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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-41/2000 ordered pg not to be

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O.A/T.A No. 16/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 16/2000

OF 199

Applicant(s) Sri Puliar Chandra Mazumder.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. M. Chanda
Address. N. D. Goonjemi

Advocate for Respondent(s) Mr. G. N. Chakrabarty.

Notes of the Registry	Date	Order of the Tribunal
1. This application is in form and within time. C. F. of R. No. 1 deposited vide IPO 51/2000 Dated 18-1-2000 My 18/1/2000 By Registrar Bom 18/1/2000 20 - 1 - 2000	19.1.2000	<p>Issue notice on the respondents as to why the application should not be admitted. List for consideration on Admission on 2.2.2000.</p> <p>Heard Mr. B.C. Pathak learned Addl. C.G.S.C for the respondents and Mr. M. Chanda learned counsel for the applicant. Mr. Chanda prays for an interim order. Mr. Chanda also submits that the applicant has not been released till to-day. Therefore I direct the respondents that the status quo as on to-day shall be maintained until further orders. Further, pendency of Admission of this application shall not be a bar for the respondents to dispose of the representations of the applicant dated 27.11.99 and 2.12.99, 11.1.2000.</p>
Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post. with A.D.	1m 19/1/2000	<p>6 Member</p>

Notes of the Registry	Date	Order of the Tribunal
<u>20. 1-2000</u> Notice issued to The respondents vide D.Nos. 182 to 187 Dtd. 20.1.2000.	2.2.00	Learned counsel Mr. M. Chanda for the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents. No show cause has been submitted. Heard the learned counsel for the parties. The application is admitted. List it on 1.3.00 for written statement and further orders.
<u>1-2-00</u> Service reports are still awaited.		The impugned transfer order dated 17.11.1999 shall remain suspended until further orders.
<u>12 4-2-2000</u> Copy of the order Dtd. 2.2.2000 issued to the respondents vide D.Nos. 396 to 401 Dtd. 7.2.2000.	nkm 3/2/2000	Member
<u>8-2-2000</u> Notice duly served on respondents No. 3, 5 & 6.	16.2.2000 1m	Written statement has been submitted and the case is ar ready for hearing. In view of urgency of the matter list for hearing on 1.3.2000. Relevant records shall be produced. on that day. Member
<u>9-2-2000</u> Written statement is on file by the respondents.	1.3.00	Rejoinder has been submitted by Mr. M. Chanda, learned counsel for the applicant and copy has been served on Mr. B.C. Pathak, learned Addl. C.G.S.C. Heard in part. On the prayer of Pathak the case is adjourned to 8.3.00 for further hearing.
<u>28-2-00</u> W/ statement to be fwd.	nkm	Member
<u>28-2-00</u> The case is ready for hearing as regard Service.		
<u>7.3.2000</u>		

(3)

O.A. 16 of 2000

8.3.00

Mr. N.D. Goswami prays for adjournment on behalf of Mr. M. Chanda, learned counsel for the applicant as he is not available due to personal difficulties. Mr. B.C. Pathak, learned Addl. C.G.S.C also prays for adjournment for obtaining some instructions and documents. Accordingly the case is adjourned till 29.3.00.

List on 29.3.00 for hearing.

69
Member(A)

trd

29.3.00

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. on behalf of Mr. B.C. Pathak, learned Addl. C.G.S.C. the case is adjourned till 30.3.2000.

List on 30.3.2000 for hearing.

69
Member

trd

30.3.00

On the prayer of Mr. B.S. Basumatary, learned Addl. C.G.S.C. on behalf of Mr. B.C. Pathak, case is adjourned to 6.4.00. for hearing.

69
Member

lm

6.4.00

Heard the learned counsel for the parties. Hearing concluded. Judgment reserved.

69
Member

nkm

11.4.00

Judgment pronounced in open court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

69
Member

26.4.2000
Copy of the Judgment
has been sent to the
d/sec. for issuing
the same to the applicant
as well as to the Addl. C.G.S.C.
for the Respondent.

4th

nkm

Mem

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 16 of 2000

13.4.2000
DATE OF DECISION.....

Shri Pulin Ch. Mazumdar

PETITIONER(S)

Mr M. Chanda and Mr G.N. Chakraborty

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER
O.A. NO. 16 of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the
judgment ?

PETITIONER(S)

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the
judgment ?

ADVOCATE FOR THE

4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member

RESPONDENT(S)

Ganguli
11/4/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE

THE HON'BLE

THE HON'BLE

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 ?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.16 of 2000

Date of decision: This the 11th day of April 2000

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Pulin Ch Mazumdar,
LDC(PT), MES/225511,
Office of the G.E., Narangi.

.....Applicant

By Advocates Mr M. Chanda and
Mr G.N. Chakraborty.

- versus -

1. The Government of India,
Ministry of Defence, represented by the
Secretary, Defence Department,
New Delhi.

2. The Chief Engineer,
Headquarters, Eastern Command,
Fort Williams, Calcutta.

3. The Chief Engineer,
Shilong Zone, Shillong.

4. The C.W.E., MES,
Shillong.

5. The Garrison Engineer,
Narengi Division,
Narengi, Guwahati.

6. N.S. Sandhu,
G.E., Narengi.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R

G.L. SANGLYINE, ADMINISTRATIVE MEMBER

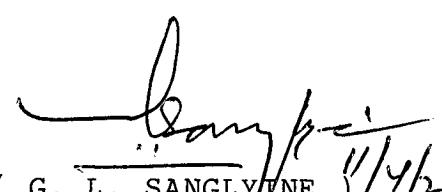
This application has been submitted by the applicant
against his transfer from Office of the Garrison Engineer,
Narengi to Zonal Laboratory, Shillong under the Chief
Engineer, Shillong Zone MES, Shillong. Copy of the transfer
order was not, according to the applicant, served on him,
but he was directed to note down his transfer and posting
order. Thereafter, the applicant submitted representation
against the aforesaid order of transfer as, according to

him, he is exempt from transfer and posting in view of the policy decision of the respondents relating to the members of the Works Committee. The applicant is one of the members of the Committee. There was no reply from the respondents. Therefore, the applicant submitted this application. The respondents have contested the application and submitted written statement. The learned counsel of both sides have been heard.

2. The applicant is a Lower Division Clerk in the Office of the Garrison Engineer, Narengi Division, Narengi. He is a member of the Works Committee representing the main office from the staff side. According to the letter No.131322/2/7D/99/83/ENGRS/EIC(I) dated 12.7.1999, members of the Works Committee (Union) are exempt from posting and transfer. The respondents had, however, transferred the applicant as indicated above during the currency of his tenure as member of the Works Committee. The contention of the applicant is that the transfer is not sustainable as it is in violation of the policy or the professed norm of the respondents. In opposing the contention of the applicant, the respondents relied on their No.4361/Org-4 (Civ) (c) dated 23.2.1993, Annexure R1, which is not relevant to the case under consideration. After considering the submissions of both sides, I find that there is no special circumstance on the basis of which the respondents could depart from the professed norm. Mr B.C. Pathak, learned Addl. C.G.S.C., submitted that the Works Committee was dissolved with effect from 31.3.2000 by order dated 1.4.2000 by the Garrison Engineer as its two years term had expired. Therefore, the applicant is not entitled to any relief. This, however, does not change the situation that as on 17.11.1999 the applicant was a member of the Works Committee and according to the policy.....

policy he ~~is~~ not to be transferred. The applicant was transferred whimsically and arbitrarily by the respondents. The order of transfer dated 26.11.1999 is, therefore, not sustainable. Consequently, the order of transfer and relieve dated 26.11.1999 is set aside. It is, however, made clear that this does not debar the respondents to issue fresh order of transfer according to the rules and law.

3. The application is disposed of. No order as to costs.


(G. L. SANGLYINE) 17/4/2000

ADMINISTRATIVE MEMBER

nkm

18 JAN 2000

Guwahati Bench

Filed by the applicant
N.D. Goswami
Advocate
L.S.L. 2002

In the Central Administrative Tribunal
Guwahati Bench :: Guwahati.

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

Title of the case : O.A. No. 16 /2000.

Shri P.C. Mazumdar Applicant.

- Versus -

Union of India and others. Respondents.

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Filed by

N. D. Goswami

Advocate.

Mazumdar (Pulin Chandra Mazumdar)

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati.

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

04.16/2000

BETWEEN

Shri Pulin Ch. Mazumdar

Son of Late K.P. Mazumdar

LDC(PT)

MES/225511

Office of the G.E.

Narangi. Applicant.

- VERSUS -

1. The Government of India

Ministry of Defence

Represented through the Secretary,

Defence Department,

New Delhi.

2. The Chief Engineer,

Headquarters

Eastern Command,

Fort William,

Calcutta-21.

3. The Chief Engineer,

Shillong Zone, Shillong-11.

Mazumdar

4. The C.W.E., M.E.S.

Shillong - II

5. The Garrison Engineer,

Narengi Division,

Narengi, Guwahati - 27

..... Respondents. *an*

*N.S. Sondhe
G.E., Narangi*

..... *Respondents*

DETAILS OF APPLICATION

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

This application is made against the impugned order of transfer/posting issued vide letter No. 131322/2/99/70/10/ENGRS/EIC(I) dated 17.11.99 whereby the applicant is sought to be transferred from the office of the G.E., Narangi to the Zonal Laboratory, Shillong under Chief Engineer Shillong Zone, M.E.S, Shillong in violation of transfer policy issued by the Chief Engineer O/o the Commander Works Engineer vide letter No. 131322/2/7D/99/83/ENGRS/EIC(I) dated 12.7.99 wherein the Members of Works Committee (Union) is exempted from transfer and posting and also praying for a direction upon the respondents to allow the applicant to continue in the present place of posting in terms of the transfer/posting policy issued by the Chief Engineer vide letter dated 12.7.99.

2. Jurisdiction of the Tribunal.

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

Shazamdar

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 your applicant is a citizen of India and as such he is entitle to all the rights, privileges and protections as guaranteed by the Constitution of India.

4.2. That your applicant was initially appointed as LDC in the year 1982 on compensationate ground. Since then he is working under G.E. Narangi, Guwahati as such.

The applicant was elected as Works Committee Member which was duly constituted on 30.3.98 for a period of two years which was published vide part-I order issued by the G.E. Narengi bearing serial No.50 dated 31.3.98 and till now he is continuing as the member of the Works Committee which would be evident from the minutes of the Works Committee Meeting held on 24.9.99 and also from the Part-I order dated 31.3.98.

Copy of the Part-I order dated 31.3.98 as well as the minute of the Works Committee Meeting held on 24.9.99 are enclosed for your kind perusal.

4.3. That your applicant begs to state that the Commander of Works Engineer, Shillong vide his letter bearing No. 1105/868/EIA dated 9.8.99 informed all the Garrison Engineers including the Garrison Engineer, Narengi the decision of the Chief

H. B. G. M. D.

Chief Engineer Eastern Command, Calcutta regarding the category of Employees who are exempted for posting vide their letter bearing No. 131322/2/7D/99/83/ENGRS/EIC(I) dated 12.7.99 received under Headquarter letter No. 70762/I/P/521/EIC(I) dated 31.7.99 wherein the members of the Works Committee (Union) also declared exempted for posting. The relevant portion of the letter dated 7.8.99 is quoted below :

*1105/868/EIA

09 Aug 99

GS Shillong
GE Umroi
GE Narangi
GE Guwahati
GE 583 Engr Park

EXEMPTED FOR POSTING

1. A copy of CEEC Calcutta letter No. 131322/2/7D/99/83/Engrs/EIC(I) dt. 12 Jul 99 recd under HQ CESZ letter No. 70762/I/P/521/EIC(I) dt. 31 Jul 99 is fwd. herewith. Please fwd list of effected individuals alongwith their service profiles so as to reach by 12 Aug 99 without fail.

Sd/-

(S Langstish)

AO-II

Copy to :- for CWE Shillong
EIO Section - Please fwd above details imdt.

A copy of CEEC Calcutta letter No ibid above.-----

AS ABOVE

1. Please fwd the particulars of pers who are exempted for posting/transfer, such as mentioned below :

- (a) Handicapped (with auth/PTO)
- (b) Widows
- (c) Members of Works Committee (Union) with period and auth.
- (d) Deponent employees. (Employeed in place of deceassed.

2. An early action is requested.

Sd/- (DC Saga)

AO-II, SO 3 (Pers)
for Chief Engineer

Shyamal De

In view of the above policy decision of the Eastern-Command, Calcutta the members of the Works Committee (Union) is not liable to be transferred so long he or she is continuing to be a member of the Works Committee.

A copy of the letter dated 9.8.99 is enclosed as annexure -3.

4.4. Most surprisingly on 26.11.99 the applicant was asked by the office of the G.E., Narangi, Guwahati to note down the transferred and posting order issued in respect of the applicant vide letter bearing No. 131322/2/99/7D/10/ENGRS/EIC(I) dated 17.11.99 whereby the applicant who is a member of the Works Committee (Union) is now sought to be transferred from the office of the G.E., Narangi to the Zonal Laboratory, Shillong under Chief Engineer Shillong Zone MES, Shillong-11 in total violation of the policy decision of the Chief Engineer Eastern Command communicated vide their letter dated 12.7.99 wherein it is declared by the Chief Engineer Eastern Command that the members of the Works Committee (Union) are exempted for posting, but even then the applicant is being ordered for posting from Guwahati to Shillong.

It is relevant to mention here that no copy of transfer and posting order is served upon the applicant rather he is asked to note down the order of posting on 26.11.99. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce the copy of the impugned ~~xxd~~ order of transfer dated 17.11.99 in respect of the applicant


Pulin elandra Majumdar

for perusal of the Hon'ble Tribunal.

In view of the policy decision issued by the Chief-Engineer Eastern Command dated 12.7.99 the impugned order of transfer and posting is liable to be set aside and quashed.

4.5. That your applicant being highly aggrieved, submitted representation dated 27.11.99 and 2.12.99 addressed to the G.E. Narangi Division, Narangi, Guwahati as well as the Chief Engineer Headquarters Eastern Command, Calcutta interalia praying for exemption from posting in terms of the policy ~~decision~~ decision of the Eastern Command incorporated in letter dated 12.7.99.

It is also relevant to mention here that the Area - Secretary, All Assam MES Employees Union also made a representation praying inter-alia for cancellation of the impugned transfer order dated 17.11.99 in view of the policy laid down by the Chief Engineer Eastern Command in their letter dated 12.7.99.

However, the G.E., Shillong wrote a letter to the CWC, Shillong bearing No. 1001/5/8251/EIE dated 21.12.99 wherein a parawise reply was furnished by the G.E., Narangi wherein it is stated that the applicant was serving in the present ^{office} for 17 years as such no purpose will be served even if the matter is taken with higher authority.

Copy of the ~~Response~~ Representation dated 27.11.99, 2.12.99, Union's Representation dated 12.12.99 and letter dated 12.12.99 of G.E. Narangi are enclosed as Annexure- 4, 5, 6 and 7 respectively.

S. S. S. S. S.

4.6. That your applicant further beg to state that he came to know from reliable source that the Eastern Command, Calcutta vide their Signal No. 7032 dated 31.12.99, directed CES2 Shillong & WE Shillong and also to G.E. Narangi Guwahati to withheld the move of the applicant ^{further} till from the order and also directed to forward ^{commands} _{by 12 Jan 2000} recommendations of Unions letter dated 12.12.99 but this direction of the Eastern Command Calcutta has not been disclosed or informed to the applicant by Major N.S. Sandhu G.E. Narangi with malafide intention, therefore Hon'ble Tribunal be pleased to direct G.E. Narangi to produce the copy of Signal dated 31.12.99 for perusal of the Hon'ble Tribunal.

In view of the signal dated 31.12.99 the applicant is entitle to continue here at Guwahati till the final decision is taken by the Chief Engineer, Eastern Command, Calcutta as because the applicant as well as the Registered Union i.e. All Assam MES Employees Union who made representation before the Higher authority now seems to be under active consideration.

4.7. That it is stated that the All Assam Employees Union again submitted representation on 23.12.99, 24.12.99 and 12.1.2000 to the Respondent No.2 praying inter alia for cancellation of ~~posting~~ posting order dated 17.11.99, interms of policy decision dated 12.7.99 in the interest of Union and the staff, but to no result, the applicant also again submitted representation on 12.1.2000 wherein it is prayed by the applicant for payment of his pay and allowances which is denied to him for the period with effect from 26.11.99 to 8.1.2000 which is not paid even after his resumption of duties on 10.1.2000, but to no result.

Alzamder

In this compelling circumstances finding no other alternative the applicant is approaching this Hon'ble Tribunal for setting aside and quashing of the impugned transfer order dated 17.11.99. *It is categorically stated that no movement order is handed over to the applicant till filing of this application.*

Copy of the representation dated 23.12.99, 24.12.99, 12.1.2000 and 11.1.2000 are enclosed as Annexure - 8, 9, 10 and 11 respectively.

4.8. That this application made bonafide and for the ends of justice.

5. Grounds for reliefs with legal provisions.

5.1 For that the applicant being a elected member not liable to be transfer in view of the policy decision laid down by the Eastern Command, Calcutta in their letter dated 12.7.99 communicated through letter dated 9.8.99.

5.2. For that impugned order of transfer dated 7.11.99 is violative of policy decision dated 12.7.99 of the Eastern Command, Calcutta.

5.3. For that the applicant as well as the recognised and Registered Union submitted number of representation for cancellation of impugned order of posting dated 17.11.99 but to no result.

5.4. For that the higher authority that the Eastern Command Calcutta vide signal dated 31.12.99 directed G.E. Narangi to withhold the move of the applicant but the same has not been informed to the applicant by



by G.E. Narangi with a malafide intention and also in colourable exercise of power.

5.5. For that the applicant resumed duty after a availing Medical leave but even than he is denied salary.

6. Details of remedies exhausted.

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

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

The applicant further declares that he had not filed any application, writ petition or suit regarding the matter in ~~respect~~ respect of which this application has been filed, before any other Court or any other authority of any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Under the facts and circumstances the applicant prays for the following reliefs :

8.1 That the impugned order of posting issued under letter No. 131322/2/99/7D/10/ENGRS/EIC(I) dated 17.11.99 be set aside and quashed.

8.2. That the respondents be directed to allow the applicant to continue in the present place of posting at Guwahati



in view of policy decision dated 12.7.99 issued by the respondent No.2.

9. Interim relief prayed for :

During the pendency of this application the application prays for the following relief.

9.1 That the impugned order of posting dated 17.11.99 be stayed till final disposal of this application.

10.

This application has been filed through Advocate.

11. Details of I.P.O.

i. I.P.O. NO. : 02456778
ii. Date of Issue : 18.1.2000
iii. Issued from : G.P.O., Guwahati.
iv. Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the Index.

..... Verification



VERIFICATION

I, Shri Pulin Chandra Mazumdar, son of late K.P. Mazumdar working as LDC in office of the G.E. Narangi do hereby verify the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice. I have not suppressed any material fact.

And I sign this verification on this 18th day of January, 2000 at Guwahati.


Signature.
(Pulin Chandra Mazumdar)

PART I ORDER
BY

MAJOR NS SANDHU, GARRISON ENGINEER, NARANGI

Init. : GE Narangi

Sl No : 50

Str. : Guwahati (Narangi Camp)

Dated : 31 Mar 1998

FORMING OF WORKS COMMITTEE

1. Election for the Works Committee were held on 30 Mar '98. The following personnel are declared from the / elected constituencies shown against : *Constituency*:-

Constituency No	Name of Candidate declared Elected	Remarks
-----------------	------------------------------------	---------

1 Main Office	✓ 1. Shri P C Mazumdar, LDC	<i>First time in fact</i>
------------------	-----------------------------	-------------------------------

2 AGE E/R (P)	1. Shri Sankar Prasad Rai, Mason	
------------------	----------------------------------	--

3 AGE E/M (Water Supply & MT SEC)	1. Shri Brij Bihari Prasad, FGM 2. Shri KC Rajbanshi, MTD II	
--------------------------------------	---	--

4 AGE E/M (Elect Section)	1. Shri Mantu Ch Das, Elect 2. Shri Deban Ch Das, Elect (SK)	
------------------------------	---	--

5 AGE B/R	1. Gadadhar Thakuria, Mason	
--------------	-----------------------------	--

6 BSO	1. Shri P C John, M/Reader	
----------	----------------------------	--

Distribution

1. All Sub Divn / Sec
2. All Concerned Indls

Hand
(NS Sandhu)
Major
Garrison Engineer

MINUTE OF THE WORKS COMMITTEE MEETING
HELD ON 24 SEP 99 AT GE NARANGI

1. The Works Committee meeting was held on 24 Sep 99 at GE's Office. The following officer/staff members were attend the meeting :-

Members from office side Members from staff side

1. Major NS Sandhu, GS Chairman	1. Shri PC John, M/Reader, Secy.
2. Shri NK Sharma, AGE E/II	2. KC Rajbonshi, MTD
3. " DK Basistha, AGE B/R(P)	3. PC Majumdar, LDC
4. " SKK Das, AGE B/R	4. Manu Ch Das, Elect (SK)
5. " Z Ahmed, BSO	5. SP Roy, Mason (SK)
6. " NC Dutta, Offg Office/Supdt	6. M. Thakuria, Mason (SK)

2. The chairman in the opening address welcome all the members both from office and staff side of works committee. The progress of the following points raised during the last works committee meeting were discussed/reviewed :-

Srl No.	Points	Reply	Action
1.	Final pay fixation and arrears anomalies.	35 cases of pay fixation have been completed. Remaining cases of pay fixation anomalies if any will be dealt promptly. Hence the point will be deleted from the next meeting.	To note all concerned.
2.	Cycle stand for S.S. No. 5	Chairman directed AGE B/R AGE B/R to provide Cycle stand by DEL as explained in the meeting.	Narangia
3.	CGHS Facilities are not adequate.	Chairman directed the All sub member of office bearer/ Divn/Section staff side to intimate anomalies regarding facilities to be provided by CGHS. However, the point will be deleted from the next meeting.	

Contd. . . P/2. . .

4. Washing allowances. To note by authorised pers and all concerned the point will be deleted from the next meeting.

5. Issue of soap. Chairman stated that the soap demanded by Sub Divns have already been issued to them and directed Sub Divns to forward the demand well in time to avoid delay. However, the point will be deleted from the next meeting.

6. Supply of Form. Chairman directed all Sub divns that the form will be arranged by SDC. However, necessary paper(duplicating) and stencials will be issued by this office as per requirement. However, the point will be deleted from the next meeting.

7. Floor/ceiling of Ration stand to be repaired. Chairman told that the floor has since been repaired, the point will be deleted from the next meeting.

8. Liveries. Liveries dues to authorised pers have been issued. The point will be deleted.

9. Flood in key pers. Chairman directed AGE B/R (p) to project work after verifying the site.

10. Veh for shift duty. Chairman stated that the Vehs are being provided by AGE E/M at his discretion. The point will be deleted from the next meeting.

11. Veh parking house. Chairman told that the unutilised bldg can be used to park the Vehs. The point will be deleted from the next meeting.

185

24

- 3 -

12. Tools for all Trades men. Chairman told in the meeting, To note that the tools for the trades men are made available and the point will be deleted from the next meeting.

13. Promotions from Hazdoor to Mate. Chairman informed that the EIE/Works Bd is held up for want of committee seniority list from GE Guwahati and requested to liaise with GE Guwahati to expedite.

3. The following new points were also discussed during Works Committee meeting :-

- (a) Duty room Chow at B/R (P) store yard. Not agreed.
- (b) Promotion of Hazdo. Chairman directed Union members to liaise with GE Guwahati to expedite the seniority list of their industrial pers.
- (c) Liverise(water proof) torch cell/soap etc). Chairman directed all sub Dir offices to forward their demands to B3 Sec 1st procurement of the same.
- (d) Expansion of MES Employees Co-Op. Society room. Chairman agreed and directed the AGE B/R to initiate minor work as per scales of accn.
- (e) Roof leakage of SS No. 5 (Urinal premises/latrine). Chairman direct to AGE B/R to rectify the defects by DCL contracting brick wall by the side of offrs Mid accn.
- (f) Accn problem/ vacation notice issued to MES personnel. The problem is faced by all stns. However necessary action to construc Accn is being taken by higher authy.
- (g) Day to day repairs should be done by DEL. Chairman directed that the maximum work will be done by DEL as per rule.
- (h) Veh parking house. Please refer reply to the point No. 11.

Chairman directed AGE B/R (P) to rectify the ramp with the help of MESON as discussed.

(k) Repair of Welding Machine

Chairman directed AGE E/M to carry out the repair of welding machine as early as possible.

(l) Flood for Key pers Qtrs.

Initiation of NW for toe wall to be done by AGE B/R (P).

(m) Repair of Jorabat single Qtrs.

Chairman directed AGE B/R to undertake the repair.

(n) Fencing at pump house (Hay pump house).

Chairman directed AGE B/R to carry out necessary repair by DEL or to initiate minor work.

(o) Bicycle for office duty.

This point will be discussed in the next meeting.

4. Since there was no other points, chairman thanked the members and concluded the meeting.

P.C. John
P.C. John, Secretary

S.S. Sandhu
Major

No. 1009/10-A/ 262 /EIE

Garrison Engineer

Garrison Engineer
Narangi Division, Sataon Post
Guwahati- 781027 (Assam)

1 Oct 99

Distribution:

1. E-in-C's Branch, NIQ, Delhi-11
2. AG's Branch(Org-4(Civ)(C)AHQ New Delhi.
3. HQ CEEC Calcutta
4. HQ CESZ Shillong
5. CWE Shillong
6. CWE (AF) Guwahati
7. HQ 51 Sub Area
8. The Secy Works Committee
9. The Secy, All Assam MES Employee Union, Narangi
10. The Secy, MES Worker Union, Narangi
11. All Concerned Office Members
12. All Sub Divn.
13. All Section.

Major S.S. Sandhu, M.A.M.C. (EIE)

Tel : 6048

Commander Works Engineers
Spread Eagle Falls
Shillong - 1

DA
EDA
GA
ODA

1105/868 FIA

09 Aug 99

GS Shillong
GS Umroi
GS Narengi
GS Guwahati
GS 583 Engr Park

EXEMPTED FOR POSTING

1. A copy of CWSAC Calcutta letter No 131322/2/7D/99/83/Engrs /BIC(I) dt 12 Jul 99, read under HQ CWSZ letter No 70762/1/P/ 521/BIC(I) dt 31 Jul 99 is fwd herewith. Please fwd list of effected individuals alongwith their service profiles and so as to reach by 12 Aug 99 without fail.

To be done
as below

S Langstieh

(S Langstieh)

AO-II

for CWS Shillong

COPY TO :-

EDO Section - please fwd above details imdt.

A copy of CWSAC Calcutta letter No ibid, above.

AS ABOVE

1. Please fwd the particulars of pers who are exempted for posting/transfer, such as mentioned below :-

(a) Handicapped (with auth/PRO)

(b) Widows

(c) Members of works committee(union) with period and auth.

(d) Dependent employees. (Employed in place of deceased)

2. An early action is requested.

SD/- x x x x

(DC Saha)

AO-II

SD 3 (Pers)

for Chief Engineer

✓ Annexure 4

To

✓ C - The Garrison Engineer
Narangi Division

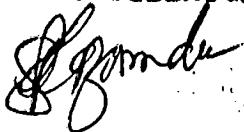
(Through proper channel)

POSTING/TRANSFER ON TENURE/TURNOVER : LDC

Respected Sir,

1. With due respect it is intimated that I am very much surprised to note that I am under order of posting to Zonal Lab Shillong vide HQ CEEC Calcutta letter No 131322/2/99/7D/10/Engrs/EIC(I) dt 17-11-99 and in response to which an appeal to higher authorities is being submitted through proper channel separately.
2. However, you are requested to approach higher authorities for exemption from posting in accordance with Para 4(a) of HQ CEEC letter No 131322/2/10/94/01/Enord/EIC(I) dt 30-6-94 and Para 1(c) & 1(d) of letter No 131322/2/7A/99/83/Engrs/EIC(I) dt 12-7-99 and your letter No 1001/5/8179/EIE dt 04-9-99.
3. For this act of kindness I shall remain ever grateful to you.

Yours faithfully,



(P C Mazumder)
LDC(Pt)
MES/225511

Copy to:-

1. Secy, All Assam NES Employees Union
Narangi Branch
2. Secy, Works Committee
GE Narangi

You are requested to take suitable action with appropriate authorities for posting protection.

Received

✓ 27/11/99

To

The Chief Engineer
Headquarters,
Eastern Command
Fort Williams
Calcutta-21.

(Through proper channel)

Sub: Posting/Transfer on tenure/Turnover:LDC

Respected Sir,

With due respect and humble submission, I do hereby lay before you the following few lines in respect of my Posting and at the sametime, hanker after getting favourable actions:-

(a) That Sir, I had been employed here in GE Marangi as an L.D.C on 06/10/82 on compassionate ground and since then I have been doing my duties to the fullest satisfaction of my superiors. But of late as ill luck would have it, I have been transferred to Zonal lab. Shillong vide your HQ letter no 131322/2/99/7D/10/EICCI) dt 17.11.99.

(b) That Sir, it is brought to the notice to your High honour that I am having widow mother of 70 yrs old who has been suffering from chronic Bronchitis, Diabetes & under prolong treatment of CGHS and moreover she can not walk owing to her right side paralysis and for aforesaid sufferings, she is to attend medical check up from time to time. (Necessary Medical Certificate enclosed herewith for your high honour's ready reference). Further more, there is an unmarried sister who is dependent on me as I am alone earner of the family. I have also been suffering from diabetes for the last 8/9 years (Necessary Medical Certificate attached.)

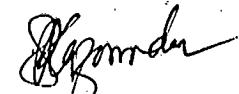
(c) That Sir, it suffice to say you that as per para 4(g) of your HQ, letter no 131322/2/T0/94/01/Engrs/EIC(1) dt 30.6.94 and para 1(c), 1(d) of letter no 131322/2/7A/99/83/EIC (1) dt 12.7.99, I am liable for exemption from posting. In this connection please refer to GB Narangti letter no 1001/5/8179/EIR dt 4.9.99 forwarded to CWE Shillong recommending the case for exemption. Moreover Sir, I am unable to find any reason behind my posting to shillong in as much as I am neither senior nor junior in this station.

Your high honour is therefore requested with perturb heart to consider my case so that I can stay here in this station justifying the above cited grounds and at the sametime let me maintain my poor family here with the low paid salary received from this department as an L.D.C as well as to take self care.

Your generous as well as before long action will highly be solicited.

Dated: 0 ~ Dec '99

Yours faithfully


(Pulin Ch. Hazumder)
LDC (pt)
MES/225511.

Advance copy to:

- 1) Chief Engineer
Headquarters,
Eastern Command
Fort William Calcutta-21.
- 2) Chief Engineer
Headquarters
Shillong Zone, Shillong-11.
- 3) C W E Shillong
Shillong-11.

ALL ASSAM M.E.S. EMPLOYEES' UNION

Branch Office—
BORJHAR
CHAMUA
DINJAN
DIGARU
JORHAT
KUMBHIRGRAM

Registered Under Indian T. U. Act, XVI of 1926
Regd. No. 1400

Affiliated With A.I.D.E.F. Affiliation No. 130
Head Office : ROWRIAH, JORHAT-5
Liaison Office : BORJHAR, GUWAHATI-15

Branch Office—
MISAMARI
MISA
NARANGI
RANGIYA
SILOCHAR
TEZPUR

STATION.....NARANGI.....

Date, 12 Dec. 99

Ref. No. AALES/A/GAU/.....5 /99

To

The Chief Engineer
Headquarters
Eastern Command
Fort William
Calcutta-21

POSTING/TRANSFER ON TENURE/TURNOVER: LDC

Dear Sir,

Reference GE Narangi letter No 1001/5/8230/EIE dt 06-12-99.

2. It is surprised to say you that the GE Narangi has replied this Union in response to our letter No AALES/23/99 dt 27-11-99 keeping aside the main grounds mentioned thereof for cancellation of posting order due to the indl holding the post of Works Committee vide para 1(c) & 1(d) of your HQ letter No 131322/2/7D/99/83/Engrs/EIC(I) at 12-7-99.

3. GE Narangi has intimated this Union that MES/225511 Shri PC Mazumder, LDC has already been SOS on 05-12-99. It is clearly proved that the GE Narangi is intentionally harrassing the indl and mentally tortured because SOS date i.e. 05-12-99 is being Sunday though the indl applied for Medical ground as per advice of Doctor of Central Govt Health Scheme (CGHS) since 26-11-99.

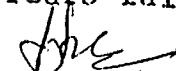
4. In view of above, it is clearly proved that the GE NARANGI is not following the rules prevails and violating these rules keeping your HQ in dark.

5. You are therefore requested to instruct GE Narangi not to violate the rules but to follow the same in all respect to keep good relation between Union and the Department as well as to cancell the posting order at your end.

6. Your co-op in this regard will be highly aporeciated.

Thanking you.

Yours faithfully,


(I.D.Jha) Area Secretary
All Assam M.E.S Employees Union

P.P.O.

to :

1. Chief Engineer
Headquarters
Shillong Zone
Shillong-11

2. CWE Shillong,
Shillong-11

3. GE Narangi

4. Gen Secy,
All Assam MES Employees Union -

5. Secy,
All Assam MES Employees Union
Narangi Branch

For information and take
necessary action.

You are requested to take the
case with higher authy. And copy of the
Application attached for your ready
reference please.
for info.

-for your information.

6. MES/225511
Shri PC Jazumder, LDC

Tele : Mil : 6060

Garrison Engineer Nrangl 32
PO : Satgaon, Dist: Kamrup
Guwahati - 781027 (Assam)

1001/3/ 8281 /EIS

21 Dec 99

CWS Shillong

POSTING/TRANSFER ON TENURE TURN OVER : LDC

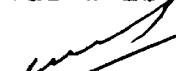
1. Reference All Assam MES Employees Union letter No. A/MSU/A/GRU/3/99 dt 12 Dec 99.

2. Paramwise replies to the above letter are furnished as under :-

(a) Para 2 : MES No. 225511 Shri PC Hazundar, LDC has been posted to Zonal Lab Shillong v/s HQ CERC Calcutta letter No. 131322/2/99/M/10/ Engrs/EIC(I) dt 17 Nov 99. The individual was informed immediately on receipt of his posting order. It is brought out that the posting/transfer order on tenure/turnover basis of the above individual has been issued duly perused by HQ CERC and thus taking up the case with higher authority to retain the individual in this division will not serve any purpose. Moreover, the individual is working with this division since his appointment i.e. 06 Oct 1982 for 17 years. Hence no ground is found for taking up the case wth higher authority for cancellation of his posting order.

(b) Para 3 : Since the implementation of move of the individual by forthwith as per his posting order, he has been SOS from this division on 03 December 99 (AM). The date of SOS has been erroneously mentioned as 03 Dec 99 (AM) in the movement order. The date of SOS has since been amended as 06 Dec 99 (AM) v/s our letter No. 1001/3/8247/EIS dt 16 Dec 99.

(c) Para 4 and 5 : Since the individual is working for 17 years continuously in this division, he has been SOS from this division as per his posting order.


(GS Sandhu)
Major
Garrison Engineer

Copy to :-

1. HQ CERC Calcutta
Calcutta-21
2. CWS Shillong
Shillong-11
3. Gen Secy,
All Assam MES Employees Union.
4. Area Secretary
All Assam MES Employees Union
5. Secy,
All Assam MES Employees Union
Nrangl Branch.

To

The Chief Engineer,
Headquarters,
Eastern Command,
Fort William,
Calcutta-21.

Sub : Posting/Transfer on Tenure/Turnover in No.MES 22511
Shri P.C. Mazumdar, L.D.C.

Ref : All Assam MES Employees' Union, Area Secretary
Letter No. AAMES/A/Gen/5/99 dt. 12-12-99.

Dear Sir,

At the outset, we would like to inform you that All Assam MES Employees Union is a Registered Union under Trade Union Act. bearing Registration No.1400. The said union is affiliated with AIDEF. bearing affiliation No.130.

MES 225511 Shri P.C. Mazumdar, LDC is an active member of our works committee, duly constituted on 30.3.98 and Part-I order was issued by GE Narangi bearing serial No.50 dt. 31-3-98.

Upon knowing the tenure transfer of MES 225511 Shri P.C.Mazumdar, LDC works committee member made a representation on 27-11-99 to the GE Narangi requesting him to initiate positive steps so as to cancell the posting order of the above individual. Besides filling the representations personnel approach were made by the union on several occasions to act on the representation and to take-up the matter with the higher authorities so as to protect the individual of the union. During the discussion, the circular of your Headquarters letter No.13/322/2/70/99/13/Engrs/EMC(L) dt. 12-7-99 was produced before the GE and the same were explained.

The said circular stipulates that the member of works committee (union) with period and authority are exempted for posting/transfer; besides other provision.

We have shocked and surprised to receive GE Narangi Letter No.1001/5/8230/EIE dt.6-12-99 whereby it was intimated that the transfer order was issued on tenure basis and thus taking up the case with higher authority will be of no purpose. By the said letter, it was informed that no rule prevails for retention or cancelling the posting order. At para 4 of the said letter it was informed that the above individual has been SOS on 5-12-99.

Sir, we were astonished to note the contents the said letter. It is pertinent to mention here that we are unable to understand as to what basis SOS has been made on 5-12-99 i.e. on a holiday (Sunday). It is also not understood as to what made the GE to come to office on Sunday to execute a routine order of Transfer. Moreover, when the individual is on medical leave. Besides that deciding the case of the individual, of its own smacks malafide on the part of the GE. It is against the official procedure, rules, regulations/circular and instructions not to refer a matter of this nature to higher office, that to when there are circulars exempting the above individual from Transfer.

We would like to state here that the above individual is being harassed intentionally, as the said individual is active member of works committee and who boldly ventilates the welfare of the staff and because of that reason some difference of opinion has surfaced between union and GE.

In view of this, the GE is best upon to remove the individual from office, that too even not following the procedure prescribed. Inspite of our request and reminder

no action has been taken till date to refer the matter to the higher office and issued the letter dt. 6-12-99, although he is neither competent nor authorised to decide the matter of his own.

As per your H.Q. circular No. 13/306/1/96/Engrs/EIC(1) dt. 15-3-93 issued to all concerned stipulates the guidelines to execute an order of transfer. Appendix A to the said circular clearly stipulates the action to be taken by the office of the GE, the particulars of which are as follows :-

1. GE to intimate the individual as early as possible after receiving the posting order in his office(maximum within 7 days) .. 7 days
2. Period for individual to submit representation form the date of intimation. -15 days
3. Period for GE to forward application to CWE. .. 5 days
4. CWE to forward to CE Zone - 8 days
5. CE Zone to forward to CE EC .. 12 days.

In view of above there is no justification on the part of the GE Concerned to take up the matter so hurriedly and in a hush hush manner to throw out the individual which has been given to understand from letter dt.6-12-99. There is no rhyme or reason on the part of GE to act so hastily, that too without giving any opportunity whatsoever to the individual. It is nothing but clear abuse of power, besides non-application of mind.

Sir, we humbly submit that the action of the GE has great prejudiced the union activities. It is settled principle in all industrial organizations/concerns that the unions are given special prevalence for functioning of the office. As much the action of GE to reject the prayer of the union, that too without referring the matter to higher officials is against the prescribe procedure and basic principles.

Move so the action of the GE concerned in particular letter dt. 6-12-99 is highly illegal arbitrariness and unjust.

At last we would like to inform the bias action of GE is not in the interest of the staff.

In view of the above we have no other alternative but to approach your good office for taking necessary action in this matter, more specifically to revoke or cancell the order of transfer issued on 17-11-99 in the interest of the welfare of the union. We humbly pray that till disposal of the instant representation the order of the transfer may be kept in (evidence). abeyance.

Our union is always for betterment of the department and for the welfare of the staff and we hope that your good self will be kind enough to take positive action in this regard.

We extend all co-operation in future to come.

We shall be highly obliged for doing the needful.

Thanking you,

Enclo : As above.

Yours faithfully,

Ch. 3/12/99
(J. C. DAS)
General Secretary

Copy to :-

1. CE SZ Shillong
2. CWE Shillong
- ✓ 3. HQ 101 Area
- ✓ 4. HQ 51 Sub Area
5. JL Dasgupta
JCM Member
6. BB Das
Vice President, AAAMES EU
7. Area Secretary
AAAMES EU
8. GE Norang, for information and with the request to do the needful.

for information & necessary action please.

ALL ASSAM M.E.S. EMPLOYEES' UNION

Branch Office—
BORJHAR
CHABUA
DINJAN
DIGARU
JORHAT
KUMBHGRAM

Registered Under Indian T. U. Act, XVI of 1926
Regd. No. 1400

Branch Office—
MISAMARI
MISA
NARANGI
RANGIYA
SILCHAR
TEZPUR

Affiliated With A.I.D.E.F. Affiliation No. 130
Head Office : ROWRAJAH, JORHAT-5
Liaison Office : BORJHAR, GUWAHATI-15

STATION.....

Date, 24.12.1999

Ref. No. A/GEN/A.A.MES/17/19

To,

The Chief Engineer,
Headquarters,
Eastern Command,
Fort William,
C A E C U T T A - 2 .

Sub:- POSTING/ TRANSFER ON TENURE/ TURNOVER:
MES/225511 SHRI P.C.MAZUMDER, LDC (CPT) OF G.E.NARANGI.

Dear Sir,

- 1) Refer G.E.Narangi letter No.1001/5/8251/EIE, dt.21-12-99.
- 2) At the outset we would like to inform you that MES/225511 Shri P.C.Mazumder, LDC of all Assam MES Employees' Union has been elected by the staff of G.E.Nanangee for the Works' Committee vide Part I Order SL. NO. 50 dt.31-3-98.
- 3) Upon knowing the tenure transfer of above individual, this Union made representation on 27-11-99 to G.E.Nanangee copy to your Headquarter to initiate positive steps so as to cancell of posting order. In this connection please refer this union letter No.AAMES/ A/ GOV/ 5/ 99 dated 12-12-1999.
- 4) Besides filling the representation, personnel approach were made by this Union several occassion to act on the representation so as to protect the individual as per para 1(C) and 1(d) of your HQ letter No.131322/2/70/99/83/ENGRS/EIC(I) dt.12-7-99 which stipulates the following grounds for exemption from posting besides other provisions.
 - 1(C)-members of Works Committee(Union),
 - 1(d)-Dependent employee(employed in place of deceased)
- 5) It is surprised to receive G.E.Narangi letter No.1001/5/8251/EIE, dt.21-12-99 whereby it was intimated that the approach to higher authority for cancell of posting order will be of no purpose.

(Pl. cont. to p/2)

ALL ASSAM M.E.S. EMPLOYEES' UNION

Branch Office—
BORJHAR
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DIGARU
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KUMBHIRGRAM

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Affiliated With A.I.D.E.F. Affiliation No. 130
Head Office : ROWRIAH, JORHAT-5
Liaison Office : BORJHAR, GUWAHATI-15

STATION.....

(2)

Date.....

Ref. No.....

Moreover, it is not understood as to what basis the individual is already SOS on 06-12-99, though the individual is on Medical Leave w.e.f. 26-11-99 which has no justification on the part of G.E. Narangee to take up the matter so hurriedly without giving any opportunity whatsoever to the individual demanded vide (001578241) dt. 14/6/1999.

6) Sir, we would like to state here that the above individual is harassed intentionally as the said individual is active member of Works Committee who boldly ventilates the grievances of the staff because of which some differences of opinion has come up between Union and G.E. concern and as such G.E. Narangee is trying to remove the individual from the office ignoring the procedure prescribed and inspite of our request to refer the matter to higher office, issued the letter dated 06-12-99 and 21-12-99, although he is neither competent nor authorised to decide the matter of his own.

7) Sir, we humbly submit that the bias action of G.E. concern particularly letter dt. 06-12-99 and 21-12-99 is highly illegal, arbitrary and unjust. We have no other alternation, but to approach your good office for taking necessary action in this matter, more specifically to revoke or cancell of the order issued vide 131322/2/99/7D/10/Engrs/EIC(I) dt. 17-11-99 in the interst of Union and the staff. We humbly pray that till disposal of the instant representation, the order of transfer may please be kept in abeyance.

8) In view of above, you are further requested to take immediate action against G.E. concern for his worriment culpable work and making worthless correspondance with this Union and instruct G.E. concern to shew positive attitude with the union to avoid further complication at the appropriate level.

We shall be highly obliged for doing the needful as the individual is sick and being contacted to reduce tension for his illegal posting.

Thanking you.

Yours faithfully,

(I.D. JMA)
Area Secy.

All Assam Employees Union.

(CONT. TO. P/3)

ALL ASSAM M.E.S. EMPLOYEES' UNION

Branch Office—
 BORJHAR
 CHABUA
 DINJAN
 DIGARU
 JORHAT
 KUMBHGRAM

Registered Under Indian T. U. Act, XVI of 1926
 Regd. No. 1400

Branch Office—
 MISAMARI
 MUSA
 NARANGI
 RANGIYA
 SILCHAR
 TEZPUR

Affiliated With A.I.D.E.F. Affiliation No. 130
 Head Office : ROWRIAH, JORHAT-5
 Liaison Office : BORJHAR, GUWAHATI-15

STATION.....

(3)

Date.....

Ref. No.

Copy to:-

- 1) Chief Engineer, Shillong Zone, Shillong-11, for information and necessary action.
- 2) C.W.E. Shillong, for information and necessary action.
- 3) G.E. Narangi, His reply dt. 21-12-99 is not complementary to our letter dt. 12-12-99 and shows clear abusing of power, besides non-application of mind.
He is therefore requested to take positive steps with the competent authority which will be highly appreciated.
- 4) General Secretary, All Assam MES Employees Union.
For information and necessary action.
- 5) Secretary, All Assam MES Employees Union, -for information and necessary action.
- 6) Shri P.C.Mazumder, MES/225511
LDC
- For information please.

(I.D. SHA)

AREA SECRETARY
 ALL ASSAM MES EMPLOYEES UNION.

ALL ASSAM M.E.S. EMPLOYEES' UNION

Branch Office—

BORJHAR
CHABUA
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Branch Office—

MISAMARI
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Affiliated With A.I.D.E.F. Affiliation No. 130
Head Office : ROWRIAH, JORHAT-5
Liaison Office : BORJHAR, GUWAHATI-15

STATION.....nagarki.....

Date. 12 Jan 2000

Ref. No.affidavit/02/2000

CC. "Parasai

RE: COMPLAINT AGAINST THE PATIENT OR SALARY
TO NO. /225511 FOR PAYMENT OF
CE. CC. (ANAND)

Dear Sir,

Ref telegram dt 25-1-2000 sent by Com. B. Narinder mother of
No. /225511 Shri B. Narinder, M.C. son of Com. B. Narinder who had been employed
submitted by Com. B. Narinder.

2. As per telegram mentioned above it is noted that No. /225511
Shri B. Narinder, M.C. son of Com. B. Narinder who had been employed
by B.I.D.E.F's or on compassionate ground has not been paid salary for
12/99 though he was in sick bed 26-11-99 and the widow mother is
suffering from diabetes.

3. It is also intimated that No. /225511 Shri B. Narinder, M.C.
has been rejoined his duty to B.I.D.E.F on 10-1-2000 after availing
H.P. (Medical) bed 26-11-99 to 09-1-2000 and requested you to arrange
P.M. for 12/99 to avoid legal complication and to save the family
from starving due to financial hardship.

4. In view of above, you are requested to arrange salary to
Shri B. Narinder, M.C. for 12/99 immediately so that
the widow mother can save the starving family and to continue the
treatment from time to time.

Your sympathetic action in this case will be highly appreciated.

Thanking you.

Copy to :-

1. Com. B.

Calcutta -21

1. - You are requested to

instruct B.I.D.E.F to pay

salary w.e.f 12/99 till out fort thousand Rupees

Yours faithfully,

(S. Battacharjee)

Secretary,

2. Com. B.

Shillong

1. - Delay.

3. Com. B.

Shillong

4. Com. B.

Shillong

1. - All concerned concerned Union for immediate action.

5. Com. B.

Shillong

1. - For info.

Letter of Com. B. Battacharjee - 17

Patna, Bihar

To

The Chief Engineer
HQ Eastern Command
Port William
Calcutta-21

(Through proper channel)

SUB: POSTING/TRANSFER ON TERMINE/TIMING/VERBING

Respected Sir,

Reference my application dated 02 Dec 99.

2. With due respect I beg to lay the following few lines for favourable actions:-

(a) That Sir, I had submitted an application dt 02-12-99 when I was on Medical leave wef 26 Nov 99 due to my severe illness under CGHS(Central Govt Health Scheme)Bsp 1 to 02. However, I have rejoined my duty to CG Barangi on 1st Jan 2000 after availing MPL 26 Nov to 99 to C8-1-2000.

(b) That Sir, it is regretted to say that no outcome what-soever has been intimated to me till date.

(c) That Sir, it is very surprise to say that my Pay and Allowance for the month of Dec 99 has been not been claimed by CG Barangi though I was on Medical leave wef 26 Nov 99. In this connection please refer my application dt 27 Dec 99 addressed to CG Barangi requesting you to pay the salary.

In view of above, I therefore requested your kind honour to take sympathetic action on the subject matter and to pay salary by 31 Jan 2000 to avoid legal complication.

Your kindness in this regard will be appreciated ever and ever.

Thanking you Sir,

Yours faithfully,



(P.C. Mehta)
DSC(PT)
160/229*11

Dated: 11 Jan 2000

Adv. copy to :-

1. GRC
Calcutta - With a request to pay salary for Dec 99 by 31 Jan 2000.
2. CGS
Shillong - -do-
3. CGS Shillong - -do-
4. Secy, HAMESU
Nawab Bazar - -do -

In the Central Administrative Tribunal

Guwahati Bench : Guwahati

110 9 FEB 2000

Guwahati Bench : Guwahati

Guwahati Bench : Guwahati

Shri Pulin Chandra Mazumdar Applicant

(N. S. Sandhu)

M.J.P.

Garrison Engineer Narangi

- Versus -

Union of India & Others Respondents

(Written Statements of the Respondents)

The written statements of the above named respondents are as follows :-

1. That the above noted G.A. No 16/2000 (referred to as "application") has been admitted by This Hon'ble Tribunal and the respondents are directed to file their written statements in the case. The respondents have gone through the said application and understood the contents thereof. all The interest of the respondents being common and similar, common written statements are filed for all of them.

2. That statements made in the application, save and except those which are specifically admitted by the respondents, are hereby denied by the respondents.

3. That before traversing the various statements made in the application, the respondents give a brief history of the case as under :-

The applicant is working as LBC for last 18 years since 1982 under The GE Narangi. The GE Narangi is under the administrative control of the Chief Engineer, Shillong Zone. The applicant is liable to be transferred as an incidence of service and the present transfer order from Narangi, Guwahati to Shillong being a transfer within the same zone on administrative reasons and in the public interest and the transfer order being innocuous, was transferred from

GE Narangi, Guwahati to Shillong. The applicant was given due notice of transfer and accordingly his name was struck off from the strength of GE Narangi.

The applicant claims to be a member of the Works Committee (Union) as indicated as in Annexure - I in the application and got elected as on 30.3.98. But nothing has been shown whether he is an office bearer like President, Vice-President, General Secretary, Joint - Secretary, Secretary or Treasurer. The Ministry of Defence, Govt of India, Vide letter No 74361/Org-4(Civ) (c) dt 23.2.99 issued certain guidelines that the office-bearers of recognised Unions/Associations shall be protected from transfer from one establishment to another. However, such protection were not available in case of persons whose wages were above Rs. 1600/- per mensum as provided under Section 2(S) of the Industrial Dispute Act 1947. By the said letter it was also made clear that only 5 Office-bearers, namely The President, Vice-President, Treasurer, General Secretary and Joint Secretary would be entitled to protection. For this protection, the respective Union/Association requires to forward the names of such 5 Office-bearers soon after the conclusion of Election electing them as such Office-bearers to the controlling branches of Adjutant General Branch, New Delhi. On receipt of such names, the authority is to inform the respective Record Office with clear instruction that these important Office-bearers may not be transferred before completion of the tenure as Office-bearers. In case fresh election are not held for any reasons whatsoever, the protection from transfer to the Officer-bearers will cease on expiry of one year from the date of last Election. It is also provided that in no case requests received for protection against transfer under these provisions will be

entertained if made after the issuance of transfer orders in respect of the individual. The above letter was issued to all Commands in India with a direction to inform the other units/installations. In pursuance to the direction contained in the above letter, the Commander Works Engineers, Shillong vide letter No 1105/868/E1A dt 9.8.99 sought for the particulars of such persons/Office-bearers exempted from transfer/posting. But the respondents could not get any such names of any Office-bearers of Union/Association from the Works Committee under the GE Narangi. As there was no such application/information from the Works Committee under GE Narangi to show the names of Office-bearers for exemption from transfer, the impugned transfer order was issued on 17.11.99 and the said order was duly brought to the notice of the applicant who "noted" the contents of the transfer order on the same date. Accordingly, the applicant was informed that he would be relieved of his duties wef 6.12.99 vide order dt 26.11.99 (with amendment dt 16.12.99). The applicant was also informed about his movement order vide letter dt 6.12.99 which was sent through Regd Post. But the applicant in spite of above facts and circumstances, did not carry out the order of transfer and made representations for consideration of his case only on the basis that he is a member of Works Committee and he is exempted from such transfer and hence the present case.

The copies of the Ministry of Defence letter dt 23.2.99, Transfer Order dt 17.11.99, Order dt 26.11.99 and Movement Order dt 16.12.99 and 6.12.99 and 6.12.99 with Postal receipt are annexed as Annexure - R1, R2, R3, R4 and R5 respectively.

4. That with regard to the statements made in Paras 1 of the application, the answering respondents state that the

applicant has mis-conceived the facts and ill-conceived the provisions of the Ministry of Defence letter dt 23.2.93. As clarified above, the applicant is not covered by the provisions of the said protection under letter dt 23.2.93 and hence the application is liable to be dismissed with cost. It is also denied that letter dt 12.7.99 is the Policy issued by the Chief Engineer.

5. That with regard to the statements made in Paras 2 and 3 of the application, the applicant state that the application is pre-mature as the representations were yet to be disposed of by the respondents.

6. That with regard to the statements, made in Paras 4.1 and 4.2 of the application, the respondents state that the applicant is serving continuously for last 18 years at a Station. But he has filed this application by totally misconceiving the provisions of letter dt 23.2.93. The applicant has not shown that he is the Office-bearer as required under the letter dt 23.2.93. A mere member is not protected from transfer. Moreover, the protection is provided for 1 year only from the date of Election i.e., 30.3.98 which is already over by 30.3.99 even if the applicant is presumed to be entitled to such protection. But as shown here-in-above, the Office-bearers need to record names through a process to get the benefit of exemption from transfer. But the applicant's Works Committee has not followed the procedure to record their names with the Competent authorities and that too showing the names of important Office-bearers as indicated in the letter dt 23.2.93. Moreover, the applicant not being an important Office-bearer of the Works Committee, he is not entitled to protection from transfer.

WV

7. That the statements made in the Paras 4.3 of the application are totally wrong and mis-conceived by the applicant and hence, the respondents re-iterate and re-asserts the foregoing statements hereagain.

8. That with regard to the statements made in Paras 4.4 of the application, the respondents state that the applicant openly mislead this Hon'ble Tribunal by suppressing the fact that he has seen the transfer order and put his signature as "Noted" on 26.11.99, but evaded from receiving the copy. By suppressing this material facts and by not annexing the copy of the transfer order dt 17.11.99, the applicant could obtain the interim stay order on 2.2.2000. It is also shown above that how the applicant is evading the service of orders from the respondents. Hence, the application is liable to be dismissed with cost.

9. That with regard to the statements made in Para 4.5 the respondents state that as the applicant is not covered by the protection under letter dt 23.2.93, his case could not be considered in his favour.

10. That the statements made in Para 4.6 are not correct and hence the same are denied.

11. That with regard to the statements made in Paras 4.7 and 4.8 of the application, the respondents state that as the applicant had already been struck off from the strength of the respondent No 6, the pay etc., could not be paid to him, however, he could get his pay and allowances at Shillong on resumption of duties there. Hence, the application has been filed malafide to evade the transfer made as incidence of service.

MM

12. That with regard to the grounds shown in Para 5.1 to 5.5 of the application, the respondents state that in view of the facts and circumstances as explained herein-above, the applicant is not entitled to protection under the letter dt 23.2.93 or any other provisions of law and hence, the grounds can not sustain in law and the application is liable to be dismissed with cost.

13. That with regard to the statements made in Para 6 and 7 of the application, the respondents state that the application is pre-mature under the provisions of Section 20 and 21 of the Administrative Tribunal Act, 1985.

14. That with regard to the statements made in Para 8.1 and 8.2 and 9 of the application, the respondents state that in view of the facts and circumstances of the case, the applicant is not entitled to any relief whatsoever as prayed for and the interim stay order dt 2.2.2000 is also liable to be vacated and if it is not immediately vacated the respondents would suffer irreparable loss and injuries.

15. That the respondents further begs to submit that the law relating transfer is well settled that until and unless a transfer order is made malafide or in violation of statutory rules, no Court/Tribunal shall interfere with such transfer order. In view of such settled provision of law, it is further held by some Tribunals that even the Office-bearers of Union are also liable to transfer against guidelines. This instant case is also squarely covered by such decisions.

16. That in any view of the facts and circumstances of the case and also the provisions of guidelines and law, the application is liable to be dismissed.

114

In the premises aforesaid, it is therefore prayed that your Lordships would be pleased to hear the parties and peruse the records and after hearing the parties and perusing the records shall further be pleased to dismiss the application with cost and/or pass such further or other order that your Lordships may deem fit and proper.

VERIFICATION

I, Shri Major N. S. Sandhu, presently working as G. E. Narangi, being competent and duly authorised to sign this verification, do hereby solemnly affirm and state that the statements made in Para 1-2 to 4 to 14 are true to my knowledge and belief, those made in para 3 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this 7th Day of February 2000 at Guwahati.


(N. S. Sandhu)
DEPONENT
Major
Garrison Engineer Narangi

Tele

FOR SOI (PBRs) ⁸⁻

Annexure - R

(28)

74361/Org-4 (CIV) (a)

Adjutant General's Branch
Army Headquarters
DHQ PO, New Delhi - 110 011

23 Feb 93

Headquarters

Southern Command
Eastern Command
Western Command
Central Command
Northern Command

TRANSFER OF GOVERNMENT SERVANTS WHO ARE
OFFICE BEARERS OF RECOGNISED UNIONS OR ASSOCIATIONS
OF GOVERNMENT SERVANTS

1. Ministry of Defence vide their OM No. 23(11)/55/1002/D (Appts) dated 10-4-56 and OM No. 13(2)/66/D (Appts) dated 10-9-96 has clarified that the protection from posting/transfer would be available to the office bearers of recognised unions/associations in the grade from one establishment to other establishment and not in promotion-cum-posting where the individual is supposed to assume in the higher grade.
2. The statutory provisions contained in Section 2(s) of the Industrial Disputes Act 1947 also clearly postulate that any such person who is employed mainly in a managerial or administrative capacity or who being employed in a supervisory capacity draws wages exceeding Rs. 1600/- per mensem or by reason of the powers vested in him functions mainly of managerial natured is excluded from the definition of workman. Therefor e, he forfeits his privilege/be fit of being protected workman.
3. Ministry of Defence OM No. 13 (4)60/5701/D (Appts) dated 19 Nov 60 stipulates the number of important office bearers of recognised unions/associations claiming protection from transfer. The protection from transfer will be restricted to a maximum of five important office bearers viz, one president One vice-president, one Treasurer and one secretary (which includes General Secretary and Joint secretary). For this purpose each recognised union/association shall forward the names of their five office bearers whom they consider as important office bearers and for whom protection from transfer is required during that particular year immediately conclusion of their annual general body election to the administrative authority as well as to their controlling branches and AG's br at Army Headquarters. On receipt of the names the administrative authority will intimate the same to the Respective Record Offices with clear instructions that these important office bearers may not be transferred before completion of their tenure as office bearers. In case fresh election are not held for any reasons, whatsoever, the protection from transfer to the office bearers to the concerned will cease on expiry of one year from the date of last election.

1775
Tele
no record
no violation

8223

POSTING ORDER NO. 254

Tele : 222 2701

Chief Engineer
Eastern Comm.
Engineers' Col.
Fort William
Calcutta - 21

131222/2/99/7D/10/ Engrs/EIC(I)

dt! 7 Nov 99

Chief Engineer
Shillong Zone

POSTING/TRANSFER ON TENURE/TURN OVER : LDC

1. The following posting/transfer is issued in the interest of state :-

Srl No.	MES No., Name & Design	Posted from	Move to	Re
(a) MES/225511 Shri P C Mazumdar. LDC		GE Narangi	Zonal Lab Shillong	Fort William

(Item one only)

noted

26/11/99

2.1 Your attention is drawn to this HQ letter No. 131306/1/0/Engrs/EIC(I) dt 31 Jan 96 as amended from time to time for strict compliance. All concerned may be informed accordingly.

(G. Mazumdar)

Lt. Col.

SOI (Pers)

for Chief Engineer

Copy to :-

1. CWE (A/F) Guwahati.
2. CWE Shillong.
3. GE Narangi.
4. Zonal Lab Shillong.

Internal : E1D, 2DP Cell, 7, E1R, Master File and office

Male MILY 6030

Garrison Engineer Narangi
PO : Satgaon, Dist : Kamrup
Guwahati-781027 (Assam)

1001/5/6224 /EIE

26 Nov '99

MES/225311 Shri
PC Mazumdar, LDCPOSTING/TRANSFER ON TENURE TURN OVER : LDC

1. You are hereby permanently transferred to Zonal Lab Shillong in the interest of State.

Auth : HQ CEEC Calcutta letter No. 131322/2/99/TD/10/
Engrs/EIC(I) dt 17 Nov 99.

2. You will relieved of your duties by this office on 05 Dec '99 (AM) and will report to your new Unit after availing usual joining time/ journey period.

3. Advance of TA/DA pay as admissible may be had on application.

4. You will submit the following before leaving this office :-

(a) Departure Report (b) Clearance Certificate (c) Ration Card (d) CGHS Card.

5. Please note that your pay and allowances for the month of Dec '99 and onwards will be claimed by your new Unit on report for duty there.

6. You will surrender your Identity card to your new formation on reporting for duty there.

7. The individual is not involved in any Discp/SPE/C. of I.

NS Sandhu
(NS Sandhu)
Major
Garrison Engine

Distribution

1. HQ CEEC Calcutta
2. CES Shillong
3. CWE Shillong
4. Zonal Lab Shillong
5. CWE (AF) Guwahati
6. ARO Shillong
7. JCDA (Funds) Meerut
8. All Sub Divn
9. Internal
SIP, EIP, EIC,
ES (Cash)

Pay Details

B/Pay : Rs 4190/-	D/Birth : 01.01.19
DA : Rs 1550/-	DNB : Oct 2001
SCA : Rs 180/-	Balance of leave : 02
HRA : Rs 629/-	C/L : 02
TPT : Rs 75/-	R/H : C1

Deduction

G.P.F A/C No. 1069253
GPF Subs : Rs. 2500/-
Ty Adv of Rs. : Rs. 12000/- (to be recover
Rs 500/-PM in 24 equal inst)

CGEGIS : Rs. 30/-
CGHS : Rs. 40/-

Tele : MIL : 6060

1001/5/8246/EIE

Garrison Engineer Narangi
PO : Satgaon, Dist : Kamrup
Guwahati - 781027 (Assam)

16 Dec 99

8261

MES/225511 Shri
PC Mazumdar, LDC

POSTING/TRANSFER ON TENURE TURN OVER : LDC

1. Reference this office movement order bearing No.
1001/5/8224/EIE dated 26 Nov 99.

2. Following amendment may please be carried out to this
office above referred movement order :-

Para 2 Line 1

For : 05 Dec 99 (AN) Read : 06 Dec 99 (A/N)

3. All other entries will remain unchanged.

(NS Sandhu)
Major
Garrison Engineer

Copy to :-

1. HQ CEEC Calcutta.
2. CESZ Shillong
3. CWE Shillong
4. Zonal Lab Shillong
5. CWE(A/F) Guwahati
6. AAO Shillong
7. JCDA (Funds) Meerut
8. All Sub Divn

9. Internal
E-I (P), EID, EIC
E-5 (Cash).



8231 5

Tele : Mil : 6060

1001/5/8231/EIE

Garrison Engineer Narangi
PO : Satgaon, Dist : Kamrup
Guwahati-781027 (Assam)

OC Dec 99

The Officer-in-Charge
Satgaon Police Out Post
Satgaon, Gauhati-27.FORWARDING OF COPY OF MOVEMENT ORDER

Dear Sir,

1. A copy of Movement order bearing No. 1001/5/8226/EIE dated 26 Nov 99 in respect of MES/225511 Shri PC Mazumder, LDC of this office is forwarded herewith for handing over the same to the individual concerned at the undermentioned address :-

C/O Late KP Mazumder
Vill & PO : Satgaon
Dist : Kamrup, Assam.
Pin-781027.

2. Please confirm.

Yours faithfully,

(NS Sanhu)
Major
Garrison Engineer

Copy to :-

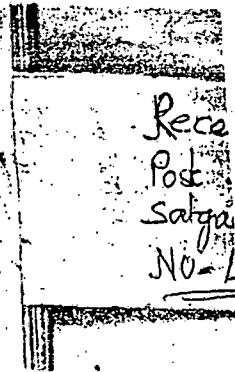
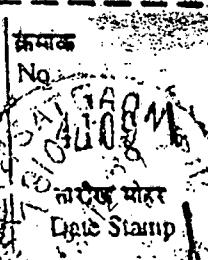
MES/225511 Shri
PC Mazumder, LDC
C/O Late KP Mazumder,
Vill & PO : Satgaon,
Dist. Kamrup, Assam.
Pin-781027.

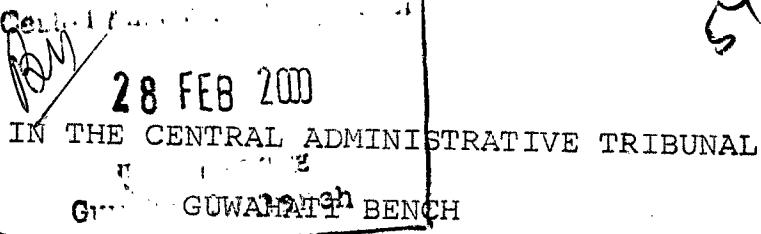
दीमा नहीं NOT INSURED

1. लाये गये डाक टिकटों का मूल्य रु. 25/-
2. Amount of Stamps affixed Rs. 25/-
3. डाक रजिस्टर द्वारा दिलाया गया नंबर
4. Received & Registered.....
5. प्राप्त करने वाला Satgaon Police out Post
6. Addressee :-

Satgaon, Gauhati
प्राप्त करने वाला सिक्कारी के दस्तावेज़

Signature of Receiving Office





43
Filed by the applicant
through Mr. Gouru
Mandal
28/2/2000

Original Application No. 16 of 2000

Shri P.C. Majumdar

-versus-

Union of India & Ors.

-And-

In the matter of :

Rejoinder filed by the applicant in
reply to the written statement submitted
by the respondents.

The applicant abovenamed most humbly and
respectfully begs to state as under :

1. That your applicant categorically denies the
statements made in paragraphs 3 of the written statement
and further begs to state that the claim of the applicant
is based on Annexure-3 of the Original Application i.e.
Chief Engginner, Eastern Command letter dated 12.7.99
read with letter dated 31.7.1999. It appears that following
the decision of the Headquarter members of Works Committee
(Union) is exempted for transfer and posting. In the instant
case it is categorically stated that the applicant is a
member of the Works Committee which is declared by the
Garrison Engineer himself vide Annexure-1. Therefore in
violation of the decision for exemption of posting, the
applicant cannot be transferred from Guwahati so long he
is member of the Works Committee. As such the Annexure R1

Contd....

letter dated 23.2.93 has no relevancy in the instant case of the applicant. Moreover it appears from the posting order No. 254 dated 17.11.99 that the applicant is sought to be transferred on tenure turn over basis. But the same is not applicable as because the applicant is entitled to retain at Guwahati being the member of the Works Committee. It appears from the letter dated 9.8.99 Annexure-3 of the Original Application that has been informed to the local authority that members of the Works Committee is exempted for transfer and posting. As such the clause of 18 years service in the present situation has no relevancy in the instant case of the applicant as well as the Annexure R1 Annexed with the written statement has no relevancy in the instant case of the applicant.

It is also stated that it appears from Annexure-R-3 of the written statement i.e. the letter dated 26.11.99 wherein it is stated that the applicant would be relieved from duty on 5.12.1999 which is simply an intimation to the applicant. But unfortunately this letter is also not served upon the applicant and no order of release or movement order has been issued on 5.12.99. Surprisingly it appears from the letter bearing No. 1001/5/8251/EIS dated 21.12.99 addressed to Secretary of All Assam MES Employees Union and also to Secretary of Assam MES Secretary Union, Narengi Branch that there is an amendment made on 16.12.99 correcting the date 5.12.99 as 6.12.99 and it is also stated that the order in respect of the applicant for struck off and strength has been passed with effect from 6.12.1999. This is practically not permissible under law. For an argument

shake sake if the amendment order is made on 16.12.99 but the order of struck off strength cannot be passed with retrospective effect i.e. from 6.12.99. As such it smacks malafide and on that score alone the impugned order of transfer and posting dated 17.11.99 is liable to be set aside and quashed. It is also to be noted that the amendment letter which is evident from the letter dated 21.12.99 is also not served on the applicant although he had made several representations before the authority. Therefore it appears that no movement order or order of release has been issued in respect of the applicant either on 5.12.99, 6.12.99 or 16.12.99. Therefore it is crystal clear that the applicant is still working under the strength of the Garrison Engineer, Narenti. It is also relevant to mention here that the applicant submitted his joining report after availing leave on medical ground with effect from 26.11.99 to 8.1.2000 and the applicant submitted his joining report on 10.1.2000 (9th being Sunday) and the same was duly accepted by the respondents with required Seal and Signature.

A copy of the said joining report is annexed as Annexure-12.

2. That your applicant categorically denies the statement made in paragraphs 4, 5, 6, 7, 8, 9 and 10 of the written statement and further begs to state that the respondents nowhere stated anything regarding the validity of the order dated 9.8.99. The written statement is submitted by the Garrison Engineer, Narengi - respondent No.6 and as such he has no authority or jurisdiction to

to ignore the posting policy communicated through . letter dated 9.8.99 mere a statement that the applicant is covered by the policy dated 9.8.99 is vague, baseless and without any authority. The applicant further categorically denies the statement that the ~~application~~ ~~is~~ application is pre mature and also reiterates the statements made above that the letter dt. 23.2.93 has no relevance in the present application. The case of the applicant is covered by the policy decision dated 12.7.99 communicated under letter dated 9.8.99. The statement made in paragraph 8 is false and misleading in as much the respondent No.6 himself stated in paragraph 3 of the written statement that the applicant noted the transfer order dated 17.11.99 itself. Therefore question of Annexing the transfer order does not arise when the same was not served upon the applicant, therefore the same is totally false, baseless and misleading and as such the Hon'ble Tribunal be pleased to impose penalty upon the respondent No.6 for submitting such false statement before the Hon'ble Tribuna. It is also stated that the respondent No.6 further submitted a false statement before the Hon'ble Tribunal in as much as denying the paragraph 4.6. of the original Application, whereas it is evident from the Telegraam dated 7.1.2000 sent by the respondent No.6 to respondent Nos. 2,3 and 4 wherein a signal No. 7032 dated 30.12.99 is reflected.

A copy of the telegram dated 7.1.2000 is annexed as Annexure-13.

3. That your applicant categorically denies the statement made in paragraphs 11,12,12,14,15 and 16 of the written statement and further begs to state that the

applicant reiterates the statements made in the Original Application. It is also stated that the applicant till date has not been paid his pay and allowances with effect from December 1999 to February, 2000 and also not allowed to work in spite of the Hon'ble Tribunal's order dated 2.2.2000 which is amount to contempt of court and on that score alone the Hon'ble Tribunal be pleased to impose severe penalty on respondent No.6 for non compliance of the order passed by the Hon'ble Tribunal whereby the Hon'ble Tribunal was pleased to suspend the impugned order or transfer and posting dated 17.11.99. It is pertinent to mention here that the applicant submitted the Hon'ble Tribunal's order dt. 19.12.99 alongwith his application on 20.1.00 but surprisingly the same is returned to the applicant which is further evident the mala fide intention of respondent No.6 and on that score alone the impugned order of transfer and posting dated 17.11.2000 is liable to be set aside and quashed.

Copy of the application submitted by the applicant dt. 20.1.2000 and letter dt. 24.1.2000 are annexed as Annexures-14 & 15 respectively.

4. The applicant thereafter submitted the Hon'ble Tribunal's order dated 2.2.2000 alongwith his application dated 4.2.2000 by hand but the same was refused to accept by the respondent No.6. Thereafter the applicant sent the said application dt. 4.2.2000 and Hon'ble Tribunal's order dated 2.2.2000 through registered post which is also refused to accept by the office of the ~~Commissioner~~ Garrison Engineer, Narengi,

on the instruction of the respondent No.6. The undelivered letter is urged to produce by the applicant at the time of hearing of the O.A.

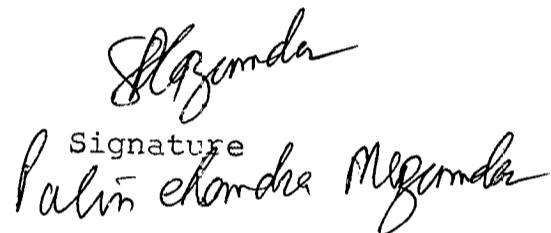
Copy of the application dt. 4.2.00 and 5.2.000 are annexed as Annexures-16 & 17 respectively.

Under the facts and circumstances stated above the original application is deserves to be allowed with costs.

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

I, Sri Pulin Chandra Mazumdar, son of late K.P. Mazumdar working as LDC in the office of the Garrison Engineer, Narengi, applicant in the Original Application No. 16/2000 do hereby verify the statements made in paragraphs 1 to 3 are true to my knowledge and belief and I have not suppressed any material fact.

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


Signature
Pulin Chandra Mazumdar

Annexure-12

To

The Garrison Engineer
Narengi Division

(Through Proper Channel)

Joining Report

Sir,

Ref my application dated 26.11.99, 10/12/99
and 3.12.99.

2. I do hereby submit my joining Report today on
10.1.2000 (F/N) after availing HPL wef 26.11.99.
Necessary certificates issued by CGHS Disp. No.2 are
forwarded herewith as under for regularisation of
above leave.

1. Medical certificate after recommended for leave
or extension or commutation leave dt. 30.12.99
w.e.f. 26.11.99 for 30 days.
2. -do- but wef 24.12.99 for 15 days.
3. Form of Med certificate of Fitness to return
to duty dt. 8.2.2000.

Enclo : Three
Dt. 10.1.2000 (F/N)

Yours faithfully,
Sd/-
(P.C.MAZUMDAR)
LDC (Pt)
MES/22851

NO. 022910

भारत सरकार
GOVERNMENT OF INDIA

केन्द्रीय स्वास्थ्य सेवा योजना

CENTRAL GOVERNMENT HEALTH SCHEME

आवेदक के हस्ताक्षर.....
Signature of APPLICANT

इस्टी पर वापस आने की योग्यता के चिकित्सा प्रमाण-पत्र का फार्म
FORM OF MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

मैं..... प्रमाणित करता हूँ कि मैंने.....
की जो कि..... मंत्रालय/कार्यालय के हैं निम्नों हस्ताक्षर कारपर हैं
ध्यानपूर्वक परीक्षा की है और मुझे ऐसा सगता है कि वे अपनी बीमारी से चंगा हो
गए हैं और सरकारी सेवा में फिर से काग ग्रहण करने के लिए अब योग्य हो गए
हैं। मैं यह भी प्रमाणित करता हूँ कि इस निर्णय पर पहुँचने से पहले मैंने इस रोगी
के पूर्ण-चिकित्सा प्रमाण-पत्र (पत्रों) और विवरण (विवरणों), (या उनकी प्रमाणित
प्रतियों) की जांच कर ली है, जिनके आधार पर छुट्टी दी गई थी या उसकी अवधि
बढ़ाई गई थी और उग पर निचार करते ही मैं अपने इस निर्णय पर पहुँचा हूँ।

I..... do hereby certify
that I have carefully examined..... of the.....
Ministry/Office whose signature is given above and find that he/she has recovered
from his/her illness and is now fit to resume duty in Government service. I also
certify that before arriving at this decision, I have examined the original medical
certificate(s) and statement(s) of the case (or certified copies thereof), on which
leave was granted or extended and have taken those into consideration in arriving
at my decision.

दिनांकित

Dated, the 31 / 12/2012

चिकित्सा अधिकारी, केंद्रीय स्वास्थ्य डिप्लोमा
Medical Officer, C.G.H.S. Dispensary

No. 016694

भारत सरकार/GOVERNMENT OF INDIA

केंद्रीय सरकार स्वास्थ्य योजना, दिल्ली

CENTRAL GOVERNMENT HEALTH SCHEME, DELHI

प्रार्थी के हस्ताक्षर/Signature of APPLICANT: छुट्टी या छुट्टी के अवधि बढ़ाने या उस छुट्टी के परिवर्तन के लिए चिकित्सा
के लिए किए गए अधिकारियों का चिकित्सा प्रमाण-पत्रMedical Certificate for officers recommended for leave or extension or
commutation of leave

मैं..... रोगी जी आनपूर्वक व्यक्तिगत परीक्षा के बाद
प्रमाणित करता हूँ कि.....
मंत्रालय/कार्यालय के..... जिनके हस्ताक्षर ऊपर हैं
..... से पीड़ित हैं और मेरा विचार है कि.....
तारीख..... से..... तक जब्ति तक
इयटी से अनुपस्थित रहना उनके स्वास्थ्य लाभ के लिए अत्यावश्यक है।

I..... after careful personal examination
of the case hereby certify that P. C. Mayambar.....
of the C. M. O. Ministry/Office whose signature is given above,
is suffering from..... and I consider that
a period of absence from duty of..... 15 days..... with effect
from 24.11.89..... absolutely necessary for the restoration of his/her
health.

दिनांकित/Dated, the 30.11.89

चिकित्साविहारी/Medical Officer

केंद्रस्वास्थ्यों अधिकारी/C.G.H.S. Dispensary

C. M. O. IC

C.G.H.S. Dispensary No.-

Guwahati-24

No. 016693

भारत सरकार/GOVERNMENT OF INDIA

केंद्रीय सरकार स्वास्थ्य योजना, दिल्ली

CENTRAL GOVERNMENT HEALTH SCHEME, DELHI

प्रार्थी के हस्ताक्षर/Signature of APPLICANT: छुट्टी या छुट्टी के अवधि बढ़ाने या उस छुट्टी के परिवर्तन के लिए चिकित्सा
के लिए किए गए अधिकारियों का चिकित्सा प्रमाण-पत्रMedical Certificate for officers recommended for leave or extension or
commutation of leave

मैं..... रोगी जी आनपूर्वक व्यक्तिगत परीक्षा के बाद
प्रमाणित करता हूँ कि.....
मंत्रालय/कार्यालय के..... जिनके हस्ताक्षर ऊपर हैं
..... से पीड़ित हैं और मेरा विचार है कि.....
तारीख..... से..... तक जब्ति तक

इयटी से अनुपस्थित रहना उनके स्वास्थ्य लाभ के लिए अत्यावश्यक है।
I..... after careful personal examination
of the case hereby certify that P. C. Mayambar.....
of the C. M. O. Ministry/Office whose signature is given above,
is suffering from..... and I consider that
a period of absence from duty of..... 30 days..... with effect
from 24.11.89..... absolutely necessary for the restoration of his/her
health.

दिनांकित/Dated, the 30.11.89

चिकित्साविहारी/Medical Officer

केंद्रस्वास्थ्यों अधिकारी/C.G.H.S. Dispensary

C. M. O. IC

C.G.H.S. Dispensary

Guwahati-24

Annexure-13

In lieu of msg form

From : GE Narengi P.T.O.
To : GE Shillong Unclass
Info : CE Eastern Org No. 0-7082
CE Shillong Zone

Posting/transfer on tenure turn over ldc (.) ref ce
eastcomd sig 0 7032 dec 30 (.) mes-226511 shri pc mazumdar
ldc already posted out and sos from this divn 06 dec 99(AN)
vide movement order no 1001/5/9240/EIY dec 16(.) comments
on all assam Employees Union letter dt dec 12 submitted to
your hq with copy to all concerned vide our letter no.
1001/5/8251/EIE dec 21(.) request advise further course
of action.

Shri Z Ahmed, Rec 890 Tele : 6068

No. 1001/3/ /EIE BSO Sd/- Illegible

Dated 07 Jan 2000 TCR : 0711280

Annexure-14

To
The Garrison Engineer
Narengi Division

(Through proper channel)

Application No. 16/2000 Shri P.C.Mazumdar, LDC, versus
Union of India and Others.

Respected Sir,

With ref with the above subject matter, may I inform you that I preferred an application under Sec 19 of Administrative Tribunals Act, 1985 against the impugned order of transfer/posting issued vide letter No.131322/2/99/TD/10/Engineer /GIC(i) dt. 17.11.99.

It is stated that the learned CAT after hearing the parties was pleased to issue notice on the respondents fixing the matter on 2.2.2000. Further the Hon'ble Court directed the respondents to maintain status quo as on today until further order. It may be mentioned that by the said order the Hon'ble Court was pleased to observed that pendency of the application shall not be a bar for the respondents to dispose of the representation dated 27.11.99, 2.12.99 and 11.1.2000. A copy of the said order is enclosed herewith.

In view of the above, I request your good self to acknowledge that receipt of the said order and do the needful in accordance with the order dated 19.1.2000 passed by the Central Administrative Tribunal.

Enclo : One
Dated 20.1.2000

Yours faithfully,

Sd/-

(P.C. Mazumdar)
LDC (Pt)
C/o

Tele : Mily : 59-6060

Annexure- 15

REGISTERED POST

Office of the Garrison
Engineer, Narengi Division,
Narengi Cantt. P.O. Satgaon,
Dist. Kamrup, Guwahati (Assam)

1001/5/8278/EIC

24 Jan 2000

MES/225511

Shri Pulin Chandra Mazumdar, LDA
Son of Smt. Basana Mazumdar
Sainik Nagar, PO : Satgaon, Udayan Vihar
Guwahati-781171

RETURNING OF APPLICATION

1. Refer to your application dated 20 Jan 2000.
2. In this connection, it is once again intimated that you have already been struck off strength on 06 Dec 99 (AN) from GE Narengi and posted to Zonal Lab., Shillong (under HQ Chief Engineer, Shillong Zone, Shillong) vide HQ Eastern Command Calcutta posting order No. 131322/2/99/7D/10/Engrs/EIC(I) dated 17 Nov 1999
3. As you are already aware that you are not borne on the strength of GE Narengi Division and hence kindly take up the matter with your new unit i.e. HQ Chief Engineer, Shillong Zone, Shillong.
4. Your application dated 20 Jan 2000 alongwith the copy of CAT Guwahati Bench order sheet Application No. 16/2000 is returned herewith unactioned.

Sd/-

Enclo : 2 (two) sheets

(NS Sandhu)

Copy to

Major

1. HQ Chief Engineer
Eastern Command
Fort William
Calcutta-21
2. HQ CBSZ Shillong
Shillong-11
3. CWE Shillong

Garrison Engineer

Annexure-16

From

MES/225511
Shri P.C.Mazumdar, LDC
C/o GE,Narengi

To

The Garrison Engineer
Narengi Division

(Through Proper Channel)

Sub : Hon'ble Tribunal Order dt. 02.02.2000
passed in O.A. No. 16/2000 (P.C.Mazumdar Vs.
Union of India and Others.

Respected Sir,

Enclosed please find herewith a copy of the
Hon'ble Tribunal's order dated 02.02.2000 O.A. No.16/2000
(P.C.Majumder Vs. Union of India and Others) wherein the
Hon'ble Tribunal is pleased to suspend the impugned
order dated 17.11.99, therefore you are requested to
allow me to continue to work in your establishment in
view of the order passed by the Hon'ble Tribunal.

I am enclosing the copy of the Hon'ble Tribunal's
order dt. 02.02.2000 for your ready reference.

Thanking you,

Dated

4.2.2000

Enclo: Hon'ble Tribunal's
order dated 2.2.2000

Yours faithfully,

Sd/-

(P.C.MAJUMDAR)
L.D.C. (Pt)
MES/225511

Annexure-15 16
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 16/2000

Applicant(s) : Sri Pulin Chandra Mazumder

Respondent(s) : Union of India and Ors.

Advocate for Applicants: Mr. M.Chanda
Miss. N.D.Goswami
Mr. G.N.Chakraborty.

Advocate for Respondents: XXXX&.

Notes of the Registry Date Order of the Tribunal

19.1.2000 Issue notice on the respondents
as to why the application should
not be admitted. List for consider-
ation of admission on 2.2.2000.

Heard Mr. B.C.Pathak, learned
Addl.C.G.S.C. for the respondents
and Mr. M.Chanda learned counsel for
the applicant. Mr. Chanda prays for
an interim order. Mr. Chanda also
submits that the applicant has not
been released till today. Therefore
I direct the respondents that the
status quo as on today shall be
maintained until further orders.
Further pendency of Admission of
this application shall not be a bar
for the respondents to dispose of
the representations of the applicant
dated 27.11.99 and 2.12.99, 11.1.2000.

Sd/- Member

From

Shri P.C.Majumder
MES/225511
C/o GE Narengi

To

The Garrison Engineer
Narengi Division

Sub : Hon'ble Tribunal order dated 02.02.2000
passed in O.A. No. 16/2000 (P.C.Majumdar
Vs. Union of India and Others.

Respected Sir,

Ref /& MY application dt. 4.2.2000

2. With ref to the above subject matter I would like to state that I had personally approached you in your office chamber on 4.2.2000 and handed over the copy of the order dated 2.2.2000 passed by the Hon'ble Tribunal alongwith the above referred letter, but you have refused to acknowledge the same order of the Tribunal and warned me not to visit your chamber and further informed me that you have no obligation to obey the order of Tribunal. As such I am forwarding the above referred letter and a copy of the order dt. 2.2.2000 passed by the Hon'ble Tribunal by registered post to acknowledge the receipt and compliance.

3. Sir, I would like to submit that the Hon'ble Tribunal vide order dt. 2.2.2000 suspended the order of transfer and as such I may be allowed to continue my duty and for which I shall be highly obliged.

Date : 5.2.2000

Yours faithfully,

Enclo : Two

Sd/-

1. CTC copy of Hon'ble Tribunal order dt. 2.2.2000
2. Application dt. 4.2.2000

(P.C.Mazumdar)
LDA (Pt)
MES/225511

Copy to

Secy, AAMES EU -with ref to above
Narengi Branch