

30/100

3

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 271/2000

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SECTION OFFICER (Judl.)

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

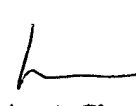
ORDER SHEET  
APPLICATION NO. 271/2000 OF 199

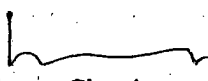
Applicant(s) Smt. Jyoti Babha Barman  
vs

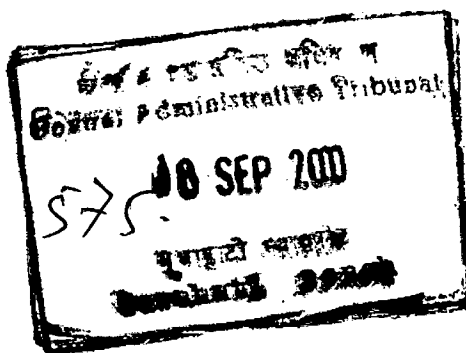
Respondent(s) Union of India & Sons

Advocate for Applicant(s) Mr. A. Shome

Advocate for Respondent(s) CBSC

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form and within time. F. of Rs. 50/- deposited vide IPO B/D No. 06-497708 Dated 13-7-2000</p> <p>20/9/2000 Notice prepared and sent to D/Section for issuing the Sum No 1 to 4 vide D/No 1931 to 1934 dtd 20/9/2000</p>	19.9.00	<p>Present : The Hon'ble Mr Justice D.N. Choudhury, Vice-Chairman.</p> <p>Heard Mr A.Ahmed, learned counsel for the applicant. Issue notice to show cause as to why this application shall not be admitted. Returnable by 24.10.2000.</p> <p>Mr A.Deb Roy, learned Sr.C.G.S.C is requested to obtain necessary instruction on the matter.</p> <p>List on 24.10.2000 for filing reply to the show cause and admission. Till that date the applicant shall be allowed to continue in her present post <sup>that</sup> <sub>as on</sub> she is holding today.</p> <p> Vice-Chairman</p>
	pg	

Notes of the Registry	Date	Order of the Tribunal
<p>23-10-2000</p> <p>No. Show cause reply has been filed</p> <p>By</p> <p>30.10.2000</p> <p>Copy of the order has been sent to the Office for issuing the summons to the L/Advocate for the parties.</p> <p>HS</p>	<p>24.10.00</p> <p>pg</p> <p>NS 28/10/2000</p>	<p>Heard Mr A.Ahmed, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents.</p> <p>It has been stated that the impugned order of transfer on promotion dated 20.5.2000 has been reviewed and the application has thus become infructuous and accordingly the same is dismissed as infructuous.</p> <p> Vice-Chairman</p>



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.  
(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 271 OF 2000.

Smt. Jyoti Prabha Bayan

..Applicant.


-Versus-

Union of India & Others

.. Respondents.

I N D E X

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Filed by  
  
Advocate. (Adv. AHMED)

Gagan

Filed by  
Shanti Jyoti Prabha Bayan  
High (Able AMMEI)  
Delwarte  
18.9.2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.  
(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. OF 2000.

B E T W E E N

MES No. 225364  
Smti. Jyoti Prabha Bayan,  
Lower Divisional Clerk,  
Office of the Commander Works  
Engineers, Air Force,  
Guwahati, A. T. Road, Shantipur,  
Guwahati-781009, Assam.

- Applicant

-AND-

- 1] Union of India, represented by  
the Secretary to the Government  
of India, Defence Department,  
New Delhi.
- 2] The Chief Engineer, Head Quarter,  
Eastern Command, Fort William,  
Calcutta ■ 21.
- 3] The Chief Engineer, Air Force,  
Shillong Zone, Shillong.

Bayan

41 The Commander Works Engineers,  
Air Force, Guwahati, A. T. Road,  
Shantipur, Guwahati-781009,  
Assam.

•Respondents.

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST  
WHICH THE APPLICATION IS MADE:

This instant application is directed  
against illegal and arbitrary transfer of the  
applicant vide Office Order No. 131841/11/3976  
/Engrs./EID dated 20th May 2000.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the  
subject matter of the instant application is  
within the jurisdiction of the Hon'ble  
Tribunal.

3. LIMITATION

The applicant further declares that  
the subject matter of the instant application  
is within the limitation prescribed under  
Section 21 of the Administrative Tribunal Act,  
1985.

4. FACTS OF THE CASE

Facts of the case in brief are given  
below:

*Exgan*

4.1 That your humble applicant a citizen of India and as such, she is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2. That your applicant is now serving as Lower Division Clerk under the Office of the Commander Works Engineer, Air Force, Shantipur, Guwahati. She was promoted to the post of Upper Division Clerk vide Office Order No. 131841/11/3976/Engrs/EID dated 20-05-2000 and posted at Shillong in the State of Meghalaya.

Annexure-A is the photocopy of Office Order No. 131841/11/3976 /Engrs/EID dated 20-05-2000.

4.3. That your applicant begs to state that her husband is an advocate by profession. He is practicing at Guwahati court. The applicant has 3(three) minor children. She resides at her native place Mirza, Guwahati. Besides the minor children the mother of the applicant who is aged about 75 year is also staying with the applicant. The mother of the applicant is suffering from old age ailments. She has to look after her husband & children besides her old mother. It is also pertinent to mention here that the applicant is suffering from heart disease, Peptic Ulcer Syndrome and Chronic Malarial fever since last few months and she is under treatment of Mahendra Mohan Choudhury Hospital, Guwahati.

*Rayan*

The physician who is attending on her has advised the applicant to stay at Guwahati for long treatment under care of a Specialist Physician and Cardiologist.

Annexure-B is the Medical Certificate dated 13-06-2000 issued by the Mohendra Mohan Choudhury Hospital authority.

4.4 That your applicant begs to state that under the Government of India's Office Memorandum No. 28034/2/97-ESTT(A) dated 12-06-1997 issued by the Department of Personnel Training, New Delhi regarding the posting of wife at the same station where her husband resides although he may not be a Government employee even in that case also the wife may get the benefit of posting at the same station where her husband is residing.

Annexure-C is the photocopy of Office Memorandum No. 28034 /2/ 97 • ESTT (A) dated 12-06-1997.

4.5 That the applicant begs to state that being aggrieved by the Impugned transfer order dated 28-05-2000 the applicant filed an appeal 12-06-2000 before the Chief Engineer Head Quarter, Eastern Command, Fort William, Calcutta • 21, through proper channel with a request to modify her transfer order and also requested for locally adjustment/ posting at Guwahati. The Office of the Chief Engineer,



Air Force, Shillong forwarded the appeal/representation to the Head Quarter, Eastern Command, Calcutta-21. It is worth to mention here that the movement order to Shillong issued to the Applicant has been extended to 31st August 2000 (A.N.) vide letter No. 1242/CLK/128/EIB dated 24<sup>th</sup> July 2000. But till today the Respondents have not considered her appeal. Hence, she has compelled to approach this Hon'ble Tribunal for seeking justice. In the meantime she has filed another representation dated 28<sup>th</sup> August 2000 which is pending before the Respondents.

Annexure-D is the photocopy of the representation dated 12-06-2000 filed by the applicant.

Annexure-E is the photocopy of the forwarding letters dated 20-07-2000.

Annexure-F is the photocopy of the Extension of Movement Order dated 24-07-2000.

4.6 That the applicant begs to state that there are number of vacancies in the Office where the applicant is working and also vacancies are lying in other offices within Guwahati. Now she apprehends that at any time she may be released from Guwahati to Shillong. As such, the applicant is approaching before this Hon'ble Tribunal for seeking justice.

*Sayan*

4.7 That your applicant begs to state that ever since her entry to the service of this department she has been running her devotional and sincere service to all the concerned higher authorities with ought most satisfaction. There is no blemish from any quarter in any point of time in her entire service life.

4.8 That your applicant submits that it is not possible for the applicant to stay alone at Shillong, Meghalaya leaving her minor Children, who are studying in Assamese Medium and also the mother of the applicant who is aged about 75 years and suffering from old age ailment.

4.9 That your applicant submits that the Respondents have issued the transfer order in violation of Government Circular and Policy regarding posting of husband and wife at the same station. Your applicant has got reasonable belief that the Respondents are resorting a colourable exercise of power to accommodate their interested person.

4.101 That your applicant further submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India regarding posting of husband and wife at the same station.

*Gagan*

4.11 That in view of the facts and circumstances it is a fit case for passing an interim order protecting the interest of the applicant and her family members including her minor children and her bed ridden mother.

4.12 That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, due to the above reasons narrated in details the passing of the transfer order of the applicant in prima facie is illegal, mala fide, arbitrary and without jurisdiction and hence the same is liable to be set aside and quashed.

5.2 For that, the action of the Respondents is highly illegal, arbitrary and also violative of the Government Policy regarding transfer of husband and wife at the same station.

5.3 For that, denial of benefit of posting of her husband at the same station is in total violation of the Articles 14, 16 and 21 of the Constitution of India in as much other similarly situated employees have been granted the said benefit.

5.4 For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who

Gagan

are similarly situated should be granted the said benefits.

5.5 For that, the applicant having been denied the said benefit without any reasonable excuse by the Respondents and as such, proper reliefs are required to be granted to the applicant.

5.6 For that, the action of the Respondents is arbitrary, mala fide and discriminatory with an ill motive and as such, the impugned transfer order dated 20-05-2000 is liable to be set aside and quashed.

5.7 For that, the Respondents before transferring the applicant ought to have considered the transfer policy of the Government of India in this matter and as such, the impugned transfer order is bad in the eye of law and is liable to be set aside and quashed.

5.8 For the, in any view of the matter the action of the respondents are not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

Bayan

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR  
PENDING IN ANY OTHER COURT:

That the applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondent as to why the Impugned Transfer order dated 20-05-2000 issued by the Respondent may not be quashed and after hearing the parties and the cause or causes that may be shown your Lordship may be pleased to direct the Respondents to give the following reliefs.

8.1 That the impugned order of Transfer dated 20-05-2000 transferring the applicant from Guwahati to Shillong is liable to be set

*Sayan*

aside and a fresh order of promotion & transfer may be issued with consideration of Government Policy laid down regarding posting of husband and wife at the same station.

8.2 Cost of the application.

8.3 To pass any other relief or reliefs to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the applicant most respectfully prays for interim order by way of suspending the order of Transfer from Guwahati to Shillong dated 20-05-2000 (Annexure-1) issued by the Respondents with further direction to allow her to be promoted and posted at Guwahati till a fresh order of promotion and transfer is issued by the Respondents.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. OG 497708

Date Of Issue 3.7.2000

Issued from Guwahati G.P.O

Payable at

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

*Bayan*

## VERIFICATION

I, MES No. 225364 Smti. Jyoti Prabha Bayan, Lower Divisional Clerk, Office of the Commander Works Engineers, Air Force, Guwahati, A. T. Road, Shantipur, Guwahati-781009, Assam do hereby solemnly verify that the statements made in paragraphs 1 to 4.3, 4.5

are true to my knowledge those made in paragraphs 4.4, —

are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 18th day of September 2000 at Guwahati.

*Jyoti Prabha Bayan*

Declarant.

Tele : FW 2702

Purv Kaman Mukhyalaya  
HQ Eastern Command  
Abhiyanta Shakha  
Engineers Branch  
Fort William  
Calcutta-700 021

131841/11/ 3976 /Engrs/EID

20 May 2000

- CE (A/F) Shillong Zone
- CE Shillong Zone
- CE Siliguri Zone
- CE Calcutta Zone
- CE R&D Picket Secunderabad
- CE (OFB) Calcutta
- ESD Kankinara

PROMOTION/POSTING ADM CADRE (LDC TO UDC)

1. Reference to this HQ letter No.131841/11/3964/Engrs/EID dated 30th March 2000.
2. The promotion of the following LDCs to UDCs is hereby ordered. They are posted to the Units/ Formations as indicated against their names in the interest of States :-

Sl. No	MES No and Name	Transferred		Remarks
		From	To	
1	2	3	4	5
	S/Shri/Smt/Km			
1.	206642 Probodh Kumar Dutta	CEEC Calcutta	GE Dinjan	
2.	160336 Sambhu Nath Paul	GE Panagarh	CWE (A/F) Guwahati	
3.	201650 Santi Pada Bhattacharjee	GE (N) Calcutta	GE (D) (A/F) Bagdogra	
4.	160337 Anup Paul	ESD Kankinara	GE Savoke Road	
5.	202993 Mrinal Kanti Dihidar	CEEC Calcutta	GE 859 EWS	
6.	201923 Lila Kar Chowdhury	CWE (Subs) Barrackpore	GE Ishapore	

Contd. ...P/2...

This Annexure-A is the true copy of the original document.

Attd  
28/5  
Direct

(Advocate)  
3/5.2000



1	2	3	4	5
	S/Shri/Gmt/Am			
7.	207499 Som Nath Dutta	GE (C) Calcutta	GE Silchar	
8.	A/3060753 Santosh Kumar Saha (SC)	GE (C) Calcutta	GE 868 EWS	
9.	246239 Sudershan Kumar	GE Panagarh	CE Shillong Zone	
10.	202721 Gopal Krishna Mukhopadhyay	CEEC Calcutta	GE Gangtok	
11.	209186 Abbas Ranjan Sarkar	GE Panagarh	CWE Dinjan	
12.	207613 Dipak Bhaduri	CEEC Calcutta	GE (A/F) Shillong	
13.	209187 Krishna Kumar Srivastava	GE (A/F) Kalaikunda	AGE (I) (A/F) Singharsi	
14.	209353 Amarendra Nath Bose	CEEC Calcutta	GE (A/F) Borjar	
15.	213023 Shyamal Kumar Chattopadhyay	GE Bengdubi	AGE (I) Charduar	
16.	263129 Jahar Lal Mukherjee	CE Calcutta Zone	CE Calcutta Zone	
17.	209199 Manab Ranjan Sengupta	CEEC Calcutta	GE 869 EWS	
18.	238620 Gara Kanta Goswami	GE 863 EWS	GE 868 EWS	
19.	420031 Indrajit Roychowdhury	ESD Kankinara	CWE Dinjan	
20.	263685 Sushil Kumar Neogi	GE Binnaguri	CWE Shillong	
21.	258052 Sunil Kumar Chakraborty	GE (A/F) Bagdogra	GE (FW) Calcutta	
22.	264153 Alok Kumar Biswas	GE Binnaguri	CEEC Calcutta	
23.	208991 Pradip Kumar Sarkar	GE (I) R&D Chandipur	CEEC Calcutta	
24.	214363 Krishna Bihari Choudhury	GE Khapraail	CEEC Calcutta	
25.	212469 Bimal Kumar Chowdhury	ESD Kankinara	GE 868 EWS	
26.	214524 Biplob Roy Chowdhury	GE 585 EP	GE 585 EP	

Contd.....P/3.....

Attd  
JSL  
Anote

-: 3 :-

1	2	3	4	5
S/Shri/Smt/Km				
27.A/9498053 N Satya Ranjan Ghosh	GE (IV) Calcutta	GE 867 EWS		
✓28.228664 Jyoti Prabha Bayan	CWE(A/F)Guwahati	CWE Shillong		
29.264620 Sunanda Dhar Choudhury	CE Shillong Zone	GE Umroi		
30.264621 Bijaya Bhattacharjee	(A/F) Shillong Zone	GE(A/F)Shillong		
31.229174 Kalpana Bhattacharjee	GE Silchar	GE Silchar		
32.264619 Sivaji Sunar	GE Shillong	CE Siliguri Zone		
✓33.225369 Chandra Kanta Kumar	CWE Dinjan	GE 868 EWS		
34.238622 Silpi Ghosh	GE (S) Calcutta	CEEC Calcutta		
35.225395 Chana Kanta Das	GE 583 EP	GE (P)(A/F) Bagdogra		
✓36.225395 Chana Kanta Das	GE 583 EP	CE Siliguri Zone		
37.225365 Ranjit Kumar Roy	AGE(I)(A/F) Kumbhigram	CE Siliguri Zone		
38.228575 Kamal Kumar Mukherjee	GE Umroi	GE Guwahati		
39.212552 Babul Roy Choudhury	GE(A/F)Bagdogra	GE Silchar		
40.234106 Narender Nath Baruah	GE(A/F)Jorhat	GE(A/F)Kalai-kunda		
41.233321 Harendra Kumar Nath	GE Missamari	GE Gangtok		
42.232907 Dilok Chandra Kalita	CWE Tezpur	GE Silchar		
43.212942 Amal Kumar Chakraborty	CWE Bengdubi	CE(P)Calcutta		
44.213022 Dilip Kumar Sinha	GE Missamari	ESD Kankinara		
45.265568 Ananda Kumar Kalita	GE Tezpur	CE Siliguri Zone		
46.233321 Mahab Chandra Bora	GE(P)(I) Teliamura	GE (P)(I) Teliamura		

Contd.....P/4.....

Attest  
[Signature]  
Adm. Secy

1	2	3	4	5
S/Shri/Stat/Km				
47. 233171 Swapan Kumar Bhattacharjee	GE Narangi	CE Siliguri		
48. 232963 Anju Saharia	GE Tezpur	AGE (I) Chardwar		
49. A/6425713 Amaresh Bondhapadhyay (Orthopedically Handicapped)	GE (A) Calcutta	CWE Calcutta		
50. 228333 Mohan Saikia (ST)	GE 868 EWS	GE Sevoke Road		
51. 264651 Aioria Syiemlieh (ST)	CE Shillong	CE (A/F) Shillong Zone		
52. A/4425315 Premish Lumrung (ST)	CE (A/F) Shillong Zone	HQ EAC (L) (A/F) Shillong		
53. 264650 Sileney Poshna (ST)	GE Shillong	GE Umroi		
54. 225701 Prabitra Kumar Daimary (ST)	CWE (A/F) Guwahati	GE Silchar		
55. 229303 Arvelyne Nongram (ST)	CE Shillong	CE (A/F) Shillong Zone		
56. 214947 Amiya Kumar Roy (SC)	GE Kharail	GE 872 EWS		
57. 260108 Niranjana Kumar Naskar (SC)	CWE Calcutta	CWE Tezpur		
58. 266024 Prabitra Mohan Roy (SC)	CE Siliguri	GE 869 EWS		
59. 265025 Dipali Das (SC)	CE Siliguri	GE Gangtok		
60. 268376 Ranjan Kumar Das (SC)	GE (A/F) Hassimara	CE Calcutta Zone		
61. 203732 Mohan Ram (SC)	CE Calcutta Zone	CE (I) R&D Chandipur		
62. 205176 Sakshi Gopal Saha (SC)	ESD Kankinara	GE 872 EWS		
63. 204034 Mira Sarkar	CPEC Calcutta	CE Calcutta		
64. 263356 Mita Bhattacharjee (Deaf)	CE Calcutta	GE (P) Calcutta		

(Total Forty-four only)

CONF. .... P/5 .....

*Handwritten signature and initials*

-: 5 :-

3. The date from which the individuals are brought in position against the post of UDC should be intimated to this HQ. The actual date of promotion as UDC and Seniority will be notified by this HQ later on.
4. Before the above individuals are brought in position against the post of UDC, please ensure that they are not involved in any disciplinary/SPE/CBI case and there is nothing else against the individuals to warrant with-holding of the above promotion. This should be indicated in the Movement Order.
5. The individuals will be relieved immediately according to the instructions issued by DOP & T CM No.16/7/90-Estt(Part-I) dated 09 Sep'92 forwarded to all Zonal CE's vide this HQ letter No.131841/2/209/Engrs/EID dated 13th Jan'93.

( B. D. Banerjee )  
Major  
SO 2 (Pers)  
For Chief Engineer

Copy to:-

- E-in-C's Branch
- Army Headquarters
- DHQ PO, New Delhi-11
- 2. CDA Patna, CDA Guwahati, AIO Calcutta, AAO Shillong
- AAO Siliguri
- 3. All affected Unit/Formation.

Internal:-

All Sections

/ A K Konar /

Atk  
File  
Advocate

নবম পর্বত চৌধুরী চিকিৎসা পণ্ডিত

~~১০৮~~

পানবাজার চৌধুরী = (১)

বিশেষ - H.O.P.D

(24)

চিকিৎসার নং 17883

নাম Jyoti

Bayan

ANNEXURE-B

৩২৪২

পুরুষ/মহিলা

১/১

This is to certify that  
Mrs Jyoti Bayan has  
been suffering from chronic  
malarial fever, chronic  
peptic ulcer syndrome  
and ischaemic heart  
disease since three  
months.

She is advised to  
continue prolonged treatment  
preferably at Guwahati  
under care of a

This Annexure - B is the <sup>true</sup> original  
Copy & original document of

Attested  
Signature (ADIL AHMED)  
31.8.2000

Specialist physician and  
a cardiologist.

(~~Dr. J. B. ...~~  
Dr. J. B. ...  
Dr. J. B. ... (M.D.)

Sub-Div. 13      an Officer.  
M. M. C. Hospital, Garbhak-4.

Attd  
J. B. ...  
Attd

-20-  
21  
S.M.O. 9  
ANNEXURE - 3  
23

No. 28034/2/97-Estt.(A)

Government of India

Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi, the 12th June, 1997

OFFICE MEMORANDUM

Sub: Posting of husband and wife at the same station.

*Cancel*

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide OM No. 28034/7/86-Estt.(A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in OM No. 28034/7/86-Estt.(A) dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

*Sh. K. Chandra*  
*14/6*

*This Annexure - C is the true copy of the original document*  
*After Tel*  
*(Adm. AMED)*  
*Adm. 21.8.2000*

27. Deptt. of Health

21-

18-

~~22~~

~~17~~

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-2-

24

5. A copy of this Department's OM No. 28034/7/86-Estt.(A) dated 3.4.86 is enclosed for ready reference and guidance.

6. Hindi version of the OM is enclosed.

Yamin & S -

( Harinder Singh )

Joint Secretary to the Govt. of India  
Tel.No. 301 1276

To

(1) All Ministries / Departments of the Government of India.

(2) Department of Women & Child Development.

(3) The National Commission for Women,  
4, Deendayal Upadhyay Marg,  
ITO, New Delhi.

Attested  
[Signature]  
Advert



From : MES/225364  
Smt Jyoti Prabha Bayan  
LDC (Pt)  
C/O CWE (AF) Guwahati  
GUWAHATI - 781009

To : Chief Engineer  
HQ Eastern Command  
Fort William  
Calcutta - 21

( Through Proper Channel )

SUB : PROMOTION/POSTING OF ADM CADRE (LDC TO UDC)

Sir,

1. Reference your HQ letter No.131841/11/3976/Engrs/EID dated 20 May 2000.

2. With due respect and humble submission I beg to put forward the following few lines for consideration and favourable action please:-

(i) I express gratitude for promotion to me from LDC to UDC, simultaneously I also demoralised to note that I have been ordered for posting to CWE Shillong vide your HQ letter ibid. It is revealed from the promotion/posting order that all the ladies promoted have been adjusted to the local formation except myself.

(ii) I am consisting three minor children residing at my native place MIRZA (Kamrup District) which is about 30 KM away from my duty station. My children are studying in Assamese Medium School.

(iii) I am suffering from chronic Malarial fever, Peptic Ulcer Signdrome, heart disease since three months and under treatment of Mohendra Mohan Choudhury Hospital, Guwahati. My physician advised me to stay at Guwahati for prolong treatment under care of a Specialist Physician and cardiologist. A Medical Certificate obtained from the Hospital is enclosed for your perusal please.

(iv) My mother aged 75 years old who is suffering from various diseases and confined to bed. Being the daughter it is my moral responsibility to look after my mother constantly at her bed side as there is no other member in my family to look upon all the problems at my home.

This Annexure-D is the true copy of original document.

Attested  
Asst. (Asst. AHMED)  
31.8.2000

Contd...2.

(v) While serving under GE Guwahati I had been in Govt Accommodation. Recently on expiry of my father aged 85 years, the responsibility of looking after my mother and property rest on my shoulder. My circumstances compelled me to vacate the Govt Accommodation and shifted to my native place so as to look after the problem and to avoid double expenditure. Due to the domestic problem I got local turn over posting at CWE (AF) Guwahati.

(vi) Being the female employee it is quite impossible to stay at Shillong alone leaving behind the three minor children and aged ailing mother.

3. In view of above I fervently appeal to your goodself that I may kindly be locally adjusted/posted to CWE (AF) Guwahati/GE (AF) Borjar considering my problems and enable me to discharge my duty without any mental distress and look upon the Welfare of my children/mother for whichs act of kindness I shall ever grateful to you.

Thanking you Sir,

Yours faithfully,

*Bayan*

(SMT JYOTI PRABHA BAYAN, LDC(Pt)  
MES/225364  
C/O CWE (AF) Guwahati

Dated : 12 Jun 2000

*Attest!*  
*[Signature]*  
*Advocate*

-24-

27  
ANNEXURE-E

Tele : AF/2358

Headquarters  
Chief Engineer (AF)  
Shillong Zone  
Elephant Falls Camp  
Nonglier Post  
Shillong - 793009

81006/9/ADM/ 150 /EIC(I)

20 Jul 2000

HQ Eastern Command  
Engineers Branch  
Fort William  
Calcutta - 700021

REQUEST FOR POSTING/ADJUSTMENT IN CWE (AF)  
GUWAHATI/GE (AF) BORJAR ON MEDICAL GROUND

1. Reference your HQ letter No. 131841/11/3976/Engrs/EID dated 20 May 2000.
2. MES/225364 Smt. Jyoti Prabha Bayan, LDCof CWE (AF) Guwahati stands posted to CWE Shillong on promotion from LDC to UDC vide your above mentioned letter.
3. An application dated 12 Jun 2000 in respect of the above individual requesting for adjustment in CWE (AF) Guwahati or GE (AF) Borjar instead of CWE Shillong is forwarded herewith for your further action. The case of the individual has not been recommended by ACE this HQ.
4. Recommendation slip of the ACE this HQ is enclosed alongwith application.

(Om Prakash)  
Major  
SO II (Pers)  
for Chief Engineer (AF)

Encls : As above (45 sheets)

Copy to

CWE (AF) Guwahati - For information with ref to your letter No. 1242/CIK/982/EIB dated 13 Jun 2000.

This Annexure-E is true copy  
of the original document

Attested  
[Signature] (Asstt. Commr)  
Advt  
31.8.2000

ANNEXURE - P

Commander, Nirman, Achiyanta (VS)  
Commander, Works Engineer (AF)  
A T Road Santipur Post  
Guwahati - 781009

Jul 2000

1242/CLK/128/EIB

MES/228664

Smt Jyoti Prabha Bayan, LDC(pt)

(Through EFR Sec)

PROMOTION/POSTING : ADM CDRE (LDC TO UDC)

1. Ref this office MO No. 1242/CLK/100/EIB dt 07 Jul 2000.
2. The following amendment is hereby made :  
FOR "You will be relieved of your duties on 31 Jul 2000 (AN)"  
Read "You will be relieved of your duties on 31 Aug 2000 (AN)"  
Para 4 For "Jul 2000" Read "Aug 2000"  
For "Aug 2000" Read "Sep 2000"
3. All other entries will remain unchanged.

(Sukumar Das)

Adm Officer  
for CWE (AF) Guwahati

Distribution :

1. HQ CE EC Calcutta -21
2. HQ CE (AF) Shillong Zone
3. HQ CE Shillong Zone
4. CWE Shillong
5. JCDA (Funds) Meerut
6. CD Guwahati
7. A.O Shillong
8. A.O GE (AF) Borjar
9. All Section.

This Annexure - P is the true copy of  
the original document.  
Attd  
31.8.2000 (ADM - AHMED)

From : MES-225364  
Smt Jyoti Prabha Bayan,  
LDC(Pt)  
C/O CWE (AF) Guwahati  
A.T. Road, Santipur  
Guwahati - 781009

To : Maj Gen SS Puri  
Chief Engineer  
HQ Eastern Command  
Fort William  
Calcutta - 21

Sub : PROMOTION/POSTING OF ADM CADRE (LDC TO UDC)

Sir,

With deference and humility I beg to intimate you that I stand posted on promotion to CWE Shillong vide your HQ letter No.131841/11/3976/Engrs/E1D dated 20 May 2000. Immediately on getting posting order I had made an appeal justifying the necessity of my presence in and around Guwahati Complex to fulfill the extream need of my family and requested your honour to change of my posting in and around Guwahati Complex vide my appeal dated 12 Jun 2000. Though outcome of the said appeal has not yet been received however authority (CWE (AF) Guwahati) has served movement order bearing No.1242/Clk/100/E1B dated 07 Jul 2000 indicating date of movement 31 Jul 2000 subsequently amended as 31 Aug 2000. Since the date of movement is approaching fast I find no other alternative expect to approach before your goodself directly for your kind consideration and favourable decision please. However, I appologice for making appeal directly before your goodself i.e. without maintaining the proper norms. I hope that your honour would forgive me for such lapse considering my situation which constrained me to do so.

I beg to submit the followings for your kind consideration and favourable decision please :-

(i) I am having three minor children residing at my native place MIRZA (Kamrup-District) which is about 30 KM away from my duty station. They are studying in Assamese Medium School at Mirza. Since they are growing my presence is considered to be very much essential.

(ii) I have been suffering from heart disease, Peptic Ulcer Signdrome and Chronic Malarial fever since last few months and under treatment of the Mohendra Mohan Chowdhury Hospital, Guwahati. Physician looking after me advised me to stay at Guwahati for prolong treatment under care of a Specialist Physician and Cardiologist. Medical Certificate already attached with my appeal dated 12 Jun 2000. If I have been forced to move at CWE Shillong I apprehend that I may not last long because of not getting proper medical treatment.

Contd...P/-2

This Annexure - G is the true copy of the original document.

31.8.2000  
Rajendra K. Puri  
31.8.2000

(iii) My mother aged about 75 Yrs who is staying with me after the sad demise of my father has been suffering from various diseases and virtually bed ridden since long. As there is no other member in my family it is my moral responsibility to look after her and provide necessary nursing till she survives.

(iv) It is also a fact that after the sad demise of my father responsibility of looking after my mother and property rest on my shoulder as no other member exists in my family. I had been allotted Govt. accommodation at Bhutnath, Santipur Complex however circumstances compelled me to vacate the Govt. Accommodation, so that I shall be able to look after the said domestic problem and fulfill the need of my family.

(v) Your goodself would also agree that being a female employee it is quite impossible to stay at Shillong alone leaving behind three minor children and ailing mother.

3. In view of the above I request your goodself to consider my case sympathetically and I may kindly be locally adjusted so as to enable me to fulfill the extreme need of my family for which act of kindness I shall ever be grateful to you.

Thanking you Sir,

Yours faithfully,

*Bayan*

Dated 28 Aug '2000

(Smt Jyoti Prabha Bayan, LDC(Pt))  
MEB/225364

*Atk*  
*Shilong*  
*Shilong*