

50/100

3

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

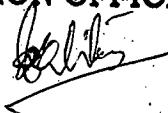
O.A/T.A No. 410/2000.....

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

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

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14. Amendment Reply by Respondents.....
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16. Counter Reply.....

SECTION OFFICER (Judl.)



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 410/2000

... Sri. Mritunjay. Verma ..... Applicant.  
versus

Union of India & Ors ..... Respondents.

For the Applicant(s) Mr. B. K. Sharma,  
" S. Sarma,  
" Mr. Goswami,

For the Respondents. City S.C. .....

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form  
but not in time Condonation  
Petition is filed not filed vide  
M. P. No. .... C.F.  
for Rs. 50/- ..... vide  
IPO/2000 No. 50 39 38  
Dated 20.11.00

MM 24/11/00  
Dy. Registrar.

The application is  
in order & filed all  
the requisites.

27.11.2000 Present: Hon'ble Mr Justice  
D.N. Chowdhury, Vice-Chairman  
Heard Mr S. Sarma,  
learned counsel for the  
applicant. The application is  
admitted. Issue notice,  
returnable by four weeks. List it  
on 2.1.2001 for orders.

[Signature]  
Vice-Chairman

2.1.2001 <sup>nkm</sup> Heard Mr.S. Sarma, learned  
counsel for the applicant.  
Mr.B.C. Pathak, learned  
Addl. Central Govt Standing  
Counsel appearing on behalf of  
the respondents seeks for some  
time to file written statement  
and obtain necessary instruc-  
tions. Prayer allowed.

List on 31.1.01 for  
written statement and further  
orders.

[Signature]  
Vice-Chairman

mk

31-1-

No S.O. Adjourned to 28.2.2001.

MA  
A.K. 84  
31.1.

Legible Copy Sent An Sec of his  
letter dtd. 27.11.2000

"Vakalatnam" has been  
filed by Mr A. Deb Roy  
r.c.s.l.

Notice prepared and sent to  
D.B. for issuing the Respondent  
No 1 & 2 by Regd A.D. vide  
D No - 2855 to 2856. dtd.  
30/11/00. R No 2 by hand.

24/11/00

(2)

O.A.No.410/2000

No. written statement  
has been filed.

By  
27.2.01

28.2.2001

It has been stated that  
written statement has been filed  
today. Office to take the written  
statement with the file. The applicant  
may file rejoinder, if any, within two  
weeks from today. List it on 21.3.01  
for hearing.

                      
Vice-Chairman

nkm

1.3.2001

21.3.01

w/s has been submitted  
on behalf of Respondent Nos. 1 & 2.

Written statement has been  
submitted by the respondent. No REjoinder  
has been filed by the applicant. Two weeks  
time is allowed for filing of rejoinder if  
any.

                      
Vice-Chairman

w/s filed on behalf  
of The R. No. 1 & 2. trd

By  
20.3.01

11.4.01

On the prayer of learned counsel  
for the applicant case is adjourned  
to 2.5.01 for hearing.

                      
Vice-Chairman

lm

2.5. Passover to 16.5.2001.

17.5.2001

Rejoinder has  
been submitted by the  
applicant against the  
w/s filed by the Respondents.

16.5. On the prayer of learned  
counsel by the respondent the  
case is adjourned to 8.6.2001 for  
hearing.

Mlo  
A.K.3  
16.5

8.6.01

Judgment delivered in open Court.  
Kept in separate sheets. Application  
is disposed of..No costs.

28.6.2001

Copy of the judgment  
has been sent to the  
Office for issuing to  
the applicant as  
well as to the L/Adm  
of the Respondent.

lm

copy of judgment  
received  
any 11/7/01

                      
Member

O.A.No...410.of.2000... of

DATE OF DECISION..8.6.01.....

Shri Mritunjay Verma

PETITIONER(S)

Mr.B.K.Sharma, Mr.S.Sarma, Mr.U.K.Goswami

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE

MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

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 ADMINISTRATIVE MEMBER

RELATIONSHIP(S)

ADVOCATE FOR  
RESPONDENT(S)

*Handwritten signature*

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.410 of 2000.

Date of Order: This the 8th Day of June 2001.

HON'BLE MR.JUSTICE K.K.SHARMA, ADMINISTRATIVE MEMBER

Shri Mritunjay Verma,  
Son of Late Kamakhya Verma,  
At Present working as  
Sr.Auditor,  
Under the Principal Director of Audit,  
N.F.Rly, Maligaon.                      ...                      .... Applicant.

By Advocate Mr.B.K.Sharma , Mr.S.Sarma , Mr.U.K.Goswami.

- Vs-

1. The Comptroller of Auditor General,  
Govt.of India,  
10,Bahadur Shah Zafar Marg,  
New Delhi-2.
2. The Principal Director of Audit,  
N.F.Railway, Maligaon,  
Guwahati.                      ...                      ... Respondents.

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

O R D E R.

K.K.SHARMA, ADMINISTRATIVE MEMBER:

By this application under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for and setting aside the order<sup>and</sup> dated 22.3.2000 (Annexure 1) in the O.A./the order dated 27.7.2000 (Annexure 4). The applicant has prayed for his continuation at Maligaon. The applicant was a Sr.Auditor at Maligaon and transferred to Divisional Audit office, N.F.Railway, Lunding. The applicant has challenged the transfer order on the ground that the respondents have failed to take<sup>any</sup> into consideration the

contd/-

*K.K.Sharma*

the circular of Government of India regarding the posting of husband and wife in the same station. He has also a daughter aged below 10 years. The applicant also stated that he is also a sick person under treatment and his wife is also in <sup>advanced</sup> ~~the~~ stage of pregnancy. It is stated that the applicant has been undergoing constant medical treatment.

Due to the seriousness of the ailment he was referred to the All India Institute of Medical Science, New Delhi. For this purpose the applicant was also allowed <sup>free</sup> / Railway passes.

Against the transfer order the applicant made a representation dated 3.7.2000, which has been rejected by the order dated 27.7.2000. The applicant has challenged the order dated 27.7.2000 on the ground that it is non speaking order. The applicant made another representation dated 2.11.2000 to the Principal Director of Audit, N.F. Railway, Maligaon.

It has been disposed of by order dated 17.11.2000. The relevant portion of the said order is quoted below:-

- "1) You have not furnished any declaration to this office in regard to employment of your wife.
- ii) You have been at Headquarters/Maligaon since inception of your service, and there is no hard and fast rule to keep the spouses together for all times in one's service life"

Mr.S.Sarma learned counsel appearing on behalf of the applicant, he argued that the applicants ~~mother~~ <sup>Wife</sup> is also suffering and requiring constant treatment at Maligaon Railway-hospital. He also referred to the recommendation of the 5th Pay Commission regarding the posting of husband and wife in the same station. In view of the Government policy that both husband and <sup>Wife</sup> / will be posted at the same station. Mr.Sarma submitted that the applicant has the right to be posted at

contd/-

10/11/2000

Maligaon. Mr. Sharma also stated that the applicant is surplus at Lumding and he has not been assigned any duties. Mr. A. Deb Roy, learned Sr.C.G.S.C. appearing on behalf of the respondents relied on the written statement filed by the respondents. He mentioned that the applicant has been serving at Guwahati for more than 20 years. He also denied that the applicant was forced to join his duty at Lumding during the period stated to be sick and was relieved to join Lumding on 28.11.2000 (AN) after he was declared medically fit. He joined duties at Lumding on 30.11.2000. Mr. Deb Roy disputed that the applicant was not given any work and he submitted duty list dated 30.11.2000. Mr. Deb Roy also submitted that the applicant's treatment at AIMS is as private patient and if referred by the Railway Doctor, the applicant would be entitled to T.A., D.A. and medical reimbursement. He also submitted that he cannot be accommodated at Maligaon as there is no vacancy at Maligaon. The policy of the Government is to accommodate both husband and wife at the same Station as far as possible.

Considering the facts and circumstances of the case, the action of the respondents in transferring the applicant to Lumding cannot be faulted. He has been serving at Maligaon since entry into service. The illness of the applicant is not such that he cannot serve at Lumding. From the letter dated 17.11.2000 of the Audit Officer/Admn, in reply to applicant's representation, it appears that the applicant had not informed the respondents about his wife's appointment. The applicant, if, so advised, may make a representation to the respondents stating all the facts for considering of his case for posting at Maligaon.

The respondents may consider the representation if so made on merits.

*Usha*

contd/-

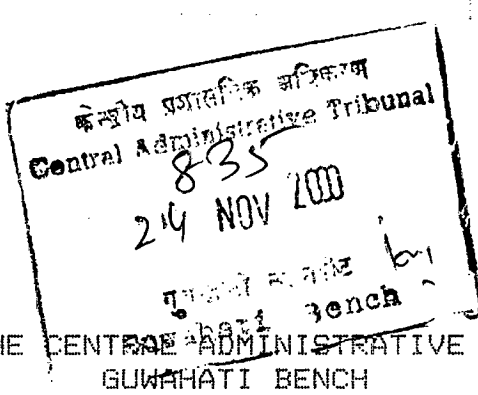
The application is disposed of as above. There shall, however, no order as to costs.

*K.K. Sharma*

( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

lm





01

Title of the case :

O.A. No. 410 of 2000

Between

Shri Mritunjay Verma,

..... Applicant.

AND

Union of India & ors

..... Respondents.

I N D E X

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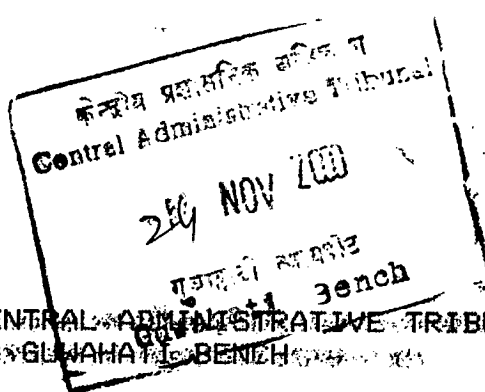
\*\*\*\*\*

Filed by : S.Sarma.Advocate.

Regn.No.:

File : C:WS7\MRITUNJAY

Date : 24.11.00



Filed by  
Advocate  
24-11-2000

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application under section 19 of the Central Administrative Tribunal Act, 1985)

DA No. 410 of 2000

BETWEEN

Shri Mritunjay Verma,  
Son of late Kamakhya Verma,  
At Present working as,  
Senior Auditor,  
Under the Principal Director of Audit,  
N.F.Rly, Maligaon,.

..... Applicant.

VERSUS

1. The Comptroller of Auditor General,  
Govt of India,  
10, Bahadur Shah Zafar Marg,  
New Delhi-2.

2. The Principal Director of Audit,  
N.F.railway, Maligaon.  
Guwahati.

..... Respondents.

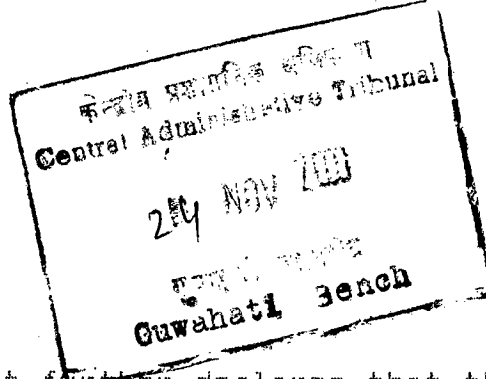
PARTICULARS OF THE APPLICATION

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

This application is directed against the orders dated 3.7.2000 transferring the applicant and the order dated 27.7.2000 issued by the respondent No 2, i.e, The Principal Director of Audit, N.F.Railway, Maligaon.Guwahati.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act.1985.



3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2. That the applicant is presently serving as a Senior Auditor in the Construction Audit Office of the N.F.Railway, Under the Principal Director of Audit, N.F.Railway, Maligaon. During his service under the Principal Director of Audit, N.F.Railway, Maligaon, the applicant fell sick. He has been suffering from ENT problems and he was constrained to take medical leave w,e,f, 11.2.2000. It is noteworthy to mention here that he has been suffering from the said ENT problem since 1997.

4.3. That the applicant was shocked to learn that an order of transfer has been issued to him during his medical leave period, transferring him to the Divisional Audit Office Lunding in the same capacity. The applicant somehow collected a copy of the said order dated 22.3.2000 issued by the Respondent No-2.

A copy of the said order dated 22.3.2000 is annexed herewith and marked as Annexure-1.

4.4 That as stated above the applicant has been under going constant medical treatment and due to the seriousness of his ailment, the local doctor referred the matter to the All India Institute of Medical Science AIIMS, New Delhi. To that effect the authority concerned has issued necessary pass to the applicant enabling him to avail the said journey. Accordingly, the appli-

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cant availed the said pass and attended APIMS, New Delhi. the applicant presently under the treatment and advice of local doctor and as such he is availing his medical leave. It is pertinent to mention here that the authority concerned has sanctioned his such leave considering his nature of ailment.

Copies of the medical documents pertaining to his ailment is annexed herewith and marked as Annexure-2 series.

The applicant craves leave of the Hon'ble Tribunal to produce all the relevant documents including leave sanction memo at the time of hearing of the case.

4.5. That the applicant after issuance of the said impugned order of transfer dated 22.3.2000 made a representation dated 3.7.2000 stating the full facts of the case with a prayer to cancel the order of transfer on various grounds. The respondents on receipt of the said representation dated issued an order dated 27.7.2000 disposing of his said representation with a further direction to report to duty at lunding office. No reason has been assign in the said order.

Copies of the said representation dated 3.7.2000 and the order dated 27.7.2000 are annexed herewith and marked as Annexure-3. and 4.

4.6. The applicant thereafter, made another representation on 2.11.2000 highlighting the factual aspects of the matter to the Principal Director of Audit, N.F Railway, Maligaon, but till date no affirmative reply has been furnished to the applicant. In the said representation the applicant has made a categorical mention regarding granting of protection mentioned in the circular issued after the recommendation of 5th Central Pay Commission regarding posting of husband and wife in a same station, and also the fact that his daughter is presently below 10 years of age.

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A copy of the said representation dated 2.11.2000 is annexed herewith and marked as Annexure-5.

4.7. That the applicant begs to state that the Govt of India has formulated a policy regarding the transfer of husband and wife in a single station to lead a normal family life more particularly whose children are below 10 years of age. The wife of the applicant Smt Parul Baishya is presently working as Asstt Teacher in the Sonaram Higher Secondary School. On the other hand the daughter of the applicant Miss Simran Kashyap is only 4 years of age and as such he is entitled to the benefit of the said circular.

Copies of the circular dated 27.1.98 and a certificate dated 28.1.97 are annexed herewith and marked as Annexure-6 and 7 respectively.

4.8. That the applicant begs to state that his present ailment does not permit him to undergo any long journey. On the other hand the wife of the applicant is in advance stage of pregnancy and to that effect the attending doctor issued a certificate to her. In such a situation the applicant has got no other alternative to approach the Hon'ble Tribunal by way of filing the present application.

4.9. That the applicant begs to state that as stated above till date the respondents have not issued any order of release but it is learnt that within a week or less same will be issued to him. The applicant has preferred numbers of representations but same has not yield any good result. In fact no person has been joined the post of the applicant as yet. It is also stated that there are vacancies in the office of the respondents so that to accommodate the applicant. Even in the Head Office there are numbers of vacant posts to accommodate the applicant. Therefore,

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the applicant prays before the Hon'ble Tribunal for an interim order directing the respondents not to give effect the operation of the impugned order of transfer dated 22.3.2000 (Annexure-1) during the pendency of the O.A. In the event the Hon'ble does not protect the interest of the applicant by passing the aforesaid interim prayer, he will suffer irreparable loss and injury. On the other hand since the relieving order has not been issued to him and nobody has been posted in the place of the applicant, there would be no difficulty in accommodating/retaining the applicant in his present post. On the other hand in view of the present circumstances the present case is a fit case for passing the interim order protecting the interest of the applicant.

4.10. That this application has been made bonafide and to secure ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action of the respondents in issuing the impugned order dated 22.3.2000 (Annexure-1) is illegal arbitrary and liable to be set aside and quashed.

5.2. For that the respondents have failed to take into consideration the circular issued by the Govt of India regarding posting of husband and wife in a same station that too when their children is below 10 years of age before issuance of the (Annexure-1) order dated 22.3.00 and as such the said impugned order is liable to be set aside and quashed.

5.3. For that the applicant being a serious patient of ENT and presently undergoing medical treatment, respondents knowing fully well the all factual aspects of the matter, ought not have issued the said impugned order of transfer dated 22.3.00 and as such the same is violative of the principles of administrative fair play and hence their actions in issuing the impugned order

is liable to be set aside and quashed. 24

5.4. For that the wife of the applicant being in an advance stage of pregnancy and presently the company of the applicant is utmost necessary and the respondents knowing fully well the aforesaid factual matter have issued the aforesaid order of transfer which is per se illegal and violative of the guidelines of the various circulars issued by the Govt of India.

5.5. For that the respondents have issued the order dated 27.7.2000 (Annexure-4) which is a non speaking order and as such the same is liable to be set aside and quashed.

5.6. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other 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 applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties

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on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the Annexure-1 order dated 22.3.2000, and the order dated 27.7.2000 (Annexure-4) and any other order in this regard, with a further direction to the respondents not to transfer the applicant in the light of the circular issued by the Govt of India.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents .....

10. ....

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 24 503 938  
2. Date : 20-11-2000.  
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.



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# VERIFICATION

I, Shri Mritunjay Verma, aged about 35 years , son of late Kamakhya Verma , at present working as working as, Senior Auditor, Under the Principal Director of Audit, N.F.Rly, Maligaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3,4.1,4.8-4.10 and 5 to 12..... are true to my knowledge and those made in paragraphs 4.3-4.7..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal.

And I sign on this the Verification on this the 24th day of Nov 2000.

Signature.

9.5.11 - ENT -  
13 Lch. 16  
15  
wife is working in school.  
here present  
20

Mritunjay Verma

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OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT::N.F.RAILWAY,  
MALIGAON::GUWAHATI-11.

S.O.O. No. 198

Dt. 22-3-2000.

1. Md. Gyaasuddin Choudhury, Sr. Ar./Lunding is transferred and posted in the same capacity to Construction Audit Office, N.F.Railway, Silchar.
2. Shri Mritunjay Verma, Sr. Auditor/Con/Maligaon is transferred and posted in the same capacity to Divl. Audit Office, N.F.Railway, Lunding vice MD. G. Choudhury, Sr. Auditor.
3. Shri Babul Kumar Hazarika, Sr. Ar./TA(Goods) is transferred and posted in the same capacity to Divisional Audit Office, N.F.Railway, Lunding against the existing vacancy.

The above orders take immediate effect.

(Authority:- Pr. Director of Audit's order Dt. 21-3-2000  
at page No.86n of F.P.Admn/33 Pt.VI)

*[Signature]*  
Sr. Audit Officer/Admn.

No. Admn/5-4/98/33 Pt. VI/

Dt. 22-3-2000.

Copy forwarded for information and necessary action to:-

1. The Pr. Director of Audit, Northern Rly., New Delhi.
2. The F.A. Chief Accounts Officer/N.F.Rly., Maligaon (ENR/P.R./Suspense/Con.)
3. The Divisional Accounts Officer, N.F.Rly., Lunding.
4. The Divisional Audit Officer, N.F.Rly., Lunding.
5. The Construction Audit Officer, N.F.Rly., Silchar.
6. Shri B.K. Bhattacharjee, Sr. Audit Officer/Con/Silchar at Maligaon.
7. The Con. Accounts Officer, N.F.Railway, Silchar.
8. Sr. Audit Officer/Con/Maligaon.
9. The Sr. Audit Officer/TA (Goods).
10. a) Md. G. Choudhury, Sr. Ar./Lunding  
b) Shri M. Verma, Sr. Ar./Con/Maligaon through Sr. Audit Officer/Con/Maligaon.  
c) Shri B.K. Hazarika, Sr. Ar./TA (Gds)
11. Personal files.
12. Sr. Auditor/Admn./Bt/Tra./ACR/Service Book.
13. S.O.O. Register
14. Asstt. Audit Officer/Admn-II

*[Signature]*  
Sr. Audit Officer/Admn.

*Alleged name*  
*Shri M. Verma*



शरीरग्राथ खसु धर्मसाधनम्

हस्पताल के अन्दर धूम्रपान मना है।  
SMOKING PROHIBITED IN HOSPITAL PREMISES

अ० भा० आ० वि० सं० हस्पताल

# A.I.I.M.S. HOSPITAL

**ब० रो० वि० अभिलेखा**  
**Out Patient Department**

OPR-6

एकक

Unit

Dr. R. C. DEKA  
ENT. OPD

Monday-Wednesday

विभाग

Dept.

E.N.T.

ब० रो० वि० पंजीकृत सं०

**O.P.D. Regd. No.**

नाम/Name	पिता/पुत्र/पत्नी/पति/पुत्री F/S/W/H/D/of	लिंग Sex	आयु Age	पता/Address
M. <i>P. Ram</i>	—	M	37 y	<i>Ward</i>

निदान

## Diagnosis

दिनांक

Date \_\_\_\_\_

25/10/2020

उपचार  
Treatment

*Haupt*  
*nur al alleg*  
*septan*  
*ap*

*9E*

*Septans = None*  
*now*

*(2E)*  
*wild de food*

A Nasal allergy

to Council Social  
Local Society of Oton  
All-

**DR. RAMESH C. DEKA**  
Head, Department  
of Otorhinolaryngology Head & Neck Surgery  
All-India Institute of Medical Sciences  
New Delhi-110029

**Dr. P. K. Das, MBBS, MS (ENT)**

Senior ENT Consultant & Surgeon

Former ENT Consultant, Down Town Hospital

①: 546636, 546930 (Res)

600025 (C)

**Chamber : ENT CLINIC**

Bharalumukh, Opp. State Bank of India

Bharalumukh Branch (H.O.)

Guwahati - 781 009

Time :

Morning : 9 - 30 A.M. To 2 P.M.

Evening : 5 - 00 P.M. To 7 P.M.

**Chief Complaint**

Date 30/10/2000

**R**

to whom it may concern.

This is to certify that Mr. Nityanjay Varma is under my treatment for Nasobronchial allergy since 1997.

He has undergone SEPTOPLASTY operation in 1998 (5-6-98).

Now he has developed Vasomotor Rhinitis to cold air specially in hilly stations. I advise him to avoid exacerbating factors.

Residence : **SAI HEALTH CARE**, Sarab Bhati, Guwahati - 781 008

Evening : 7 P.M. To 8 P.M., By Appointment

Dr. P. K. Das, MBBS, MS (ENT)  
Regd. No. 9579

Dr. P. K. Das, MBBS, MS (ENT)

Seniour ENT Consultant & Surgeon

Former ENT Consultant, Down Town Hospital

☎: 546636, 546930 (Res)

..... (C)

Chamber : ENT CLINIC

Bharalumukh, Opp. State Bank of India

Bharalumukh Branch (H.O.)

Guwahati - 781 009

Time :

Morning : 9 - 30 A.M. To 2 P.M.

Evening : 5 - 00 P.M. To 7 P.M.

Chief Complaint

- Sore Throat
- Sticky Sensation in Throat
- Hypoacidity (+ +)

Rx

Rev. Memorandum Dika / Mah / 31 June  
Santipur. Date : 8/6/2000

① Seriox-150 tab / Roxynol-150  
⑩

Sig: 1 tab twice before food  
0-0

② - Flangin-10 tab ⑮

Sig: 1 tab Twice before food  
0-0-0

③ - ocid-20 cap ③① -0-

Sig: 1 cap in the morning

④ - Dikogel / Sorbacid

Sig: 3 t.s.f. Twice

111

111

11

X 30.

*[Signature]*

To

The Principal Director of Audit,  
N.F. Railway, Maligaon,  
Guwahati -11.

Subject: Reconsideration of proposed transfer order by modification.

Respected Sir,

With due respect and humble submission I beg to lay the followig for favour of your favourable consideration and order.

That, since 11.02.2000, I have been continuing leave on medical ground due to my personal inconvenience of illness.

That I have come to know from reliable source of my office that at this stage in my absence I have been transferred from Maligaon CON office to Lumding office by order dated 23.03.2000.

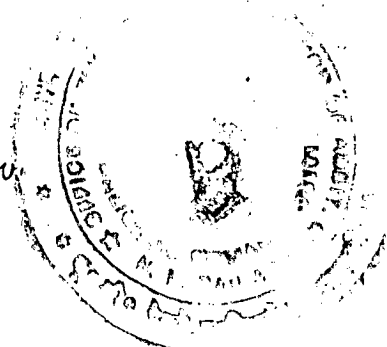
That the order which has been made during my period of ailment in absence having heard the said information I have felt further serious type of ailment at this stage.

That it is also respectfully submitted that earlier on several occasions in official Inspection duties I had to tour at Lumding, but on all the occasions I had suffered various ailment of E.N.T diseases and already undergone operations. Therefore on several occasions because my health does adjust with the Hilly station whereas Doctor who attended me advised in that line.

That my wife is a Secondary school Mistress under the State Govt. and I have a minor (4 years) daughter of the primary education stage alongwith my old aged ailing mother residing at Guwahati, Santipur and with them I am the only male member of the family.

(Contd.....2)

Received  
S. Sinha  
21/7/2000



That in view of the above circumstances at this stage of my ill health and other aforesaid affairs, it will not be possible to serve at Lumding due to my those inconveniences, as such now my case of transfer may be reviewed by cancelling the said order instead of Lumding to Maligaon H.Q. Audit Office, so that I may serve at Maligaon Head Quarter.

It is therefore prayed that Your honour would be pleased to reconsider my case of transfer and instead of Lumding I may be transferred to Maligaon Head Quarter to modification and for act of kindness I shall ever pray.

Yours faithfully

*Sri Mritunjay Verma*  
3.7.2000.

(SRI MRITUNJAY VERMA)

Senior Auditor/CON

N.F.Railway, Maligaon

⑧

- 15 -

REGISTERED

ANNEXURE - 4

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT: N.F. RAILWAY:  
MALIGAON: GUWAHATI-781011

✓ No. Admn/5-4/98/33 Pt. VI/ 5558


Date: - 27-7-2000

To  
Shri Mritunjay Verna,  
Santipur Hill Side,  
PO & PS - Bharalumukh,  
Guwahati-781009.

Sub:- Reconsideration of proposed transfer  
orders etc.

Ref:- Your application dated 4.7.2000.

I am directed to inform you that you should  
report for duty at Divisional Audit Office, Lunding  
immediately.

  
Sr. Audit Officer/Admn.


NO. Admn/5-4/98/33 pt. VI/

Date:- -7-2000

Copy for information and necessary action to :-

- 1) Sr. Audit Officer(Con), N.F. Railway, Maligaon.
- 2) Personal Case.

*Attested  
/om*

  
Sr. Audit Officer/Admn.



(9)

- 16 -

ANNEXURE - 5

P. copy -

2/11/2000

The Principal Director of Audit,  
N. F. Railway, Maligaon.

Sub: Reconsideration of proposed transfer order as Medical ground/regarding circular by home ministry wife & husband in the same station.

Respected Sir,

With due respect and humble submission I beg to state the following for favour of your favourable consideration and order.

a) That sir, I have been suffering from acute ENT problem since 1995 and the doctor referred my case for check up at AIIMS/N Delhi. I took permission from office for medical check up at AIIMS, New Delhi. After through medical examination the Head of the department of ENT Dr. R. C. Deka advised me that as I was suffering from nasal allergy & Pharyngitis I should not go to bad weather location without consulting and taking permission from local ENT doctors. The consulted a senior ENT consultant Dr. P. K. Das and he also advised me to be refrained from going to any hill station and other bad weather places which is not suited to my health. (enclosed medical certificates).

b) That sir, as per the Govt. of India, Ministry of Home Affairs's circular the husband and wife need to be posted at the same station and the scope of these instructions should also be widened to include the provision that where posts at 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.

e) That sir, it is for your kind information that though I am neither the junior most nor the senior most in my cadre to be considered for transfer as per existing transfer policy, the order of my transfer to Lumding as I have come to know is unfortunate to me at this stage where I am under medical treatment for acute sufferings.

d) That I have been suffering from illness since Feb 2000 and also I have been constructing my dwelling house at Guwahati by taking house building advance from my office. That sir, under the above circumstances if I am transferred to Lumding for performing my official duties, I will have to face irreparable loss to my health and constructing my house as well as I will have to face financial problems due to such pending house construction.

e) That as I am now EOL on Medical Ground since May, 2000 I am also suffering from continuous financial problem.

Therefore, considering my health and financial condition stated above and Govt. Policy referred to above, I would like to request your good offices to kindly consider my case sympathetically and issue necessary order for reconsideration of my transfer and I shall remain ever grateful to you.

Yours faithfully

Mritunjay Verma

(Mritunjay Verma)

Sr. Auditor, N. F. Railway

2/11/2000

Received

2/11/2000

781011

Copy for information and necessary to secy. N. F. Railway Audit Association (C & D).

Yours faithfully, 2/11/2000

54-145

MISC - 1586.

No. E/203/6(C) Pt. III

Gumabati 701011

Maligaon, dated 27-1-98.

To : All HOs, GM(Gm)/M.G.  
 All Dins, DAs, WOs, WOs, DAs, WOs.  
 All Controlling Officers of non-divisionalised offices/NF Rly.  
 The General Secretary/NF&U & NF&MU/PNO

Sub: Posting of husband and wife at the same place - Instructions in respect of Group 'C' & 'B' Railway employees.

-0000-

A copy of Railway Board's letter No. E(NG) L-97/TR/28 dated 5-11-97 on the above mentioned subject is forwarded herewith for your information & guidance please. Board's earlier letters as referred to in their present letter were circulated as under:-

Board's letter No. &amp; date.

GM(P) circular

- |                                   |   |
|-----------------------------------|---|
| 1. E(NG) I-1/71/TR/14 dt. 1-10-71 | 1. MISC-516<br>E/203/6(C) Pt. II dated 19-11-71.  |
| 2. E(NG) I-86/TR/14 dt. 6-1-88    | 2. MISC-1362<br>E/203/6(C) Pt. II dated 16-2-88.  |
| 3. E(NG) I-96/TR/28 dt. 6-12-96   | 3. MISC-1576<br>E/203/6(C) Pt. III dated 13-2-97. |

SP6(NG) 2811/98  
for GENERAL MANAGER (P)

(Copy of Railway Board's letter No. E(NG) L-97/TR/28 dated 5-11-97.)

See - As above.

-0000-

The extant instructions regarding posting of husband and wife at the same station are contained in the Ministry of Railways letter No. E(NG) I-71/TR/14 dated 1-10-71 as reiterated in their letter No. E(NG) I-86/TR/14 dated 6-1-88. These instructions have also been included in the consolidated instructions regarding inter-railway and intra-railway transfers of Group 'C' and 'D' employees issued to Railways etc. vide Board's letter No. E(NG) L-96/TR/28 dated 6-12-96.

The Fifth Central Pay Commission has recommended that not only the existing instructions regarding the need to post husband and wife at the same

Contd. to.....(2)

-2-

station need to be reiterated but the scope of these instructions should also be widened to include the provision that where posts at 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 specially till the children are 10 years of age.

3. Pursuant to acceptance, by the Govt. of the recommendations of the Fifth Central Pay Commission on the subject it is reiterated that the Railway Administrations etc. should strictly adhere to the existing instructions referred to above while deciding on the request for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till the 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 arise as a consequence.

4. It is further clarified that in cases where only the wife is a railway servant, the concession indicated in para 3 above would be admissible to the Railway servant.

5. Board have also decided to lay down the following guidelines to assist the entire Controlling Authorities to consider the requests from the spouses for posting at the same station having regard to the considerations as indicated above:-

(i) where both the spouses are railway employees and belong to the same seniority unit :

- Both the Railway servants may be posted at the same station/ place, ensuring that one of them does not work as subordinate to the other.

(ii) where both the spouses are railway servants but belong to different seniority units.

- Efforts may be made to post both the railway servants at the same station where posts at appropriate level exist in the respective seniority units (filling which requests for change of the category may be considered sympathetically).

(iii) where one of the spouses is a railway servant and the other belongs to All India service or a Central Service.

- The Railway servant should be posted at station/place in the Railway/Division/PV in whose territorial jurisdiction, the place/state of posting of his/her spouse falls or as close to it as possible if there is no Railway Organisation/post at the place/state of posting of the spouse.

(iv) where one of the spouses is a railway servant and the other belongs to a State service:

- The Railway servant should be posted at the station/place in the railway/Division/PV in whose territorial jurisdiction Centd.to..... (2)

-3-

the place/state of posting of his/her spouses falls. If it is not possible, if a request from the railway servant to the Controlling Authority of the spouse for his/her posting at the place of posting of the Railway servant is received the same may be forwarded to the concerned authority for sympathetic consideration.

(v) Where one of the spouses is a railway servant and the other is working in a Central/State/Public Sector Undertaking/Autonomous Body/Private Sector:

- The Railway servant may apply to the Controlling Authority for a posting at the place of posting of his/her spouse which may be considered favourably by the competent authority. If no post is available for posting of the railway servant at the place of posting of the spouse he/she may be posted to a place closer to the place of posting of the spouse. If this also is not possible an application from the railway servant for posting of the spouse who is working in the Central/State/public Sector Undertaking may be forwarded to the Controlling Authority of the spouse for his/her posting at or near the place of posting of the railway servant.

5.1 The guidelines given above are only illustrative and not exhaustive. The Ministry of Railways desire that in all other cases the Controlling Authority of the railway servants ~~forwards~~ should consider requests from non-gazetted railway servants for transfer to the place of posting of their spouses with utmost sympathy.

6. While all efforts as stated in the foregoing paragraphs may be made to post the husband and wife at the same station, instructions issued by the Board from time to time in regard to request transfer/change of category should be followed in all such cases. A separate register may be maintained at each Divisional and Zonal Headquarters of the Railways for registering requests for transfers from railway servants for posting at the place of posting of their spouses, which may be reviewed from time to time.

Please acknowledge receipt.

GC.13/1/98.

Sd/- J.S. Gussain  
Joint Director Estt.(H)  
Railway Board.

-00000-

Comp.  
msd  
23/1/98.

9-1

20

ANNEXURE - 7

OFFICE OF THE PRINCIPAL

# Sonaram Higher Secondary School

BHARALUMUKH : GUWAHATI-781009

Ref.....

Date...28/01/97....

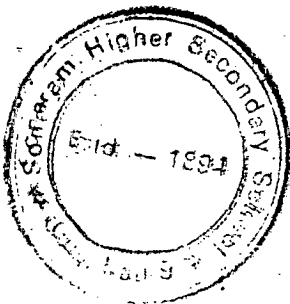
From, The Principal,  
Sonaram H.S.School,  
Guwahati-781009.

## TO WHOM IT MAY CONCERN.

This is to certify that Mrs Parul Baishya, M.A  
W/O Sri Mritunjoy Verma, Resident of Santipur, Guwahati-9  
has been serving as Asstt. Mistress (Arts) in this school  
since 16-11-1993 against permanent Establishment.

She is sincere in her duties.

I wish her all success in life.

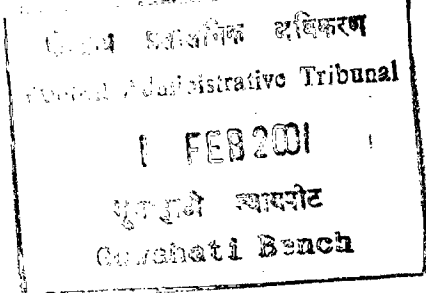


PRINCIPAL,  
SONARAM HIGHER SECONDARY SCHOOL,  
GUWAHATI-9

Principal,  
Sonaram Higher Secondary School,  
Guwahati - 781 009.

@@@@@@@@@@@@@@@@

28/01/97  
28/1/97



21-1  
29  
Filed by 26/2/01  
(A. DEB RCT)  
Sr. C. G. S. C.  
G. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::::::::: GUWAHATI

O. A. No. : 410 of 2000

Shri Mritunjay Verma

-Vs-

Union of India and others.

IN THE MATTER OF

Written statement submitted by the respondents

No.1 and 2.

The respondents beg to submit the written statement as follows :-

1. That with regard to para-1 the respondents beg to state that in compliance of the transfer order dated 27.07.2000, the applicant jointed at Divisional Audit Officer, N. F. Railway, Lumding on 30.11.2000.

That with regard to paras 2, 3 and 4.1 the respondents beg to offer no comments.

That with regard to para 4.2 the respondents beg to state that Shri M. Verma is presently serving as a Senior Auditor in the Divisional Audit Office, Lumding. He was appointed as Auditor on 10.06.1992 vide S.O.O. No.38 dt.10.06.1992 and posted in the

Not during not  
leave he was  
released - he was  
fit & had joined  
Tribunal to Lumding.  
Not correct that  
he was not given any work  
hospital is there.  
superior to maligaon -  
gets all facilities.  
maligaon - another  
person house

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36

Construction Audit Office, N. F. Railway, Maligaon. He was promoted to Senior Auditor cadre in the same office on 20.02.1995 vide S.O.O. No.159 dt.10.02.1995. He remained absent on medical ground from 11.02.2000 to 27.11.2000. Prior to 11.02.2000 he availed leave for 231 days other than on medical ground except the spell from 14.05.1993 to 23.06.1993 on the ground of E/Fever, 26.08.1993 to 27.08.1993 on the ground of V/Fever and from 05.06.1998 to 12.06.1998 on the ground of DNS requiring Septoplasty. Further, local Doctor Certified that Shri Verma has been suffering from ENT problems since 1997 whereas Shri Verma in his application dated 02.11.2000 mentioned that he has been suffering from the problem since 1995.

4. That with regard to para 4.3 the respondents beg to state that at no point of time he was forced to join his duty at Lumding during the period stated to be sick; and was relieved to join Lumding on 28.11.2000 (AN) after he was declared medically fit. He resumed duties at Divisional Audit Office, N. F. Railway, Lumding on 30.11.2000.

5. That with regard to para 4.4 the respondents beg to state that as required by him one set of 2<sup>nd</sup> Class Railway Privilege Pass No.683112 Ex-Guwahati to New Delhi and back was issued to him on 20.09.2000. During the period from 11.02.2000 he has stated to have suffered from various diseases like Respiratory distress, Typhoid-cum-viral hepatitis. Nasal problem, Acute Tonsil, Infectious hepatitis etc. His absence for the period from 11.02.2000 to 30.08.2000 were regularised in spells by granting E.L., Commuted Leave, E.O.L. with M/C except two days E.O.L. without M/C. Though he has stated that he was suffering from ENT problem from

11.02.2000, from the Doctor's certificate it was noticed that he was suffering from different diseases in different period, though he was never hospitalised.

6. That with regard to para 4.5 the respondents beg to state that on 04.07.2000 Shri Verma made an appeal for re-consideration of his transfer order etc. His case was considered. He was asked to report for duty at Lumding only being nearest Divisional Office to Guwahati vide letter dated 27.07.2000. Transfer order was also made keeping in view the suitability and administrative exigencies.

7. That with regard to para 4.6 the respondents beg to state that his appeal dated 02.11.2000 was also not considered on the ground that he was serving at Headquarter Maligaon since inception of his service and there is no mandatory/statutory rule to keep the spouses together for all times in one's service life. This fact was communicated to him vide this office letter No.Admn/18-506/92/629/11275 dt.17.11.2000 under registered cover.

8. That with regard to para 4.7 the respondents beg to state that from the date of his appointment to this office Shri Verma was posted continuously at Maligaon. Due to administrative exigencies of the work he was transferred to Lumding on administrative convenience. Annexure R-1 is the instructions issued by Railway Board. Applicant is not a Railway employee and these instructions are not applicable to him at all. Applicant is an employee of Indian Audit and Accounts Department which is under Comptroller and Auditor General of India. Comptroller and Auditor General of India is a constitutional Authority under Article 148 of the Constitution of India. Service conditions of persons serving IA&AD are governed by Rules made



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by the President after consultation with C&AG of India under Article 148(5) of the Constitution. Otherwise also, guidelines of posting wife and husband at the same station do not confer any enforceable legal right on the applicant.

9. That with regard to para 4.8 the respondents beg to state that the applicant was released from this office on 28.11.2000 (AN) and resumed duties at Divisional Audit Officer, N. F. Railway, Lumding on 30.11.2000.

The vacancy caused by transfer of Shri Verma from  
Construction Audit Office has already been filled up.

10. In reply to para Nos. 5.1 to 5.6, it is submitted that Hon'ble Supreme Court in the case of Gujarat State Electricity Board Vs. Atmaram; 1989(10) ATC 396, held that transfer is an incident of service and the employee has no right to get posted at a particular place and transfer cannot be avoided purely on grounds of pendency of representation or personal difficulty. In the case of Bank of India Vs. J.S.Mehta; (1992)/Sec 306, Hon'ble Supreme Court held that guidelines issued by the Govt. for posting husband and wife at one station do not give legal right to claim posting at one station. Guidelines do not confer upon employee a legally enforceable legal right.

That in view of the submission made above the applicant is not entitled to get any relief.

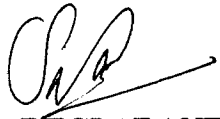
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VERIFICATION

I, Shri S. Roy CHOWDHURY,

being authorised do hereby solemnly declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this Verification on this Twelth day of February 2001.

  
**DECLARANT**  
उप निदेशक/प्रशासन  
प्रधान लेखा परीक्षा  
निदेशक का कार्यालय  
पू०सी० रेलवे मालीगाँव  
गुवाहाटी - ७८१०११  
Deputy Director, Admn.  
Office of the Principal  
Director of Audit,  
N.F. Railway, Maligaon,  
Guwahati-781011

-17-(6)

5/11/45

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37

ISC-1586

E/283/6(C)Pt.III

Gummati-701011

Malignan, dated 27-1-98.

All HMs, GM (Gen) / M.G.  
All Dirs, DAs, WOs, WOs, DAs, WOs.  
All Controlling Officers of non-divisionalised officers/HM Rly.  
The General Secretary/HM Rly & NRMU/PNO

Subj: Posting of husband and wife at the same place - Instructions in respect of Group 'C' & 'B' Railway employees.

-0000-

A copy of Railway Board's letter No.E(RG)L-97/TR/24 dated 5-11-97 on the above mentioned subject is forwarded herewith for your information & guidance please. Board's earlier letters as referred are also being forwarded for their present reference.

Board's letter No. & date.

GM (P) circular No. & date.

1. E(RG)II/1/PR/14 dt. 1-10-71

1. MISC-516  
E/283/6(C)Pt.II dated 12-11-71.

2. E(RG)II-86/TR/14 dt. 6-1-80

2. MISC-1362  
E/283/6(C)Pt.II dated 16-2-88.

3. E(RG)I-96/TR/28 dt. 6-12-96

3. MISC-1576  
E/283/6(C)Pt.III dated 13-2-97.

SPD (HQ) 2311/58  
Gen GENERAL MANAGER (P)

(Copy of Railway Board's letter No.E(RG)L-97/TR/24 dated 5-11-97.)

See above.

The extant instructions regarding posting of husband and wife at the same station are contained in the Ministry of Railways letter No.E(RG)II/71/14 dated 1-10-71 as reiterated in their letter No.E(RG)I-78/TR/14 dated 6-1-80. These instructions have also been included in the consolidated instructions regarding inter-railway and intra-railway transfers of Group 'C' employees issued to Railways etc. vide Board's letter No.E(RG)L-96/TR/28 dated 6-12-96.

The Fifth Central Pay Commission has recommended that not only the existing instructions regarding the need to post husband and wife at the same

Contd.to....(2)

(7)

-2-

station need to be reiterated. But the scope of these instructions should also be widened to include the provision that where posts at 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 specially till the children are 10 years of age.

3. Pursuant to acceptance, by the Govt. of the recommendations of the Fifth Central Pay Commission on the subject it is reiterated that the Railway Administrations etc. should strictly adhere to the existing instructions referred to above while deciding on the request for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till the 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 arise as a consequence.

4. It is further clarified that in cases where only the wife is a railway servant, the concession indicated in para 3 above would be admissible to the Railway servant.

5. Govt. have also decided to lay down the following guidelines to assist the concerned Controlling Authorities to consider the requests from the spouses for posting at the same station having regard to the considerations as indicated above:-

(i) where both the spouses are railway employees and belong to the same seniority unit :-

- Both the Railway servants may be posted at the same station/ place ensuring that one of them does not work as subordinate to the other.

(ii) where both the spouses are railway servants but belong to different seniority units.

- Efforts may be made to post both the railway servants at the same station where posts at appropriate level exist in the respective seniority units. Pending which requests for change of the category may be considered sympathetically.

(iii) where one of the spouses is a railway servant and the other belongs to All India service or a Central Service.

- The Railway servant should be posted at station/place in the Railway/Division/FU in whose territorial jurisdiction, the place/state of posting of his/her spouse falls or as close to it as possible if there is no Railway Organisation/ post at the place/state of posting of the spouse.

(iv) where one of the spouses is a railway servant and the other belongs to a State service.

- The Railway servant should be posted at the station/place in the Railway/Division/FU in whose territorial jurisdiction the spouse belongs to. (2)

-3-

the place/states of posting of his/her spouses falls. If it is not possible, if a request from the railway servant to the Controlling Authority of the spouse for his/her posting at the place of posting of the Railway servant is received the same may be forwarded to the concerned authority for sympathetic consideration.

(v) Where one of the spouses is a railway servant and the other is working in a Central/State/Public Sector Undertaking/Autonomous Body/Private Sector:

- The Railway servant may apply to the Controlling Authority for a posting at the place of posting of his/her spouse which may be considered favourably by the competent authority. If no post is available for posting of the railway servant at the place of posting of the spouse he/she may be posted to a place closer to the place of posting of the spouse. If this also is not possible an application from the railway servant for posting of the spouse who is working in the Central/State/public Sector Undertaking may be forwarded to the Controlling Authority of the spouse for his/her posting at or near the place of posting of the railway servant.

5.1 The guidelines given above are only illustrative and not exhaustive. The Ministry of Railways desire that in all other cases the Controlling Authority of the railway servants ~~farther~~ should consider requests from non-gazetted railway servants for transfer to the place of posting of their spouses with utmost sympathy.

6. While all efforts as stated in the foregoing paragraphs may be made to post the husband and wife at the same station, instructions issued by the Board from time to time in regard to request for transfer/change of category should be followed in all such cases. A separate register may be maintained at each Divisional and Zonal Headquarters of the Railways for registering requests for transfers from railway servants for posting at the place of posting of their spouses, which may be reviewed from time to time.

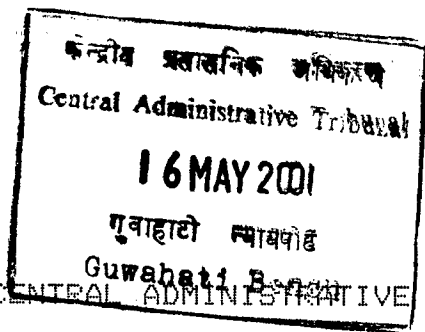
Please acknowledge receipt.

GC-13/1/93.

Sd/- J.S. Gurnin  
Joint Director Entt.(R)  
Railway Board.

-00202-

Comp.  
23/1/98.



37  
Filed by  
Alaka Das,  
Advocate  
16/5/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

OA No. 410/2000

Sri M. Verma.

-vs-

U.O.I & Drs.

Rejoinder to the Written statement filed by the respondents.

1. That the applicant has been served with <sup>the copy</sup> ~~action~~ of Written statement filed in the respondents he has gone through the same. Save and except the statement which are not specifically admitted herein below, rests may be treated as total denied by the applicant.
2. That with regard to the statement made in para 1 of the written statement, the applicant beg to state that during his leave on Medical Ground, he was forcefully transferred to his new place of posting at Lunding, only to harass him. In fact the present applicant is not at all fit to resume duty even in his present place of post, but to avoid any further disadvantageous situation as well as out of fear, he carried out the order of transfer. Since he was not medically fit and had to attend AIIMS, at New Delhi, he could not approach even the doors of the Hon'ble Tribunal at proper time. Moreover, the attitude of the respondents are very clear from the fact that there is no necessity of his service at Lunding and he has been treating as surplus staff. Till date no duty has been allotted to him and the fact will be revealed from the duty chart.

Copies of duty chart are annexed herewith and marked as ANNEXURE-RJ 1 colly.

3. That with regard to the statement made in para 2 of the written statement, the applicant offers no comment on it.

4. That with regard to the statement made in para 3 of the written statement, the applicant denies the correctness of the same and begs to state that he has been suffering from the ENT disease since 1997 and to that effect he had to move to AIIMS, New Delhi for his treatment and knowing fully well the facts, the respondents have not made any comment on it.

5. That with regard to the statement made in para 4 of the written statement, the applicant denies the correctness of the same and begs to state that the respondents forcefully relieved the present applicant even during his Medical Leave period. It is noteworthy to mention here that the respondents directed the applicant to face medical board and he was advised to move to AIIMS New Delhi for further treatment. The respondents knowing fully well the fact during his medical leave period forcefully released him vide order dated 27.3.2000, although his name appeared in the sick list.

Copies of the order dated 27.3.2000 and order dated 3.11.2000 are annexed herewith and marked as Annexure-RJ 2 & RJ 3 respectively.

6. That with regard to the statement made in para 5 of the written statement, the applicant denies the correctness of the same and begs to state that the earlier Medical Board has referred the matter to the AIIMS, New Delhi in respect to his Medical (ENT) problem. Admittedly the present applicant is not possessing a good health. Now the official Medical Authority at Lunding has referred the matter to the Maligaon Rly Hospital at Guwahati. Knowing fully well the said fact, the respondents have suppressed the material facts, before the Hon'ble Tribunal.

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Copies of the letters dated 1.3.2001 are annexed herewith and marked as Annexure-RJ 4 (colly).

7. That with regard to the statement made in para 6 of the written statement, the applicant denies the correctness of the same and begs to state that applicant preferred several representations for reconsideration of his case but same has been rejected arbitrarily by the respondents. The aforesaid fact will be revealed from the memo dated 1.2.2001 wherein so cause has been issued while disposing of his representation. Thereafter the applicant preferred another representation dated 2.11.2000 praying for modification of his transfer and reconsideration of his case, but same has been rejected by an order dated 17.11.2000. In the said order the respondents have highlighted the order dated 3.11.2000 referring his case to medical board. However, there has been no mention regarding the finding of the medical board by which he was advised to attend AIIMS in New Delhi. From the aforesaid two orders the intention of the respondents are very much clear that the transfer order has been issued only to harass him and with malafide intention. Nothing has been mentioned regarding the merit of the representations in the aforesaid order dated 1.2.2001 and 17.11.2000.

Copies of the orders dated 1.2.2001 and 17.11.2000 are annexed herewith and marked as Annexure- RJ 5 & RJ-6 respectively.

8. That with regard to the statement made in para 7 of the written statement, the applicant while denying the contentions made therein reiterates and reaffirms the statement made above and begs to state that in view of record note of the meeting held between the Audit Association and the Principal Director of Audit on 12.2.93, 24.3.93 and 15.5.93 a decision/ transfer policy was made applicable to all the Auditors including Group-C & D



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staff. Various guidelines have been issued to streamline the policy relating to transfer and taking in to consideration those guidelines the case of the applicant is required to be considered. Apart from that, taking in to consideration the 5th Central Pay Commission Recommendation husband and wife are invariably be posted together more so, when the children are below 10 years of age. the wife of the present applicant is a Govt. Servant and his only daughter is about 4 years of age and hence his case is required to be considered under the aforesaid recommendation as well as the guidelines.

A copy of the minutes of the meeting is annexed herewith and marked as Annexure- RJ-7.

9. That with regard to the statement made in para 8 of the written statement, the applicant denies the correctness of the same and begs to state that taking in to consideration the aforesaid facts and circumstances more particularly Annexure-RJ-1, 2, 5, 6 it is crystal clear that there has been no necessity to transfer the applicant from present place posting to Lumding. In fact, till date no work has been allotted to him and he has been treated as a surplus staff in the office.

It is further stated that the statement regarding his transfer on Administrative Exigencies are not correct, in view of the fact that till date no work even the routine work has not been allotted to him. On the other hand the instruction issued by the Railway Board Annexure-RJ 1 is missing in the W.S. therefore, the applicant reserves his right to make further submission in case the same is produced or furnished to him.

10. That with regard to the statement made in para 9 of the written statement, the applicant denies the correctness of the same and begs to reiterates and reaffirm the statement made as well as in the OA.

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11. That with regard to the statement made in para 10 of the written statement, the applicant begs to state that there are numbers of the Apex Court's judgement wherein emphasis has been made in respect of transfer policy. The applicant has alleged malafide against the respondents taking in to consideration the facts and circumstances of the case and hence it is mandatory on the part of the respondents to controvert the same but same has not been done in the present case. That apart, since there is a guidelines so far it relates to transfer the respondents are duty bound to consider and examine each transfer case, taking in to consideration the said guidelines. However, in the present case the consideration made by the respondents vide Annexure-RJ 5 and 6 speaks not only about the malafide action of the respondents, same has also reflected their total non application of mind. therefore, the applicant through this rejoinder prays before this Hon'ble Tribunal for setting aside and quashing of Annexure RJ 5 and 6 order dated 1.2.2001 and 17.11.2000.

12. That the applicant begs to state that the verification made by the declarant are all true to his knowledge and it is therefore, the applicant prays before this Hon'ble Tribunal that appropriate direction to place his say in the matter along with the records.

In view of the above facts and circumstances it is crystal clear that the respondents have acted illegally and arbitrary and have suppressed material facts before this Hon'ble Tribunal and hence their entire action is liable to be set aside and quashed.

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VERIFICATION

I, Shri Mritunjay Verma, aged about 36 years , son of late Kamakhya Verma , at present working as working as, Senior Auditor, Under the Principal Director of Audit, N.F.Rly, Maligaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 3, 4, 9 to 12 ..... are true to my knowledge and those made in paragraphs 2, 5, 6, 7 and 8 ..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal.

And I sign on this the Verification on this the 14<sup>th</sup> day of MAY., 2001.

Signature.

Mritunjay Verma

## INSPECTION REPORT OF DIVISIONAL AUDIT OFFICE :: N.F. RAILWAY :: DURING FOR THE MONTH :

Sl. No.	Name of Office	Period of Inspection	No. of working days	Holidays including Saturday/Sunday.	Composition of Audit party.	B.O's supervision.	Journey particulars
1.	Gr. Inv./P/LWS	4-12-2000 to 9-12-2000	5 X 3 = 15	-	A.K. Lebnath, S.O. S. Roy, Sr. Ar. S. K. Jha, Sr. Ar. S. C. Roy, S.O. M. S. Barman, Sr. Ar. K. B. Das, Sr. Ar. A. K. Lebnath, S.O. S. Sinha, Sr. Ar.	5-12-2K to 6-12-2K 6-12-2K to 7-12-2K 7-12-2K to 8-12-2K	
2.	Gr. Inv./P/LWS	- do -	5 X 3 = 15	-	- do -	-	LWS to RPB by back 58120F
3.	A.E./RFB	13-12-2000 to 15-12-2000	3 X 2 = 6	-	- do -	-	LWS to RFB by
4.	SSE/Docg/LWS	20-12-2000 to 23-12-2000	3 X 2 = 6	-	- do -	-	RFB to LWS by
5.	SSE/Docg/RFB	18-12-2000 to 20-12-2000	3 X 2 = 6	-	- do -	-	LWS to GRV by back by 8012
6.	SSE/Docg/RFB	21-12-2000 to 23-12-2000	3 X 2 = 6	-	- do -	-	
7.	SSE/wagon/NG/NGC	20-12-2000 to 22-12-2000	3 X 2 = 6	-	- do -	-	LWS to SCL by
8.	Gr. Inv./Carr/LWS	4-12-2000 to 6-12-2000	3 X 2 = 6	-	- do -	-	LWS to CPB by back by 5612
9.	SSE/Carr/SCL	15-12-2000 to 20-12-2000	3 X 2 = 6	-	- do -	-	18-12-2K to 22-12-2K to back by 8012
10.	SSE/Carr/SCL	20-12-2000 to 22-12-2000	3	-	- do -	-	
11.	review of Tenders contracts in Div. office R.O. 3/2000 & 6/2000.	18-12-2000 to 22-12-2000		-	- do -	-	11-12-2K to GRV to back by 8.
12.	review of Tenders contracts in Div. office R.O. 7/2000.	11-12-2000 to 13-12-2000	3	-	- do -	-	13-12-2K

Attested

Advocate

X Since it is null & void  
is cancelled from 28/12/2000  
20/12/2000

Sd/-  
R. D. Singh, Asst

Divisional

ANNEX

Page-2.

DIVISIONAL AUDIT OFFICE :: N.F. RAILWAY :: LUMINA.

Dated:- .11.2000.

No. D/O/2-3/2000-2001/

Copy forwarded for necessary action to :-

1. Sr. Audit Officer/Co-ord/N.F. Railway/Maligaon (in duplicate).
2. Personal Secretary, Principal Director of Audit/N.F. Railway/Maligaon.

*[Signature]*  
Divisional Audit Officer

Admitted

Advocate.

1831  
20.12.00

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Page No. 2

INSPECTION PROGRAMME OF DIVL. AUDIT OFFICE: N.F. RAILWAY LUNGING FOR THE MONTH OF JAN/2001.

Sl. No.	Name of Office	Period of Inspection	No. of working days	Holidays including Saturday/Sunday	Composition of Audit party	S.O.'s Supervision	Journey particulars	Remarks
6.	SSE/W/JID	22-1-2001 to 23.1.2001	2	-	S.C. Roy, AAO K.C. Sarman, SR. AR	-	LTD-JID by 802DN of 21.1.2001 JID-LMG by 801UP of 26.1.2001	-
7.	SSE/P-way/JID	24.1.2001-25.1.2001.	2	-	- do -	-	-	-
8.	SSE/PJ/HJI	8-1-2001-9-1-2001.	2	-	A.K. Dabnath, SO S. Dey, Sr. Ar.	-	LTD-HJI by 802DN of 7.1.2001 HJI-LMG by 82566SUP of 9.1.2001	-
9.	SSE/PJ/LLSR	22.1.2001-23.1.2001	2	-	R. Bhattacharjee, SO S.B. Das, Sr. Ar.	-	LTD-LLSR by 856/857 DN/UP of 21/22-1-2001. LLSR-LMG by 858/855DN/UP of 24-1-2001.	-
10.	SSE/W/MSG	22.1.2001-23.1.2001	2	-	A.K. Dabnath, SO S. Sinha, Sr. Ar.	-	LTD-MSG by 856 DN of 21.1.2001 MSG-LMG by 856SUP of 24.1.2001	-
11.	SSE/W/DTC	29.1.2001-30.1.2001	2	-	R. Bhattacharjee, SO S. Sanyal, Sr. Ar.	-	LTD-DTC by 856DN of 26.1.2001 DTC-LMG by 855UP of 31.1.2001	-
12.	Review of Tender for Qr. ending Sept/2000 (CEE/RLG)	29.1.2001-31.1.2001	3	-	A.K. Dabnath, SO K.C. Sarman, Sr. Ar.	-	LTD-KYQ by 4055DN of 28.1.2001 KYQ-LMG by 4056UP of 1-2-2001	-

RE LMG/2.3/2000-2001

St. 19.12.2000

Soy-  
Divisional Audit Officer/LMG.

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2. Personal Secretary to Principal Director of Audit/N.F.Rly/Maligaon.

19.12.2000  
Divisional Audit Officer/Lunding.

Pr. Director of Audit

Attested

21/12/00

ANNEXURE -

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INSPECTION PROGRAMME OF DEVL. AUDIT OFFICE, N.E. RAILWAY, LUMDINE FOR THE MONTH OF JANUARY-2001

Sl. No.	Name of Office	Period of Inspection	No. of working days	Holiday including saturday/sunday	Composition of Audit party	B.O.'s supervision	Journey particulars	Remarks
1.	DEN/I/LMG	04.1.2001 to 12.1.2001	7	2	S/Shri R. Bhattacharjee, SO S. Sinha, Sr. Ar.	04.1.2001 to 09.1.2001		
2.	DEN/II/LMG	04.1.2001 to 12.1.2001	7	2	S.C. Roy, AAUO K.C. Barman, Sr. Ar.	10.1.2001 to 12.1.2001		
3.	Insp. Major works (56/CE of S3-89)							
a)	DEN/II/LMG	11.1.2001 to 12.1.2001			S.C. Roy, AAUO S. Dey, Sr. Ar.			Sl. No. 3 was due inspection in Jan 2001 as per the monthly forecast. This has been postponed to Jan/2001 in view of allocation of station inspections in March/2001.
b)	SSE/W/BPB	16.1.2001 to 17.1.2001	2	-	S.C. Roy, AAUO S. Dey, Sr. Ar.	16.1.2001 to 17.1.2001	W-BPB by 5811DN of 15.1.2001	
c)	SSE/P.way/BPB	18.1.2001 to 19.1.2001	2	-	S.C. Roy, AAUO S. Dey, Sr. Ar.	18.1.2001 to 19.1.2001	P-way-BPB by 5812UP of 20.1.2001	
4.	AEN/I/LMG	02.1.2001 to 03.1.2001	2	-	A.K. Deb Nath, SO K.C. Barman, Sr. Ar.			
5.	AEN/III/LMG	04.1.2001 to 05.1.2001	2	-	A.K. Deb Nath, SO S. Bagai, Sr. Ar.			

11/03/01

Advocate.

11/03/01

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page-2.

*Adgn*  
*5/11/2001*

Divisional Audit Officer/L

No. LMS/2-3/2000-2001/

Date.-

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*Adgn*  
*5/11/2001*

Divisional Audit Officer/LMS





INSPECTION PROGRAMME OF DIVL. AUDIT OFFICE :: N.F. RAILWAY :: LUMDING FOR THE MONTH OF MARCH/2001.

Sl. No.	Name of Officer	Period of Inspection	No. of working days	Holidays including Saturday/Sunday	Composition of Audit Party	8.0's supervision	Journey particular	Remarks
1	2	3	4	5	6	7	8	9
1.	DDO/E/LMG (mch, mch 2 Engrs)	5.3.2001-16.3.2001	8	4	A. K. DEBNATH, SO K. C. Barman, Sr. Ar.	5.3.2001-9.3.2001	-	-
2.	DDO/LMG (mch, mch 2 Engrs)	- do -	8	4	R. Bhattacharjee, SO S. Bajaj, Sr. Ar.	12.3.2001-16.3.2001	-	-
3.	Churaibari Station	19.3.2001-23.3.2001	5	-	S. C. Roy, SO S. Dey, Sr. Ar.	19.3.2001-21.3.2001	LMG-Churaibati by 856DN of 18.3.2001	
4.	Dharmadgar 3 Station	- do -	5	-	A. K. Debnath, SO K. C. Barman, Sr. Ar.	22.3.2001-23.3.2001	Churaibari-LMG by 855UP of 24.3.2001 LMG-Dharmadgar by 856DN of 18.3.2001	
5.	Arunachal Station	21.3.2001-27.3.2001	5	2	R. Bhattacharjee, SO S. Sinha, Sr. Ar.	25.3.2001-27.3.2001	DMR-LMG by 855UP of 24.3.2001	
6.	Lamsakhang Station	26.3.2001-30.3.2001	5	-	S. C. Roy, SO K. C. Barman, Sr. Ar.	29.3.2001-30.3.2001	LMG-ARCL by 5801DN of 29.3.2001 ARCL-LMG by 5812UP of 28.3.2001	
							LMG-Lamsakhang by 801DN of 25.3.2001 Lamsakhang-LMG by 801UP of 31.3.2001	

No. LMG/2-3/2000-2001/

Date- 19.12.2000

Sd/-

Divisional Audit Officer/Lumding.

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2. Personal Secretary to Principal Director of Audit/N.F. Rly/Maligaon.

P. Director of Audit

Divisional Audit Officer/Lumding.

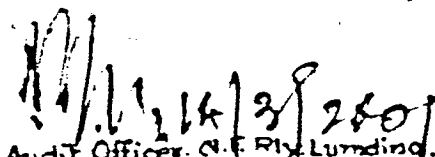
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**INSPECTION PROGRAMME OF DIVISIONAL AUDIT OFFICE, N.F. RAILWAY/LUNDING**  
for the month of April-2001

No.	Name of Office	Period of Inspection	No. of working day	Holidays including Saturday & Sunday.	Composition of Audit party	S.O.'s Supervision	Journey particulars	Remarks
1	2	3	4	5	6	7	8	9
1.	DM/LRG	4-4-2001 to 6-4-2001	3	-	Shri R. Bhattacharjee, SO " K. C. Barman, Sr. Ar. " S. Bajaj, Sr. Ar.	5-4-2001 to 6-4-2001	-	
2.	Sr. DEE/GHY	16-4-2001 to 20-4-2001	5	-	" S. C. Roy, AAO " K. C. Barman, Sr. Ar. " S. B. Das, Sr. Ar.	17-4-2001 to 20-4-01	LMG-GHY by 4055DN of 15-4-01. GHY-LMG by 4056UP of 21-4-01.	
3.	Sr. DEE/MLC	23-4-2001 to 27-4-2001	5	-	" A. K. Debnath, SO " S. Dey, Sr. Ar. " S. Sinha, Sr. Ar.	24-4-01 to 27-4-01	LMG-KYQ by 4055DN of 22-4-01 KYQ-LMG by 4056UP of 23-4-01	
4.	SSE/Elect/MGC	9-4-2001 to 11-4-2001	3	-	" S. C. Roy, AAO " K. C. Barman, Sr. Ar.	-	LMG-GHY by 4055DN of 8.4.01 GHY-LMG by 4056UP of 12.4.01	
5.	SE/Elect/GHY	4-4-2001 to 6-4-2001	3	-	" S. C. Roy, AAO " S. Dey, Sr. Ar.	-	LMG-GHY by 4055DN of 3.4.01 GHY-LMG by 4056UP of 7.4.01	
6.	SE/Elect/CPK	9-4-2001 to 11-4-2001	3	-	" A. K. Debnath, SO " A. Dutta, Ar.	-	LMG-CPK by 802DN of 8.4.01 CPK-LMG by 5665UP of 11.4.01	
7.	SSE/Elect/PND	18-4-2001 to 20-4-2001	3	-	" A. K. Debnath, SO " S. Sinha, Sr. Ar.	-	LMG-KYQ by 4055DN of 17.4.01 KYQ-LMG by 4056UP of 21.4.01	
8.	SSE/Elect/Gosala	16-4-2001 to 18-4-2001	3	-	" R. Bhattacharjee, SO " A. K. Paul, Sr. Ar.	-	LMG-KYQ by 4055DN of 15.4.01 KYQ-LMG by 4056UP of 19.4.01	
9.	SSE/Elect/AC/MLC	25-4-2001 to 27-4-2001	3	-	" R. Bhattacharjee, SO " S. Bajaj, Sr. Ar.	-	LMG-KYQ by 4055DN of 24.4.01 KYQ-LMG by 4056UP of 28.4.01	
10.	SE/Elect/AMJ	25-4-2001 to 27-4-2001	3	-	" S. C. Roy, AAO " K. C. Barman, Sr. Ar.	-	LMG-KYQ by 4055DN of 24.4.01 KYQ-LMG by 4056UP of 28.4.01	
11.	SSE/Elect/MLC	4-4-2001 to 6-4-2001	3	-	" A. K. Debnath, SO " S. B. Das, Sr. Ar.	-	LMG-KYQ by 4055DN of 3-4-01 KYQ-LMG by 4056UP of 7-4-01	

Attested

  
 Divisional Audit Officer, N.F. Ry. Lunding.

Contd. to p/2.....

INSPECTION PROGRAMME OF DIVISIONAL AUDIT OFFICE/N.F. RAILWAY/LUNDING  
for the month of May/2001.

No.	Name of Office	Period of Inspection	No. of work and days	Holidays including Saturday & Sunday	Composition of Audit Party	B.O.'s supervision	Journey particulars	Remarks
1	2	3	4	5	6	7	8	9
1.	AM/CHY	14-5-2001 to 18-5-2001	5	-	Sri S. C. Roy, AAO K. C. Barman, Sr. Ar.	15.5.01 to 18.5.01	LNG-CHY by 4055DN of 13-5-2001 CHY-LNG by 4055UP of 19-5-2001	
2.	DSTE/CHY	21-5-2001 to 25-5-2001	5	-	S. B. Das, Sr. Ar. R. Bhattacharjee, SO	22.5.01 to 25.5.01	LNG-CHY by 4055DN of 23-5-2001 CHY-LNG by 4056UP of 25-5-2001	
3.	DSTE/LNG	25-5-2001 to 31-5-2001	5	22	S. Sinha, Sr. Ar. A. B. Datta, A. A. K. Debnath, SO	25.5.01 to 28.5.01		
4.	SSE/Sig/H/LNG	8-5-2001 to 11-5-2001	3	-	S. Dey, Sr. Ar. S. Banerjee, Sr. Ar. R. Bhattacharjee, SO	31.5.01 to -		
5.	SSE/Tale/Asto/PLB	23-5-2001 to 25-5-2001	3	-	S. Sinha, Sr. Ar. S. C. Roy, AAO K. C. Barman, Sr. Ar.	-	LNG-KYQ by 4055DN of 22-5-2001 KYQ-LNG by 4056UP of 25-5-2001	
6.	Pay Office/CHY	17-5-2001 to 18-5-2001	2	-	A. K. Debnath, SO S. Dey, Sr. Ar.	-	LNG-CHY by 4055DN of 16-5-2001 CHY-LNG by 4056UP of 19-5-2001	
7.	Pay Office/BPB	21-5-2001 to 22-5-2001	2	-	- do -	-	LNG-BPB by 5811DN of 20-5-2001 BPB-LNG by 5812UP of 23-5-2001	
8.	Major Works TI/CE of 95-96: CTR(S)bet. CNE-BPB CEN/II/LNG	2-5-2001 to 4-5-2001	3	-	S. C. Roy, AAO K. C. Barman, Sr. Ar.	2-5-01 to 4-5-01		
	SSE/PU/BPB	8-5-2001 to 10-5-2001	3	-	S. B. Das, Sr. Ar. - do -	8.5.01 to 10.5.01	LNG-BPB by 5811DN of 7-5-2001 BPB-LNG by 5812UP of 11-5-2001	

Divisional Audit Officer/Lunding

Advocate.

Contd. P/2.....

**INSPECTION PROGRAMME OF DIVISIONAL AUDIT OFFICE/N.F. RAILWAY/LUNDING**  
for the month of June-2001

Sl. No.	Name of Office	Period of Inspection	No. of working days	Holidays including Saturday & Sunday	Composition of Audit Party	B.O.'s supervision	Journey particulars	Remarks
1	2	3	4	5	6	7	8	9
1.	JSC/LMG	25-6-2001 to 29-6-2001	5	-	Shri A.K. Deb Nath, SO " S. Sinha, Sr. Ar. " S. Bajaj, Sr. Ar.	26.6.2001 to 29.6.2001	-	
2.	Insp./RPF/CE/MLG	14-6-2001 to 15-6-2001	2	-	" R. Bhattacharjee, SO " A.K. Paul, Sr. Ar.	-	LTC-KYQ by 4055DN of 13-6-2001 KYQ-LMG by 4056UP of 16-6-2001	
3.	Insp./RPF/GHY	21-6-2001 to 22-6-2001	2	-	" A.K. Deb Nath, SO " S. Sinha, Sr. Ar.	-	LTC-GHY by 4055DN of 20-6-2001 GHY-LMG by 4056UP of 23-6-2001	
4.	Insp./RPF/PDG	21-6-2001 to 22-6-2001	2	-	" R. Bhattacharjee, SO " A.B. Dutta, Ar.	-	LTC-KYQ by 4055DN of 20-6-2001 KYQ-LMG by 4056UP of 23-6-2001	
5.	Insp./RPF/HQ/MLG	25-6-2001 to 26-6-2001	2	-	" S.C. Ray, AAO " K.C. Barman, Sr. Ar.	-	LTC-KYQ by 4055DN of 24-6-2001 KYQ-LMG by 4056UP of 27-6-2001	
6.	Insp./RPF/CPK	11-6-2001 to 12-6-2001	2	-	" A.K. Deb Nath, SO " S. Dey, Sr. Ar.	-	LTC-CPK by 802LN of 10-6-2001 CPK-LMG by 5665UP of 12-6-2001	
7.	CD/1BR/RP SF/LMG	4-6-2001 to 8-6-2001	5	-	" R. Bhattacharjee, SO " S. Dey, Sr. Ar. " S. Bajaj, Sr. Ar.	5-6-2001 to 8-6-2001	-	
8.	Major Work (B/CE of 93-94) TIR(P) Det. Bldg. OLCHADPB-SCL DCH/II/LMG	11-6-2001 to 12-6-2001	2	-	" S.C. Ray, AAO " K.C. Barman, Sr. Ar.	11.6.2001 to 12.6.2001	-	
	SSE/P.W./KXJ	14-6-2001 to 15-6-2001	2	-	" S.B. Das, Sr. Ar. - do -	14.6.2001 to 15.6.2001	LTC-KXJ by 856DN of 13-6-2001 KXJ-CPK by 856UP of 17-6-2001	
	SSE/P.W./BPH	18-6-2001 to 19-6-2001	2	-	- do -	18.6.2001 to 19.6.2001	-	
	SSE/P.W./LLBR	21-6-2001 to 22-6-2001	2	-	- do -	21.6.2001 to 22.6.2001	LLBR-LMG by 867DN of 20-6-2001 LLBR-LMG by 868UP/MS 5012UP of 22.6.2001/23.6.2001.	

Attested

Advocate.

Divisional Audit Officer/Lunding

Contd. to p/2 .....

M E M O

In terms of S.O.O.No. 198 dt. 22-3-2000, forwarded under No. ADMN/5-4/98/33 Pt.VI/13780 dt.23-03-2000, Sri Mritunjay Verma, Sr.Auditor of this office who is on leave now stands relieved from this office w.e.f. 27-3-2000, now reporting to Divisional Audit Office, N.F.Rly, Lumding.

*Sd/-*Sr. Audit Officer/Con/MLG.Construction Audit Office,  
N.F.Railway/Maligaon.

No. MLG/Con/4-3/GC/96/Admn / 735

dt. 27-3-2000.

Copy forwarded for information and necessary action to -

- 1) Sr. Audit Officer/ADMN/N.F.Railway/Maligaon.
- 2) Divil. Audit Officer/N.F.R/LMG.
- 3) FA & CAO/Con/N.F.R./Maligaon.
- 4) Divil. Accounts Officer/N.F.R./LMG.
- ✓ 5) Shri Mritunjay Verma, Sr. Auditor.

Attested

Advocate.

*[Signature]*  
Sr. Audit Officer/Con/Maligaon.

**OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT:: N. F. RAILWAY::**  
**MALIGAON :: GUWAHATI - 781011.**

**REGISTERED**

No. Admn/18-506/92/629/10575

Dated: 3-10-2000.

To  
Shri Mritunjay Verma,  
Sr. Auditor,  
Santipur Hill Side,  
P.O. - Bharalumukh,  
Guwahati - 781009.

Sub:- Leave application dated nil.

I am directed to instruct you to appear before the Medical Director, Central Hospital, N. F. Railway, Maligaon immediately for further treatment and advice, etc.

  
Sr. Audit Officer/Admn.

**Attested**

*Advocate.*

NORTHEAST FRONTIER RAILWAY

No. H/134/LM  
To

Lumding, Dated 1.3.2001.

Sr.DMO/ENT/IMG

( Kind attention of Dr. S.N.Mukherjee, Sr.DMO/ENT)

Sub : Shri Writunjay Verma, Sr.Auditor/LMG  
Basic Pay - 6000/-  
----

The above named patient is referred to you for your further investigation and treatment please.

Necessary Case Note is enclosed herewith.

DA : As above.

for Chief Medical Superintendent,  
N. F. Railway, Lumding.

Copy to Sr. DMO/IC/OPD/LMG for information.

for Chief Medical Superintendent,  
N. F. Railway, Lumding.

**Attested**

*Advocate.*



CASE NOTE

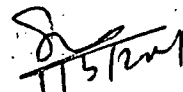
Shri Mritunjay Verma,  
Senior Auditor, /LMG  
Basic Pay 6000/-

C/C Blockage of Lt nostril from 9 years.

OB Temp. Normal  
Pulse 80 m  
BP - 130/80

LE - Nasal sept. is deviated towards left.

Referred to Sr.DMO/ENT/MLG for further investigation  
and treatment.

  
( Dr. S. Daimari )  
DMO/LMG.

.....



प्रधान निदेशक लेखा परीक्षा का कार्यालय  
पू. सी. रेलवे, मालीगाँव, गुवाहाटी-11.

OFFICE OF THE  
PRINCIPAL DIRECTOR OF AUDIT

N. F. Railway, Maligaon, Guwahati-781 011

Phone : 570426(O) 22200(Rly.)

570427(R) 22201(Rly.)

Fax : 0361-570347

E-Mail Addresses:-

Internet- seemaad@gwl.dot.net.in

Railnet- pda@nfr.railnet.gov.in

MEMO

No. Admn/18-506/2000/629/ 14499

Date 01.07.2001

Shri M. Verma, Sr. Auditor made an appeal for reconsideration of his transfer order to the Principal Director (Staff), Office of the Comptroller and Auditor General of India, New Delhi through Minister of State for Water Resources, Govt. of India, New Delhi.

In terms of Rule 20 of CCS (Conduct) Rules, 1964, no Govt. Servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Govt.

As Shri Verma has violated the condition of Rule 20 of CCS (Conduct) Rules, 1964, he is hereby directed to explain the reason as to why disciplinary action would not be taken against him.

His explanation should reach to the undersigned within 15 days from the date of receipt of this letter.

Deputy Director/Admn.

To  
Shri M. Verma, Sr. Ar.,  
Divl. Audit Officer,  
N. F. Railway, Lumding.

**Attested**

**Advocate.**

REGISTERED A/D

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT ::  
N. F. RAILWAY :: MALIGAON :: GUWAHATI - 781011

No. Admn/18-506/92/629/ 11275

Dated: 17-11-2000.

To  
Shri M. Verma, Sr. Ar.,  
Santipur Hill Side,  
P.O. Bharalumukh,  
Guwahati - 781009.

Sub:- Reconsideration of Transfer order on Medical ground etc.  
Ref:- Your representation dated 02-11-2000.

I am directed to inform you that your appeal for reconsideration of Transfer order could not be acceded to due to administrative and other reasons as stated below :-

- i) You have not furnished any declaration to this office in regard to employment of your wife.
- ii) You have been at Headquarters/Maligaon since inception of your service, and there is no hard and fast rule to keep the spouses together for all times in one's service life.

Hence, you are directed to comply with the Pr. Director of Audit's orders as communicated vide S.O.O. No.198 dated 22-03-2000 forwarded vide endorsement No. Admn/5-4/98/33 Pt. VI dated 22-03-2000 (copy enclosed).

2. Your attention is drawn to the conditions laid down vide S.M.No.252 dated 25-03-99 for grant of House Building Advance wherein it was stipulated that the construction of the house is to be completed within 18 months of the date on which the 1st instalment of advance is drawn (March 1999) and intimated to the Head of Department. Failure to do so you are liable to refund the entire amount of advance together with interest thereon in one lumpsum in terms of Rule 7(a)(ii) of H.B.A. Rules.

As the Period of 18 months has already been expired and no completion certificate has been furnished by you, so far, nor was any extension prayed for, you are hereby directed to refund the entire amount of advance togetherwith interest thereon immediately.

3. Your attention is also drawn to this office letter No. Admn/18-506/92/629/10575 dated 03-11-2000 (copy enclosed) wherein you were instructed to appear before the Medical Director, Central Hospital, N. F. Railway, Maligaon for further check up. You may keep in touch with the Medical Director, Central Hospital, Maligaon for appearing before the "Medical Board" to be set up by him. The facts of your medical check up by the Board may be reported to the undersigned.

Encl:- As above.

Attested

  
Audit Officer/Admn.

Advocate.

32- = - ANNEXURE KJ-t

Record Notes of the meeting held between N.E. Jly. Audit Association and the Pr. Director of Audit, N.E. Jly. on 12-2-93 at 15 hrs. to 17.45 hrs., on 24-3-93 at 15 hrs. and on 12-5-93 at 15 hrs. at the chamber of Pr. Director of Audit.

A meeting of the N.E. Jly. Audit Association with the Pr. Director of Audit took place in the chamber of Pr. Director of Audit at 15 hrs. to 17.45 hrs. on 12-2-93, at 15 hrs. on 24-3-93 and at 15 hrs. on 12-5-93 to discuss the transfer policy. The following were the participants:-

Admn. Side

Staff Side

- |   |  |
|---|--|
| 1. Sri A. Ganguly,<br>Pr. Director of Audit.        | 1. Sri M. Goowam, President<br>(on 12-2-93 & 24-3-93)    |
| 2. Sri S.C. Bant, DD/A.                             | 2. Sri G.C. Das, President<br>(on 12-5-93)               |
| 3. Sri K.S. Bhattacharya,<br>Sr. Audit Officer/Adm. | 3. Sri S. K. Dasgupta,<br>Vice President<br>(on 12-2-93) |
|   | 4. Sri A. Mukherjee,<br>Vice President<br>(on 12-5-93)   |
|   | 5. Sri H.N. Medhi,<br>Secretary                          |
|   | 6. Sri S. Choudhury,<br>Treasurer<br>(on 24-3-93)        |
|   | 7. Sri G.C. Das, Member<br>(on 12-2-93)                  |
|   | 8. Sri B. Sarkar, Member<br>(on 12-5-93)                 |

The agenda of these meetings were to finalise the transfer policy of all the staff and Asstt. Audit Officers. After a series of discussion it was finalised as at Annexure. The meeting ended with a vote of thanks to the chair.

Sd/-

Pr. Director of Audit.

Attested

Advocate.

ANNEXURE

THE GUIDELINES FOR TRANSFERS IN RESPECT OF  
ASSTT. AUDIT OFFICERS (GROUP-B), GROUP-C AND  
'D' STAFF OF THE OFFICE OF THE PRINCIPAL  
DIRECTOR OF AUDIT, I.F. RAILWAY, FROM HEADQUARTERS/  
BRANCHES TO DIVISIONS/BRANCHES AND VICE-VERSA.

Introduction :- An agreement was held on 7-5-77 between the Administration and the Staff Association on the guidelines for transfer of Group-C and Group-D staff of this office from the Headquarters office to Division and Branches and vice-versa. However, after the reorganisation of I.A. & A.D. w.e.f. 1-3-1984 and followed by restructuring, a few new grades viz. Asstt. Audit Officers (Group-B), Sr. Auditors, Record Keepers (Group-C) came into being. The Staff Association has been demanding for some modification to the existing transfer guidelines. The Staff Association has also submitted a proposal of revised guidelines of transfer with their letter No. ASSN/MIG/CCR-ADM/89 dated 25-9-1991. The Adm. was also not adverse to the modification of the existing guidelines of transfer without any hindrance to the interest of the staff and administration.

The modified guidelines will be applicable to all employees in Asstt. Audit Officers cadre and to all Group 'C' and Group 'D' staff. However, the extant rules, orders and instructions issued by the Govt. of India so far as applicable to the I.A. & A.D. and also orders and instructions issued by the Comptroller and Auditor General of India regarding transfer of employees from one station to another will equally be applicable to all the employees of all cadres.

1. Transfer of employees from one station to another may be made as minimum as possible.
2. While issuing the transfer orders, the request received from employees will be considered as far as possible. For this purpose the Adm. Sec. will call for option from all the staff including Asstt. Audit Officers once in a year in the month of January to be effective from

Attested

Advocate.

contd...F/2.

6. In the case of winding up of office, all the employees may be transferred to Maligaon except those employees who can be accommodated in their choice of posting. In case of staff who cannot be accommodated in the place of their choice they will get first preference for posting in such place over others.
7. In case of shifting of office to the new place, all the employees of that office will also be shifted to that new place.
8. All transfers as aforesaid except mutual transfer may be treated as on public interest.
9. Notwithstanding what has been stated above, the Pr. Director of Audit may at his discretion transfer any employee of any cadre/grade from H.Q./Branch Office to any branch of this office or at Headquarters office, if he considers it necessary on administrative ground.

N.B.1. First entry in the service in this office should not be regarded as transfer.

N.B.2. Transfer on promotion will be treated as transfer in the promoted cadre.

N.B.3. Junior most will also include promotee or new appointee, available at that time.

N.B.4. An employee serving in a station after his transfer may apply to the Admi. explaining the circumstances for seeking transfer to a place of his choice. For this purpose, a Register will be maintained in Administration Section.

N.B.5. Normally female employees and physically handicapped employees may not be transferred subject to the administrative convenience. Provided that if any specific request for transfer is received from such employee, due consideration will be given to such request.

Attested

Adm. Secy.

April. The option thus received will be recorded in a Register known as "Transfer Register". On receipt of fresh option in January next, the option received in earlier year(s) will automatically stand cancelled.

While transferring an employee, the juniormost in the grade will be considered if no request/representation is received from employee senior to him or otherwise.

Note: For the purpose of Asstt. Audit Officer and Section Officer, will be treated as one grade. For the purposes of Sr. Auditor and Auditor it will also be treated as same grade except in the case of deficit offices where it will be treated as separate grades if the percentage of Sr. Auditor is less than 60%.

4. When a senior man is required to be posted on administrative ground i.e. opening of a new office or to an office without an Audit Officer at that station, the juniormost Asstt. Audit Officer and juniormost Sr. Auditor who have not faced any transfer in the respective cadre/grade may be transferred; but it should not exceed 60% of the post in that cadre operated in that station/office.

5. (1) An employee will be given an opportunity for posting in a station of his choice at an appropriate time after serving any other station continuously for a period of 4 years; provided there is valid ground (i.e. family circumstances, children education etc.) for seeking transfer to that station.

- (2) However, the employee's posting in the station of his choice may be considered before expiry of 3 years subject to the availability of vacancy at the place of his choice (in order of priority, if the situation so warrants).

Attested

Attrocal.

N.B.6. Normally, employees in any cadre retiring on superannuation from service within 3 years may not be transferred, except to a place of his/her choice.

N.B.7. H.G. Construction Audit Office, Maligaon is to be treated as same station as Headquarters Office/Maligaon for the purpose of this transfer policy.

Attested

Sd/-  
Pr. Director of Audit.

Advocate.

Advocate.  
Presently