

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00123/2021

Date of Order: This, the 3rd Day of May, 2021

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

No. 5410028
Shri Satnam Singh
Son of Shri Jagir Singh
Senior Teacher, 17 Assam Rifles
Lokra, Sonitpur, Pin – 784102.



... Applicant

- Versus -

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Home Affairs, North Block
New Delhi, Pin – 110001.
2. The Directorate General
Assam Rifles
Laikore, Shillong, Pin – 793011.
3. The Commandant
17 Assam Rifles
Lokra, Sonitpur, Pin – 784102.

...Respondents.

For the Applicant : Sri Adil Ahmed

For the Respondents : Sri R. Hazarika, Addl. CGSC

O.A. 040/00123/2021

ORDER (ORAL)

MANJULA DAS, MEMBER (J):-

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



- "8.1 To set aside and quashed the impugned letter bearing No. 1.14017/Adm-IV(Civ)/Posting/2020/187 dated 13.04.2021;
- 8.2 To set aside and quashed the impugned Movement Order bearing No. 11011/A/2021/637 dated 22.04.2021;
- 8.3 To direct the Respondents particularly Respondents No. 2 to allow the Applicant to continue at his present place of posting at Lokra, Assam or to nearby place to Guwahati (GNRC).
- 8.4 To pay the cost of the case to the Applicant; and
- 8.5 Any other relief (s) that may be entitled to the Applicant."

2. Heard Sri Adil Ahmed, learned counsel for the applicant and Sri R. Hazarika, learned Addl. CGSC for the respondents, perused the pleadings and all the documents.

O.A. 040/00123/2021

3. This is 3rd round of litigation. On first round of litigation, applicant had approached this Tribunal vide O.A. No. 232 of 2018 against the transfer order dated 17.04.2018 by which he was sought to be transferred from Lokra, Sonitpur, Assam to 40 Assam Rifles, Tuensang in the State of Nagaland. This Tribunal vide order dated 20.12.2018 disposed of the said O.A. by observing as follows:-



“Learned counsel for the applicant has drawn out attention to the Memorandum No. P/4/2nu.LDHS(Pt) dated 26.03.2008, Government of Manipur, Medical Directorate, in which on earlier occasion, applicant was considered on medical ground.

However, it deem fit and proper, if we direct the respondent No. 2, to constitute a Medical Board to take a decision for posting as per his health condition.

In the meantime, the applicant may file a representation before the respondent authorities, within a period of 15 days from the date of receipt copy of this order. On receipt of such representation, the respondent authorities shall consider his case by convening the Medical Board.

With the above direction, O.A. is disposed of.

Meanwhile, the applicant shall not be disturbed from his present place of posting.”

O.A. 040/00123/2021

4. In compliance with the aforesaid direction of this Tribunal dated 20.12.2018, the respondent authorities issued a speaking order No. 1.14017/Rec/Adm-IV/Civ/2019 dated 18th July 2019 and relevant portion of the said speaking order is being reproduced below:-



“AND THEREFORE, to comply the Court Order dated 20 December 2018 passed by the Hon'ble CAT, Guwahati in OA No. 232/2018 and also the finding/recommendation of the Medical Board, posting in r/o No. 5410028 Shri Satnam Singh, Senior Teacher of 24 Assam Rifles as ordered earlier to 40 Assam Rifles (Tuensang/Nagaland) vide this Directorate letter No. 1.14017/Posting-Tfr/031/Adm-IV(Civ)/2018/013 dated 17 April 2018 is hereby diverted to 15 Assam Rifles, Mantripukhri (Manipur) location which is very nearby to Imphal Manipur and as such said individual can easily avail all medical facilities there, individual to move forthwith failing which disciplinary action be taken.”

5. Being aggrieved with the aforesaid speaking order dated 18th July 2019 and since the applicant was undergoing medical treatment at GNRC Hospital since March 2019 at regular interval/sos, he filed another **O.A. No. 247/2019** before this Tribunal (Second round of litigation) seeking suspension of the said Speaking Order

O.A. 040/00123/2021

dated 18th July 2019 for 6 months enabling him to complete his Medical treatment at GNRC, Guwahati. Accordingly, this Tribunal issued notice upon the respondents on 30.07.2019 and interim order was granted by observing as follows:-

"Till such time, the applicant shall not be disturbed from his present place of posting i.e. 24th Assam Rifles School at Lokra, Sonitpur, Assam."



6. On 7th April 2021, Sri R. Hazarika, learned Addl. CGSC appearing for the respondents submitted that prayer of the applicant to suspend the impugned Speaking order dated 18.07.2019 for six months to continue his medical treatment at GNRC, Guwahati has since been over. On that date, he further submitted that due to interim order passed by this Tribunal on 30.07.2019, reliever is waiting for his joining at 24 Assam Rifles, Lokra, Sonitpur. By satisfying the said submissions made by Sri R. Hazarika, learned Addl. CGSC for the respondents, said O.A. was disposed of by this Tribunal

O.A. 040/00123/2021

on 7th April 2021 by granting liberty to the applicant to approach this Tribunal for redressal of his grievances, if any arises.



7. After passing of the order dated 07.04.2021 in O.A. No. 247 of 2019, the applicant approached the respondent No. 2 vide his representation dated 14.04.2021 by requesting him for modification of his transfer order i.e. Mantripukhuri, Imphal due to the fact that there is no emergency medical facilities available at Manipur for his heart disease. Vide his representation dated 14.04.2021, applicant also requested the respondent No. 2 to modify his transfer order by transferring him in a place which is near to Guwahati (GNRC) to counter any medical emergency arise thereof. However, without considering/modifying the request made by the applicant in his representation dated 14.04.2021, the respondent authorities have issued the Movement order No. 11011/2021/63 dated 21.04.2021 to the applicant by which he has been

O.A. 040/00123/2021

directed to move on 23.04.2021 from his present place of posting at Lokra, Sonitpur to 15 Assam Rifles Unit at Mantripukhuri, Imphal.



8. We have gone through the pleadings and materials placed on record. It is noted that six months time as prayed for by the applicant on earlier round of litigation i.e. O.A. No. 040/00247/2019, by now, has already been over. It is also noted that the Regional Institute of Medical Science Hospital is there at Imphal, Manipur. By taking into note apropos all the medical grounds of the applicant, the respondent department while issued the speaking order date 18th July 2019, it was observed that 15 Assam Rifles, Mantripukhuri is very nearby to Imphal, Manipur and the applicant can easily avail all medical facilities there at Regional Institute of Medical Science Hospital at Imphal. We do not find just and proper to take a different view to that aspect particularly medical facilities in respect of applicant's medical ground. However, due to second wave of

O.A. 040/00123/2021

COVID-19 pandemic, we deem it fit and proper to direct the respondent authorities to retain the applicant in the present place at Assam Rifles, Lokra in the District of Sonitpur at least for four months so as to enable him to move in the new place of posting at 15 Assam Rifles, Mantripukhri, Manipur after deadly COVID-19 situation is over. Ordered accordingly.



9. 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

O.A. 040/00123/2021