

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00235/2020

Date of Order: This, the 25<sup>th</sup> day of November, 2020

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)  
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**

Sri Anjanjyoti Deka  
Aged about 38 years  
Son of Shri Girindra Nath Deka  
Village – Bardai Pakhiya  
P.O. – Baihata, District – Kamrup  
Assam, Pin – 781380.

... Applicant



- Versus -

1. The Union of India  
Represented by the Secretary  
Ministry of Mines, M-II Section  
Shastri Bhawan, Dr. Rajendra Prasad Road  
New Delhi – 110001.
2. The Director General  
Geological Survey of India, 27  
Jawaharlal Nehru Road  
Kolkata-700016, West Bengal.

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3. The Additional Director General/  
Head of the Department  
North Eastern Region, Shillong  
Nongrim Hills, Shillong  
Meghalaya, Pin – 793003.
4. The Deputy Director General (HRD)  
Geological Survey of India, CHQ, 27  
Jawahar Lal Nehru Road  
Kolkata-16, West Bengal.
5. The Deputy Director General  
State Unit, Meghalaya  
Geological Survey of India  
Lakshmi Nagar Road  
Sundarpur, Guwahati-781006, Assam.

.....Respondents.



For the Applicants: Sri P. Mahanta & R.B. Gohain

For the Respondents: Sri A. Kundu, Addl. CGSC

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**ORDER (ORAL)****MANJULA DAS, MEMBER (J):**

This matter has been taken up through video conferencing.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking for the following reliefs:-



- “8.1 To transfer the applicant for his transfer from State Unit; Meghalaya, Shillong to State Unit; Assam, Guwahati.
- 8.2 To pass any other relief (s) to which the applicant may be entitled and as may be deemed fit and proper.
- 8.3 To pay cost of the application.”

3. Heard Sri P. Mahanta, learned counsel for the applicant and Sri A. Kundu, learned Addl. CGSC for the respondents.

4. Facts of the present case of the applicant are that – he was initially appointed to the post of Geologist (Group-A) on 20.11.2012 under Geological Survey of India. Thereafter, he got promotion to the post of Senior Geologist vide order dated 31.12.2018. By now, he is completing about 08 years. In pursuance of the Transfer Policy issued by Ministry of Mines, Geological Survey of India, he applied for his posting at Guwahati vide his application dated 05.12.2017 before the competent authority. Thereafter, several representations were made along with reminders. However, the respondent authorities did not consider his prayer till date. Hence, this O.A. has been filed by the applicant before this Tribunal for redressal of his grievance.



5. Sri P. Mahanta, learned counsel appearing for the applicant has drawn our attention to the Transfer and Placement Policy for Group A & B (Gazetted) Officers of Geological Survey of India, 2016 of Geological Survey of India, Ministry of Mines, annexed in page 52 of the O.A. and submitted that as per Sl. No. 5.0 of the said Transfer Policy, the benefits have been extended to all the employees including the Domiciles of NER for choice posting. Sl. No. 5.0 of the Transfer Policy reads as under:-



"5.0 Postings in North Eastern Region (including Sikkim)

5.1 As per the present DoPT guidelines, there is a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at time for officers with more than 10 years of service. Periods of leave, training & tour outside Region, etc. in excess of 15 days per year will be excluded in counting the tenure period.

- 5.2 Person who has completed full tenure in NER, will be considered for posting of his choice (one time).
- 5.3 Domiciles of NER will be considered at par with other officers.
- 5.4 Normally in case of lady officers transfers to NER will be done on request basis."

6. According to Sri Mahanta, as the applicant has completed his tenure for more than 07 years and about to complete 08 years, he asked for choice posting at Guwahati. Moreover, father of the applicant is aged about 73 years. His wife is serving as Assistant Food Analyst under the Ministry of Health and Family Welfare, Govt. of Assam at State Public Health Laboratory, Bamunimaidam, Guwahati. Sri Mahanta has highlighted the DOP&T's O.M. dated 30.09.2009 which was issued for posting of husband and wife at the same station who are in Government service.



7. On the other hand, Sri A. Kundu, learned counsel appearing for the respondents firstly submitted before this Tribunal to allow him some time to obtain instructions from the department. On query to the learned Addl. CGSC that what instructions he wants to seek, Sri Kundu failed to explain the same. However, he pointed out that as per para 5.51 of the Transfer and Placement Policy for Group A & B (Gazetted) Officers of Geological Survey of India, 2016, applicant shall not be given any benefits inasmuch as he has not completed 10 years of fixed tenure and said guideline is for the interest of the employees who are coming from outside of NER and option was exercised accordingly by the employees who are serving in the NER from outside of NER. Reply to that, Sri Mahanta has pointed out para 5.2 of the said Transfer Policy which says that – “Person who



has completed full tenure in NER, will be considered for posting of his choice (one time)".

8. It was submitted by Sri Mahanta that for the first time, applicant is asking for choice station and to that effect, he made so many representations as well as reminder. Sri Mahanta has also highlighted 5.2 of para 5.0 of Transfer Policy which says that – "Domiciles of NER will be considered at par with other officers". As such, according to the learned counsel, benefits of the said Transfer Policy are not extended by the department not only to the employees of the outside, but to the Domiciles of the NER also. In view of that, benefits extended to the employee like applicant, shall be given for posting even in the NER.



9. By taking into note of the submissions made by the rival parties, more particularly departments' (GSI) own guidelines, we deem fit and proper to dispose of the O.A. by directing the respondent/competent authorities to post the applicant at Guwahati as and when vacancy arises on '**Top Priority Basis**' within a period of three months' from the date of receipt of a copy of this order. Ordered accordingly.



10. With the above observations and directions, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**

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