

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

86/2000

OF 199

Applicant(s)

Ms. Salochana Thapa

Respondent(s)

Union of India and ors.

Advocate for Applicant(s)

Mr. M. Chanda

Mrs N.D. Goowami

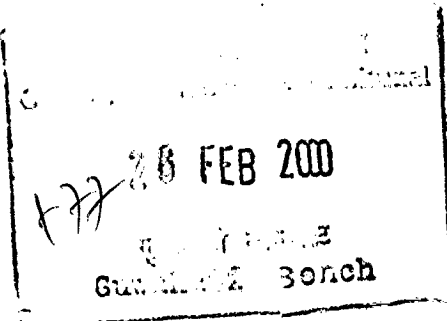
Advocate for Respondent(s)

Mr. G. N. Chakraborty

C. G. S.

Notes of the Registry	Date	Order of the Tribunal
<p>ADIS APPLICATION IS IN JOINT AND VOUCHER (1916) P. of 1916 Deposited with PO 30 493065 Dated 24.2.2000 By 28/2/2000 28/2/2000</p>	1.3.2000	<p>Mr M.Chanda, learned counsel for the applicant is present. On the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C the case is adjourned to 15.3.2000 for consideration of admission.</p> <p>Member</p>
	15.3.2000	<p>This application has been submitted by the applicant against her order of transfer from Shillong to Guwahati vide order No.360009/LC-1/XXXI /257 dated 12.8.99 Annexure C. The applicant has already been released from her post. She has submitted fresh representation dated.21.12.99 Annexure I which the respondents have not disposed of. In the circumstances I consider to expedient to dispose of this application with direction to the respondents to the</p>

Notes of the Registry	Date	Order of the Tribunal
<p>22.3.2000</p> <p>Copy of the order has been sent to the D/Sec. for issuing the due to the L/Advocate of the parties.</p> <p>HS</p> <p>Issued vide D.No. 835N 836 dt 22.2.2000</p> <p>HS</p>	<p>15.3.00</p> <p>LM</p>	<p>dispose of the representation of the applicant within 30 days from to-day.</p> <p>The applicant may also file fresh representation giving details reasons to the Director General respondent No.2 within 7 days from to-day. If such representation is received the respondent shall take it into consideration together with the earlier representation. The respondents shall communicate a speaking order to the applicant within 30 days from to-day. Application is disposed of. No order as to costs.</p> <p>Member(A)</p>



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUMAHATI BENCH :: GUMAHATI.

(An application under Section 21 of the Administrative
Tribunals Act, 1985).

Title of the Suit : O.A. No. 88 /2000

Miss Sulochana Thapa Applicant.
-Vs -
Union of India and others Respondents.

I N D E X

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Filed by

N.D. Goswami

Advocate.

Ms. Sulochana Thapa.

In the Central Administrative Tribunal

Guwahati Bench ::: Guwahati

O.A. No. 86 /2000

Between

Smti. Sulochana Thapa

daughter of Capt (Late) B.R. Thapa

Working in the Office of the Joint

Director, Defence Estates,

Ministry of Defence,

Cantonment Bungalow No.33,

Shillong -793 001.

..... Applicant.

AND

1. The Union of India

Through the Secretary to the

Government of India,

Ministry of Defence,

New Delhi-1.

2. The Director General

Defence Estates, Ramkrishna Puram,

New Delhi -66.

3. The Senior Director

Defence Estates, Ministry of Defence,

Headquarter Eastern Command,

Calcutta-17.

4. The Joint Director

Defence Estates, Ministry of Defence

Cantonment Bungalow No.33,
Shillong-793001.

5. Mr. N.K. Boro L.D.C.
O/o The D.E.
Cantonment Bungalow No.33
Shillong-1

.... Respondents.

Ms. Sulochana Thapa

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

This application is made against the Order dated 17.12.99 issued by the Respondent No.5 transferring and relieving the applicant from her present place of posting at Shillong and directing her to report for duty at Guwahati in the Office of the Defence Estates Officer.

2. Jurisdiction :

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

3. Limitation.

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

4. Facts of the Case :

4.1. That the applicant is a citizen of India and a resident of Barapathar, Shillong, and as such entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2. That the applicant is at present working as a Lower Division Clerk (for short, L.D.C.) and posted under the Respondent No.5. She is aggrieved at the issuance of the impugned order dated 17.12.99 whereby she has been quite illegally and arbitrarily transferred and posted to the office of the Defence Estates Officer at Guwahati from her present

Ms. Subochana Thapa.

place of posting. The disturbing aspect of the matter is that she has been so transferred basing on some complaints allegedly made against her to which she was not given any opportunity to show cause. The petitioner is also aggrieved at the arbitrary action of the respondents in not considering her representations made against such order of transfer.

4.3. That the applicant states that she is a daughter of an Army Officer who died in harness and consequently she was appointed and posted in an Army Installation viz., No.1 Adv. Base Stationery Depot, Narengi, Guwahati, C/O.99, APO. It may be pertinent to mention here that the applicant being the eldest daughter was appointed in service after her fathers death and she is running her family which composes of her dependant Octogenerian mother and four unmarried dependant sisters. It is stated that there is no male or elderly member in her family who can look after the dependant family members of the applicant and thus she is essentially required to stay with her family at Shillong. With such condition of her family, the applicant was facing great difficulty in continuing at Guwahati and running the show at Shillong.

4.4. That unfortunately, during her continuance at Guwahati, the applicant fell ill as the climatic condition did not suit her health and she was wrongly diagnosed to have been suffering from T.B. She therefore had to undergo treatment and due to administration of wrong medicines, her condition deteriorated to a considerable extent which led

Ms. Subochana Thapa

her to be hospitalised in Nazareth Hospital, Shillong for a long period of 14 months. Due to such unfortunate event in her life, the familial condition of the applicant also deteriorated. It was therefore, considering her illness and disturbed family life, the applicant was transferred on compassionate ground from Guwahati and posted at Shillong under the respondent No.5 on the authority of Army Hqrs. letter dated 27.11.86. Be stated that the applicant was so transferred on compassionate ground at her own option to join Defence Estates Services for getting posting at Shillong so as to minimise the family troubles.

Copies of the letter dated 27.11.96 and 18.12.86 are annexed herewith as Annexure- A & B respectively.

4.5. That consequent to her transfer to the office of the respondent No.5, the applicant resumed her duties there and had been working with all sincerity and devotion and to the satisfaction of all concerned. But surprisingly on 12.8.99 the respondent no.4 issued an order vide letter no. 360009/LC-1/XXXI/257 whereby the applicant was transferred from the office of the respondent no.5 to the office of the Defence Estate Officer at Guwahati, in the said order the respondent no.5 was directed to release the applicant after, payment of TA/DA advance to her.

A copy of the said letter dated 12.8.99 is annexed herewith as Annexure- C.

Ms. Sulachana Thapa

4.6. That the applicant states that immediately after receipt of the said order dated 12.8.99, the applicant submitted a representation against the same to the respondent no.3 praying for her retention at Shillong. In the said representation the applicant duly explained the reasons and circumstances necessitating her posting at Shillong and thus prayed for favourable consideration of her case. The said representation of the applicant was duly forwarded by the respondent no.5 vide his letter dated 26.8.99.

A copy of the said letter dated 26.8.99 forwarding the representation of the applicant therewith is annexed herewith as Annexure - D.

4.7. That thereafter strangely enough the respondent no.4 vide his letter dated 10.9.99 informed the respondent no.5 that the representation of the applicant for her retention at Shillong had been considered and could not be acceded to. The respondent no.5 was thus requested to inform the applicant accordingly and release her immediately after payment of advance TA/DA.

A copy of the said letter dated 10.9.99 is annexed herewith as Annexure - E.

4.8. That the applicant was shocked and surprised to receive the mechanical order issued by respondent no.4 rejecting her representation dated 26.8.99. She however, did not loose heart and represented before the respondent no.2 praying for favourable consideration of her case. In her said representation she explained the peculiar circumstances she was

Ms. Subochana Thayer

passing through, particularly her health condition and domestic problems relating to her Octogenarian mother and dependent ailing sister. It may be pertinent to mention here that on 31.8.99 the applicant personally met the respondent no.4 and explained the reasons requiring her stay at Shillong and came to know that the transfer order had been issued on the basis of a complaint allegedly made against her by the local authority. However the respondent no.4 assured the applicant of a favourable consideration of her case, but nothing fruitful came out. The applicant therefore, finding no alternative, ~~approached~~ approached the respondent no.2 for her respite vide representation dated 22.9.99.

A copy of the representation dated 22.9.99 is annexed herewith as Annexure - F.

4.9. That the applicant $\frac{1}{2}$ states that it was bolt from blue to her to receive the letter dated 17.12.99 issued by the respondent no.5 intimating that her representation dated 22.9.99 was rejected by the respondent no.2. It is stated that on the same day the respondent no.5 also issued the impugned order relieving the applicant from his office with a direction to report for duty at Guwahati in the office of the Defence Estate Officer. Be mentioned that against issuance of the said order of transfer dated 17.12.99 the applicant was preferred another representation to the respondent no.2 on 21.12.99 and the same has not been disposed of till date. It is further stated that the applicant till date has not joined in her place of posting at Guwahati.

Ms. Sulochana Thapa.

Copies of the letter dated 17.12.99, order dated 17.12.99 and representation dated 21.12.99 are annexed herewith as Annexure- G, H and I respectively.

4.10. That the applicant states that admittedly on the basis of the records of the case she was transferred and posted at Shillong on compassionate ground at her own option considering her health and disturbed familial conditions. But in the instant case the respondents have acted in a most unreasonable manner totally disregarding the reasons requiring her stay at Shillong and consequently have issued the impugned order of transfer. It is stated that the transfer order has been issued with malafide intention at the instance of the respondent no.4 with a view to harass the applicant and the same is liable to be set aside.

4.11. That the applicant states that has revealed by the respondent no.4 when the applicant met him on 31.8.99, the impugned order of transfer on the basis of a complaint allegedly made against her by the local authority. It is stated that even assuming existence of such a complaint against ~~her by the local authority~~ ~~it is stated that even assuming~~ ~~existence of such a complaint against~~ her behind issuance of the order of transfer, the applicant was entitled to an opportunity to show cause against the same. But neither any warning nor any letter seeking explanation was even served upon her. It is further stated that the transfer order, as it appears in the facts and circumstances of the case, is punitive in nature which has not been passed with due observance of the procedure of law. The same is

Ms. Sulochana Thapari

therefore, being contrary to the procedure established by law and being violative of the principles of natural justice, liable to be set aside.

4.12. That your applicant further beg to state that by the said impugned order on Sri N.K. Boro (L.D.C) office of the Defence State Officer Guwahati has been order for posting in the office of the Joint Director Defence State, Shillong. Shri N.K. Boro (L.D.C) also submitted several representation to the Director Defence State Calcutta through proper channel inter-alia praying for retaining him in the office of the D.E.O. Guwahati on specially on the ground that he has five dependent family members including three daughter and two sons, who are studying at Guwahati at Class-X, VII, VIII and V respectively. Shri Boro stated in his representation dated 25.8.99 that his posting at shillong will cause irreparable loss particularly in the matter of education of the school going childrens . Moreover he being a low paid employee it is difficult on his part to mention to different establishment but the respondents surprisingly did not consider the representation of the respondent no.5, knowing well that the lady applicant also is put in distance by issuing impuging order transfer whereby he is bound to be posted at Guwahati having large ~~many~~ numbers of dependents family members . It is also relevant to mention here that the respondent are also aware regarding the representation of both the applicant and respondent no.5 therefore there was no difficulty on the part of the respondents to allow the applicant and respondent no.5 to continue in their own station on mutual basis.

Ms. Seelochana Thapa.

It is also relevant to mention here that as ~~far~~ par the existing transfer policy the ~~low~~ low paid employees of the department of Defence ~~States~~ are not normally liable for transfer and posting, therefore posting of the applicant from Shillong to Guwahati and non consideration of her representation ~~max~~ malafide on that score along the impugned posting is liable to be set aside and Quashed. It is also relevant to mention here that due to none consideration of representation of respondent no. 4/5 he was compelled to join at Shillong and still approaching to the authorities for his posting back to Guwahati.

In the facts and circumstances the Hon'ble Tribunal be pleased to direct the respondents to review the ~~order~~ impugned order of transfer posting and also to consider the feasibility of accomodating the applicant as well as respondent no.5 in their original ~~applicaxstate~~ station on compassionate ground.

Copy of the representation dated 25.8.99 is enclosed as Annexure - J.

4.13. That the applicant states that she has a good prima facie case and the balance of convenience also lies in her favour. Therefore of this Hon'ble Tribunal do not protect her by an appropriate interim orders & she would suffer irreparable loss and injury.

5. Grounds with legal provisions.

5.1 For that the impugned order of transfer is bad in law and is liable to be set aside.

Ms. Subochana Thapa.

- 5.2. For that the transfer order has been issued by the respondent no.4 in total disregard to the fact that the applicant was posted at Shillong on compassionate ground for valid reasons requiring her stay there.
- 5.3. For that the impugned order has been issued on extraneous consideration and suffers from malafide exercise of power besides being punitive in nature and the same is liable to be set aside.
- 5.4. For that in view of the fact that the transfer order has been issued on the basis of some complaints allegedly made against the applicant, she was entitled to a reasonable opportunity to show cause against the same which not having been given in the instant case renders the impugned order illegal and liable to be set aside.
- 5.5. For that the impugned order has been issued without any public interest whatsoever being involved in it and is devoid of any reason and therefore the same is liable to be set aside.
- 5.6. For that in any view of the matter the impugned order of transfer is bad in law and is liable to be set aside.
- 5.7. For that Respondent no.5 as well as the applicant prayed for retention in their original place of posting at Guwahati and Shillong on compassionate grounds .

Ms. Sulochana Thakur

5.8. For that there is no difficulty on the parts of the respondent to review and accommodate the applicant in their original place of posting.

6. Details of remedies exhausted.

The applicant states that he has no other alternative or other efficacious remedy then to file this application before this Hon'ble Tribunal for protection of his valuable right.

7. Matters not previously filed or pending before any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or 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 of the case, the applicant prays for the following reliefs :

- 8.1 That the impugned transfer and posting order dated 12.8.99 and relieving order 17.12.99 be set aside and quashed or alternatively to review the impugned order of transfer and posting in respect of the applicant and respondent no.5 in the light of the representation submitted by the applicant as well as respondent no.5.

Ms. Subochana Thapa

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- 8.2. That the respondents be directed to retain and/or post the applicant at Shillong.
- 8.3. Any other order/or orders as deemed fit and proper by this Hon'ble Tribunal.
9. Interim Relief sought for.

In the facts and circumstances of the case the applicant prays for the interim relief :-

- 9.1 That the respondents be directed to ^{allow} draw her to continue in the office of the respondent no.4 at Shillong till disposal of the original application.
- 9.2. Any other interim order/or orders as deemed fit and proper by this Hon'ble Tribunal.

10.

This application has been filed through advocate.

11. Particulars of I.P.O.

- | | | | |
|------|---------------|---|------------------|
| i) | I.P.O. No. | : | 02 493065 |
| ii) | Date of Issue | : | 24.2.21 |
| iii) | Issued from | : | G.P.O. Guwahati. |
| iv) | Payable at | : | G.P.O. Guwahati. |

12. List of enclosures

As stated in the Index.

verification....

Ms. Sulochana Thapa.

-11-

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

I, Miss Sulochana Thapa, daughter of Capt.(Late) B.R. Thapa, aged about ³⁶22 years working in the Office of the Joint Director, Defence Estates, Ministry of Defence, Cantonment Bungalow No.33, Shillong- 793001 , do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 28th day of February, 2000.

Ms. Sulochana Thapa.

Signature.

14
195
16 18
Annexure - A
Telephone 201240

Appar Sangathan Mahanideshalaya
Org 4(Civ)(b)
Adjutant General Shakra
Sena Mukhyalaya
Addl Dte Gen of Org/Org 4(Civ)(b)
Adjutant General's Branch
Army Headquarters
DHQ PO New Delhi-110011

70538/Comp/NW/4/SL/Org 4(Civ)(b)

Station HQ Sikhar

Not Advance Base Shy Depot C/O 99 APO

Metal & Steel Factory Ichapore

POSTINGS/TRANSFERS ON COMPASSIONATE GROUNDS: CIVILIANS

1 The following civilian personnel are transferred on permanent duty to units and establishments shown against their names:-

No	Name Trade & Category	From	To	Remarks
1	Km Brillianda Khyiem Ty LDC	Metal & Steel Factory Ichapore	HCC APO Shillong	
2	Km Biaknuzji Ralte Ty LDC	Station HQ Sikhar	Other of Jt Gen Def. Lands & Cantonment Min of Def Shillong	
3	Km Sulochana Thapa C/O 99 LDC	New Adv Base Shy Depot C/O 99 APO	- do -	

2 The individuals who were recruited during ban period may, however, not be despatched to their units and their names be forwarded to us immediately so that posting order is amended accordingly.

3 Instructions contained in Appendix 'A' to this HQ letter will be complied with.

4 The individual will be despatched to their new units only after receipt of confirmation regarding the availability of vacancies from the receiving units. The receiving units will advise availability of vacancy to the units concerned immediately on receipt of the posting order and will not await a formal communication from them.

Contd.....2/-

19

5 The individual will be relieved of their duties immediately on receipt of confirmation regarding the availability of vacancy from the receiving units. The move of the individuals will not be withheld till arrival of replacements. The resultant vacancies will be reported to this HQ in accordance with SAO 8/5/73.

6 Permanent or Quasi Permanent individuals are posted against regular temporary appointment. The individuals will be informed that they will reckon their seniority from the date of reporting for duty in the new units and establishments as per revised instructions contained in Ministry of Defence letter No 28(6)/67/D(Appts) dated 29 Jun 73 reproduced in CPRQ 73/73 as amended).

7 Completion report will be forwarded to the despatching unit within one month of the issue of this letter.

P. N. Satyarthi
(Ram Nath Satyarthi)
Civilian Staff Adhikari/CSO
Up Sahayak Adjutant General/DAAG
Kritey Adjutant General

Copy to:-

HQ Eastern Command Calcutta

NCC Dte Shillong

Office of Jt Dir, Defence Lands & Cantonment
Min of Def Shillong

CSBr/SD-GB - AGD/OS&CCD

AG DL&C

AG NCC/Pers(C)

Ordnance Factory Board Calcutta

16

Annexure-B²⁰
2

REGISTERED POST

No 1 Adv Base Stationery Depot
C/O 99 APO

18 Dec 86

317/3/Adm(Civ)

173
21/1/87

The Joint Director
Defence Lands & Cantonment
Ministry of Defence
Shillong

POSTING/TRANSFER ON COMPASSIONATE GROUND: CIV

1. Refer to Army Headquarters AG Branch letter No. 70538/Comp/Nov/4/86/Org(Civ)(b) dated 27 Nov 86.
2. Q/Pt LDC Miss sulochana Thapa of this depot who is under order of posting to your unit will be despatched shortly.

(RK Bakshi)
Lt Col
Officer Commanding

Admin
19/1/87

197

Annexure - C

21 279

REGISTERED

NO.360009/LC-1/XXXI/ 257

Dte. of Defence Estates
Min. of Defence, Eastern Command
13, Camac Street (7th floor)
Calcutta - 17, dt. August '99.

To

✓ The Joint Director, DE
Shillong Cantt., SHILLONG.
The Defence Estates Officer
Guwahati/Jorhat

SUB : POSTING/TRANSFER OF GROUP "C" AND "D" STAFF.

It has been decided to make the following postings-
/transfers with immediate effect:-

Sl.No.	Name of officials & and designation	From	To
1.	Miss Sulochana Thapa, LDC	JD.DE.Shillong	DEO Guwahati
2.	Sri NK Boro, LDC	DEO Guwahati	JD.DE.Shillong
3.	Sri AJ Peter, Mali/Mazdoor	JD.DE.Shillong	DEO, Jorhat
4.	Sri BK Swargiary, Chainman	DEO, Jorhat	DEO, Guwahati
5.	Sri KC Upadhyay, Chainman	DEO, Guwahati	DEO, Jorhat
6.	Sri Ganesh Dey, Mali	DEO, Jorhat	JD.DE.Shillong

2. The officials may be relieved immediately after payment of TA/DA advance with directions to report for duty at their station of postings.

3. The dates of relinquishment/assumption of duties may be reported to this Dte. DE. EC immediately after the event.

Director
Defence Estates
Eastern Command

Copy to :-

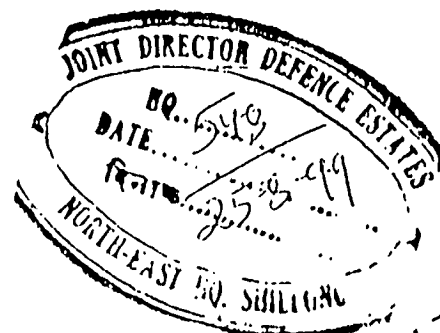
1. The Director General, DE
Min. of Defence, RK Puram
New Delhi - 110066.
2. The CDA, Narangi, Guwahati
3. The AAO (Pay Cell) Shillong

Float copy

1. S. Thapa and Ahal in Peller
to note and put up with Pt. Ty. adms.

23/8

25/8/99



Noted.
Submitting a representation
Separately
25/8.

18

Annexure-D

✓

(8)

By Speed post

REGISTERED

Tele Mily : 6902.
Civil : 240764.

NO. JD/SHG/PER/109/
Office of the Joint Director,
Defence Estates, Min. of Def,
Bung.No.33, Shillong Cantt.

Dated, the 26 August, 1999.

To

The Senior Director,
Defence Estates,
Min. of Defence,
HQ. Eastern Command,
CALCUTTA - 17.

SUB : POSTING/TRANSFER : MISS SULOCHANA THAPA, LDC
OF JD.DE. SHILLONG.

Sir,

Enclosed herewith please find a representation dated
26th August, 1999 in duplicate submitted by Miss. S. Thapa, LDC
of this office requesting for her retention in this office
~~is forwarded herewith~~ for your necessary action please.

Yours faithfully,

Encls : As stated above.

Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

etc

To

The Senior Director,
Defence Estates,
Min. of Defence,
Eastern Command,
CALCUTTA-17.

(Through proper channel)

SUB : POSTING/TRANSFER : EARNEST REQUEST FOR RETENTION
OF MISS S. THAPA, LDC IN THE OFFICE OF THE JD.DE.
SHILLONG.

Respected Sir,

With due respect and humble submission I beg to lay before you the following few lines for your kind information and favourable consideration in the matter please ;

That Sir, vide your letter No. 360009/LC-1/XXXI/257 dated 12th August, 1999, I have been posted to DEO Guwahati from JD.DE.Shillong. Sir, I am living in Shillong with my 80 years old ailing mother and four dependent sisters without any male member in the family and being the eldest it is my moral duty to look after them and my separation at this juncture will damage the family very badly as all family members are ladies. You will appreciate now-a-days sometimes such situation arises that it becomes a very difficult task for the ladies to safeguard their prestige for reasons best known to you and under such circumstances if I am required to go down to Guwahati, not only my family consisting of ladies members will have to be left to no man's care, even I myself will be in a helpless condition to live in Guwahati.

The prevailing tense situation arising out of militant activities in North-East in general and Guwahati in particular is well known to the people of the nation. Therefore Sir, you will appreciate being an unmarried lady it will be next to impossible for me to stay at Guwahati.

I would like to make a mention here for your kind information that I was serving in No.1 Adv. Base Stationery Depot, C/O 99 APO and during that period suddenly I fell ill and had undergone prolong treatment. Due to use of wrong medicine for wrong treatment my condition deteriorated to a considerable extent and therefore, I was hospitalised in Nazareth Hospital, Shillong for a long period of over 12 (Twelve) months and till date I am undergoing treatment and

and regular ~~xxxxxxx~~ check up. In such a circumstances, considering my helpless condition and also as the climatic condition of Guwahati did not suit me, No. 1 Adv. Base Stationary Depot, C/O 99 APO on the authority of Army Hqs., AG Branch letter No. 70538/Comp/Nov/4/86/Org. dated 27.11.86 posted me to JD.DE.Shillong on compassionate ground vide their letter No. 317/3/Adm(Civ) dated 18.12.86 (copy enclosed). Moreover my fourth sister who is having acute female disease and had to be hospitalised on a number of occasions is still undergoing treatment who also requires regular care and nursing and also go for check up from time to time. After the sudden demise of my father I am bearing all responsibilities of the family and under such a circumstances if I am to be separated from them, I am sure my whole family will bound to be ruined.

In view of the facts as narrated in the foregoing, may I fervently appeal before your goodness kindly to take the above aspects into your active consideration and retain me in the office of the JD.DE.Shillong and thus help a helpless family.

As explained above regarding my hospitalisation and continuous treatment, I also enclose herewith the medical certificates issued from time to time.

Hope to get natural justice in this regard.

Thanking you in anticipation,

Yours faithfully,

Dated, Shillong,
the 26th August, 1999.

(Sulochana Thapa, LEC)
C/O JD.DE.Shillong.

- Encls :-
1. Xerox copy of medical certificate dtd. 17.7.82.
 2. Xerox copy of medical certificate dtd. 09.7.83.
 3. " " " " " " 14.5.84.
 4. " " " " " " 26.7.84.
 5. " " " " " " 23.2.85.
 6. " " " " " " 14.3.85.
 7. " " " " " " 05.6.85.
 8. " " " " " " 08.6.85.

Advance copy to :-
The Senior Director,
Defence Estates,
Min. of Defence,
Eastern Command,
Calcutta-17.

REGISTERED

NO.360009/LC-1/REP/
Dte. of Defence Estates
Min. of Defence, Eastern Command
13, Camac Street (7th floor)
Calcutta - 17, dt. 10 September, '99.

To

The Joint Director
Defence Estates, Min. of Defence
Shillong Cantonment, Shillong

SUB : POSTING/TRANSFER : MISS. SULOCHANA THAPA, LDC

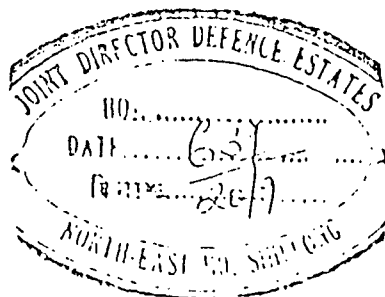
26.8.99. Reference your letter No. JD/SHG/PER/109/B dated

2. Representation of Miss Sulochana Thapa, LDC requesting for retention her in the office of JD DE Shillong received vide your letter under reference has been considered and cannot be acceded to. The official may be informed accordingly.

3. You are requested to relieve him immediately after payment of TA/DA advance.

[Signature]
Director
Defence Estates
Eastern Command

Flat copy..



To

The Director General,
Defence Estates,
Min. of Defence,
West Block-IV,
R.K.Puram,
NEW DELHI- 66.

(Through proper channel)

Respected Sir,

With due respect and humble submission, I beg to state the following facts for your kind information and sympathetic consideration in the matter please :

That Sir, I am working in the office of JD.DE. Shillong as a L.D.C. Originally I was serving in an army formation viz. No.1 Advance Base Stationery Depot, C/O 99 APO (Unit is located in Narangi, Guwahati). Due to my wrong treatment and simultaneous hospitalisation, the No.1 Adv. Base Stationery Depot vide their letter No. 317/3/ADM(Civ) dt.18.12.86 on the authority of Army Hqr. letter No. 70538/Comp/Nov/4/86/Org(Civ) (b) dtd. 27.11.86 (Copy enclosed) I was posted to JD.DE.Shillong on compassionate ground. But unfortunately the Director, DE, EC, Calcutta now vide their order No. 360009/LC-1/XXXI/257 dtd. 12.8.99 posted me out to DZO Guwahati. Therefore explaining my own health condition and family circumstances I have already submitted a representation to Director, DE, EC dtd. 26.8.99 forwarded under cover of JD.DE.Shillong letter No. JD/SIG/PER/109/8 dt. 26.8.99. (Xerox copy enclosed) which is self explanatory. I also met the Director, DE, EC personally on 31.8.99 and explained my all difficulties. The Director, DE, EC gave me a patience hearing and assured me to look into my case. But to my utter surprise despite all such appeal the Director, DE, EC vide their letter No. 360009/LC-1/REP dtd.10.9.99 has asked JD.DE.Shillong to relieve me immediately. Sir, I have failed to understand why an innocent unmarried lady like me has been victimised in this way for no fault of mine to the best of my knowledge and belief, while in many offices of DE Organisation like Director, DE, EC, Calcutta, JD.DE.Shillong not to speak of married/unmarried ladies, but even the gents are staying in their respective home town indefinitely and for years together without any disturbances. Therefore I being a lady employee of this department have the right to know as to what offences I have committed for which I am being penalised in such a manner.

In view of the circumstances, as explained elaborately in my aforesaid representation, I would fervently urge upon your goodself kindly to take the above aspects of my case into your active consideration, specially the condition of my octogenarian mother, my dependent younger sister's ailments and frequent hospitalisation therefor, my own health condition, regular

check-up and moreover, the family consists of four young ladies (my dependent sisters) and mother.

And therefore, I fervently appeal before your goodself, considering my pitiable condition and unavoidable family circumstances, kindly to order for my retention in JD.DE.Shillong and thus help a helpless lady who is facing immense difficulties with dependent 85 yrs. of old ailing mother and four dependent younger sisters and thus give me natural justice at least from your level.

Thanking you in anticipation,

Yours faithfully,

Dated, Shillong,
the 22 September, 1999.

(Sulochana Thapa, LDC)
C/O JD.DE.Shillong.

Encls :-

1. Director, DE, EC letter No. 360009/LC-1/XXXI/37, dtd. 12.8.99.
2. Director, DE, EC letter No. 360009/LC-1/REP, dtd. 10.9.99.
3. Representation of the individual dtd. 26.8.99. addressed to Director, DE, EC, Calcutta-17.
4. No. 1 ARSD letter No. 317/3/Adm(Civ) dt. 18.12.86.
5. Army Hqrs. AG Branch letter No. 70538/Comp/Nov/4/86/Org(Civ) (b) dtd. 27.11.86.

By Speed Post.

Advance copy for information and favourable order :-

To

The Director General,
Defence Estates,
Min. of Defence,
West Block-IV,
R.K. Puram,
NEW DELHI-66.

Received on
22-9-99

24

Arjun - G

28

By 11/11/99

NO.SHQ/PEP/109/1
Office of the Joint Director,
Defence Estates, Min. of Defence,
Bldg No.33, Shillong Cantt.
Dated 11 December, 1999

To

✓ Miss Sulechana Thapa,
L.D.C.
of JB DE Shillong.

Sub:- POSTING/TRANSFER OF MUM.SULOCHANA THAPA, LDC.

Reference your representation dated 22-9-1999.

You are hereby informed that your request for cancellation of transfer from JB DE Shillong to DEO Gauhati made vide your representation dated 22-9-99 has been considered and rejected by the D.G.DE, New Delhi.

L. P. Singh
Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Copy to:-

The Director, DE,
Eastern Command,
Calcutta-17.

- For information with reference to
Dte DE EC letter No.360009/LC-1/XXXI
290 dated 16-12-99

*Attested
S. P. Singh
Adm*

25 Annex - H
F.O. PART II NO. 329 DATED 17-12-1999
(LAST D.O. PART II NO. 329 DATED 17-12-1999)

LOCATION : SHILLONG

UNIT : 1002 SHILLONG.

STRENGTH DECREASED

MISS SULOCHANA THAPA
L.D.C.

In pursuance to the transfer order contained in the Director, DE, EC, Calcutta letter No. 360009/LC-1/XXI/257 dated 12-8-99 and as per the instructions contained in Dte. DE, EC, letter No. 360009/LC-1/XXI/290 dated 16-12-99 Miss Sulochana Thapa, LDC has been relieved and struck off strength of this office on 17-12-99 (V/N) and she has been directed to report for duty in the office of DEO, Gauhati after availing joining/journey period.

DISTRIBUTION

1. D.O. PART II BOOK.
2. The Director General, DE, Min. of Defence, R.E. Purnam, New Delhi-55.
3. The Director, DE, EC, Calcutta-17.
4. The J.C.D.A. (E) Purnam.
5. The C.D.A. Nazam, Gauhati-71.
6. The A.A.O. Shillong.
7. The L.A.O. (A), Shillong.
8. The D.E.O. Gauhati.
9. Miss Sulochana Thapa, LDC.
10. SEC/PER/109.

Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

Note : Details of pay as per pay bill for November 99 for Miss Sulochana Thapa, LDC.

PAY

1. Basic Pay Rs. 4270/-
2. D.A. Rs. 1580/-
3. H.C.A. Rs. 140/-
4. H.R.A. Rs. 641/-
5. S.D.A. Nil.

1. G.P.F. Monthly Rs. 2280
- Subscription. Rs. 2500/-
2. C.D. (A). Rs. 30/-

Advance taken

6. Festival Advance Rs. 1500/- .. Recovery made 1st Instt. Rs. 1500/- .. Balance left Rs. 1350/-
7. Pt. 20/94 Adv. Bill
10. UNFURNISHED LEAVE ADVANCE (P.F.T.)

- E.L. 205 days
- H.P.L. 60 days
- C.L. 2 1/2 days.
- R.H. 1 days.

11. Next date of increment on 01-01-2000.

Signature

Joint Director,
Defence Estates,
Min. of Defence,
Shillong.

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31/11/99

Annex-I
90

To

The Director General, (For kind personal attention
Defence Estates, please)
R.K. Puram, NEW DELHI-66.

Sub : Posting/Transfer : Miss. S. Thapa, LDC of
JD DE Shillong./

Respected Sir,

Most respectfully I beg to state that first of all I beg your apology for writing you directly for I have been relieved of my duties from JD DE Shillong on 17.12.99 (A/N) vide D.O. Part-II order No. 329 dtd. 17.12.99 (xe-rox copy enclosed).

Sir, you are kindly aware that consequent upon Dte DE EC letter No. 360009/LC-1/XXXI/957 dtd. 12.8.99 posting me to DEO Gauhati Circle from JD DE Shillong, I had submitted a representation to Dte DE EC dtd. 26.8.99 and also met the Director DE EC personally on 01.9.99. But since Dte DE EC did not consider my case and instructed JD DE Shillong vide their letter No. 360009/LC-1/REP dtd. 10.9.99 to relieve me after making payment of TA/DA, I submitted another representation to your honour on extreme compassionate ground dtd. 22.9.99. Although I am not aware whether my case has been considered by you, JD DE Shillong vide letter No. SHG/PER/109/4 dtd. 17.12.99 (xe-rox copy enclosed) informed me that you have rejected my case and therefore, I have been relieved of my duties from JD DE Shillong on the same date i.e. 17.12.99.

Sir, I am really shocked and surprised as to why a helpless lady like me being harrassed and tortured by the higher authorities for no fault of mine to the best of my knowledge and belief instead of helping a helpless lady and give her justice. You are kindly aware that in many offices of Defence Estates all over India even the gents are posted in particular station for years together and not to speak of ladies and if this is an established fact, why I have been made a target of victimisation, while in every sphere of life preference is always extended to ladies specially but in my case I am so unfortunate that I am being deprived in this aspect by my higher authorities for reasons best known to them.

Contd.....Page - 2/-

In view of the foregoing may I once again appeal before your goodself kindly to take the real aspects of my case into your active consideration and thus show a little sympathy to a helpless lady like me by retaining me in JD DE Shillong on humanitarian ground.

I am extremely sorry and once again beg your apology for wasting your valuable time.

Thanking you Sir in anticipation,

Dated, Shillong
the 21st Dec'99.

Yours faithfully,

(Miss. S. Thapa)
C/O Capt. (L) B.R. Thapa
Barapathar
Opposite Little Angel School
Shillong - 793 002.
(MEGHALAYA)

28

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Annexure - J 32

To :

The Director,
Defence Station
Govt. of India, Min. of Def.
HQ Eastern Command
Calcutta-17.

(Through proper channel)

SUB : POSTING/TRANSFER OF SRI H.K. BORO, LDC OF DEO,
GUWAHATI CIRCLE

Respected Sir,

Most respectfully, I beg to inform you that vide your letter No. 360003/LC-I/XXXI/257 dt. 12.8.99, I have been posted/transferred to the Office of the Joint Director, DE, Shillong. In this connection the following points are submitted herewith for your kind consideration :

- (a) That I being a low paid employee will suffer irreparable loss if I have to go to Shillong.
- (b) That except myself there is no one else male member to look after my family.
- (c) That there are five family members who are fully dependant upon me namely my wife, three daughters aged 17 Yrs, 15 Yrs 13 Yrs respectively. Besides above I have one son aged about 10 Yrs.
- (d) That my daughters and son are reading at Class-X, VIII, VII and V respectively.
- (e) That with my meagre income I have to expence huge amount for studying of my children.
- (f) That in the event of my posting/transfer to JD, DE Shillong there will be two establishment one at Shillong another at Guwahati.
- (g) That due to double establishment my family members as well as myself have to die for starvation because of my meagre income.

In view of the position explained as above, I earnestly request you to kindly consider my case sympathetically and necessary order may kindly be issued for cancelling my posting order to Shillong and I may kindly be allowed to stay at DE, Guwahati Circle.

For which act of kindness I shall remain ever grateful to you.

Thanking you Sir,

Advance copy for
information please.

To

The Director, DE, EC,
13 Canal Street (7th floor)
Calcutta-17.

Yours faithfully,

25/8/99

(H K BORO)
LDC

C/O DEO, Guwahati.

Dated 25 Aug '99.

1669
26/8/99

Office of the	
Joint Director	
DE, EC	
AD, EC	
Section	Admin
Date	25/8/99