contd...

19  
F  
H

(4) The Divisional Railway Manager (P)  
N.F.Railway, Lumding,  
Lumding, District Nagaon (Assam)

(5) The Divisional Mechanical Engineer (C&W)  
N.F.Railway, Lumding, District-Nagaon (Assam)

(6) The Assistant Mechanical Engineer, N.F.  
Railway, Badarpur

3. PARTICULARS OF ORDERS WHICH APPLICATION IS MADE

The application is directed against the following orders :-

(I) The order/clarification dated 21-11-95 passed by the Divisional Railway Manager (P), Lumding under reference No ED/116 in connection with the appeal filed by the applicant on 7.11.95.

(II) The order dated 8.2.1995 passed by the Senior Divisional Mechanical Engineer (P)/LMG, N.F.Railway, Lumding making observation that "I have gone carefully through the appeal submitted by Sri Dina and the punishment is reduced to compulsory retirement from service" and the said order is communicated by the Divisional Railway Manager (P) to the applicant under reference No.ED/116 dated 8.2.1995.

(III) The order dated 1-2-94 passed by the Disciplinary Authority (Divisional Mechanical Engineer (C&W) N.F.Railway, Lumding removing the applicant from his service with effect from 20-12-94 vide No.ED/116 dated 1-12-94.

(IV) The Order dated 28-9-87 purportedly passed by the Divisional Mechanical Engineer (C & W) transferring and posting the applicant vide the order No.E/ 283/ 1/LM/C&W/ADMN. LUMDING/dated 28.9.87.

#### 4. JURISDICTION OF THE TRIBUNAL :

The applicant declared that the subject matter of the impugned orders are amenable to the jurisdiction of the Tribunal and the respondents against whom the relief sought are residing within the jurisdiction of this Tribunal.

#### 5. LIMITATION :

The applicant states that the final order against which this application is preferred to was passed on 8.2.95 and this application was to be made within 8.2.96 i.e. one year from the date of passing impugned order but due to serious mental agony, illness and financial problem of applicant he could not prefer his application within 1 year from 8.2.1995 and the applicant has to prefer his application <sup>6 months</sup> 22 days beyond the date of expiry of the limitation. For which the application has filed a separate petition for condonation of delay in preferring this application. An appeal was also filed by the applicant for review of the impugned order 8.2.95.

The applicant received the last order/clearification on 21.11.95 from the office of Divisional Rly Manager (A) Lumding. From this date there is limitation. However the applicant has filed the separate application for condonation of delay.

6. THE FACTS OF CASE :

- (1) That the applicant joined on 10-10-1963 in his service as a carriage Fitter under the Carriage and Wagon Superintendent/Badarpur/ N.F.Railway and was working sincerely, honestly and diligently to the satisfaction of his superior authority.
- (2) That after 23 years of unblemish service in the N.F.Railway the applicant was suddenly placed under suspension with effect from 22.2.86 vide the order of suspension passed by the Asstt.Mechanical Engineer, N.F.Railway ,Badarpur under reference No.DE/2 dated 22/2/86 .

(Photocopy of the said suspension order dated 22-2-86 is annexed herewith and marked as Annexure-A-1)

- (3) That the suspension order dated 22.2.86 was revoked with effect from 12.6.86 vide the order dated 24.6.96 passed by the respondent No.5 (Divisional Mechanical Engineer, C & W, N.F.Railway,Lumding) under reference No.ED/116.

(Photostat copy of the said revocation order dated 24.6.86 is annexed herewith and marked

as Annexure -A2)

(4) That during the period of the suspension the Applicant was verbally informed by his office Superintendent that he was transferred to NGC and he was not allowed to join his duty even after the revocation of the suspension order, and on 27.11.86 the transfer order was cancelled and the applicant resumed his duty.

5. That the applicant was again suspended by the Respondent No.6( Asstt.Mechanical Engineer) with effect from 9-9-87 vide his order dated 11.9.87 passed under reference No.E/2.

Copy of the said suspension order dated 11.9.87 is annexed herewith and marked as Annexure-A3)

6. That the suspension order dated 11.9.87 was revoked on 7.10.87 by the respondent No.6 (Asstt. Mechanical Engineer) with immediate effect.

(Photostat copy of the revocation order dated 7.10.87 is annexed herewith and marked as Annexure -A3(1)

7. That surprisingly enough that during the period of suspension the applicant was transferred on 28.9.87 by the respondent No.5 ( Divisional Mechanical Engineer (C&W)

Contd...

and was posted under WS/NGC vide the order dated 28.9.87 passed by the Respondent No.5 under reference No, E/283/1/LM/C&W/ADMN. Lumding/dated 28.9.87. On receipt of the said transfer order dated 28.9.87 the applicant went to New Guwahati Railway Office to join his duty but he was not allowed to join in his duty.

(Photostat copy of the transfer order dated 28.9.87 is annexed herewith and marked as Annexure - A4)

8. That the applicant could not join his duty either at the New Guwahati Office or at the Badarpur Office. A secret conspiracy was hatched by one Q C R Hans the then Assistant Mechanical Engineer, Badarpur in collusion with the then Office Superintendent to harass the applicant and to deprive him of his service. The said C.R. Hans instigated the officials to harass and torture the applicant in various manner. The C.R. Hans had even doubted the applicant as Mad and had tried to show him unfit for duty. At his instigation the applicant was frequently suspended and transferred and the false criminal cases were also filed against the applicant, but he was acquitted of charges in all criminal cases. As the applicant was harassed and tortured in various manner he filed various representations ~~and~~ to the respondents for redressal of his grievances. One of such representation was filed on 12.7.87 to the respondent No.4 and 5 ~~xx~~. In the said representation the applicant clearly stated how he was harassed and tortured by the departmental staff. The

said C.R. Hans even got arrested by GRPs on 9.9.87 and put in jail hajot on some false charges but the applicant was acquitted of the charges by the court.

(Copy of representation dated 12-7-87 is annexed herewith and marked as Annexure -A5)

9. That a disciplinary proceedings was initiated against the applicant by the Respondent No.5 (Divisional Mechanical Engineer) and the applicant was served upon a memorandum of charges dated 14.8.88 along with copies of the documents.

The memorandum of charges contained the allegations as follows and on 9-9-87 he attempted to assault AME/BPB with a Hammar in train passing office at 17/35 hrs and accordingly he was arrested by GRP on some dates. For obstruction time to time of normal works as well as causing detention to trains even after his retention at BPB he was again transferred to NGC on administrative interest x under DRM(P)/LMC's No. E/283/I/LM/C&W/ADMD dated 28.9.87. But he refused to accept the same for which CWS/BPB pasted his sparing letter in the Notice Board on 18-10-87 and after that he has not yet reported at NGC and absconding since then which tantamounts insubordination, misconduct and misbehaviour on his part.

(Photostat copies of memorandum of charges and documents are annexed herewith and marked as Annexure A6 series).

10. That all allegations contained in the charge sheet are totally false and concocted. The applicant never made any attempt to assault AME/BPB nor normal work of office was obstructed time to time causing detention to train as stated in the charge sheet, dated 14.6.88. Regarding the alleged incident of 9.9.87 a criminal case was also filed vide GR Case No.975-A/87 in the Court of Chief Judicial Magistrate, Karimganj, After trial the applicant was honourably acquitted of the charge in the said case.

(Photostat copy of the judgement dated 25.5.89 passed by the judicial Magistrate, Karimganj is annexed herewith and marked as Annexure-A7)

11. That the charges were based on the complaints filed by the said C.R. Hons, the then AMR/BPB. In fact the said C.R. Hons had got <sup>ill-feeling</sup> effecting and grudge against the applicants for the reason best known to him with malafide intention to the said C.R. Hons instigated other staffs also to harass the applicant. On the complaint of the said C.R. Hons the applicant was transferred to the New Guwahati office during his suspension period. The said transfer order dated 28.9.87 (Annexure A4) was passed as a measurement of punishment of the ~~a~~ initiative of the said C.R. Hons. The said transfer order was not properly served upon the applicant. The allegation that the applicant refused to accept the same is totally false and concocted. The applicant having saw the transfer order

on notice Board on 18.10.87 he went to join his duty at New Guwahati office but when he was not allow to join his duty there, he came back and informed the matter to his office.

12. That the applicant was not allowed to work on this or that ground inspite of his various representations. The applicant never absconded but he was falsely alleged that he absconded. In the month of May, 1988 also the applicant filed his representation dated 10-5-1988 to the Divisional Railway Manager (P) with copies to the DME/C&W) Lumding, AME/Badarpur/N.F. Railway. In the said representation dated 10-5-1988 the applicant made prayer to cancell thr transfer order and allow him to resume his duty and also pay the back wages.

(Copy of the representation dated 10.5.1988 is annexed herewith and marked as Annexure A8).

13. That in pursuant to the initiation of the disciplinary proceedings against the applicant the first enquiry officer was appointed on 6.8.88 and Sri P.C. Chakraborty, AME(P) /IMG was the enquiry officer but no enquiry was made by him.

(Photostat copy of the appointment letter of Enquiry Officer dated 6.10.88 is annexed herewith and marked as Annexure -A9)

14. That the enquiry officer P.C. Chakraborty was replaced by another enquiry officer R.N. Roy, AME/C&W/LMG vide his appointment letter dated 3.1.1989.

(Photostat copy of the appointment letter of R.N. Roy is annexed herewith and marked as Annexure -A10)

15. That the said Enquiry Officer R.N. Roy held enquiry on 5.5.89 in his office Chamber and the applicant duly attended the enquiry and made his statement denying all the charges and he was cross examined and his statement was duly recordd by the Enquiry Officer.

(Copy of the Statement recorded by the Enquiry Officer on 5.5.1989 is annexed herewith and marked as Annexure -A11).

16. That in the cross examination the E.O. brought all the facts and circumstances of the cases before the applicant who gave reply to all questions . The applicant made his reference plea clear in the cross examination. No further evidence was necessary to prove his innocence. The Enquiry officer R.N. Roy/completition of his enquiry and submitted his enquiry report to the Divisional Mechanical Engineer . But instead of accepting his report the Divisional Mechanical Engineer removed the said E.O. and in his place another Enquiry Officer Sri S. Chakraborty AME/BPB was appointed on 2.4.90.

(Photostat copy of the appointment letter is annexed herewith and marked as Annexure-A12)

17. That the said E.O. Sri S. Chakraborty conducted no enquiry .Thereafter another enquiry officer Sri R.L. Das was appointed on 4.9.90 but he also held no enquiry.

(Photostat copy of the appointment letter of R.L. Das is annexed herewith and marked as Annexure -A13)

18. That the Enquiry Officer Sri R.L. Das was replaced with one Sri S.D. Choudhury, AME/WGC on 8.3.91 but no further enquiry was held by him.

(Photostat copy of the appointment letter dated 8.3.91 is annexed herewith and marked as Annexure-A14)

19. That after Sri S.D. Choudhury another Enquiry Officer Sri S.P. Ambasta, AME/BDB was appointed on 23.1.92 who submitted the Enquiry Report on 30-12-93 to the Divisional Mechanical Engineer ( C & W)

(Photostat copy of appointment letter dated 23.1.92 and (Photostat copy of the Enquiry report dated 30-12-93 annexed herewith and marked as Annexure - A15(1) and A15(respectively) )

20. That the Enquiry report submitted by the Enquiry Officer Sri S.P. Ambasta is not based on record. The Enquiry Officer gave the reason for findings as follows:

"Ample opportunity were given to Sri Dina from time to time from the side of Enquiry authority. But no representation, submission, or objection made by him in the defence.

The Enquiry officer Sri S.P. Ambasta intentionally avoided to discuss the evidence recorded by his Predecessor Sri R.N. Ray. It is pertinent to mention here that the said R.N. Ray recorded the evidence of the applicant which was very much relevant for the proper adjudication of the matter but the said Enquiry Officer Sri S.P. Ambasta did not discuss evidence of the applicant and also his petitions/representations filed from time to time before the earlier Enquiry Officers.

21. That it is totally wrong to say that no representation, submission, or objection is made by the applicant in defence. In fact the applicant not only <sup>gave</sup> his evidence denying all allegation, but also submitted his various representation. In this connection the applicant would like to mention here that the applicant submitted his representation on 21.7.1990 to the then Enquiry Officer Sri S. Chakraborty with a request to finalise the enquiry report early. In the said representation dated 21.7.1990 the applicant also stated about his grievances.

(Copy of the representation dated 21-7-90 is annexed herewith and marked as Annexure -A16)

22. That when there was was in-ordinate delay for disposal of the disciplinary proceedings the applicant filed his various representations demanding for early disposal of the disciplinary proceedings. In those

Contd...

representations the applicant pleaded for allowing him to join his duty.

(Copy of one of the representation submitted to the Divisional Railway Manager (P) on 10.3.92 is annexed herewith and marked as Annexure A17).

23. That on 17.9.92 the applicant was informed by the Divisional Mechanical Engineer (C & W) that the Disciplinary Authority would take suitable decision after considering the report dated 14.6.88 and he was further directed to make the representation or submission if any in writing to the Disciplinary authority within 15 days on receipt of this letter.

(Photostat copy of the said letter dated 15/7/92 is annexed herewith and marked as Annexure A-18)

24. That on receipt of the said letter the applicant submitted his reply on 24.9.92 to the D.R.M. (P) and DME( C&W). In the said reply dated 24.9.92 the applicant stated that he attended the enquiry on 5-5-89 at AME(C&W)/IMG's Chamber and replied almost all queries as asked by the Enquiry Officer and when subsequent dates for enquiry were fixed and then also he said that he had nothing more to say and he should not be called for further enquiry .

(Copy of reply dated 24/9/92 is annexed herewith and marked as Annexure-A19)

29. That the applicant having been already expressed his clear view earlier the Enquiry Officer Sri S.P. Ambasta ought to have considered all relevant documents and evidence available before him but the said Enquiry Officer became biased and submitted the partisan report dated 30-12-93 to the Disciplinary Authority, on the basis of said report the Disciplinary Authority (Respondent No.5) most illegally and arbitrarily passed the impugned order dated 1.12.94 removing the applicant from his service with effect from 20-12-94.

(Photostat copy of the impugned order dated 1-12-94 is annexed herewith and marked as Annexure -A20)

26. That the applicant preferred an appeal before the Appellate Authority (Respondent No.4) challenging the impugned order dated 1-12-94.

(copy of appeal petition dated 9.12.1994 is annexed herewith and marked as Annexure A21)

27. That the D.R.M (P)/N.F.Railway, Lumding by his letter No.ED/116 dated 8th February, 1995 communicated to the applicant the following order purported to have been passed by the Sr. DHE(P)/IMC (respondent No.3) on the appeal petition dated 9.12.1994.

"I have gone carefully through the appeal submitted by Sri Dina. The punishment is reduced to compulsory retirement from service".

In accordance with the above your service is hereby terminated w.e.f. 20/12/94 (AN) following compulsory retirement.

(Photostat copy of the impugned order communicated through the letter dated 8.2.95 is annexed herewith and marked as Annexure-A22)

28. That on the receipt of the said impugned order contained in the letter dated 8.2.96 issued by the D.R.M(P) /N.F. Rly, Lumding the applicant could not know the implication of the order and approached the office of the Superintendent to know what benefit he would get as his punishment of removal from service was reduced to the extent of compulsory retirement. After his repeated visits to the office when he came to know that the department was not inclined to give any benefit inspite of the reduction of his punishment, then the applicant filed his petition dated 7.11.95 before the respondent No.4 (the Divisional Railway Manager ) in short DRM (P) with the copy to the DME( C & W) for reconsideration the impugned order dated 8.2.96.

(Copy of the application dated 7.11.95 is annexed herewith and marked as Annexure A23)

29. That since the Applicant was awarded the

compulsory retirement .w.e.f. 20-12-94 he became entitled to get the benefits of his service . By his petition dated 7.11.1995 the applicant sought the clarification about the benefits payable by the department in his compulsory retirement.

The applicant asked the respondent No.4 to clarify on the following points

(1) Month wise salary statement from the date of placing the incumbent under suspension till the date of passing the order of his compulsory retirement.

(2) Full particulars of other benefits with promotion enhancement of salary and other service benefits.

(3) Total amount payable by the Railway administration if the incumbent had not been suspended and discharged from the service.

(4) Vide letter No.ED/116 dated 19.4.95 the period of suspension is shown from 9-9-87 to 7-10-87 and not the period from 22-2-86 to 12-6-86. So the arrangement of payment of that period.

(5) Arrangement for payment of 3 months 11 days relating to the transfer period to NGC.

(6) Arrangement for payment of wages of 58 days for the period when he was not allowed to do his duty inspite of fitness in the year 1986 to 1987.

30. That in reply to the appeal dated 7.11.95 the applicant received a letter dated 21.11.1995 purportedly issued by the Respondent No.4 who failed to give the clarification sought by the applicant as to what benefits accrued him when the punishment of removal inflicted on him was reduced to the compulsory retirement on appeal. The respondent No.4 surprisingly stated in paragraph 1 of his reply dated 21.11.95 that particulars of benefits could not be furnished until and unless the vacation report of Rly qtrs. was received along with the other clearance certificates and prescribed form in support of claiming F.S. Etc.

(Copy of the reply letter dated 21.11.95 is annexed herewith and marked as Annexure - A24).

31. That the respondent No.4 put unreasonable condition upon the applicant for disclosing the benefits accrued to the applicant on account of the so called reduction of his punishment to the extent of compulsory retirement. The applicant has the reason to believe that the intention of the respondents is to drive away the applicant from his service without giving him any benefits. Though the punishment of removal was reduced to the extent of compulsory retirement yet the respondent No.4 failed to indicate the benefits on account of reduction of the punishment so the so called reduction of punishment became meaningless to the applicant.

32. That the contention of the respondent No.4 that the applicant failed in the Trade test for the Post of C/Fitter Gr. II held on 20.7.86 is not true inasmuch as that he was not given such chance of appearing the test .As such the question of unsuccessful in the test does not arise .The contention of the respondent No.4 that the applicant was booked for T.T. for C.R/CRII under this office letter dated 27.9.87 and 1.2.88 but he failed to appear in the T.T. and rather absconded since 9.10.87 etc. as stated in the letter dated 21.11.95 are also not true .The applicant was never informed that he was booked for T.T. for CR/CR-II under the office letter dated 28.9.87 and 1-2-88 as stated in the impugned letter 21.11.95 The allegation of absconding since 9.10.87 is apparently false as he was actually not allowed to join his duty at Guwahati as well as at Badarpur.

33. That the petitioner is lawfully entitled to get his salary and other benefits from 22-2-86 but the respondents have not paid the same inspite of various representations the impugned letter dated 21.11.1995 the respondent No. 4 already stated that the department was not liable to pay any back wages etc. The contention of the department is in fact negation to the truth .When the suspension period from 22.2.86 to 12.6.86 and 9.9.87 to 7.10.87 was regularised as stated in the paragraph 4 to 6 of the impugned letter dated 21.11.1995 the applicant became entitled to the full salary and other benefits .As such the respondents have got no right to deprive the Applicant of his legitimate claims on same frivolous grounds .

7. RELIEF SOUGHT

In view of the facts mentioned in para 6 above the applicant prays for the following relief .

- (i) That the impugned order dated 1.12.94 (Annexure-20) passed by the Respondent No.5 terminating the service of the applicant from his service with effect from 20-12-94 and the compulsory retirement order dated 20-02-95 (Annexure-22) by way of punishment passed by the appellate authority (Respondent No.3) be set aside.
- (ii) That the respondents be directed to reinstate the applicant in his service with all consequential benefits including back wages and promotion etc.
- (iii) That all illegal transfers and disciplinary proceed be set aside.
- (iv) That any other relief or reliefs that may be deemed fit and proper.

G R O U N D S :-

1. For that the applicant was acquitted of the Criminal Charges and the departmental proceeding on same charges of which the criminal court have already acquitted, ought to have been dropped/revoked and on the same charges no action should be taken by the department. As such the entire disciplinary proceedings is bad in law.

2. For that the Enquiry officer totally failed to consult all the relevant record and document , particularly the enquiry report prepared by the previous enquiry officer. In the instant case the succeeding enquiry officer ignored the evidence duly recorded by his predecessor during the enquiry . As such the report of last enquiry officer is bad and perverse and the disciplinary authority ought not to have acted upon such enquiry report.

3. For that the impugned orders are passed against all principles of fair play and natural justice. As such the impugned orders are liable to set aside.

4. For that the disciplinary authority failed to consider all relevant records including the representations filed by the appellant from time to time denying all allegations brought against him but the disciplinary authority without consulting the entire record and also without consulting the Commission as Contemplated under Section 10 of the Railway Servants ( D & A) Rules, 1968 imposed the major penalty .

5. For that there is no reason or materials to give the compulsory retirement to the Appellant. The Appellate setting aside one penalty ought not to have given the other penalty , though which is less harsh but it has got ~~the~~ same effect as no service benefits was given to the applicant. As such the impugned order passed by the Appellate authority is also not tenable in law and is liable to set aside or modified.

6. For that the disciplinary authority acted malafidely with an intention to harass the applicant. As all impugned orders including the transfer are liable to be set aside.

7. For that the penalty imposed upon the applicant is disproportionate to the alleged misconduct of the applicant. As such the impugned orders are liable to set aside.

8. For that there is not bonafide exercise of power on the part of disciplinary authority in taking the action against the applicant. The disciplinary authority exercised the power most arbitrarily and collaterally. As such, the impugned orders are liable to be set aside.

9. For that the impugned orders are passed in clear violation of various provision of law, more particularly the Article 311 of the Constitution of the

10. For that the applicant worked for many years in the N.F. Railway very sincerely and honestly without any blemish.

11. For that in any view of the matter the impugned orders are liable to be set aside.

8. DETAILS OF REMEDIES EXHAUSTED

The appeal is filed after exhausting all the remedies prescribed by the rule.

9. The applicant further declare that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

10. Particulars of postal order in respect of the application fee Rs.50.00 (Rupees fifty only)

Postal Order No. : 09 346806

Date : 26/8/96

Issuing Post Office : Guwahati Head office  
Panbazar  
payable

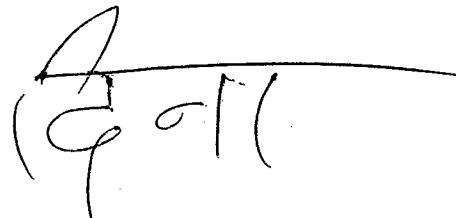
11. List of enclosure : As stated in the index.

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

VERIFICATION

I, Sri Dina son of Late Ramjit Pandit aged about 54 years, resident of Rly. Quarters No. L-205/A Jharna Colony P.O. Bedarpur in the District of Karimganj (Assam), do hereby verify that the contents from 1 to 12 are true to my knowledge and belief and I have not suppressed any material facts.

I sign this verification today the 30<sup>th</sup> day of August, 1996 at Guwahati.



Standard form of order of suspension  
( Rule 5 (1) of the RS (D & A) Rules 1968 )

No. E/R .....

(Name of Railway Administration) N.F.Rly

(Place of issue) Amt. Office/Not. Dated. 22-2-86  
23

ORDER

Whereas a disciplinary proceeding against  
Shri. Dina. Kar. Pat. Pat. (name  
and designation of the Railway servant) is  
contemplated/pending.

Whereas a case against Shri.....  
.....(name and designation of the  
Railway servant) in respect of a criminal  
offence is under investigation/inquiry/trial.

Now, therefore, the President/the Railway Board/the undersigned (the authority competent to place the Railway servant under suspension in terms of the Schedules I,II and III appended to RS (D&A) Rules, 1968/ an authority mentioned in proviso to rule 5(1) of the RS (D&A) Rules 1968) in exercise of the powers conferred by rule 4/proviso to rule 5(1) of the RS (D&A) Rules, 1968, hereby places the said Shri. Dina. Kar. Pat. Pat. under suspension with immediate effect/ with effect from 22-2-86.

It is further ordered that during the period this order shall remain in force, the said Shri. Dina. Kar. Pat. Pat. shall not leave the headquarters without obtaining the previous permission of the competent authority.

\* (By order and in the name of the President)

(Signature).....

(Name) ASSTT. MECH. ENCL. 1  
N. F. Rly

BADAPUR  
Designation of the suspending authority

(Secretary, Railway Board, where Railway Board is the suspending authority).

(Designation of the officer authorised under  
cate orders on behalf of the President, where  
the President is the Suspending authority).

Copy to :—

Shri. Dina. Kar. Pat. Pat. name and designation of the suspended Railway servant). Orders regarding subsistence allowance admissible to him during the period of suspension will issue separately.

\* Where the order is expressed to be made in the name of President.

N. F. Rly. Press-1/872/L/13 June '72—25,000 Forms.

Dina. Kar. Pat. Pat.

*After 8/8/72  
Dina. Kar. Pat. Pat.*

STANDARD FORM NO. 4

N. F. RAILWAY

G. 174 B

## Standard form of order for revocation of suspension order

( Rule 5 (5) (c) of RS (D&amp;A) Rules, 1968 )

No. .... ED/16 .....

DN. F. RY. .... (Name of the Rly. Administration)

(Place of issue) DRD (PLCG) Dated 21/6/86

## O R D E R

Whereas an order placing Shri/Smt. Disha, C/F/BPB (name and designation of the Railway Servant) under suspension was made/was deemed to have been made by AOE/BPB on 22-2-86.

Now, therefore, the president/the Railway Board/the undersigned (the authority which made or is deemed to have made the order of suspension or any other authority to which that authority is subordinate) in exercise of the powers conferred by clause (c) of sub-rule (5) of rule 5 of the RS (D&A) Rules, 1968, hereby revokes the said order of suspension with immediate effect/with effect from 12-6-86.

\*(By order and in the name of the President).

(Signature) ..... 23-6-86

(Name) ..... (S. C. Basdow)

Designation of the authority making this order

Divisional Mechanical Engineer (CIV)

N. F. Rly. Luming.  
(Secretary, Railway Board, where the order is made by the Railway Board)

Designation of the officer authorised under article 77 (2) of the Constitution to authenticate orders on behalf of the President, where the order is made by the President.

Copy to

① Disha, C/F ab - CWS/BPB

Shri/Smt. ..... (name and designation of the suspended Railway Servant).

\*Where the order is expressed to be made in the name of the President.

② AOE/BPB

③ CIV/BPB

N. F. Rly. Press-1/7512/80-May 76-30,000 Forms.

APPROVED  
D. P. M. R.  
ADM

Standard form of order of suspension  
( Rule 5 (1) of the RS (D & A) Rules 1968 )E/2  
No. ....(Name of Railway Administration) *Ans. Office/loc* 11-9-87  
(Place of issue) ..... Dated.....

## ORDER

Whereas a disciplinary proceeding against  
Shri. .... (name and designation of the Railway servant) is  
contemplated/pending.Whereas a case against Shri. ....  
(name and designation of the Railway servant) in respect of a criminal  
offence is under investigation/inquiry/trial.Now, therefore, the President/the Railway Board/the undersigned (the authority, competent to  
place the Railway servant under suspension in terms of the Schedules I, II and III appended to RS  
(D&A) Rules, 1968; an authority mentioned in proviso to rule 5(1) of the RS (D&A) Rules 1968)  
hereby places the said Shri. .... *9/9/87* under suspension with immediate effect/It is further ordered that during the period this order shall remain in force, the said  
Shri. .... shall not leave the headquarters without obtaining the previous  
permission of the competent authority.

\* ( By order and in the name of the President )

(Signature) *R. G. S.* 11/9/87(Name) *C.R. Hans* C.R. Hans

N. F. R. Y.

MADRAS

Designation of the suspending authority

(Secretary, Railway Board, where Railway  
Board is the suspending authority).(Designation of the officer authorised under  
article 77 (2) of the Constitution to authenticate  
orders on behalf of the President, where  
the President is the Suspending authority).

Copy to :—

Shri. .... name and designation of the suspended Rail-  
way servant). Orders regarding subsistence allowance admissible to him during the period of  
suspension will issue separately.

\* Where the order is expressed to be made in the name of President.

N. F. Ry. Press-1/5/72/L/13/June 12-25,000 Forms

*Attn: Dr. S. S. Jayaram**Adv.*

STANDARD FORM NO.4

F. Railway

STANDARD FORM OF ORDER FOR REVOCATION OF SUSPENSION ORDER  
(Rule 5(5)(c) of RS(D&A) Rules 1968)

No. E/2

KFRB

(Name of the Railway)

(Administration) Place of issue Amritsar

Dated 7.10.87

Official/200

ORDER

Whereas an order placing Shri/Smt Dina Chatterjee (Name and designation of a Railway servant) in suspension was made/was deemed to have been made by Amritsar on 9.9.87

Now, therefore, the President/the Railway Board/ the undersigned (the authority which made or is deemed to have been made the order of suspension or any other authority to which that authority is subordinate) in exercise of the powers conferred by clause(c) of sub-rule(5) of rule 5 of the RS(D&A) Rules 1968, hereby revokes the said order of suspension with immediate effect, with effect from 7.10.87.

\*(By order and in the name of the President).

(Signature)

(Name)

Designation of the authority making this order

Secretary Railway Board, where the order is made by the Railway Board

Designation of the officer authorised under Article 124 of the Constitution to authenticate orders on behalf of the President, where the order is made by the President.

Copy to:-

Shri/Smt Dina Chatterjee (Name and designation of the suspended Railway servant) Res. Copy to Shri. S. S. Rao Res. Copy to S. S. Rao

Date 10.10.87

\* Where the order is expressed to be made in the name of the President.

ad281181

C. A. Chatterjee  
D. C. Chatterjee  
D. R. Chatterjee

RAH  
DRB

OFFICE ORDER

DEV(P)'s office,  
Lumding, dt/- 28-9-87.

On Administrative ground Shri Dina, Carr: Fitter under CWS/BPB is hereby transferred and posted under TS/NGC on his existing pay and scale vice existing vacancy with immediate effect.

He is entitled to get the transfer benefits as per extant Rules.

51/-  
( S.K. Bardhan )  
DIV. MECH: ENGINEER (C&W)

No. E/283/1/IM/C&W/ADMN.Lumding/- dt. 28.9.87.

Copy to :-

1. DAO/LMG.
2. APO/NGC.
3. WS/NGC.
4. OS/EM/Bill.
5. P/case.
6. Staff concerned.
7. AMT/BPB along with the spare copy of the staff concerned which may kindly be sent to his Home address (Qrs.) by Regd. with A/Due.
8. CWS/BPB for information please.
9. CC(GRD)BIR. He is requested to track the staff concerned by Mr. Dina.

May  
\* DIV. RLY: MANAGER (P)  
N.F. Railway/ Lumding.

....

Attest  
R. D. Dina  
R. D. Dina

To

- (1) The Divisional Railway Manager (P),  
N.F.Rly., Lumding.
- (2) The DME/C & A / N.F.Rly./ Lumding.
- (3). Magistrate, 1st class, Karinganj.

(XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX)

Sub: Appeal against un-necessary assault, harassment, putting me off-duty by, Departmental officials, of Badarpur, GRP & BPF Personnel- soliciting redressal action thereof.

Respected Sir,

With due honour I beg to state that I was suddenly spared from duty by the T.R. Mr. Sushen on 17/8/87 and replaced by Shri M.R. Seal calling me Mad.

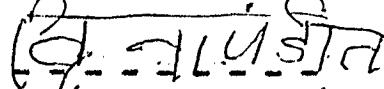
- 2). That on 18/8/87 when I attended my duty as usual the Rd. T.R. Shri D. Chakraborty forced me to sign me on a white Paper which I did not, in presence of the on-duty staff, which may kindly be enquired and proper action may kindly be taken. The matter also intimated to the Magistrate, Karinganj.
- 3). That on 17/8/87 I reported sick and treated under private registered Medical practitioner from 17/8/87 to 24/8/87 I attended office with sick and fit certificate for my resumption to duty on 25/8/87.
- 4). That I was allowed to my usual duty from 25/8/87 to 31/8/87 and pay also received duly.
- 5). That while I was going to lodge a complaint to Badarpur GRPC I was unnecessarily assaulted by one D.S.F. personnel and got injury on my left leg, for which I had to report sick under Railway doctor of Badarpur and remained under the treatment of Rly. Doctor from 1/9/87 to 8/9/87.
- 6). That on R/Ex 9/9/87 when I resumed to my usual duties with sick and fit certificate of the Rly. doctor and advised to perform shift duty from 14-00 Hrs. to 22-00 Hrs.
- 7). That to my utter surprise again I was assaulted by the departmental staff, AME/BPB and sent me to Badarpur G.R.P.S. at about 18-00 Hrs. and the GRPS/Badarpur put me in jail hujat for the whole night and I was sent to Court of Karinganj on the morning of 10/9/87. Badarpur GRPS snatched away Railway property, viz. Hammer.
- 8). That my family members were forcibly assaulted and ousted from the allotted quarters No. L/X-205 at Jharna colony, Badarpur and compelled to take shelter at Temple of dities.

Now solicit justice

JAY MA KA.LI.

Dated: Badarpur,  
The 12th September/1987

Yours faithfully,

  
(Dina Pandit)

Carrive fitter, Carr. Shop/BPB  
(Under CWS/Badarpur / N.P.Rly.)

Arrested  
D.P.M.

## Northeast Frontier Railway

N.P.C. 1708-1715-R.I.

## Discipline and Appeal Rules-Chapter XVII-R.I. Rules 1708-1715-R.I.

(Reference to ~~Rules 1707-1714~~ under Rule 1707-R.I.)

No ED/116

Date 14/6/68

## MEMORANDUM OF CHARGES FOR MAJOR PENALTIES

Dina, CF/BPB

Shri..... is hereby informed that it is proposed to hold an inquiry against him under Rules 1708 to 1715 R.I. The allegations on which the inquiry is proposed to be held are set out in the enclosed statement of allegations and the charges framed on the basis of the said allegations are specified in the enclosed Statement of Charges.

Dina, CF/BPB

2. Shri..... is hereby informed that if he so desires he can inspect and take extracts from the documents mentioned in the enclosed list at any time during office hours **within 7 working days** of receipt of this Memorandum. If he desires to be given access to any other official records other than those specified in the list referred to above, he should submit a list of all such additional documents to the undersigned with in 5 days of completing the inspection of the documents mentioned in the list. Access will be given only to such of the additional records as are considered relevant. He will not be given access to any documents if it is considered that it is against the public interest to give him such access. He should complete the inspection of the additional documents **within 5 days** of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.

Dina, CF/BPB

3. Shri..... is informed that the request for access to documents made at the later stages of the enquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances show clearly that the request could not have been made at an earlier stage. No request for access to additional document will be entertained after the completion of the inquiry.

Dina, CF/BPB

4. Shri..... is further informed that he may, if so desires, take the assistance of another Railway servant/an official of a Railway Trade Union (who satisfies the requirement of Rule 1712(2)-R.I.) for inspecting the documents and assisting him in presenting his case before the Inquiring authority in the event of an oral inquiry being held. For this purpose he should furnish the names of three persons, in order of preference to assist him.

(P.T.O)

*BPK/SK  
Dina*



Charge-I

" Shri Dina, while functioning as Carr.Fitter/III under CWS/BPB was under order of transfer to NGC on Admn. ground vide DRM(P)/LMG's No. ED/116 dt. 18-2-86 for creating troubles during working hours with his co-workers as well as with his supervisors and even with the AME/BPB.

On 27-11-86 he represented the case to CRSE/MLG for this retention who was on inspection in Hill section and CRSE advised CWS/BPB to give him a chance and accordingly he was retained at BPP cancelling his transfer order vide DRM(P)/LMG's No. ED/116 dtd: /3-87.

But on 9-9-87 he attempted to assault AME/BPB with a Hammer in train passing office at 17/35 hrs. and accordingly he was arrested by GRP on same date. For obstruction time to time of normal works as well as causing detention to trains even after his retention at BPP he was again transferred to NGC on admn. interest under DRM(P)/LMG's No. E/283/I/LM/C&W/ADMN dtd: 23-9-87. Accordingly CWS/BPB spared him wef. 9-10-87 for NGC vide his sparing letter No: E/3 dtd: 13-10-87, but he refused to accept the same for which CWS/BPB pasted his sparing letter in the Notice board on 19-10-87 and after that he has not yet reported at NGC and absconding since then which tantamounts insubordination, misconduct and misbehaviour on his part."

*Attest  
J. D. Dina  
10/10/87*

*J. D. Dina  
14.6.88*  
काशी रेलवे इंजिनियर (ए. ए.)  
गोदावरी रेलवे  
Divisional Mechanical Engineer (C&W)  
N. F. Rly. Lumding.

Enclosure to the Memorandum of  
Charge Sheet for Major penalties

Statement of charges framed against Shri..... *Dina*,  
..... *CF/BPB*..... (name and designation of the Railway  
Servant :—

That the said shri..... *Dina*,  
functioning as..... *CF/BPB*..... during the period..... *1 Sept/87 to 10 Oct/87*..... while  
..... *codes of practices to NGC on action. Should, but not*  
..... *yet separated. Though separated from BPB*

Charge I

That during the aforesaid period and while functioning in the aforesaid  
office, the said shri.....

Charge II

That during the aforesaid period and while functioning in the aforesaid  
office, the said shri.....

Charge III

That during the aforesaid period and while functioning in the aforesaid  
office, the said shri.....

Statement of Allegations on the basis of which charges are framed  
against shri..... *Dina*, *CF/BPB*..... (name and designation  
of the Railway servant.)

**ALLEGATIONS REGARDING CHARGE I**

*Enclosed*

**ALLEGATIONS REGARDING CHARGE II**

**ALLEGATIONS REGARDING CHARGE III**

1) AME/BPB's L/NO = C01SC/1 of 20-11-86, E/2 of 22-5-87 2) C01SC/1 of 16-9-87.  
2) CAS/BPB's L/NO. E/3 of 6-7-86, XR NO. = C01SC/87 of 10-9-87, E/3  
of 13-10-87 and 21-10-87.

Note:—The Allegations should indicate clearly how exactly the Railway servant concerned  
is culpable, i.e., what exactly his responsibility was in a particulars case and how he  
failed to discharge it.

*After 8/8/86  
D. D. D.*

N.F.Railway.

No. E/3

CWS's office  
Bardarpur.  
dt-/ 6-7-86.

To  
DRM(P)/Lumding  
N.F.Rly.

Sub:- Transfer of Shri Dina, Carr/Fitter BpB  
on administrative ground.

Ref:- Your office order No. ED/116 dt.18-2-86  
and L/No. ED/116/ dt. 26-6-86.

-0-

In connection with the above this is to inform you that your above quoted office order has received by this office on 21-2-86 and Shri Dina was placed under suspension w.e.f. 22-2-86 as he was arrested by Police and was under their custody. So the transfer order could not be handed over to him.

On receipt of your letter dated 26-6-86 he was asked on 4-7-86 to accept the transfer order but he flatly refused to accept any papers from office and created shouting. He even threatened if we force him to carry out transfer order by sparing him he will teach us a good lesson one by one. He is not afraid of Police Court etc. Before handing over transfer order Police may be kept ready.

On 5-7-86 he appeared in the office with leave and Pass application and asked my Chief Clerk to accept the same. He (CC) replied us you denied to accept any paper from office. I shall not take any paper from you. Then he became furious and created same in presence of all staff and used insulting language towards him. When he passes through by the side office building he is always uttering "Shala lok koo ham dekhenga". During last 6 months he was arrested by Police several times and sent to Karimganj Court but after being release on bail he is repeating the occurrence. Almost all the staff are not talking with him. He is breaking the discipline and creating bad atmosphere in working place.

This has already been reported verbally to AME/BPB during his visit and he is also well acquainted with his dealing and behaviour.

In view of the above you are requested to let this office what further action may be taken whether the transfer order is not accepting the order please.

Sd/-  
CWS/BPB.

Copy to :- DME(C&W) LMG for information and taking immediate necessary action. As the man is not afraid of Police Court etc. he can do any serious crime at any movement Please.

Copy to :- AME/BPB for information. This was verbally discussed with him on 5-7-86 Please.

14688TKM:

Constituted 1<sup>st</sup> copy  
CWS/BPB.

to the L.M.G.  
Office Super. (B)  
N.F.Rly. Lumding

N.F.Railway.

No. MISC/1

AME's Office

Bedarpur, dt:

W-11-86

To

DSRP/CRPS/BPB.  
N.F.Railway.

Sub:- Creation of disturbance in Chamber  
of CWS/BPB during working hours by  
Shri Dina, Ex- C/Fitter /BPB.

-o-

Shri Dina Ex- C/Fitter under CWS/BPB is creating disturbance during office hours hampering the day to days works. Shri Dina was transferred to NGC vide DRM(P) Lumding's No. ED/116/ dt. 16-7-86. Accordingly all relevant papers related to him had also been sent to NGC. He has not yet reported there and is creating disturbance in unparliamentary language to all Sr. Subordinator.

To day at about 9-30 hrs when I was also present in the chamber of CWS Shri Dina came and started shouting. I tried to advise him to get his matter settled up in the HQs at LMG since it is not at all propossible to do any thing from out side. On this he started shouting and also used unparliamentary ~~the~~ language to me and other supervisors. Then I called O/C GRP/BPB who stayed with me for about 25 to 30 mts.

~~For your~~ You are requested to take suitable action so that Shri Dina could not get chance to enter in the Rly. premises for creating disturbance and ensure proper law and order in the Rly. premises for avoiding any unusual occurance infuture. Shri Dina may be advised to report to NGC for his further duty.

Sd/- (C.R.Hans )  
AME/BPB.

*Copy to :- DRM(M)/Lumding for information and necessary action Please.*

Sd/- ( C.R.Hans )  
AME/BPB.

14688TKM:

*Certified to the copy*

*DRM (M)*  
to the Rly. Staff  
Office Supdt. (M)  
R. Rly. Lumding

N.F.Railway.

No. E/2

Office of the  
AME's dt. 22-5-87.

To

DME(C&amp;W)/LMG.

Sub:- Misbehaviour by Shri Dina, C/Fitter/BPB.

To day at about 16-35 hrs. Shri Dina, C/Fitter BPB working under CWS/BPB entered in to my chamber and I could ask him the reason and the cause for doing so. He remained absent from duty unauthorisedly for 5 days w.e.f. 2-5-87 to 6-5-87. On 7-5-87 he appeared before CWS/BPB with an application on 7-5-87 who ~~desire~~ directed him to my office as per prevailing procedure for obtaining resume to duty subsequently he was allowed to resume duty on 9-5-87. About the regularisation of the period quoted above, it is presumed that he remained in the Police custody the detailed information still to be found out. He has not disclosed anything in his application or anywhere in the office in writing. Hence at present it is difficult to write anything about the regularisation of the unauthorised period. He was simply allowed to resume duty. For this purpose I understood he might have come to my chamber to-day. He did not say anything the above information. He was simply shouting for regularisation for his period. The relevant papers in this regard are also enclosed for your information. Some suitable action in this regard is very much required, for avoiding any ~~near~~ future happening.

D4/ Three.

Sd/-  
( C.R.Hans )  
AME/BPB.

-00000-

L started using unparliamentary language before

Certified 18th copy

Other  
copies created  
to file with, and for  
Office Supdt. (P)  
R. R. R.

He Sd/  
R. R. R.

36 Copy

N.F.Railway.

No. MISJ/1

AME's Office /BPB  
Dt. 16-9-87.

To

DRM./Lumding.

Thro:- Sr.DME(P)/Lumding.

Sub:- Misconduct and breach of discipline by  
Shri Dina Carr. Fitter/BPB, under CWS/BPB  
in the TXR/ TP Office on 9-9-87.

-o-

On 9-9-87 at about 10 hrs. CWS/BPB informed me that Shri Dina Carr. Fitter came to TXR/TP office at about 4 5/40 hrs. in the morning and threatened on duty TXR Shri D.C.Roy, CTXR to take him on duty Shri Dina as per records available with CWS/BPB reported sick and had taken sick memo on 31-8-87 On 9-9-87 also he had not brought fit certificate to office for proper resumption.

At 14/- hrs. ( apprex.) on 9-9-87 he again came to TXR/TP office and threatened on duty TXR, Shri Sushen Ch.Das and showed him a ball pin hammer. With the fear of his life Shri Sushen Das left his office and went to CWS/BPB for solving the situation. Around 16/- hrs. I went to CWS office and called him to know the real history. He flatly refused to come to me as per to the person I had deputed for.

Around 17/30 hrs. I along with CWS/BPB , TXR Shri B.Acherjee & other TXRs went to TXR/TP office with the information that Shri Dina is still creating disturbance. I called him in the TXR/TP office on this he came to me in the angry mood. I asked him for the reason he came without authority as he was in the sick list I advised him to produce fit certificate from Rly. Doctor in start CWS/BPB's office for joining to duty in TXR office. On this he started shouting and raised his hand with hammer on me also which was protected by Sr. Subordinates available and immediately Shri Dina was handed over to GRP/BPB with the help of OC/RPF/BPB

Shri Dina had created disturbance during office hours no of times in the past also. The detailed report of which from the past records will be sent very recently to you On 9-9-87 also he had threatened to all other co-workers some of them had stopped their work totally with the fear of their lives.

A fact finding enquiry has also been called consisting of three Nos. of Sr. Subordinates as per instruction of DME(C&W)/LMG. The report of which will be communicated to you immediately after completion of Enquiry.

Shri Dina C/Fitter. Gr.III under CWS/BPB is a very problem creating person in C&W Depot /BPB. A suitable action leading to a permanent solution is requested.

Sd/-  
( C.R.Hans )  
AME/BPB

Copy to :- DME( C&W)/LMG for information and necessary action Please.

Constituted the Copy

Sd/-  
(C.R.Hans.)  
AME/BPB.N.F.Railway.

Office Seal, etc.  
T.K.M.  
S.R. Roy. Lumding.

37

Copy

No. E/3 of dt. 12.10.87  
CWS/BPB.

To  
WS/ACC (MG)

Sub:- Transfer and posting of C/Fitter  
Dina under WS/NGC.

Ref:- DRM(P)/LMG's L/No. E/283/I/LM/C&W  
ADMN. of dt: 23-9-87.  
-o-

In terms of DRM(P)/LMG's L/No. quoted above  
Sari Dina, C/Fitter of this depot has been spared  
to carry out his transfer order on 9-10-87(4N).

Please take his name in your roll accordingly  
from the date of his reporting to you.

Necessary service particulars so far available  
in this office is given below and his attendance & roll particulars is shown in the annexure.

Name :- Dina

Desig. :- Carr. Fitter (SK)

Pay:- Rs. 1130/- (RP)

PI No. 166187.

Pass/PTO :- He has availed one set of P/Pass &  
no PTO is used by him.

CL:- Availed 13 days CL upto date.

Qtrs:- Rly. Qtrs. No. L-205 (Type-II pucca, Electrified)  
at BPB is under his occupation.

Sd/- ( CWS/BPB )

D/4 ( Two ) 1. One list of tools  
2. Attendance.

Copy for information & n/ action to :-

1. DRM(P)/LMG or (2) AMS/BPB (3) Party  
concerned.

W.M. Supt. -  
PTO: 1000

Sd/-  
CWS / Bedarpur.  
N.F.Rly.

APK  
Dilip Kumar, Bhu

No.E/3 of dt. 21-10-87

To

DRM(P)/Lmding.

Sub:- Sparing of EX/ C/F Dina to WS/NGC .

Ref:- This office L/No.E/3 of 13-10-87.

-0-

Sparing L/No E/3 of 13-10-87 issued to Shri Dina (Staff copy) has been pasted on the notice Board of CWS/BPB office on 18-10-87 in presence of three staff as he referred to accept the letter.

This is for your information and n/ action Please.

Sd/-  
CWS/BPB.  
N.F.Railway.

certified true copy

DRM

Mr. D. D. D. D.  
M. S. S. S.  
M. S. S. S.  
M. S. S. S.

39

39

Copy

51

XR 10/- BPB 10 (SD9/9)

TO: OC/GRP RPE BPB C/DME(C&W) SRMDOS LMG AME  
-MISC/ 37.C/F DIN4 CREATED OBSTRUCTION TO NORMAL  
WORKS AND TRAIN RUNNING TRAINS SUFFERED DETENTION.  
DEMANDING RESUMPTION WITHOUT FIT CERTIFICATE THOUGH  
IN SICK LIST. NOT ALLOWING STAFF TO WORK. WORK  
SUSPENDED. ACTION SOLICITED.

Certified ~~1840~~ copy

-CWS-

LN/B/1546/10/9 BPB TP-4

Office Supdt. (F)  
A. V. R. I. M. I. R.

Copy

XR 115 BPB 10

TO -DME (C&W) LMG C/DRM(P)/LMG ~~OFFICE~~ CRSE/MLG.  
- MISC/37. FENIAN EVEN NO OF 9/9 C/FITTER DIN4  
ATTEMPTED TO ASSAULT AME /BPB WITH HAMMER. IN V/  
T/PASSING OFFICE ON 9/9 AT 17/35 HRS. ARRESTED  
BY GRP ON 9/9.

- CWS -

LN/7/1540/10/9 BPB TP-3

Certified ~~1840~~ copy

TKM:

Office Supdt. (F)  
A. V. R. I. M. I. R.

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार करने की तारीख Date on which the copy was ready for delivery.	प्रतिलिपि को आवेदन की तारीख से कितने दिन लिया गया है। Date of mailing over the copy to the applicant.
27-5-89.	2-6-89.	6-6-89.	15/6/89	17/6/89

Pt. No. 536.

By :- Shri Dina Pandit.

In the Court of  
Chief Judicial Magistrate, Karimganj,  
Assam.

Present :- Shri K.S. Nath, M.A., LL.B.

Judgment in G.R. Case No. 975-A/87.

*After S.R.*  
*Shri Dina Pandit*  
State      ...      ...      ...      Complainant.

- Versus -

Dina Pandit   ...   ...   ...   Accused.

U/c. 448/352/506 I.P.C. read with Sec. 121  
of the I.R. Act.

Date of recording  
evidence :- 27-10-88,  
25-11-88 &  
21-01-89.

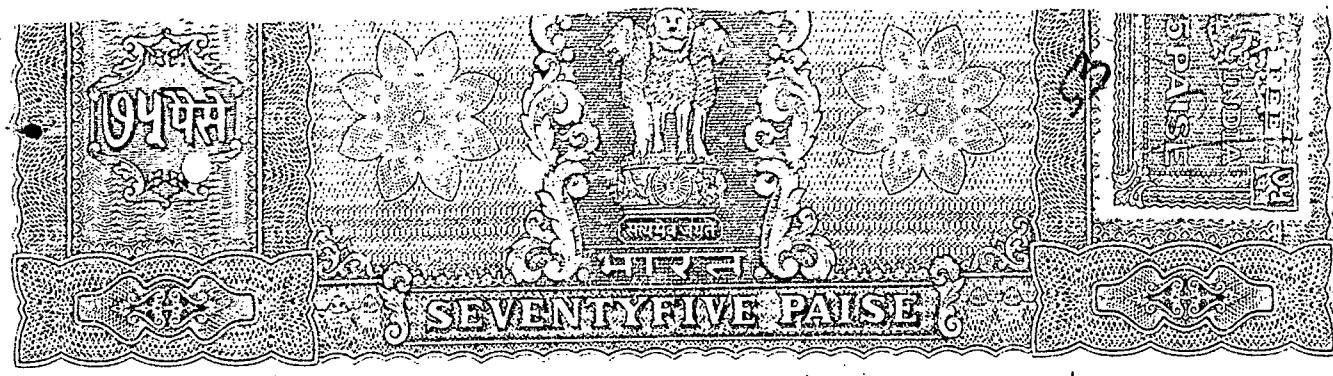
Date of argument :- 25-05-89.

Date of Judgment :- 25-05-89.

Judgment.

Contd.....(2).





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संस्था सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 2 -

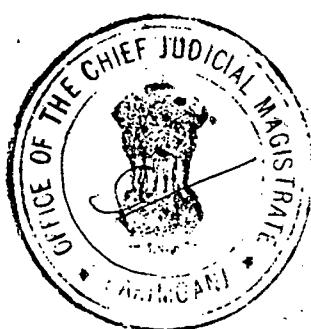
Judgment.

The case for the prosecution in brief

is that on 9-9-87 @ 14 hours, accused Dina Pandit, who was a C/Fitter was on sick, forcibly entered into TXR/Train passing office at Badarpur Rly.

Junction with one hammer in hand and threatened TXR Sushen Das, C/Fitter Nagendra Kr. Nath and obstructed them from discharging their lawful duties. The matter was brought to the notice of AME/BDP, Shri C.R. Hans, who in turn attended T/passing office, @ 17-35 hours. At that time the accused also attempted to assault him with the hammer.

Shri Hans prevented the accused with his hand. It happened in presence of TXR, CWS, CTXR, H/Clerk





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 3 -

Manik Malakar, TXR-B. Acharjee, C/F Nagendra Nath who were on duty. With these facts FIR was lodged with GRP, Badarpur upon which a case was registered and after usual investigation, the accused was charge sheeted u/s. 448/352/502 IPC read with Sec. 121 of the I.R. Act.

On receipt of the Charge Sheet, the accused was asked to appear to stand his trial. On his appearance offence under the above Section of law was explained, to which the accd. pleaded not guilty and claimed ~~क्षमा त्रिष्णु~~ to stand trial. From the trend of cross-examination and statement of the accd. the defence case appeared to be a total denial one.

Cents.....(4).



43  
5 SEVENTY FIVE PAISE

प्रतिलिपि के लिए आवेदन की तारीख - Date of application for the copy.	स्टाप और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 4 -

*Dabir, Dabir, Dabir*  
4 P.Ws. were examined. The I.O. was not available on several attempts. The defence led no evidence. Now the question arose for determination is as follows :-

Did the accd. illegally enter into TCR/train passing offence on 9-9-87, and if so, did he threaten the life of the official concerned ?

P.W.1, Rabindra Nath Biswas claimed to be the CWS at Badarpur on 9-9-87, who stated that accd. Dina, a Fitter of his office was on sick list on that day. But he appeared in office at 7.30 A.M. on that day for resuming his duties without any

fitness certificate. Supervisor, Nanda Gopal Dutta asked the accd. to produce fitness memo and to

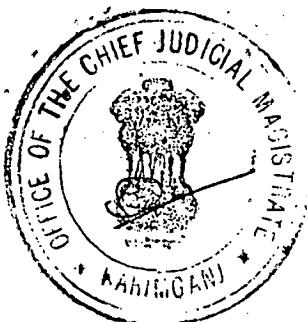


COURT FEE		COURT FEE		COURT FEE	
INDIA		INDIA		INDIA	
ONE RUPEE		ONE RUPEE		ONE RUPEE	
PAISE		PAISE		PAISE	
प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्थाप्त और फोलिओ की अपेक्षित सम्पादन करने की निश्चयता तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्थाप्त और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.	

- 5 -

*Temporary staff*  
 resume his duties. But the accd. failed to give his fitness memo and as a result he was not allowed to join. The accd. then had altercation with Shri Dutta. He went to the office at 8-30 A.M. and reported the above matter. After a while accd. Dina again came and urged upon him to allow him to join, but it was not entertained without fitness memo. The accd. became angry stating that he would come again. Accordingly @ 2 P.M. the accused came with a hammer and threatened TXR Sushen Das for not allowing him to join without fitness memo. The accd. obstructed other employees from discharging their lawful duties. These facts were reported to him.

Persuant to such report, he submitted a report to the Asstt. Mechanical Engineer, AME, Shri C.R. Hans



SEVENTYFIVE PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 6 -

*DHEERAJ  
Babu*

along with Shri Hans and others Shri Biswas went to TXR office at 5.30 P.M. The accd. was called by Shri Hans and told him to leave that place as without fitness memo, he could not be considered to resume his duties. But the accd. attempted to assault Shri Hans with a hammer, who protected himself by raising hands. The accused was caught hold by Saraf Uddin and Basudev Acharjee. The RPF post was nearby and the O/C, RPF was called and the accd. was handed over to him, who in turn handed over the accused to the O/C, K GRPS with the hammer. He filed FIR, marked Ext-1 and Ext-1(1) is his signature.

Vide Ext-2, the hammer was seized. Ext-2(1) is his signature. The hammer could not be produced to the Court. In his cross-examination he said that





20 PUNJABI PAISE

SEVEN PUNJABI PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 7 -

*Refer to Ext-1*  
 he did not refer to Ext-1 that the accused attended the office at 7.30 A.M. wherein it was stated that the accused attended office at 2 P.M.

Fitters were given hammers by the department. He denied that the accused appeared with a fitness memo, but it was ignored by all concerned. The Police did not seize the sick list. Other cases were filed against the accd. But he did not know if the accd. was sent as a N.C.L. The accused was earlier suspended for the allegation that he assaulted GRP on administrative grounds. The accd.

was once transferred and it was cancelled on his representation. Then on various grounds several

cases were filed against him. He denied that the

Cent. .... (8).



प्रतिलिपि के लिए आवेदन के तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या मूल्यित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ के देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, प्रतिलिपि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 8 -

accs. with his hammer and a fitness memo came to resume his duties, but it was refused and he was forcibly handed over to the police with false and flimsy grounds. The distance between TXR office and GKP was less than half a furlong, intervened by other offices. The distance was about 100 mtrs. The earlier incident was not informed to the GKP.

P.W.2, Nanda Gopal Dutta stated that on 9-9-87 accd. Dina, appeared in their CWC office at 7.30 A.M. for resuming his duties, although he was sick before hand. He asked him to obtain a fitness certificate and produce it when the accd. resiled that he submitted it and left the office. In the evening when they left the office by closing and





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 9 -

*After 5 P.M.*  
*Mr. Dina, P.D.*

arrived beside the TAX office and entered that office where H.S. Hans, AME, Badarpur, R.K. Biswas, CWS, Basudev Acharjee, TXR were present. They reported to him that the accused forcefully demanded of them to allow him to resume his duties. H.S. Hans told the accused that he was sick and he could not be allowed attempted to assault Shri Hans with the hammer. That time Basudev Acharjee and Saraf Uddin took the accd. outside the office. In his cross-examination he said that he told the police that he received a telephone from TXR office after 2.30 P.M. to the effect that accd. Dina was creating troubles.

The said AME was in his office at that time and @

4 P.M. came to CWS office. There was a discussion

Cents.....(10).



SEVENTY FIVE PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 10 -

*Abbas Ali*  
*Abbas Ali*  
*Abbas Ali*

between the said between the said CWS and AME, but he was not aware of the discussion. He denied that the accd. submitted a fitness certificate. At the time of occurrence he was fit to work. He did not know if any other cases were filed against the accused. He denied that the accd. was not about to assault the AME with a hammer. He denied that he did not tell it to the police and the accd. was not restrained by Basudev and Sarif Uddin. The hammer was supplied by the Rly. Dentt. to the Fitters. The RPF post was located near the TXR office, but none came from that office. He denied that there was no hammer in the hands of the accd. and he simply went to the office at 2.30 P.M. for resuming his duties.



SEVENTYFIVE PAISE

प्रतिलिपि के सिए आवेदन की तारीख Date of application for the copy.	स्टाप और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के सिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 11 -

*After the St. Dinesh Singh*

P.W.3, Basudev Acharjee stated that on 9-9-87 he was the Head Clerk of TXR office at Badarpur and accd. Dina was a carriage fitter under C.M.S. On that day the accd. was not on duty as his name was in the sick list. But on the above date @ 5 P.M. when he was in his office he heard that the accd. created trouble in the TXR's Train passing office. Then he himself, AME, C.R. Hans, Supdt. R.S. Biswas, Nanda Dutta and others went there and found accd. Dina was loitering inside the TXR office with a hammer in his hand. He asked C.R. Hans to allow him to join his duties, but Shri Hans told him to obtain a fitness certificate. Accd. Dina gave a deaf hearing to it and attempted to



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाप्स और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप्स और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
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assault Shri Hans with the hammer. They caught hold

Dina and took him to GRP office. In his cross-examination

he said that he came to Badarpur in 1980, but accd.

Dina worked at Badarpur before that time. He heard

that there were other cases against Dina, but he

could not say how many cases were pending against

him. He denied that Dina had a fitness certificate

which was ignored. No departmental proceeding was

drawn against the accd. He did not know if he was

acquitted in two other cases. He denied that his

(accd.) transfer was cancelled on his representation,

which annoyed all concerned and for that other cases

were created against the accd. He denied that the

accd. did not attempt to assault any concerned. In

Cantd.....(13).



ONE RUPEE

TWO PAISE

SEVENTYNINE PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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One item of TXR office there was RPF post and that remained fix for 24 hours. They had also fire arms. The accused voluntarily went with them to the GRP. One RPF Inspector also came out.

P.W.4, Suchen Ch. Was said that on 9-9-87 he was on duty from 2 P.M. and accd. Dina was sick. At that time he entered into the office and with a hammer hit on the table and asked him to allow his attendance. He replied that he was not capable to allow his attendance which might be allowed by the authority above. But the accd. threatened his life. He then informed this incident to CWS with a request that he could not work in in that a situation. Then he left the office with

Centd.....(14).



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

- 14 -

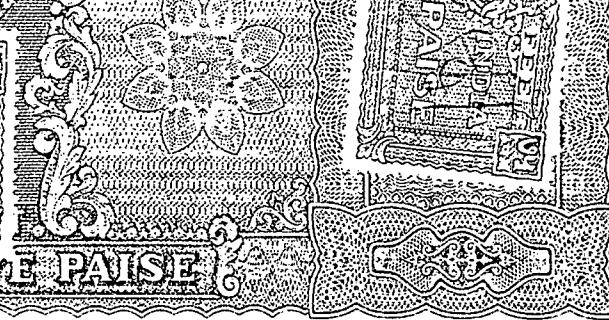
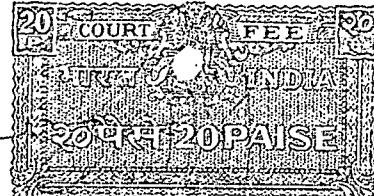
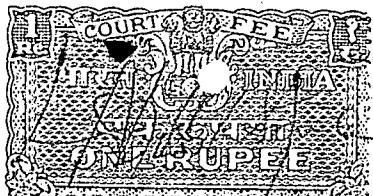
*(Signature)*  
*(Signature)*  
*(Signature)*

sick memo. In his cross-examination he said that at the time of that incident TAX Upendra Purkayastha was present. He reported it to CWS at CWS office about a furlong away from his office. He was examined by the police. Ext-A was written by him and vide it the accd. was allowed to work only for a day. He denied that the accd. did nothing and this case was created with a mind to harass him.

The fact of appearance of the accused at 7.30 A.M. was not subscribed in FIR, marked Ext-1. P.W.2 in his cross-exam. specifically admitted that at the time of occurrence, the accd. was fit to work. Had it been so, the accd. might be allowed to resume his duties with ~~as~~ direction



Contd.....(15).



SEVEN AND A HALF PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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to produce the fitness memo within a reasonable time.

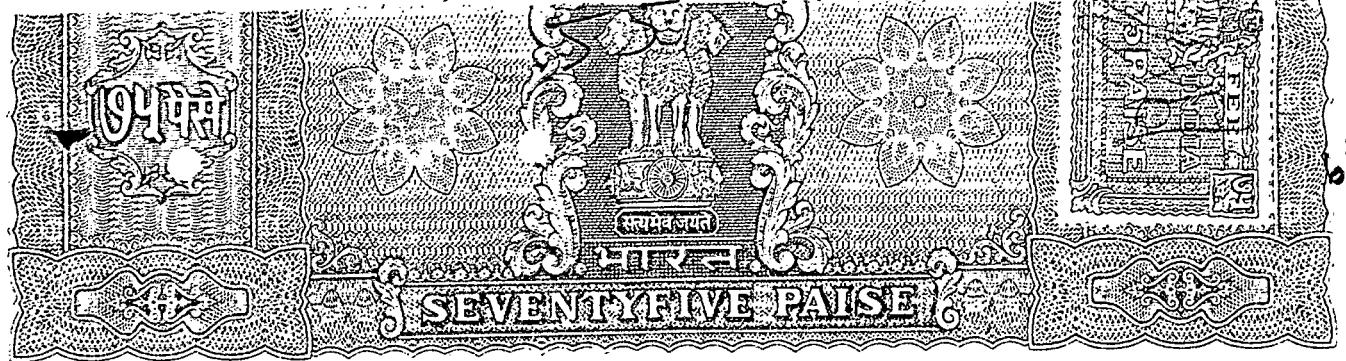
But for ends of natural justice, the accused was not given that opportunity. The presence of Upendra Purkayastha was not disclosed by any other witness, excepting P.W.4. It appears that there were other

cases against the accused and none of the witnesses

could give result of such cases. P.W.1 in his cross-exam. admitted that the transfer of the accused was cancelled by the authority above on his representation. The defence took the plea that such cancellation of the transfer of the accd.

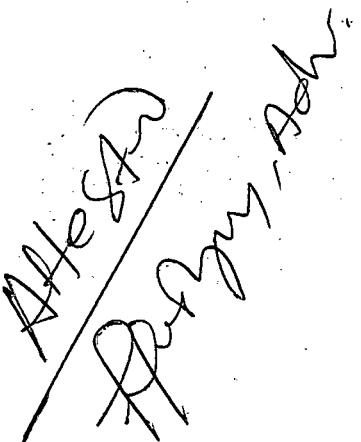
annoyed the witnesses and they instituted several cases against him on flimsy grounds. P.W.3 did not admit that any transfer of the accd. was





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाप और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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 cancelled on representation. P.W.3 in his cross-examination admitted that the accused voluntarily went with them to the GRP when one RPF Inspector came out. The evidence of the witnesses showed that the accused was caught hold and handed over to the GRP. P.W.4 admitted that he allowed the accused to resume his duties for a day on the strength of Ext.A. However, all the witnesses stated that the accused threatened his immediate bosses for not allowing him to join without a fitness memo. In such a case he could be put under suspension, but it was not done. Such action on the part of the accused cannot be indulged. Equally, the strictness on the part of the witnesses also cannot be appreciated when P.W.3  
 Contd.....!....(17).





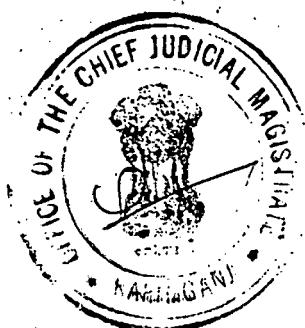
प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाप्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाप्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थीं Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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*After six weeks*  
*not given*

in his cross-examination admitted that the accused was fit to work, he could have been given an opportunity to produce the Fitness Certificate after allowing him to resume his duties.

Therefore, considering the totality of the evidence on record and the facts and circumstances received therefrom, I conclude that the case is not proved beyond the shadow of all reasonable doubt. Equally, I warn the accd. not to recur any such incident in future. I further observe that his immediate bosses should also give him opportunity which may arises from the facts of the time. The accd. is acquitted and set at liberty forthwith. His bail bond stands discharged.





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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Sd/- K.S. Nath,  
Chief Judicial Magistrate,  
Karimganj.  
Dt. 25-5-89.

Dictated & corrected  
by me.

Sd/- K.S. Nath,  
Chief Judicial Magistrate,  
Karimganj.  
Dt. 25-5-89.

COMPARED BY:

*✓ 89*  
Comparing Clerk,  
Date.....

Typed By :-  
(Steno).

COPIED BY :-  
(SEKHAR NATH).

STIFIED TO BE A TRUE COPY

*Nibaran Ghose*  
Head Assistant  
Chief Judicial Magistrate's Office  
Authorised U S-76 of Act 1 of 1972  
KARIMGANJ.

*After 8pm, Adm  
Sekhar Nath*

To  
The Divisional Railway Manager (F),  
N.F. Railway,  
L U M D I N G.

Sub: ~~xx~~ Prayer for -

(i) allowing resumption to my duty as Carriage Fitter at Badarpur.

(ii) Payment of all unpaid wages for my suspension period and non-working period.

Sir,

I have the honour to submit the following for favour of your sympathetic consideration and favourable redressal orders.

That sir, I have been working as a Carriage Fitter under CWS/Badarpur/N.F. Railway. But sir, since sometimes back I have been being harassed and assaulted by the Departmental staff of Badarpur associated with the GRP/BPB and RPF/BPB even filed Court cases in various fabricated ways in the Law Court at Karimganj, ~~Emxxix~~ stating me a 'Mad'. Although the Rly. doctors certified me fit for duty, I have not been given duty and kept me either in suspension or without work, for which I had to loose my wages resulting putting me and my dependant family members into starvation.

That sir, the Court Cases filed by the Deptt., RPF & GRPS - Badarpur have been decided in my favour and I have been honourably acquitted.

Under the circumstances, now I most fervently pray to your goodself to kindly arrange my resumption to my usual duties and also arrange payment of my back wages, and also treat the transfer order as cancelled and allow me to resume at Badarpur, saving me and my dependant family members from starvation and entire ruin and for which act of your kindness I shall remain ever grateful to your honour.

With all regards,

Dated: Badarpur,

The 10th May/1988

Copies forwarded for kind information and favourable action :-  
 1). The DME/C&W/Lumding P.O. Badarpur - 788806,  
 2). AME/Badarpur/N.F.Rly. Dist. Karimganj ( Assam ).  
 3). Hon'ble Magistrate, Karimganj Court, Karimganj.  
 4). Sj. Rajib Gandhi, Hon'ble Prime Minister of India, N/Delhi  
 5). Sj. Madhab Ray Scindia, Hon'ble Rly. Minister, New Delhi

Yours faithfully,  
 (G-714510)

( Dina )  
Carriage Fitter,  
( Under CWS/Badarpur/N.F.Rly. )

15/5/1988.

(G-714510) (Dina )  
Carriage fitter

59  
To be sent Regd. with A/D

ANX-Ag

STANDARD FORM NO. 7

N. F. RAILWAY

G-174 F

Standard form of order relating to appointment of  
Inquiry Office; Board of Inquiry  
(Rule 9 (2) of RS (D&A) Rule, 1968)

No ..... ED/116

N.F.R.Y. .... (Name of Rly. Administration)

DRM (P) 106 (Place of issue) ..... Dated: 10/10/68

6-10-88

### ORDER

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 is being held against Shri Dina, C/Fitter/DRM (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s)—

a Board of Inquiry consisting of :

1. {
2. { Here enter names and designations of Members of the Board of Inquiry.
3. }

OR

Shri P.C. Saha (Signature), A.M.E.(P) Log 6 (name and designation of the Inquiry Officer) as Inquiry Officer to inquire into the charges framed against the said Shri Dina, C/Fitter.

Ssi Dina, ✓

C/Fitter  
Rly. Cor. No. L-205/A  
Jhansi Colony  
P.O. Badarpur  
Dist. (Delhi/NCR)  
(Army)

Signature ..... *S. C. Saha* 05-10-88

Name ..... (S.C. Saha)

Secretary, Railway Board

OR " "

Designation of the Disciplinary Authority  
N. F. Rly. Lumdun

Copy to (name and designation of the Railway servant)

Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer)

\*Copy to (name and designation of the lending authority) for information.

Ssi R.N. Dinesh

C.O.S./2/2/88

\*Note: To be used wherever applicable—Not to be inserted in the copy sent to the Railway servant.

After 1st  
D.S. Log 1, 10/10/68

Standard form of order relating to appointment of  
 Inquiry Office / Board of Inquiry  
 (Rule 9 (2) of RS (D & A) Rule, 1968)

No. .... ED/116

N. F. Rly. .... (Name of Rly. Administration)  
 DPO (P) LAG 6 .... (Place of issue) Dated. 12/89  
 03-1-89

## ORDER

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 is being held against Shri. Dih, G/fit, B.P.B. (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s) —

A Board of Inquiry consisting of :

1. { Here enter names and designations
2. } of Members of the Board of Inquiry.
3. }

OR

Shri. R. N. Roy, Ame/aw/LAG. (name and designation of the Inquiry Officer) as

Inquiry Officer to inquire into the charges framed against the said Shri. Dih, G/fit.

This is an modification of earlier  
 Office letter, be even w/ dtd 6-10-89.

Signature ..... *Sri S. K. Basak* 2-1-89

(X) Sri Dih, G/fit

Rly. Cor. No. L/205/A

Ghosh Colony

P. O. = B.P.B. Dist. = LAG Designation of the Disciplinary Authority

(Assam)

Secretary, Railway Board

OR

(Sri S. K. Basak)

Copy to (name and designation of the Railway Servant) (X) Sri. R. N. Roy  
 Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer).  
 \*Copy to (name and designation of the lending authority) for information.

Sri R. N. BISWAS

CABUS B.P.B.

\*Note: To be used wherever applicable—Not to be inserted in the copy sent to the Railway servant.

Proceeding of DAR enquiry held at 10.30 hrs on 5.5.89 at  
AME(C&W)/LMG's chamber(E.O) against Sri Dina, Ex.C/Fitter  
under CWS/BPO as per DAR 1968 in respect of Major Memorandum  
No.ED/116 dt/-14.6.88 issued by DME(C&W)/LMG.

The delinquent Sri Dina, Carr:Fitter under CWS/BPO  
attended.

The Enquiry Officer read out the charges brought against  
Shri Dina and explained the same in Hindi which the delinquent  
understood.

Attest  
before me, on the 5th day of May, 1989  
Signature of Shri Dina

S&t

Statement of Sri Dina, in connection with the above DAR enquiry.

I Shri Dina, Carr:Fitter under CWS/BPO do not want to  
engage any defence counsel or Union's assistance to defend my  
case. I shall defend the case myself.

As regards, allegation against me I would like to say  
that all are false and made intentionally to harm hereas me.

Signature of Shri Dina

#### Cross examination of Shri Dina by E.O

Q.1 You were asked to attend DAR enquiry on 20.2.89. In  
reply you informed that you had to attend court on the  
same date. You were asked vide this office letter of  
even No dated 6.4.89 to be present to attend DAR enquiry  
on 26.4.89 along with the documentary evidences in  
support of your court attendances. Why could not you  
produce the documentary evidence in support of the  
Court attendance?

A- I did not receive any letter from Magistrate/Karimganj  
but under the instruction of my defence counsel(Advocate)  
I attended the court.

Q.2 You were again asked to be present on 26.4.89 to  
attend the DAR enquiry at AME(C&W)/LMG's chamber but  
you failed with the plea that you had to attend court  
on 26.4.89. Again you were asked to be present to attend  
DAR enquiry on any date on per your convenience date within  
20.5.89 along with documentary evidences in support  
of your court attendances. Accordingly, you have reported  
on date vide AME/BPO's letter No. AME/BPO/E-2/89 dated  
3.5.89. But you have not been able to produce documentary  
evidences in support of your court attendance on 26.4.89.

Why have not you brought the documentary evidences in  
support of your court attendance on 26.4.89.

A- I was not issued any letter by Magistrate/Karimganj, but  
asked by my defence counsel(Advocate) to be present in  
the court on 26.4.89. So I do not have any documentary  
evidences in support of my court attendance.

Contd. .... 2

Q.3 You were transferred to New Guwahati on Administrative ground. Why did not you carry out the order ?

A- I went to New Guwahati to resume duty but I was not allowed and driven away.

Q.4 Whether the transfer order what you had carried with you for WS/MG/NCC were received by WS/MG/NCC ?

A- I was not issued any letter by CWS/BPB.

Q.5 Why did you leave Badarpur without any letter ?

A- I was told by the Officer of CWS/BPB that all the relevant papers were sent to WS(MG)/NCC by post and I saw one copy of the transfer order letter was posted on the Notice Board. On seeing this I went to NCC.

Q.6 On 3.9.87 at about 17.30 hrs where were you ?

A- I was on duty on Train passing and receiving Lala Bazaar train on Line No.6.

Q.7 Can you say while you had been receiving the Lala Bazaar train, where your AME was ?

A- After receiving the train, I was coming to Train passing Office and there I found AME/BPB, Shri C.R.Hans.

Q.8 Who were the other staff you saw discussing with AME/BPB ?

A- Shri N.G.Datta, TXR, Basudeb Acharyya, TXR, Sushen Ch:Dass-TXR, Sri R.N.Biswas, CWS/BPB, Sri. Ashit Kar-Fitter, Sri Sushil Mali -Fitter, Sri Nagendra Nath-Fitter, Sri S.Paul-Fitter and one RPF personnel.

Q.9 Why did you go to Train passing office ?

A- I went to keep my tools in tool box.

Q.10 What did you do then ?

A- I was called by AME/BPB, Sri C.R.Hans who asked me where I was since last 8 days.

Q.11 What did you reply ?

A- I told that Shri Sushen, TXR did not allow me to resume duty on 17.8.87 on the reason that I was behaving like a mad, so I asked to issue me a sick memo and I was issued and subsequently reported to a Private Doctor. Then AME told me that where I had been since last 8 days W.P.P, 17.8.87. I told that I was under Private Medical practitioner.

Q.12 What did AME/BPB tell you then ?

A- AME/BPB asked me no more questions but told the RPF personnel present there to hand me over to CRP.

Contd....3

After S.A. 2  
D. Shury, P.D.W.

-3-

Q.13 Had you have any quarrel with AME/BPS during this conversation?

A- No.

Q.14 What is your idea why AME/BPS had asked RPF personnel to hand you over to GRP?

A- I have got no idea about it.

Q.15 Do you like to cross examine the staff whose names you have mentioned earlier and present during the conversation between you and AME/BPS on 9.9.87?

A- No. I need not cross examine them.

Ala (5/18)  
Signature of E.O

(AME/C&W/LMG)

E. T. J. 5/18  
Signature of Sri Dina  
Carr;Fitter

After ST  
Ref: my DW

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Standard form of order relating to appointment of  
Inquiry Officer/Board of Inquiry  
(Rule 9.(2) of RS (D&A) Rule, 1968)

No ..... ED/116 .....

N. F. Rly ..... (Name of Rly. Administration)

(Place of issue) DRD (P) LM 6 Dated 13/9/80

## ORDER

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 is being held against Shri Dina, Ex-CFitter/BPB (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s) —

a Board of Inquiry consisting of :

1. }
2. } Here enter names and designations of Members of the Board of Inquiry.
3. }

OR

Shri S. Galakoborty, AME/BPB (name and designation of the Inquiry Officer) as

Inquiry Officer to inquire into the charges framed against the said Shri Dina, Ex-CFitter/BPB.

This is in partial modification of  
Shri's office letter of even no. dated  
6-10-88 and 31-89.

Signature ..... *[Signature]* 20.3.89

Name ..... (S. G. Galakoborty)

Secretary, Railway Board DRD/AMC/1989

OR

Designation of the Disciplinary Authority

XX Shri Dina, Ex-CFitter/BPB  
Rly. Qtr. No. L-205/A

Jhansi Colony

P.O. - Radaspur

Dist. Kasganj (Agra).

Copy to (name and designation of the Railway servant)

Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer)

\*Copy to (name and designation of the lending authority) for information:

Shri C. D. Joshi, CAGS/BPB

AME/BPB

\*Note: To be used wherever applicable—Not to be inserted in the copy sent to the Railway servant.

After SFT  
S. Galakoborty, AME/BPB

Standard form of order relating to appointment of  
Inquiry Officer/Board of Inquiry  
(Rule 9 (2) of RS (D&A) Rule, 1968)

No. .... ED/116 .....

N. F. Rly. .... (Name of Rly. Administration)

DRW (P) L W 6 ..... Dated 4/9/90

## O R D E R

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 is being held against Shri.... Dina, Ex- CF/111/PPB (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s) —

a Board of Inquiry consisting of :

1. { Here enter names and designations
2. of Members of the Board of Inquiry.
3. {

## O R

Shri.... R. L. Das, Amf/614 (name and designation of the Inquiry Officer) as Inquiry Officer to inquire into the charges framed against the said Shri.... Dina, Ex- CF/PPB

Shri Dina

C/fitted

Dr. Qas. WD, L/205-A

Dharka Colony

P.O : Badarpur

Dist. New Delhi

(Assy)

Signature.....

Signature 4.9.90

Name (S. K. Rathor) श. कृष्ण राठूर (स. कृष्ण)

Secretary, Railway Board रेलवे वायरल बोर्ड

Additional Mechanical Engineer (C)

Designation of the Disciplinary Authority

Copy to (name and designation of the Railway servant)

Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer) Shri R. L. Das

\*Copy to (name and designation of the lending authority) for information.

Shri C. M. Chaudhary

Amf/614

\*Note: To be used wherever applicable—Not to be inserted in the copy sent to the Railway servant.

Shri is in no inflection of this office letter of  
over 150 dld 6.10.88 (8.1.89).

Standard form of order relating to appointment of  
Inquiry Office, Board of Inquiry  
(Rule 9 (2) of RS (D&A) Rule, 1968)

No ..... ED/116 .....

N.F. Rly. .... (Name of Rly. Administration)

(Place of issue) DRM (D) Lmg Dated 8/3/91

ORDER

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 is being held against Shri Dila, Ex- CF/111/BPB (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s) —

a Board of Inquiry consisting of :

1. {
2. { Here enter names and designations of Members of the Board of Inquiry.
3. }

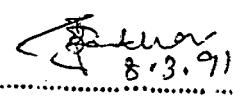
OR

Shri S.D. Choudhury AME/NGC (name and designation of the Inquiry Officer) as

Inquiry Officer to inquire into the charges framed against the said Shri Dila, Ex- CF/111/BPB

( Shri Dila, Ex- CF/111/BPB

Rly. Qrs. No. L/205-A  
Dhakha Colony  
P.O. = Barddaspur  
Dist. = Tezpur (Assam)

Signature .....  8/3/91

Name ..... (S. D. Choudhury)

Secretary, Railway Board

OR Divisional Mechanical Engineer

Designation of the Disciplinary Authority, Lmsg

Copy to (name and designation of the Railway servant)

Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer). Shri S.D. Choudhury

Copy to (name and designation of the lending authority) for information.

Notice board of CWS/BPB's Office in presence

AME/NGC

\*Note: To be used wherever applicable. Not to be inserted in the copy sent to the Railway Servant.

This is an modification of this Office letter of even  
No dt'd 6-10-88, 3-1-89 & 1-9-90.

Standard form of order relating to appointment of  
Inquiry Office, Board of Inquiry  
(Rule 9 (2) of RS (D&A) Rule, 1968)

No. .... ED/116 .....

N. F. Rly. .... (Name of Rly. Administration)

(Place of issue) DRW@LW6 23/1/92 Dated .....

## O R D E R

Whereas an inquiry under rule 9 of the Railway Servants (Discipline and Appeal) Rules,

1968 is being held against Shri ... Dina, Ex- CF/III/BPB .. (name and designation of the Railway servant).

AND WHEREAS the Railway Board/the undersigned consider(s) that a Board of Inquiry/an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, THEREFORE, the Railway Board/the undersigned, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoint (s)—

a Board of Inquiry consisting of :

1. {  
2. { Here enter names and designations  
3. } of Members of the Board of Inquiry.

OR

Shri S.P. Ambasta, AGM/EPB .. (name and designation of the Inquiry Officer) as  
Inquiry Officer to inquire into the charges framed against the said Shri Dina, Ex- CF/III/BPB.

Sri Dina, C/Fitter

Rly. Cor. No. L/205 (A)

Jharna Colony

P.O. = Badarpur

Dist. Dehradun

(Almora)

Signature .....

Name .....

Secretary, Railway Board, Rly. L.

OR

Designation of the Disciplinary Authority

Copy to (name and designation of the Railway servant)

Copy to (name and designation of the Members of the Board of Inquiry/Inquiry Officer).  S.P. Ambasta

\*Copy to (name and designation of the lending authority) for information.

✓ Notice board of CWS/BPB's Office

\*Note: To be used where applicable. Not to be inserted in the copy sent to the Railway servant.

This is continuation of this Office no- ED/116 dtd  
6-10-88, 3-1-89, 4-9-90 and 5-3-91.

Findings of DAR enquiry against Sri Dina. Ex-CF under CWS/BPB.

**BRIEF HISTORY OF THE CASE:-** Sri Dina while he was functioning as CF under CWS/BPB, it was his common habit to create in his place of works during duty hrs with his co-workers as well as with his supervisors even with the AME/BPB.

For instance on 09.09.87. He attempted to assault AME/BPB with a hammer in Train passing office at 17.30 hrs, accordingly he was arrested with GRP on the same date. Due to off and on obstruction created by Sri Dina. The normal official works used get hampered which even some time resulted in train detention.

Sri Dina was transferred to NGC on admin ground. But on representation against his transfer to CRSE/MLG while came for hill section inspection and accordingly he was retained at BPP. But his behaviour was not improved.

Again he was transferred to NGC on admin ground. But he refused to accept the sparing letter as per prevailing procedure. The same was pasted in the notice board on 18.10.87. and after that he has not reported at NGC and since then he is absconding. On the basis of the report from his immediate superior a charge was framed and major memorandum issued against him by his disciplinary authority under No- ED/116 dt-14.6.88. Accordingly to give him chance to represent his side, an enquiry was proposed to be held by appointing an enquiry officer (AME/BPB). The enquiry officer served several notices proposing to hold enquiry fixing the dates more than once. Such as (on 12.4.93, 18.6.93 & 3.11.93). But neither he turned up on fixed dates, time & place nor anything was heard from him.

### ARTICLE OF CHARGES.

Charge No:-1) Sri Dina, while functioning as Carr Filter/III, under CWS/BPB was under order of transfer to NGC on ADMIN ground vide DRM(P)/LMG's No- ED/116 dt 18-2-86 for creating troubles during working hours with his co-workers as well as with his supervisors and even with the AME/BPB.

On 27.11.86 he represented the case to CRSE/MLG for this retention who was on inspection in hill section and CRSE advised CWS/BPB to give him a chance and accordingly he was retained at BPP Cancelling his transfer order vide DRM (P)/LMG's No- ED/116 dt- 13-87.

After AP  
Reform PW

wilt with a hammer in train passing office at 17-35 hrs and accordingly he was arrested by GRP on same date. For obstruction time to time of normal works as well as causing detention to trains even after his retention at BPB he was again transferred to NGC on admin, interest under DFM(P)/LMG's No- E/283/1/LM/C&W/ADMIN-dt-28.9.87. Accordingly CWS/BPB spared him w.e.f- 9.10.87 for NGC vide his sparing letter No- E/3 dated- 13.10.87. But he refused to accept the same for which CWS/BPB pasted his sparing letter in the notice board on 18.10.87 and after that he has not yet reported at NGC and absconding since then which tantamounts in subordination, misconduct and misbehaviour on his part.

I Shri S.P. Ambasta AME/BPB on being nominated by the disciplinary authority (DME/C&W/LMG) of Shri Dina to conduct an enquiry on the charges as mentioned in major memorandum No- ED/116 dated- 14.6.88 issued against (Dina Carr. Filter/BPB) by his disciplinary authority.

Accordingly the enquiry was held ex parte on the following grounds.

1. A notice under No- M/BP/E-11/93 dated 18.3.93 was served to Shri Dina. Filter of BPB carriage department to appear before me (Enquiry authority) on 12.4.93 in my office to hold enquiry to give him chance to represent against the charges as framed against him. Shri Dina was also given opportunity to nominate and communicate the name of another Railway servant who can act his defence counsel in presenting the case before the enquiry authority. But Shri Dina neither attended in the proposed enquiry nor sent communication in this respect.

2. Again notice was given to Dina to appear before the enquiry authority on 18.6.93 to represent his side but he did not take the opportunity.

3. Further Shri Dina was given chance to turn up before the enquiry office on 03.11.93. to submit his representation in connection with the charges as framed against him. But nothing was heard from him.

The notice for Shri Dina's appearance before the enquiry authority was sent by Regd post on 24.10.93. and received by on 26.10.93.

After A.M.  
B.P.B.M Adm.

the notice which were served time to time on Shri Dina Carr-Fitter under CWS/BPB, a copy of such notices were displayed in the notice board by CWS/BPB for information of all concerned as Shri Dina functioned last under CWS/BPB.

### DISCUSSION OF EVIDENCES :-

Seen that Shri Dina had attended the enquiry on 5.5.89 in the chamber of enquiry officer (AME/C&W/LMQ), but unfortunately the enquiry could not be finalised due to some unavoidable reasons. Hence the AME/BPB was nominated to conduct the enquiry vide SN/68.

Accordingly time to time notices were served on Shri Dina for appearance before the enquiry authority for the hearing of the case. But Shri Dina neither attended the enquiry in person nor sent any representation. It was necessary on the part of Shri Dina to face the enquiry to present his side against the charges framed against him. But no initiative had taken from the defendant side to come out clear of the charges.

### REASONS FOR FINDINGS :-

Ample opportunities were given to Shri Dina from time to time from the side of enquiry authority. But no representation, submission or objection made by him in his defence.

FINDINGS :- Having gone through the discussions and other relevant records of the case from which it appears that the defendant had nothing to say against the charges as framed against him (Shri Dina).

Hence the enquiry officer is in opinion that the charges stand good.

The charge is approved.

*(Signature)*  
(S.P. Anibasta),  
Enquiry Officer

AME/BPB,  
N.F. Railway.

Dated: \_\_\_\_\_

in connection with the display of notices issued from time to time to Sree Dina for attendance in DAR enquiry.

The enquiry officer (AME/BPB) served several notices to Sree Dina fixing up date on (12-04-93, 18-06-93 & 03.11.93) for attending DAR enquiry in the office of the AME/BPB in connection with the major memorandum No-ED/116 dated 14.06.88 issued by DME/C&W/LMG against Sree Dina, all such notices were duly displayed in the notice board for information of all concerned as Sree Dina was not available in his duty place.

After S.A. confirmed P.D.L.

for  
23.12.93

To  
The Enquiry Officer,  
(AME/BPB), N.F.Rly.,  
B A D A R P U R.

Sub: COMMUNICATING THE RESULT OF ENQUIRY AND  
TAKING EARLY DECISION IN THE MATTER OF ALLOWING  
MY RESUMPTION AT BPB AS C/Fitter UNDER CWS/BADARPUR.

Respected Sir,

With profound respect I beg to state that I have already appeared before the enquiry on the specified date(s) and submitted my all replies of the querries item by item.

That sir, since 1985 I have been being harassed by the officials of the carriage department calling me as a (MAD), and I had been put off duty and put under suspension and later on transferred to NGC on punitive measure , although I was quite fit for duty in every respect as per doctors fit certificate of Badarpur Railway Hospital .

Further I was harassed handing over to RPF, GRP of Badarpur and false and got up cases were instituted against me and almost in all cases the Court judgment were in my favour. At the time of enquiry I produced the copies of the Court judgement.

That sir, since last years together I have not been given any employment for no fault of mine resulting abnormal hardship and starvation to my family members. And time to time the enquiry dates are being fixed and debarred for finalisation of the case, but till date no final decision has yet been arrived.

Under the circumstances I most fervently pray to your goodself to kindly finalise your enquiry report so that either I may kindly be put to my usual duties at Badarpur or I may kindly be settled finally, saving me and my family members from further hardship and starvation and for which act of your kindness I shall remain ever grateful to your honour.

A2/2  
20/7/90  
Dina  
Yours faithfully,

( Dina )  
Carriage fitter, Gr. II  
(Under CWS/Badarpur )  
N.F.Rly.

Copy to :

- 1). The DRM(P)/Lumding/N.F.Rly
- 2). DME/C&W/Lumding
- 3). O/C. RPF/Badarpur
- 4). O/C- Badarpur GR/S

for favour of their kind information and early favourable action in the matter as prayed for and for their act of kindness I shall remain ever grateful to your honour.

in a )

To  
The Divisional Railway Manager (P),  
N.F. Railway,  
LUDIYOG.  
- - - - -

Subj: PRAYER FOR ALLOWING ME TO MY USUAL DUTY AT  
BADARPUR AS CARRIAGE FITTER OR ARRIVING MY  
FINAL SETTLEMENT EXEMPTING ME FROM APPEARING  
BEFORE THE ENQUIRY UNDER AME/BPB (Shri S.P. Ambasta)  
VIDE YOUR NO. ED/116 DT. 23-1-92.  
- - - - -

Respected Sir,

With due honour I beg to state that I have been  
sitting idle without any job since long years back  
without getting any wages for my livelihood and for that  
of my dependent family members for no fault of mine and  
only due to only concocted allegations of my colleagues  
and my superior officials.

That sir, in the past I faced before the  
Enquiry officer as arranged by your honour and I  
submitted my documents and talked about my innocence,  
but till date no final decision has yet been arrived  
either about my resumption of duty or settling up finally.

That sir, again vide your above letter your  
honour have proposed for an enquiry and Shri S.P. Ambasta,  
AME/BPB deputed for enquiry.

Now, I pray that without any conducting  
any further enquiry either I may kindly be allowed to  
resume to my usual duties or I may be settled up finally  
without hanging me in the balance as because my torture  
and sufferings without any source of income reached to  
the extreme which is unbearable for me.

Your final and early decision in this respect  
is earnestly solicited and for which I shall remain  
ever grateful to your honour.

Dated: Baderpur,  
The 10/03/1992

Yours faithfully,

(Dina)

Copy to : 1. Corriage Fitter, Gr.III  
1). DME/CWU/Lunding. 1 ( Under CWS/Baderpur/N.F.Rly.)  
2). AME/Baderpur. 1 Rly. Qrs. No. 1/205(A),  
3). General Manager, Jharna Colony, P.O. Baderpur-788808  
N.F. Railway/ 1 Dist. Karimganj (Assam).  
Maitagon.

4). Chairman, Railway Board, Govt. of India, New Delhi  
5). Hon'ble Rly. Minister, Govt. of India, New Delhi.  
6). Hon'ble Prime Minister, Govt. of India, New Delhi.

Dated: 10/03/92.

(Dina)

Corriage fitter, Gr.II  
N.F. Railway, Baderpur-788808

Test  
for you A.D.W.

P. G. S. D. B. A. D.

No. ED/116

DDM (P) 006  
DT 15/7/92

To,

Sri Dinesh, Fr. G. S. T. M. P. I. R.  
Ply. No. L/205 (A)P. O. - Thakka Colony  
P. O. - Badarpur

Dist. - U. (Amritsar) (A. Amrit.)

Sub: - Representation against proceeding  
and findings. X

The report of the Enquiry Officer in connection with Enquiry Officer Departmental No. ED/116 dt'd 14.6.88 is enclosed.

The disciplinary authority will take suitable decision after considering the report. If you wish to make any representation or submission, you ~~may~~ may do so in writing to the disciplinary authority within 15 days of receipt of this letter.

Enclo/2

मानव संस्करण इंजीनियर (क. द.)  
मुख्य अधिकारी, वायरल  
Divisional Mechanical Engineer (C&W)  
N. F. R. B., Ludhiana

AM/ESAN  
Satisfied  
AM/ESAN

To

The Divisional Railway Manager (P),  
N.F. Railway,  
L U M D I N G.

Copy to DME (C&W),  
N.F.Rly.,  
Lumding.

Sub: Representation against Proceedings  
and Findings.

Ref: Your No. ED/116 Dt. 15/7/92  
17/9/92

Respected Sir,

I acknowledge the receipt of your  
above letter and in reply I beg to state that  
I attended enquiry on 5-5-89 at AME(C&W)/LMG's  
chamber and replied almost all the querries as asked  
the Enquiry officer and when subsequent dates for  
Enquiry were fixed, then also I communicated that  
I had nothing further to say and I need not be called  
for further enquiry.

Hence in this respect I again pray to your  
goodself either arrange my resumption at Badarpur  
in my existing post or I may kindly be settled finally  
to avoid lingering of the issue and for which act of  
your kindness I shall remain ever grateful to your  
honour.

With regards,

Dated: Badarpur,

The 24/09/1992

Yours faithfully,

(Dina)

Carr. Fitter, Gr. III,  
Badarpur carriage shop,  
P.O. Badarpur - 788806,  
Dist. Karimganj (Assam).

*At the 24/09/1992  
for Dina*

Regd. with A/D.

NOTICE OF IMPOSITION OF PENALTY OF  
REMOVAL FROM SERVICE.

DAR - 1968.

No.ED/116

Dt. 1-12-94.

To  
Sri Dina, Carr: Fitter/Gr.III  
S/O Ramji,  
Rly. Qrs. No. L-205/A, Jharna Colony,  
P.O. Badarpur, Dist. Karimganj (Assam).

Designation & station :- Carr: Fitter/III/BPB.

Scale of pay :- 950-1500/-

Department :- Mechanical.

Date of App'tt. :- 10-10-63.

Since you have failed to attend the DAR enquiry held on 12-4-93, 18-6-93 and 3-11-93 to the memorandum of charge for major penalty issued by DME/C&W/IMG vide even No. dt'd. 14-6-88 the enquiry in question has been held ex-parte and the following charge have been proved.

" Shri Dina, while functioning as Carr: Fitter/III under CWS/BPB was under order of transfer to NGC on Admin. ground vide DRM(r)/IMG's No.E0/116 dt'd. 18-2-86 for creating troubles during working hours with his co-workers as well as with his supervisors and even with the AME/BPB.

On 27-11-86 he represented the case to CRSE/MLG for this re-tention who was on inspection in Hill section and CRSE advised CWS/BPB to give him a chance and accordingly he was retained at BrB cancelling his transfer order vide DRM(r)/IMG's No.ED/116 dt'd. 13-3-87.

But on 9-9-87 he attempted to assault AME/BPB with a Hammer in train passing office at 17/35 Hrs. and accordingly he was arrested by GRP on same date. For obstruction time to time of normal works as well as causing detention to trains even after his retention at BrB he was again transferred to NGC on Admin. interest under DRM(r)/IMG's No.E/283/I/IM/C&W/ADMN dt'd. 28-9-87. Accordingly CWS/BrB spared him w.e.f. 9-10-87 for NGC vide his sparing letter No.E/3 dt'd. 13-10-87, but he refused to accept the same for which CWS/BPB ~~posted~~ posted his sparing letter in the Notice board on 18-10-87 and after that he has not yet reported at NGC and absconding since then which tantamounts insubordination, misconduct and misbehaviour on his part."

You are hereby informed that in accordance with the order passed by the undersigned you are hereby removed from service with effect from 20-12-94 (AN).

Receipt of the NIP may be acknowledged.

*Seamand*

D 1.12.94  
Signature of Disciplinary  
Authority (A.)

To the 7. & 8th  
Divisional Mechanical Engineer (DME)  
N. E. Rly. L. 1  
Contd... P/No. 2

*After S.A.D.  
Purushottam, Adm.*

Copy to :-

- 1) CWS/BPB in duplicate for information and no action. Accordingly he will please handover one copy of the NIP to the party concerned if available otherwise display the same on the Notice Board in presence of two witnesses with the intimation to this office.
- 2) OS/FS Section.
- 3) EM/Bill.
- 4) DAO/Lumding.
- 5) AME/BPB.
- 6) SLWI through AM/BPB.

*Almudal*  
Signature of disciplinary authority  
01/12/94

*Instructions* Divisional Manager, N.I.F., Rly. Lumding

- 1) You will be/have been relieved of your duties on 20-12-94 (AN).
- 2) Settlement of your dues will be made at DRM(P)/IMG's office.
- 3) An appeal against the order lies to Sr.DME(P)/IMG (Next immediate superior to the authority passing the order).
- 4) The appeal may be withheld by an authority not lower than the authority from whose order it is preferred if :-
  - a) It is a case in which no appeal lies under the rules.
  - b) It is not preferred within forty five days of the date on which the appellant was informed on the order appealed against and no reasonable cause is shown for delay.
  - c) it does not comply with the various provision and limitations stipulated in rules.

*Debnath*  
debnath/301194

*RCM*  
6/12/94

78  
Registered/A.D.

ANX. A 21

To

The Divisional Railway Manager,  
N.F. Railway, Lumding,  
P.O. Lumding, Dist. Nagaon (Assam).

SUB: APPEAL AGAINST ~~THE~~ IMPOSITION OF PUNISHMENT BY  
REMOVAL OF SERVICE BY DME/C&W/LMG.

Ref: DME/C&W/LMG's No. ED/116 dated 1-12-94 received by  
me on 6-12-94.

Respected Sir,

Being aggrieved with the final decision of  
the DME/C&W /Lumding I submit this appeal for your  
review the order and put me to usual duties.

That sir, I was made scape goat by the staff  
of carriage department who biased all the superior  
officers against me for drawing proceedings etc. to  
prove me as 'insane' person and kept me off from my  
duties since the year 1987. But the medical officers  
examined me and issue fit certificate for my usual  
duties. Firstly the atrocities started against me  
in the year 1985 while the Doctor issued fit Certificate  
No. B-72 dated 9-12-85 (excluding me from 26-11-85 to  
9-12-85 and made me fit for duty on 10-12-85, but the CWS  
& AME/BPB did not allow me for duty (Fit certificate is  
self explanatory). Again from 31-8-87 to 9-9-87 I  
remained sick under valid sick Memo, but when I came to  
resume duty with the fit certificate of DMO/BPB, I was  
not allowed to resume duty, rather told me to resume duty  
at NGC, whereas the Hon'ble CRSE cancelled the transfer  
order and ~~always~~ advised CWS/BPB to allow my duty at  
BPB, inspite of that I was not allowed duty at BPB.

That sir, DAR enquiry arranged against me  
on 12-4-93, 18-6-93 and 3-11-93, where I attended all  
the Enquiries and disclosed everything, but I have been  
blamed for not attending the enquiry, which is not a fact.

That sir, to harass and assault me RPF, GRP  
staff were engaged against me and court cases were initiated  
against me, but I was honourably acquitted by the  
Honourable trying magistrates of Karimganj Court in each  
and every time.

That sir, in this way I was put off from duty  
from the year 1985 putting me and my family members  
in starvation and great financial hardships. For  
authentication of my statements the Medical certificates  
may kindly be verified and perused.

Under the circumstances I fervently pray to  
kindly arrange to ~~max~~ put me to my usual duties as Carrige  
Fitter at Badarpur waiving up the punishment imposed by  
the DME/C&W/LMG and for which act of your kindness I  
shall remain ever grateful to you.

Dated: 09/12/1994

Yours faithfully,

Copy to :

- 1). General Manager,  
N.F.Rly/Maligaon.
- 2). DME/C&W/Lumding  
N.F.Rly.

( Dina ) 12-12-1994  
Carr. Fitter ( Under CWS/Badarpur  
Rly. Qrs. No. 1/205/A,  
Jharna Colony, Badarpur-783806

After 2nd May/1994  
D. R. D.

79

- Regd. with A/D - 79

N. F. RLY.

ANX.A22

No. ED/116.

DRM(P)'s office  
Lumding, Dt. 8/2/1995

To: Sri Dina, C/Fitter,  
Bly. Qrs. L/205/A - Jharna colony  
P. O. Badarpur(788806), Dist. Karimganj( Assam).

Sub:- Appeal dtd. 9.12.94 against removal  
from service.

Ref:- This office NIP No. ED/116 dt. 1.12.94.

The above appeal has gone thorough  
by Sr. DME(P)/LMG(i. e. next appellate authority) and  
has passed the following orders.

" I have gone carefully through the appeal  
submitted by Sri Dina. The punishment is reduced to  
compulsory retirement from service".

In accordance with the above your service is  
hereby terminated w.e.f. 20/12/94(AN) following com-  
pulsory retirement.

*Dm*  
for D. R. M. (P)/N. F. RLY.  
LUNDING.

Copy to: (1) CWS/EPB (2). OS/FS sec.  
(3) EM/Bill (4). DAO/ LMG  
(5) AME/BPB (6). SLWI thro. AM/BPR.

*Dm*  
for D. R. M. (P)/N. F. RLY.  
LUNDING.

*Refd. to  
for  
for  
for*

To

The Divisional Railway Manager (P),  
 N.F. Railway, Lumding,  
L.C. Lumding Dist. Nagaland (Assam).

Sub: Clarification of the issues and furnishing the particulars item-wise as furnished below.

&amp;

Re-consideration of my appeal dated 9-12-94 against removal of service, now reduced to the extent of Compulsory retirement from service.

Ref: Your No. ED/116 Dt. 8-2-95 ~~Examined~~

Respected Sir,

Reference and subject above I have the honour to state that vide your office order my appeal against removal from service has been reduced and considered and instead of removal order for compulsory retirement has been made.

That sir, your revised order has come me as 'placing me from fire to fry pan'. However, I shall be much grateful if your honour very kindly clarify and furnish the following particulars within 15(fifteen) days from the date of receipt of this petition of mine otherwise I am not going to accept my voluntary retirement.

- 1). Month-wise salary statement from the date of placing the incumbent under suspension till the date of passing the order of my compulsory retirement.
- 2). Full particulars of other benefits with promotion/ enhancement of salary and other service benefits.
- 3). Total amount payable by the Railway Administration if the incumbent ~~is~~ had not been suspended and discharged from the service.
- 4). Vide your letter No. ED/116 Dated ~~8-2-95~~ 19-4-95 the period of my suspension period shown from 9-9-87 to 7-10-87 and not the period from 22-2-86 to 12-6-86. So, the arrangement for payment of that period may kindly be made at an early date.
- 5). Arrangement for payment of 3 (three) months 11 (eleven) days, relating to my transfer period to NGC, may kindly be made earliest.
- 6). That I was sick ~~and~~ under Railway doctor and had to remain without job for not allowing me to duty, for 58(fifty-eight) days. Wages for the said period to be paid at the earliest. (In this connection I have got all relevant documents, which may be produced if required.

Your early action in the matter cited above, will that is for settlement, enable me to sign the paper on accepting the Voluntary retirement or kindly allow me to realize my dues and seek justice Court of Law and oblige thereby.

Dated: 07/11/1995

Yours faithfully,

Copy to : (1) DMS/C&S/Lumding.  
 (2). L.W.I./ Badarpur.

(R. Dina)  
 Carriage fitter/ Badarpur  
 ( Under CWS/ Badarpur  
 N.F.Rly.

*Relesd  
Surjyopadhi*

N. F. RAILWAY.

BY REGD. POST.

NO. E D/116.

Office of the  
Divisional Rly. Manager(P),  
Lumding, dtd 21-11-1995.

To  
Sri Dina, Ex.C/Fitter/BPB.  
Rly. Qrs. No. L/205(A), Jherna colony.  
P.O. Badarpur (78806).  
Dist - Karimganj (Assam).

Sub:- Your appeal dtd 7.11.95 received by  
this office on 16.11.95 reg. some  
clarification.

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In ref. to the above appeal this is to inform you the  
following.

- 1. Item - (1) and (3) The particulars as asked for cannot be furnished until and unless the vacation report of Rly. Qrs. is received along with the other clearance certificates and prescribed forms in support of claiming F.S. dues etc.
- (2) You have been failed in the Trade test for the post of C/Fitter Gr-II held on 20.7.86 which already been intimated under DME/C&W/LMG's N.O. M/CON/I/TT(C&W) dtd 11.8.86 and this office letter No. E/281/I/LM/C&W Pt. II dated 21.3.87 and again you were booked for T.T. for C/F/Gr-II under this office letter dtd 27.9.87 and 1.2.88, but, you have failed to appear in the T.T. rather absconding since 9.10.87 while spared from BPB to carryout the transfer order to NGC on admin. ground and thus the question of promotion does not arise.
- (4) Both the susp suspension periods from 22.2.86 to 12.6.86 and 9.9.87 to 7.10.87 have since been regularised as on suspension under this office letter of even No dtd 5.3.87 and 19.4.95 respectively and you have been paid due substance allowances for the aforesaid periods.
- While the letters dtd 5.3.87 and 21.3.87 was offered to you by CWS/BPB for acceptance at that time you were deliberately refused to accept the same as intimated by CWS/BPB under his letter NO. E/3 dtd 7.4.87.
- (5) The payment for 3 m. 11 days relating to your transfer period to NGC does not arise as you were spared from BPB wef 29.8.86 to report to NGC, but you did not reported the same and subsequently allowed to retained at BPB w.e.f. 27.11.86 by CRSE/MLG who was on inspection in Hill sec. Thus, your absence period from 29.8.86 to 26.11.86 cannot be taken into p/c as a part of duties and the same is now regularised as LWP under this office letter of even No. dtd 7.11.95 which was not regularised earlier.

... 2 ...

Attest  
J. P. D.

- 2 -

(6) During the year of 1985, 86, 87 you were on sick/leave/extension etc. and the periods in question have since been regularised ~~intake~~ into leave due under this office letter N<sup>o</sup>. ED/113 & ED/116 dtd 31.3.86, 10.3.87, 30.5.88 & 19.4.95 and the question of pay and allowances for the days spent without job does not arise at all as you have not performed any duty duties at NGC after sparing from BPB rather dishonoured the orders of the controlling officer/supervisors.

Please note.

for Divisional Rly. Manager(P),  
N. F. Railway : Lumding.

Copy to: 1) OS/FS sec. 2) OS/EM/Bill.  
3) CWS/BPB.

<sup>nahai</sup>  
211195

for Divisional Rly. Manager(P),  
N. F. Railway : Lumding.

*Difficult  
B.P. Ganguly, ADW  
SP*