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3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 287/1/2000.....

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SECTION OFFICER (Judl.)

Fahim
20/12/17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI, 5 (FORM NO. 4)
(See Rule-42)

ORDER SHEET.

APPLICATION NO. 2872000

Applicant(s) Dr. Sufiyan Sikdar.

Respondents(s) Maxon f India and on.

Advocate for Applicant(s) At. M. Chanda.

At. S. D. Goswami;

Advocate for Respondent(s)

C. G. S.C.

Notes of the Registry

DATE

ORDER OF THE TRIBUNAL

23.10.00

Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. A. Deb Roy, Sr. CGSC for the respondents.

Issue notice to show cause as to why application shall not be admitted. Returnable by 6 weeks. List on 5.12.00 for Admission.

Vice-Chairman

1m

24/10/2000

5.10.2000

Am

Slips are received
24/10/2000
One copy short to 24/10/2000

5.12.00

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. four weeks time is granted to enable him to obtain instruction.

List it on 5.1.2000 for further orders.

Vice-Chairman

trd

2/11/2000

Under PR No. 2939, 40, 41,
42 dt. 13/11/2000. by
16/11/2000.

① Service report are still awaited.

② No. Show cause has been issued.

23/11/2000

(2)

① Service report are still awaited.

5.1.2001 Heard Mr. M. Chanda, learned counsel for the applicant as well as Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents.

② Show cause has not been filed.

Application is admitted. Call for the records. Issue usual notices.

Mr. Chanda has stated that this case is covered by a decision of this Tribunal rendered in O.A. 386/99 (Dr. Hemram v. Union of India & Ors) disposed of on 27.10.2000.

List this case accordingly on 2.2.01 for hearing. In the meanwhile, the respondents may file written statement, if any.


Vice-Chairman

mk

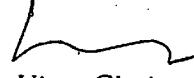
Notice duly served on R No. 3,
by S. G.

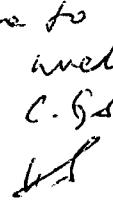

S. G.


29.1.2001

2.2.2001
(Shillong)

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.


Vice-Chairman


Copy of the Judgment
has been sent to his
Office for 15 days to
serve to the applicant
as well as to his
Dr. C. G. S.C.

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX No. 287 of 2000

DATE OF DECISION 22.2.2001
(AT SHILLONG)

Dr (Smt) Sutapa Sikdar

PETITIONER(S)

Mr M. Chanda and Mrs N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE

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

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.287 of 2000

Date of decision: This the 2nd day of February 2001

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

Dr (Smt) Sutapa Sikdar,
Working as Senior Medical Officer,
29 Assam Rifles,
Kohima, C/o 99 APO.

.....Applicant

By Advocates Mr M. Chanda and Mrs N.D. Goswami.

- versus -

1. The Union of India,
Through the Secretary to the Government of India,
Ministry of Health and Family Welfare,
New Delhi.
2. The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
3. The Director General of Assam Rifles,
Headquarters, Shillong.
4. The Deputy Director (Admn.),
Assam Rifles,
Shillong.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....
O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The issue relates to choice posting of a Medical Officer of the Central Health Service from the North Eastern Region to a place of her choice after completion of her tenure posting. The applicant was selected by the Union Public Service Commission in the year 1992 for the post of Medical Officer. The applicant was initially appointed by the Ministry of Health with retrospective effect since she joined at Assam Rifles Training Centre at Dimapur under the Director General of

Assam Rifles. Thereafter she was posted to Diphu and after three years she was transferred to Kohima and she joined there persuant to order dated 16.6.1998 and posted at 29 Assam Rifles. In the meantime, the applicant was promoted to the post of Senior Medical Officer and she was at the time of filing of this application working under 29 Assam Rifles Kohima. The applicant, relying upon the Office Memorandum dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure, claimed for being transferred to any choice station posting and for that purpose she approached the Departmental Authority. Failing to get any positive response from the authority, she moved this Tribunal by way of the present O.A.

2. Mr M. Chanda, learned counsel for the applicant submitted that this case is squarely covered by a number of decisions rendered by this Bench in O.A.No.213 of 1999 disposed of on 7.1.2000, O.A.No.210 of 1999 disposed of on 30.3.2000 and O.A.No.386 of 1999 disposed of on 27.10.2000.

3. Mr A. Deb Roy, learned Sr. C.G.S.C., on the other hand, submitted that the applicant is not covered by the O.M. dated 14.12.1983 and therefore, the earlier orders of this Bench is not directly applicable to her. Mr Deb Roy also submitted that the applicant is presently serving at Assam Rifles and Assam Rifles is facing acute shortage of Medical Officers. In the circumstances, it would be difficult on the part of the respondents to release the applicant and place her in her choice posting. Mr Deb Roy further submitted that Tribunal in O.A.No.46 of 2000 filed by Dr Girindra Roy, SMO, turned down such plea of choice posting. Mr Chanda, however, submitted that, that was a case where the applicant belonged to the North Eastern Region. Therefore, that case is not applicable to the present case.

4. I have given my anxious consideration in this matter. The Government had laid down a policy for posting officers from outside the North Eastern Region. The applicant is a person who had been selected in All India Competition and posted in the North Eastern Region. She has worked in in different stations in the North Eastern Region for about

seven years. Since a Government policy is there, this policy is to be adhered to justly and fairly by the authority. The applicant fulfils the conditions for choice posting. In my opinion, this is a fit case in which the respondents are required to consider the case of the applicant for choice posting as per the rules and Government instructions. Accordingly the respondents are directed to consider the case of the applicant for her transfer from the North Eastern Region and posting at a place of her choice, as early as possible, preferably within three months from the date of receipt of this order.

5. The application is accordingly allowed. There shall, however, be no order as to costs.

(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

केन्द्रीय प्रशासनिक अधिकारी न्यायालय
Central Administrative Tribunal

22 SEP 2000

गुवाहाटी बैचन्च
Guwahati Bench

In the Central Administrative Tribunal

Guwahati Bench at Guwahati.

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

Title of the Suit : O.A. NO. 287 /2000

Dr.(Smt) Sutapa Sikdar Applicant.

-Versus-

Union of India and others Respondents.

I_N_D_E_X

<u>Sl.No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
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6.	4 (series)	Representation dt. Sept '97	20 - 21
7.	5	Representation dated 4.4.2000	22
8.	6	Forwarding letter dated 7/8.4.2000	23
9.	7	Forwarding letter dated 18.4.2000	24

Filed by

N.D. Goswami

Advocate.

Sutapa Sikdar

a

In the Central Administrative Tribunal
Guwahati Bench at Guwahati.
(An application under Section 19 of the Administrative
Tribunal Act, 1985)

BETWEEN

Dr.(Smt) Sutapa Sikdar
Wife of Shri B.K. Paul
Working as Senior Medical Officer
in 29 Assam Rifle
Kohima, C/O 99 APO.

..... Applicant.

AND

1. The Union of India,
Through the Secretary to the
Government of India,
Ministry of Health and Family Welfare,
New Delhi.

2. The Secretary to the Government
of India, Ministry of Home Affairs,
New Delhi.

3. The Director General of Assam Rifles,
Headquarters, Shillong- 793011.

4. The Deputy Director (Admn.)
Assam Rifles,
Shillong -11.

..... Respondents.

22 SEP 1987

Guwahati

Sutapa Sik

DETAILS OF APPLICATION.

1. Particulars of order(s) against which this application is made :

This application is made not against any particular order but praying for a direction to the respondents for transfer and posting of the applicant in her choice stations namely CGHS New Delhi (Gurgaon)/G.N.C.T. of Delhi/C.G.H.S. Kampur in terms of her option dated 4.4.2000 in the light of the Office Memorandum issued under letter No.20014/3/83-E.IV dated 14.12.83 issued by the Government of India, Ministry of Finance, New Delhi and also in terms of the subsequent O.M. dated 1.12.1988 and 22.7.98 issued by the Ministry of Finance, Department of Expenditure.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case

4.1. That your applicant is a Citizen of India as such he is entitled to all the rights and protections and privileges as guaranteed under the Constitution of India.

22 SEP 2000
Gurushal 30 20

Sudipta Sikdar

4.2. That the applicant was selected by the Union Public Service Commission in the month of January/February in the year 1992 for the post of Medical Officer. The applicant was initially appointed by the Ministry of Health with retrospective effect as because she was joined on 20.1.94 in Assam Rifles Training Centre at Dimapur under Director General of Assam Rifles, Shillong. Thereafter she was posted to Diphu after one and half year and stayed there for three years. Thereafter she was transferred to Kohima and joined there O.M. dated 16th June 1998 and posted to 29 Assam Rifle. It may be pertinent to mention here that in the meantime the applicant has been promoted to the post of Senior Medical Officer and presently she is working under 29 Assam Rifles, Kohima, C/O 99 APO.

Copy of the letter dated 5.5.94 is annexed herewith as Annexure - 1.

4.3. That the applicant states that the Government of India, Ministry of Finance, Department of Expenditure, granted certain improvement and facilities to the Central Government Civilian Employees who are posted in North Eastern Region vide Office Memorandum No. 20014/3/83-B.IV dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure. In terms of the office memorandum referred above the Central Government

Civilian employees who are saddled with All India Transfer Liability are entitled to choice station posting. In accordance with the Office Memorandum dated 14.12.1983 issued by the Ministry of Finance the Central Government Civilian employees who has rendered more than 10(ten) years

service is entitled to choice station posting on completion of 2(two) years of fixed tenure in North Eastern Region and those Central Government employees whose length of service is less than 10 (ten) years are entitled to choice station posting on completion of 3(three) years of fixed tenure in North Eastern Region. The present applicant has already completed more than 5 years of service in North Eastern Region under the Director General of Assam Rifles, Ministry of Home Affairs, therefore the applicant is entitled to be posted at his choice station on completion of his fixed tenure service in North Eastern Region. The relevant portion of the Office Memorandum dated 14.12.1983 is quoted below :

"Subject : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region & improvements thereof.

The need for attracting and retaining the services of competent officers for service

in the North Eastern Region comprising the States

Central Administrative Tribunal

22 SFP 700

2000 3400

Contd.....5

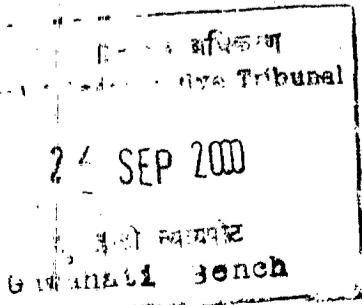
Safaba Sikdar

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of Assam, Meghalaya, Manipur, Nagaland, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for sometime. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in this region and to suggest suitable improvements, the recommendations of the Committee and the President is now pleased to decide as follows :

i) Tenure of posting/deputation.

There will be a fixed tenure of posting of 3 years at a time for officers with services of 10 years or less and of 2 years of service at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years.



Sunita Sikdar

which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended."

Therefore in terms of the Officer Memorandum issued by the Government of India, Ministry of Finance dated 14.12.1983 the applicant is entitled to be repatriated on completion of his fixed tenure as well as the conditions laid down in his offer of appointment letter. The Office Memorandum was issued with the object to attract and retain the Central Government Civilian Officers having all India Transfer Liability for rendering service in the North Eastern Region. Therefore the special incentive has been granted by the Government for the Central Government Civilian employees, who have completed their fixed tenure posting making them entitled to get the fruits of the Office Memorandum dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure. The Government of India, Ministry of Finance have also issued a revised order in the recent past in this regard vide O.M. dated 22.7.98 on the same terms and conditions as laid down in the O.M. dated 14.12.1983 issued by the Ministry of Finance, Department of Expenditure, New Delhi.

Copy of the O.M. dated 14.12.1983 (extract) and copy of the O.M. dated 22.7.98 are annexed hereto and the same are marked as Annexures - 2 and 3 respectively.

Sunita Sikdar

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4.4. That your applicant begs to state that after her posting under the Director General of Assam Rifles, the applicant submitted her first representation in September 1995 for consideration of her choice station posting namely CGHS Delhi. After receipt of the said representation they have informed the applicant that her case would be considered only after completion of 3 years of service. Thereafter the applicant submitted another representation in the month of September 1997, addressed to the Secretary of Family Welfare, Government of India, New Delhi, with a request for her posting at Gurgaon Delhi. The said representation was duly forwarded by the authority also. The applicant already completed 3 years of service in Assam Rifles in the month of January, 1997. She has also stated in the representation that she has a ailing father-in-law at Gurgaon and there is no one to look after her ailing father.

It is stated that by this time the applicant completed 6 years of service in North Eastern Region namely Dimapur, Diphu and Kohima and she has already submitted her options for choice station posting in her representation in September 1997 but till date no action has been initiated by the respondents for consideration of her transfer and posting for choice station inspite of her several remainders. In this connection it may be stated that as per the Office Memorandum dated 14.12.83, the

24 SEP 2000

Guwahati Bench

Sunita Sikdar

the applicant is entitled for her choice station posting immediately after completion of 3 years of service in North Eastern Region whereas the present applicant has completed more than 6 years of service in North Eastern Region and thereby she has acquired a legal and valuable right for consideration of her choice station posting in terms of her option exercise through her application submitted in September, 1997.

Copies of the application are annexed herewith as Annexure - 4 series.

4.5. That the applicant beg to state that there are large number of Medical Officer working under the Ministry of Health and Family Welfare in different regions of the country therefore it is obligatory on the part of the respondents/administration to implement the office memorandum dated 14.12.83 strictly in letter and spirit by posting other Medical Officers who are ~~sim~~ serving in other regions on rotation basis to enable the officers who are serving in the North Eastern Region on fixed tenuar basis under the Director General of Assam Rifles who were posted by the Ministry of Health and Family Welfare otherwise it would be violative of Article 14 of the Constitution of India.

24 SEP 2000

4.6. That your applicant further beg to state that as her earlier representation did not yield any result recently on 4th April 2000 the applicant submitted another representation addressed to the Ministry of Health and

Sunita Sikdar

Family Welfare, Govt. of India, New Delhi to give them again option of the choice station posting namely C.G.H.S. New Delhi /Gurgaon/G.N.C.T. of Delhi/C.G.H.S. Kanpur and the said representation was duly forwarded on 7/8th April, 2000 to Headquarters, Nagaland Range (Sough) Assam Rifles C/O 99 APO by the Manlor commandant. Her application also forwarded on 18th April 2000 to the Headquarters Inspector General, Assam Rifles (North) C/O 99 APO by the DIG Assam Rifles. He has also stated in her representation that she has a 12 years son and now he is staying with her in-laws, who are very aged and has chronic illness.

A copy of the representation dated 4.4.2000 and forwarding letter dated 7/8th April, 2000 and 18.4.2000 are annexed herewith as Annexure -5, 6 and 7 respectively.

4.7. For this application is made bonafide and for the ends of justice.

5. Grounds for relief with legal provisions.

5.1. For that the applicant has completed more than 6 years of service ~~as~~ in Assam Rifles in the post connected with Defence of India in North Eastern-Region.

For that as per appointment letter of the applicant the applicant is liable to serve Assam Rifles for a period of 4 years to the post connected

5.2
22 SEP 2000
Supreme Court
Bench

Smtapa Sikdar

with Defence of India.

5.3. For that the applicant is due for repatriation to Central Health Services Organisation under the Ministry of Health and Family Welfare, Government of India.

5.4. For that the applicant has completed 6 years of service required in terms of his appointment letter as well as the criteria laid down by the Ministry of Finance, Deptt. of Expenditure for choice station posting in O.M. dated 14.12.83 on completion of fixed tenure posting for 2/3 years.

5.5. For that the applicant has already served hard areas in Dimapur, Diphu and Kohima for last 6 years and therefore she is entitled to be posted to her choice station on transfer from Assam Rifles.

5.6. For that the representation of the applicant has not been considered by the applicant.

5.7. For that the applicant has acquired a legal and valuable rights for immediate transfer after completion of 6 years of service in North Eastern Region in terms of O.M. dated 14.12.83.

1/2 SEP 2000

Sutapa Sikdar

6. Details of remedies exhausted.

That the applicant states that she has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal. Representations through proper channel were submitted by the applicant but no action has been initiated by the respondents till finding of this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that she has not filed any application writ petition or suit regulating the matter in respect of which this application has been made before any court or any other authority of any other Bench of the Tribunal nor any such application writ petition or suit is pending before any of them.

8. Relief sought for :

Under the facts and circumstances stated in paragraph 4 above, the applicant prays for the following reliefs:

8.1 That the respondent No.1 be directed to issue order of transfer and posting in respect of the applicant in the light of the office memorandum dated 14.12.83 issued by the Ministry of Finance, Department of Expenditure to the choice station posting interms of her option dated Sept, 97 namely C.G.H.S. New Delhi (Gurgaon)/G.N.C.T. of Delhi/C.G.H.S. Kanpur with immediate effect.

Subhash Sikdar

26 SEP 2000
मुख्यमंत्री अधिकारी
Guwahati Bench

8.2. To pass any other order or orders as deemed fit and proper under the facts and circumstances as stated above.

8.3. Costs of the case.

9. Interim Relief prayed for :

Pending disposal of this application an observation be made that ~~pending~~ pendency of this application shall not be a bar for the respondents to issue transfer and posting order in respect of the applicant in terms of the option submitted to the authorities on Sept '97.

10.

This application is filed through advocate.

11. Particulars of the I.P.O.

- i. I.P.O. No. : 02 497706
- ii. Date of Issue : 3/7/28
- iii. Issued from : G.P.O. Guwahati.
- iv. Payable at : G.P.O. Guwahati.

12. List of enclosures :

As stated in the Index.

24/7/28 (11)
Guwahati 10/7/28

verification.....

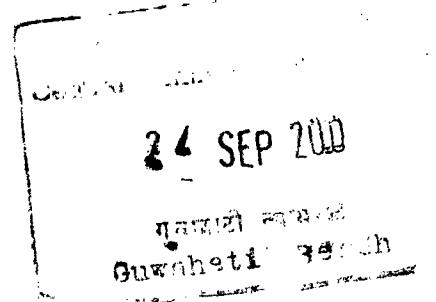
Subapra Sikdar

-13-

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

I, Smt Sutapa Sikdar wife of Shri B.K. Paul aged about 37 years Senior Medical Officer posted at 29 Assam Rifles C/O 99 A.P.O. Kohima do hereby verify the statement made in para 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this 12 th day of Sept. 2000 at Guwahati.



Annexure - 5

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

No.A.12025/116/92-CHE.I

Government of India

Ministry of Health and Family Welfare

(Department of Health)

New Delhi, dated 5th May, 94.

NOTIFICATION

On the recommendations of the Union Public Service Commission, the President is pleased to appoint Dr. (Smt.) Sutapa Sikdar to the Medical Officers Grade of the Central Health Service in the scale of pay of Rs.2200-75-2800-50-100-4000, in a temporary capacity and to post her as Medical Officer under Director General, Assam Rifles, Shillong with effect from the forenoon of 20.1.94.

(G.K. CHANANA)

UNDER SECRETARY TO THE GOVT. OF INDIA.

To

The General Manager,
Govt. of India Press,
Faridabad.

Copy with a copy of the (i) assumption charge report of Dr. (Mrs.) Sutapa Sikdar and (ii) a copy of the offer of appointment to the officer vide this Ministry's letter of even number dated 24.12.93 indicating the terms and conditions of her appointment forwarded to the Pay and Accounts Officer, C/o Director General, Assam Rifles, Shillong. The officer has been medically examined and declared fit for Govt. service. Her character and antecedents have been verified and found satisfactory. She has also furnished a declaration about marital status which is in order. The date of birth of Dr. (Mrs.) Sutapa Sikdar is 2.3.63.

(G.K. CHANANA)

UNDER SECRETARY TO THE GOVT. OF INDIA.

Copy also forwarded for information and necessary action to:-

1. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi w.r.t. their letter No. F.1/ 618/91-R.I. dated 31.3.93.
2. Director General, Assam Rifles, Shillong.
3. Dr. (Mrs.) Sutapa Sikdar, C/o Mr. B.K. Pal, Room No. 6A, 9th Floor, Common House, 2, G.C. Avenue, Calcutta-13. (Emp. No. 3211).
4. CMS.II Section/CMS. V Section.
5. Notification folder.

(Maha Bir Pershad)
SECTION OFFICER

Annexure-2 2

No. 20014/2/83/E.IV
 Government of India
 Ministry of Finance
 Department of Expenditure

New Delhi, the 14th Dec 1983

OFFICE MEMORANDUM

Sub: Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Nagaland and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been taken care of and considered by the Government and the President is now pleased to decide as follows :-

i) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years for a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service, Periods of leave, training, etc., in excess of

*Attest
P. P. Ad*

HCA

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of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North - Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

ii) Weightwage for Central deputation/training abroad and Special mention in confidential Records.

X X X X X X X X X X X X

iii) Special (Duty) Allowance :

Central Government civilian employees who have all India Transfer Liability will be granted a Special (Duty) Allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempted from payment of Income Tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and pre-Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special pay/deputation (Duty) Allowance ~~plus~~ will not exceed Rs.400/- P.M. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

XXXXXXXXXX

XXXXXXXXXXXX

Sd/- S.C. MAHALIK
Joint Secretary to the Government of
India.

Now Delhi, United July 22, 1998.

OFFICE MEMORANDUM

Subject: Allowances and Special Facilities for Civilian Employees of the Central Government serving in the States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands — Recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, those orders other than those contained in paragraph 1(iv) ibid. were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. Those were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even-numbered date March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North-Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows :

(I) Tenure of Posting/Deputation

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(II) Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(III) Special [Duty] Allowance

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special [Duty] Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special [Duty] Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be

as contained in the other commensurate with Ministry's O.M. No. 20012/16/86-E.II(B) dated May 24, 1986. Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special [Duty] Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1986, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/91-E.II(B) dated July 17, 1990.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(4)/95-E.II(B) dated January 12, 1996, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

(iv) **Special Compensatory Allowances**

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remoteness Allowance, Heat Climate Allowance, Tribal Area Allowance, Composite Hill Compensation Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified localities in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of those employees who are entitled to the Special (Duty) Allowance or the Island (Special Duty) Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'notional' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

(v) **Travelling Allowance on First Appointment**

The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(vi) **Travelling Allowance for Journeys on Transfer; Road Money for Transportation of Personal Effects on Transfer; Joining Time with Leave**

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable.

(vii) **Leave Travel Concession**

In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family :

(a) the government servant can avail of the leave travel concession for journey to the Home Town over in a block period of two years under the normal Leave Travel Concession Rules;

OR

(b) in lieu thereof, the government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family [restricted only to the spouse and two dependent children of age up to 18 years in respect of sons and up to 24 years in respect of daughters] also to travel once a year to visit the government servant at the station of posting.

These special provisions shall continue to be applicable.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families [spouse and two dependent children] to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs 13,500 and above and their families, [or spouse and two dependent children (up to 18 years in respect of sons and up to 24 years in respect of daughters)] will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Limbari/Silchar in the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

(viii) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/16/E.IV dated December 1, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt (allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Retention of Government Accommodation at the Last Station of Posting

The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation

The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(xi) Retention of Telephone Facility at the Last Station of Posting

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

(xii) Medical Facilities

Families and the eligible dependants of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North-Eastern Region, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

(N.SUNDER RAJAN)
Joint Secretary to the Government of India

To

All Ministries/Department of the Government of India [As per standard Distribution List]
Copy [with usual number of spare copies] forwarded to C&AG, UPSC, etc. [As per standard Endorsement List]
Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

20
Annexure 4 (contd.)

PROFORMA FOR REQUEST FOR TRANSFER

1. Name : DR SUTAPA SIKDAR

2. Employee code : 3211 (leave blank)

3. Designation : Medical Officer

4. Date of joining in CHS : 20.1.94

5. Date of joining the organisation from where transfer is sought : 20.1.94 (ARTC & S)

6. Details of the period of service rendered in other organisations including difficult areas like Assam Rifles, Arunachal Pradesh, Andaman & Nicobar Islands/Dadra Nagar Haveli, Lakshadweep Islands, Ministry of Labour etc. : ASSAM RIFLES

7. Reasons for seeking transfer (in brief) : CR HS Gurgaon, CR HS, Delhi, anywhere in Delhi, CR HS Jaipur

8. Station/Organisation(S) where transfer is desired (In order of preference) : CR HS Gurgaon, CR HS, Delhi, anywhere in Delhi, CR HS Jaipur

(Signature of the applicant)
Dated : 20/1/94

FOR USE IN THE OFFICE OF THE HEAD OF DEPARTMENT/OFFICE WHERE THE OFFICER IS POSTED

1. The officer can be relieved with/without a substitute in the event of his transfer.

2. Certified that the information given in cols 1 to 4 has been verified from records.

(Signature of Head office/Dept)

FOR USE IN MINISTRY OF HEALTH & F.W
(DEPARTMENT OF HEALTH)

1. Request Registered at Sr No _____ on _____ in the transfer register.

2. Transfer recommended/Not recommended.

3. If recommended, whether in public interest/at his own request.

4. Place of new posting : _____

Signature.

21
29

From : Dr. Sutapa Sikdar
W/o. Mr. B. K. Pal
H. No. 42/Sect. 4,
Urban Estate,
GURGAON-122 001 (HRY)

To,

16th October, 1996

The Secretary
Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan,
NEW DELHI (Through proper channel)

Sub : Application for transfer to C.G.H.S., Gurgaon
from Assam Rifles - A.R.T.C., Dimapur

Sir,

This is submitted that I have been appointed as a Medical Officer, C.H.S.-I, under Assam Rifles on 20.1.94, since then I have been stationed at A.R.T.C., Dimapur. Sir, as now my husband has been transferred from Calcutta to Delhi, hence he has shifted to Gurgaon with my son. Also at Gurgaon I have a ailing father-in-law. As there is no one to look after them, so if I am transferred to C.G.H.S., Gurgaon, I shall be able to look after my family and as well attend my duties. So, Sir, I request you to please consider the same and issue the necessary orders. I have already sent my request for the same to my H.Q., Assam Rifles, Shillong. I shall be highly thankful to you for this act of kindness.

Hoping for a favourable consideration.

Thanking you,

Yours sincerely


(Dr. Sutapa Sikdar)
Medical officer
Assam Rifles, (A.R.T.C & S)
Dimapur

I have completed 8th year of service in
Assam Rifles in 20 Jan 97

To

The Secretary,
Govt of India
Ministry of Health and Family Welfare
Nirman Bhawan
New Delhi

(Through Proper Channel)

Yours Annex 5

Sub : Prayer for choice station posting at C.G.H.S New Delhi (Gurgaon)/ G.N.C.T of Delhi/C.G.H.S Kanpur, under office memorandum dated 14 Dec 83 issued by the Govt of India, Ministry of finance.

Sir,

With due respect and humble submission I beg to put (across) following few line for your kind consideration and sympathetic action please.

I was appointed as medical officer CHS-I under DGAR on 20 Jan 94. Since then I had posted to ARTC and S Dimaupur about a year and half and later to ARTC & S, Diphu for 3 yrs. After that I had posted to 29 Assam Rifles in Kohima, Nagaland on 16 Jun 98, and presently working here. I have completed more than six yrs of service under Assam Rifles in North-East region.

Sir, my husband is a patient of I.M.D and diabetics and unable to look after our only son master Bikram Pal aged 12 years. (approx). My son is staying at Gurgaon with my in-laws, who are very aged and has chronic illness. There is no one to look after them as my husband is posted in Calcutta in private job, so if I am transfer to C.G.H.S Delhi (Gurgaon)/G.N.C.T of Delhi. I shall be able to look after my family and as well as attend my duties.

Sir, before also I had put application for choice posting to DGAR in Aug 95 which has been return back from MS Branch, DGAR, saying that after completion of three yrs service it will reconsider. So in Sept' 97 I had applied for choice posting out side Assam Rifles in Sept' 97 through proper channel.

I am entitled to choice station posting in any of the place mentioned above in term of office memorandum m.o 20014/2/83/E IV dated 14 Dec 83 and also under M.No F: No II (2)/97-E-II(E) 22-7-98.

Hoping for a favourable consideration.

Thanking you.

Your's Sincerely,

(Dr (Mrs) Sutapa Sikdar)
SMU(CHS)

W/O Mr B K Pal
29 Assam Rifles
C/o 99 APO

Dated 04 Apr 2000

Annexure
3
29 Assam Rifles
C/O 99 APO

I.11012/A-143/2000/625

Headquarters
Nagaland Range (South)
Assam Rifles
C/O 99 APO

17 Apr 2000
68

FWD OF APPLICATION

Application for posting in respect of
Mr (Mrs) Sutapa Sikdar, SMO (CHS) of this unit is fwd
herewith in quintuplicate duly recommended by the
Commandant for your further necessary action please.

S. S. Mal
(S. S. Mal)
Maj
Adjt
for Comdt

Encl : 10 (Ten) only

NOO

Copy to :-

Med Section (Internal)

- for info alongwith a copy of
subject application please.

Z mg/*

Annexure-7
24/
3 ✓

Headquarters
Nagaland Range (South)
Assam Rifles
C/o 22 APO

11013/2/A-2200/6786

18 Apr 2000

Headquarters
Inspector General
Assam Rifles (North)
C/o 22 APO

APPLICATION FOR POSTING

An application for posting in respect of
Dr (Mrs) Sutapa Sikdar, SMC(CHS) of 29 Assam Rifles
is submitted herewith in quadruplicate duly
recommended by the SICW for your further necessary
action please.


(AJ Takkatt)
Lt
SMC(A)
for DIC Assam Rifles

Encl : twelve

Copy to :-
29 Assam Rifles
C/o 22 APO

Dr (Mrs) Sutapa Sikdar, SMC
22 Assam Rifles Hospital
C/o 22 APO

for info please.