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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 185/2000

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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. 185/2000 OF 199

Applicant(s) Ms. Sulochana Thapa

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chanda. Mr. G. N. Chakrabarty
Mrs. N. D. Goochani. Mr. S. K. Ghosh

Advocate for Respondent(s) Mr. A. Deb Roy,
Sr. C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form and within time. C.E. of Rs. 500 deposited vide IPO BD No. 497215 Dated 15.2.57</p> <p>12/6/00 Envelopes not supplied. Notice prepared and sent to the D/s. for issuing to the respondents No 1 of S- vide D/section memo No. 1628 W 1632 dtd 19/6/00</p> <p>Show Cause has not been filed.</p>	<p>9.6.00</p>	<p>Present : The Hon'ble Mr D.C.Verma, Judicial Member.</p> <p>Issue Heard Mr M.Chanda, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents.</p> <p>Issue notice to show cause as to why this application should not be admitted and relief be granted.Returnable by four weeks.</p> <p>List on 3.7.00 for filing reply to the show cause and admission.</p> <p>Heard Counsel for the parties on the interim relief prayer. No ground is made out and <u>interim prayer is rejected</u>. After filing of the reply to the show cause the O.A. may be disposed of finally at the admission stage.</p>

Member(J)

Notes of the Registry	Date	Order of the Tribunal
<p><i>Shun for, for pro, for order as per availability</i></p>	3.7.00	<p>Present : Hon'ble Sri S.Biswas, Member(A).</p> <p>Learned counsel Mr. M. Chanda for the applicant. Counsel for the respondents is not present.</p> <p>The case came up for admission on 9.6.2000. Notice was issued to him on 12.6.2000. Mr. Deb Roy, learned Sr. C.G.S.C. appeared on 9.6.2000 on admission but till today he has failed to submit written statement. Learned counsel Mr. U.K.Nair appeared for respondent no.5 and made a limited submission that in disposing of the representation of the applicant in Case No. 86/2000 a mention was made of the case of N.K.Boro stating that he has joined at Shillong ignoring his family commitments. This is silent as to his individual representation on retention at Guwahati.</p> <p>Though nothing survives of the O.A. 86/2000, after issuing of the speaking order on 13.4.2000, the learned counsel for the applicant submits that in the interest of justice, the O.A. can be disposed of with a direction to the respondent no.2 to consider her prayer for retention at Shillong against N.K.Boro, whose application for retention is pending though he has joined at Shillong. Accordingly the O.A. is disposed of with the following</p> <p style="text-align: right;">Contd..</p>

Notes of the Registry	Date	Order of the Tribunal
<p>13.7.2000</p> <p>Copy of the order has been sent to the D/Sec. for issuing the same to the applicant as well as to the D.G.S.C. for the Respon.</p> <p>and vide D.No. 1853 & 1854 dtd 17.7.2000.</p> <p>HS</p>	<p>3.7.00</p>	<p>direction :</p> <p>The respondent No. 2 shall consider the prayer of the applicant for retention at Shillong considering the fact that she is a lady and spinster having personal difficulties, ^{vice} and Sri N.K.Boro who has also made similar request for retention at Guwahati provided he agrees to surrender transfer T.A./D.A. for the subsequent transfer from Shillong to Guwahati. This representation may be made afresh if required by the respondents otherwise on the basis of the direction the case be heard afresh and decision may be passed within 8 weeks.</p> <p>In passing the above order it is noted that Mr. B.C.Pathak on behalf of Mr. A. Deb Roy made a request for adjourning the case. Since the O.A. has been disposed on the request of the counsel of the applicant at the admission stage, this ^{ad government prayer} direction does not ^{is infertuous} have any bearing on the merits of the case.</p> <p>The O.A. is disposed of accordingly. No order as to costs.</p> <p style="text-align: right;">S. B. Saha Member(A)</p>

trd
4/7/2000

Notes of the Registry

Date

Order of the Tribunal

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4/8 : 6 JUN 2000

IN THE GENERAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

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

Title of the Case : O.A. No. 185/2000

Ms Sulochana Thapa : Applicant

-versus-

Union of India & Ors. : Respondents

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Date : 29.5.2000

Filed by :

N.D. Goswami

Advocate

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Original Application No. 185/2000

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-793001

..... Applicant

-AND-

1. The Union of India
Through the Secretary to the
Government of India,
Ministry of Defence,
New Delhi-110001.
2. The Director General
Defence Estates,
Ramkrishna Puram,
New Delhi-110066
3. The Senior Director
Defence Estates, Ministry of
Defence, Headquarter Eastern Command,
Calcutta-700 017.

Contd....

Ms. Sulochana Thapa

4. The Joint Director
Defence Estates,
Ministry of Defence
Cantonment Bungalow No.33,
Shillong-793001
5. Sri N.K.Boro,
Lower Division Clerk,
Office of the Defence Estates,
Cantonment Bungalow No.33
Shillong-793001

.....Respondents

DETAILS OF THE APPLICATION

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

This application is made against the order of transfer and order dated 17.12.1999 issued by the respondent no.3 whereby the applicant is transferred and relieved from the Shillong, office of the Joint Director, Defence Estates, Ministry of Defence, Cantonment Bungalow, with direction to report for duty at Guwahati in the office of the Defence Estates Officer and also against the impugned Memorandum issued by the Director General, Defence Estates, Government of India, Ministry of Defence, vide letter No. 138/994/Adm/DE dated 13.4.2000 whereby the representation of the applicant dated 23.1.2000 submitted in terms of the direction of the Hon'ble Tribunal dated 15.3.2000 has been rejected on the ground that the presence of the applicant in the Shillong Office invariably leads to altercation amongst the staff and the

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atmosphere gets titiated which has a damaging effect on the image and functioning of the office, thereby it is established that the order of transfer and posting of the applicant is punitive in nature and also praying for a direction to set aside the impugned order of ~~impugned~~ transfer and posting and to allow the applicant to continue in her present place of posting i.e. at Shillong.

2. Jurisdiction

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

3. Limitation

The applicant further declares 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 illegally and arbitrarily transferred and posted to the office of the Defence Estates Officer at Guwahati from her present place of posting. The disturbing aspect of the matter is that she has been so transferred based on

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some complaints allegedly made against her to which she was not given any opportunity to show cause. The applicant is also aggrieved by 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 dies in harness and consequently she was appointed ^{and} posted in any Army Establishment vide No.1 Adv. Base Stationery Depot, Narengi, Guwahati, C/o 99 APC. 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 dependent 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 ^{and} it would be extremely difficulty on the part of the applicant to continue in service at Guwahati.

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 her to be hospitalised in Nazarath Hospital, Shillong for a long period of 14 months. Due to such unfortunate event in her life, the family condition of the applicant also deteriorated. It was

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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 27.11.1986. Be it stated that the applicant was so transferred on compassionate ground at her option to join Defence Estates Services for getting posting at Shillong so as to minimise the family troubles.

Copies of the letter dated 27.11.86 and 18.12.86 are annexed as Annexures- 1 & 2 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 also 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 as Annexure-3.

4.6 That the applicant states that immediately after receipt of the said order dated 12.8.99 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 her difficulties

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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 letter dt. 26.8.99 are annexed as Annexures-4 & 5 respectively.

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 also directed to release her immediately after payment of advance TA/DA.

A copy of the said letter dated 10.9.1999 is annexed as Annexure-6.

4.8 That the applicant was shocked and surprised to receive the mechanical order issued by the respondent No.4 rejecting her representation dated 26.8.99. She however, did not loose heart and represented thereafter before the respondent No.2 praying inter alia for favourable consideration of her case. In her said representation she explained the peculiar circumstances which she was passing through, particularly her health condition and domestic problems relating to her Octogenerian mother and dependent ailing sister. It may be pertinent to mention here that on 31.8.1999 the applicant personally met the respondent No.4 and explained the reasons requiring her stay at Shillong

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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 result came out. The applicant therefore, finding no other alternative approached the respondent No.2 for her respite vide representation dated 22.9.1999.

A copy of the representation dated 22.9.99 is annexed as Annexure-7.

4.9 That the applicant states that it was a bolt from the blue to her to receive the letter dated 17.12.99 issued by the respondent No.4 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.4 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 it 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 Guwahti in terms of the impugned order of transfer and posting and the applicant under the forced circumstances forced to avail leave, therefore it is humbly prayed before the Hon'ble Tribunal that the case may be disposed of expeditiously.

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Copies of the letter dated 17.12.99, order dated 17.12.99 and representation dated 21.12.99 are annexed as Annexures- 8, 9 and 10 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 option considering her health and disturbed family 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 a 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 and quashed.

4.11 That your applicant in the circumstances stated above finding no other alternative approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati by way of filing O.A. No. 86/2000 under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order of transfer and posting dated 12.8.99. The said O.A. came up for consideration for admission before this Hon'ble Tribunal on 15.3.2000 and the Hon'ble Tribunal after hearing the arguments of the parties was pleased to dispose of the same with a direction to the respondents to dispose of the representation of the applicant within 30 days ~~from~~ from the date of the order. Liberty was also granted to the applicant to submit a fresh representation within 7 days and if such represen-

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tation is received the respondents shall take into consideration together with the earlier representation. It is further directed that the respondents shall communicate a speaking order to the applicant within 30 days from 15.3.2000 i.e. for the date of order of the Hon'ble Tribunal. The applicant thereafter in terms of the direction of the Hon'ble Tribunal dated 15.3.2000 submitted a detail representation in addition to her earlier representation alongwith the order of the Hon'ble Tribunal on 21.3.2000. In the said representation the applicant inter alia stated that Shri N.K.Boro who has carried out the posting order and joined in the office of the Joint Director, Defence Estates, Shillong at the cost of his family who are grown up and simultaneously she has also pointed out that she being a unmarried lady it is difficult on her part to stay alone at Guwahati. She has also stated that department is not going to loose anything if she is accommodated at Shillong and Shri M.K. Boro is accommodated in his old station at Guwahati. The applicant also pointed out her personal problems wherein it is stated that her mother is 80 years old and she is sick and there are sisters who are dependant on the applicant and she is the eldest daughter in the family. It is her moral duty to look after the family members. The applicant further requested that Shri M.K.Boro may be posted back to Guwahati and she may be accommodated and adjusted in Shillong considering her difficulties.

The said representation dated 21.3.2000 and the representation submitted earlier was disposed of by the

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Director General, Defence Estates vide his memorandum bearing No. 138/994/Adm/TE dated 13.4.2000 wherein it is stated by the Director General that all the grounds raised by the applicant has been examined in consultation with the Director, Defence Estates, Eastern Command Calcutta, who is the appointing authority. It is also stated th t the Director, Defence Estates, Eastern Command/ has reported that the applicant has been posted in Shillong since 1986 and her retention in Shillong is not desirable on administrative ground.

It is also stated ~~xxxx~~ by the Director General in the said memorandum that the Director has reported that most of the pleadings of the applicant are incorrect and in as much as her sisters are not dependent on her except one. It is also stated that the mother of the applicant is getting pension and one of/ her sisters is employed in Defence Accounts and the family is reported to be financially well of.

Surprisingly it is further stated by the Director General that the presence of the applicant in the office ~~xxxxxxxxxxxxxxxx~~ invariably leads to altercations amongst the staff and the work atmosphere gets vitiated which has a damaging effect on the image and functioning of the office and considering all this facts the representation submitted by the applicant has been rejected with the direction to the applicant to join her new place of posting without further delay. In this connection it is stated th t the Director General without application of mind rejected the representation of the applicant mechanically as it appears from the impugned memorandum dated

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13.4.2000 as because he has rejected the representation of the applicant on the basis of the dictation of the Director, Eastern Command, Calcutta. The Director General did not apply ^{his} ~~is~~ mind independently on the grounds raised by the applicant. In order to reject the representation of the applicant the Director General on the dictation of the Director taken up the grounds for rejection of her representation that family of the family is financially sound whereas in the said representation the applicant has raised that she being the unmarried lady it will be very difficult on her part to stay at Guwahati leaving the other family members at Shillong. Moreover she has stated in her representation that her mother being the aged lady suffering from old age diseases as such her presence is required to look after her aged ailing mother and to the dependent family members whereas the Director General sought to justify his action by stating that other dependent members are employed and also on the ground that family of the applicant are financially well of. Whereas the grounds raised by the applicant has not at all considered by the Director General and he has also not applied his mind independently as it appears from the impugned Memorandum dated 13.4.2000. Rather it appears from the impugned memorandum dated 13.4.2000 that she is being transferred on the basis of some malicious complaints as it appears from the impugned~~ed~~ memorandum where the Director General stated that the presence of the applicant in the office of the Joint Director invariably leads to altercations amongst the staff and the working atmosphere

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gets viatiated which has a ^{damaging} ~~madaging~~ effect on the image and functioning of the office. The relevant portion of the impugned memorandum dated 13.4.2000 is quoted below :

✓ "Whereas the Director has reported that the pleadings made by her mostly incorrect in as much as her sisters are not dependent on her ✓ as they all are employed except one. Her mother is getting pension and one of her sisters is employed in the Defence Accounts Department and the family is reported to be financially well of. Her presence in the office invariably leads to altercations amongst the staff and the work atmosphere gets vitiated which has a damaging effect on the image and functioning of the office."

In view of the above statement it appears that the Director General on the basis of malicious complaint acted upon and has taken a decision on the dictation of the Director, Eastern Command, Defence Estates, Calcutta to issue the impugned order of transfer and posting in respect of the applicant from Shillong to Guwahati which is punitive in nature. On that score alone subsequent relieving order dated 17.12.99 and transfer and posting order dt. 12.8.99 are liable to be set aside and quashed.

Copy of The Tribunal's order dt 15.3.2000, representation dt 21.3.2000 and order dt 13.4.2000 are Annexed as Annexure - 11, 12 & 13 respectively.
4.12 That it is stated that the Director General

acted upon the complaints lodged by the local authority i.e. the Joint Director, Defence Estates, Shillong and has taken a decision to transfer the applicant from Shillong to Guwahati without affording any opportunity

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to the applicant before issuing the impugned order of transfer and posting dated 12.8.99. In this connection it is relevant to mention here that if there is any complaint against the applicant in that event it was the duty of the authority to make an enquiry against the said allegation before taking any decision ~~of~~ transferring her on the basis of any allegation or complaint. As such the decision which is taken ex parte without affording any opportunity to the applicant and consequently the order of transfer which is issued on the basis of complaint is punitive in nature and also without affording any opportunity. On that score alone the impugned order of transfer dated 12.8.99 and the relieve order dated 17.12.99 and memorandum dated 13.4.2999 rejecting the representation of the applicant are liable to be set aside and quashed. It is humbly prayed before the Hon'ble Central Administrative Tribunal to direct the respondents to produce the relevant records and the complaint which was lodged against the applicant as it appears from the Memorandum dated 13.4.2000 and the other relevant materials/documents, on the basis of which the Director General came to the conclusion that her retention at Shillong office has an adverse effect and the works admosphere gets vitiated which has a damaging effect on the image and functioning of the office. The said action of the respondents is contrary to the relevant rule and the complaint was lodged with a malafide intention with a conspiracy to remove the applicant from the office of the Joint Director, Defence Estates, Shillong. Therefore, the applicant was not been afforded any opportunity by the

Ms. Sulochana Thapsa

respondents before issuing the impugned order of transfer and posting dated 12.8.99, as such the impugned orders of transfer and relieving, and impugned memorandum rejecting the representation of the applicant are liable to be set aside and quashed.

4.13 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

- 5.1 For that it establishes beyond all doubts that the impugned order of transfer and posting was issued by the respondent No.4 on the basis of the somplaints made against the applicant.
- 5.2 For that the impugned order of transfer is bad in law and is liable to be set set aside and quashed.
- 5.3 For that the order of transfer and posting 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.
- 5.4 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.
- 5.5 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

Ms. Sulochana Thapa.

given in the instant case therefore the impugned order is illegal and liable to be set aside.

- 5.5(a) 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 and posting is bad in law and is liable to be set aside.
- 5.7 For that the Respondent No. 5 as well as the applicant prayed for retention in their original place of posting at Guwahati and Shillong on compassionate ground.
- 5.8 For that there is no difficulty on the part of the respondents to review and accommodate the applicant in her present place of posting i.e. at Shillong.
- 5.9 For that it is established beyond all doubts that the the impugned order of transfer and posting has been issued on the basis of complaint lodged against the applicant at the instance of Joint Director, Defence Estates, Shillong without following the principles of Natural Justice.
- 5.10 For that the decision of the Director General that the retention of the applicant at Shillong office leads to altercation amongst the staff and the work atmosphere gets vitiated which has a damaging effect on the image and functioning of the office of the Joint Director has been taken without giving any opportunity to the applicant as such the impugned order of transfer

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and posting is punitive in nature and as such the impugned order of transfer is liable to be set aside and quashed.

5.11 For that none of the grounds raised by the applicant in her representation dated 21.3.2000 and also in the earlier representation have ~~not~~ been considered by the Director General independently.

6. Details of remedies exhausted.

The applicant states that he has no other alternative or other efficacious remedy available than 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 declares that she had filed an Original Application before this Hon'ble Tribunal which was registered as O.A. No. 86/2000 and the said O.A. was disposed of by the Hon'ble Tribunal vide order dated 15.3.2000 with direction to the respondents to dispose of the representation of the applicant within a period of 30 days from the date of order, but the representation of the applicant has been rejected by the respondents by the impugned memorandum dt. 13.4.2000. The applicant further declares that no 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 is pending.

Ms. Subochana Thapa .

8. Relief(s) Sought for :

Under the facts and circumstances of the case, as stated in paragraph 4 of this application, the applicant prays for the following reliefs :

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of transfer and posting dated 12.8.99 and relieving order dated 17.12.99 or alternatively to review the impugned order of transfer and posting in respect of the applicant in the light of the representation submitted by the applicant as well as respondent No.5.
- 8.2 That the Hon'ble Tribunal be pleased to set aside the impugned Memorandum dated 13.4.2000 (Annexure-13).
- 8.3 That the respondents be directed to allow the applicant to continue in the office of the respondent No.4 at Shillong consider the facts stated in paragraph 4 of this application.
- 8.4 Costs of the application.
- 8.5 Any other order or orders as deemed fit and proper by the Hon'ble Tribunal.

9. Interim Reliefs sought for :

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

- 9.1 That the respondents be directed to allow the applicant to continue in the office of the respondent No.4 at Shillong till disposal of this application.

10.

This application has been filed through advocate.

Ms. Sulochana Thapa.

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11. Particulars of I.P.O.

- i. I.P.O. No. : 06, 497315
ii. Date of Issue : 01-06-2000
iii. Issued from : G.P.O., Guwahati.
iv. Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the Index.

..... Verification

Ms. Sulochana Thapa

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

I, Miss Sulochana, Thapa, daughter of Captain (Late) B.R.Thapa, aged about 36 years working in the office of the Joint Director, Defence Estates, Ministry of Defence, Contonment Bungalow No.33, Shillong-3 do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 in this application are true to my knowledge and those made in paragraph 5 in this application are true to my legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 30th day of May, 2000.

Ms. Sulochana Thapa.
Signature

Annexure-1

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

70538/Comp/NV/4/86/Org 4 (Civ) (b) 27 Nov 86

Station HQ Silchar
No.1 Advance Base Sty 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 :-

Sl.No.	Name Trade & Category	From	To
1	Km Brilliantla Khyriem Ty LDC	Metal & Steel Factory, Ichapore	NCC Dte Shillong
2	Km Biaknungi Rabha Ty. LDC	Stn.HQ Silchar	Office of the Jt.Dir Lands and Cantonment Min of Def Shillong
3	Km Sulochana Thapa Q/P1 LDC	Ncn felv Base Sty 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 Appexdix '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.

5. The individual will be received of their duties immediately on receipt of confirmation regarding the availability of vacancy from the receiving units. The case of the individuals will not be withheld till arrival of respondents. The resultant vacancies will be reported to this HQ in accordance with SAO 8/S/76.

Contd...

Annexure-1 (Contd.)

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 CRRO 73/73 as amended).

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

Sd/- Illegible

(Ram Nath Satyarthi)
Civilian Staff Adhikari/GSO
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.

GS Br/SD-GB AGO/OSSCCD

DG D L & C

DG NCC/Pers (C)

Ordnance Factory Board, Calcutta.

Annexure-2.

REGISTERED POST

No. 1 Adv Base Stationery Depot
C/o 99 APO

317/3/Adm(Civ)

13 Dec 86

The Joint Director
Defence Lands & Cantonment
Ministry of Defence
Shillong

POSTING/TRANSFER OF 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.

Sd/- Illegible

(R K Bakshi)
Lt. Col
Officer Commanding

Annexure-3

REGISTERED

No. 360009/LC-1/XXXI/257
Dte of Defence Estates
Min of Defence, Eastern Command
13, Camac Street (7th Floor)
Calcutta-17 dt. 12 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 & designation	From	To
1	Miss Sulochana Thapa, LDC	JD.DE, Shillong	DEO Guwahati
2	Sri N.K. Borel, LDC	DEO Guwahati	JD, DE. Shillong
3	Sri AJ Peter, Mali/ Mazdoor	JD.DE. Shillong	DEO, Jorhat
4	Sri BK Swargiary, Chairman	DEO, Jorhat	DEO, Guwahati
5	Sri KC Upadhyay, -do-	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.

Sd/-Illegible
Director
Defence Estates
Eastern Command.

Copy to

1. The Director General, DE, Min. of Defence, RK Puram, New Delhi-110066.
2. The CDA, Narengi, Guwahati.
3. The RAO (Pay Cell) Shillong
4. Float copy.

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 infor-
mation 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 no-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 ~~prev~~ 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 Station-
ery 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

Contd...

was hospitalised in Nazareth Hospital. Shillong for a long period of over 12 (Twelve) months and till date I am undergoing treatment and regular 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 Hqrs. 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 goodself 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 the regard.

Thanking you in anticipation,

Dated, Shillong
the 26th August, 1999

Yours faithfully,

Sd/-

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

Encls :-

1. Xerox copy of medical certificate dt. 17.7.82
2. Xerox copy of medical certificate dt. 09.7.83
3. -do- 14.5.84
4. -do- ~~26.7.84~~ 26.7.84
5. -do- 23.2.85
6. -do- 14.3.85
7. -do- 5.6.85
8. -do- 08.6.85

Advace copy to

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

By Speed Post.

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 for your necessary action please.

Yours faithfully,

Encls : As stated above.

Sd/-

Joint Director
Defence Estates,
Min of Defence
Shillong.

Annexure-6

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.

1. Reference your letter No. JD/SMG/PER/109/8 dated 26.8.99
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 her immediately after payment of TA/DA Advance.

Sd/- Illegible
Director
Defence Estates
Eastern Command

Float copy

To

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

(Through proper channel)

Respected Sir,

With due respect and humble submission, I beg to state ~~that~~ 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 vix. 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 dated 12.8.99 posted me out to DEO 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/SHG/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

Contd..

Annexure-7 (Contd.)

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

And therefore, I fervently appeal before your goodself, considering my pitiabile 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 siling mother and four dependent younger sisters and thus give me natural justice at least from your level.

Thanking you in anticipation,

Dated, Shillong

Yours faithfully,

the 22 September, 1999

Sd/-

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

Enclos :-

1. Director, DE.EC letter No. 360009/LC-1/XXXI/857 dtd. 12.8.99.
2. Director, DE.EC letter No. 360009/LC-1/REP, dtd. 10.9.99.
3. Representation of the individual dt. 26.8.99 addressed to Director, DE, EC, Calcutta-17.
4. No.1 ASSD letter No. 317/3/Adm(Civ) dt. 18.12.96
5. Army HQrs. AG Branch letter No. 70538/Comp/Nov/4/86/Org(Civ) (b) dated 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.

36

No. SHG/PER/109/
Office of the Joint Director
Defence Estates, Min. of Defence,
Bang. No.33, Shillong Cantt.

Dated 11 December, 1999

To

Miss Sulochana Thapa,
L.D.C. of JD DE Shillong.

Sub : POSTING/TRANSFER OF KUM. SULOCHANA THAPA, LDC.

Reference your representation dated 22.9.1999.

You are hereby informed that your request for cancellation of transfer from JD 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.

Sd/. Illegible

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.

D.O. PART II NO. 320 DATED DECEMBER, 1999
(LAST D.O PART II NO. DATED 17-12-1999)

LOCATION : SHILLONG

UNIT : JD, DE 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/XXXI/257 dated 12.8.99 and as per the instructions contained in Dte. DE, EC, letter No.360009/LC-1/XXXI/290 dated 16.12.99 Miss Sulochana Thapa, LDC has been relieved and struck off strength of this office on 17.12.99 (A/N) and she has been directed to report for duty in availing joining/journey period.

Sd/. Illegible
Joint Director
Defence Estates,
Min. of Defence
Shillong.

DISTRIBUTION

1. D.O.PART II BOOK
2. The Director General, DE, Min. of Defence, R.K.Puram, New Delhi-66.
3. The Director, DE, EC, Calcutta-17
4. The J.C.D.A. (E) Mereet.
5. The C.D.A. Narengi, Guwahati.71
6. The A.A.O., Shillong.
7. The L.A.O (A), Shillong.
8. The D.E.O, Guwahati.
9. Miss Sulochana Thapa, LDC.
10. SHG/PER/109

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. 240/- |
| 4. | H.R.A. | - | Rs.641/- |
| 5. | S.D.A. | - | Nil |

DEDUCTION

- | | | | |
|----|-----------------------------|---|-----------|
| 1. | G.P.F. monthly subscription | - | Rs.2500/- |
| 2. | C.G.E.I.S. | - | Rs. 30/- |

Advance taken

- | | | | | |
|----|------------------|---|-----------|----------------------------|
| 6. | Festival Advance | - | Rs.1500/- | Recovery made Ist Instl. |
| 7. | Pt. TA/DA Adv. | - | Nil | Rs.150/- balance Rs.1350/- |

Sd/- Illegible
Joint Director

*AHustand
25/12/99
Delv.*

Annexure-10

To

The Director General,
Defence Estates,
R.K.Puram,
NEW DELHI-66

(For kind personal attention
please)

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 dated 17.12.99 (Xerox copy enclosed).

Sir, you are kindly aware that consequent upon Dte DE EC letter No. 360009/LC-1/XXXI/957 dated 12.8.99 posting me to DEO Gauhati Circle from JD DE Shillong, I has 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 your, JD DE Shillong vide lttter No. SHG/PER/109/4 dtd. 17.12.99 (Xerox 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..

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

Sd/-

(Miss S. Thapa)

C/o Capt. (L) B.R. Thapa
Barapathar

Opposite Little Angel School
Shillong-793 002

(MEGHALAYA)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION No. 86/2000

Applicant(s) : Ms. Sulochana Thapa

Respondent(s) : Union of India & Ors.

Advocate for Applicant(s) : Mr. M.Chanda,

Mrs. N.D. Goswami

Mr. G.N.Chakraborty

Advocate for Respondent(s) : C.G.S.C.

15.3.2000

This application has been submitted by the applicant against her order of transfer from Shillong to Guwahati vide order No.360009/LC-1/XXX1/252 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 expedient to dispose of this application with direction to the respondents to dispose of the representation of the applicant within 30 days from today. The applicant may also file fresh representation giving details 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 today. Application is disposed of. No order as to costs.

Sd/- MEMBER (ADM)

*Attest
Sd/-
Adv.*

To

The Director General
Defence Estates
Min of Defence
West Block-IV
R.K.Puram
New Delhi-66

(Through JD DE Shillong)

Subject : Posting/Transfer : Earnest appeal for posting
of Ms. S.Thapa LDC in the office of JD DE
Shillong.

Respected Sir,

In pursuance to the orders contained in the Central Administrative Tribunal Guwahati Bench, Guwahati vide dated 15th March 2000 (Xerox copy enclosed) most respectfully I beg to lay before you the following few lines for your favourable reconsideration in the matter please.

Sir, though I have been relieved of my duties w.e.f. 11th December 1999 (afternoon) vide JD DE Shillong DO Pt-II No. 329 dated 17th December 1999 on the authority of Director Defence Estates EC letter No. 360009/LC-1/XXXI/957 dated 12.08.99 posting me to DEO Guwahati, but I am really not in a position to join DEO Guwahati for reasons already explained in my representation dated 22.09.1999 and 21.12.1999 addressed to you. I have failed to understand why my repeated appeals to my higher authorities is not being considered at least on humanitarian ground specially, when I am an unmarried lady. It is therefore evident that this is a clear case of torture and harassment to low paid employees like me and Shri N.K.Boro LDC of D O Guwahati who has been posted in my place in JD DE Shillong. As per government transfer policy also low paid employees are not liable to be transferred.

Though Sri, Shri N.K.Boro carried out the posting orders and joined in JD DE Shillong at the cost of his family consisting of 3 (three) grown up daughters without a single male members in the family like me, why department is paying a deaf hear on our repeated appeal in the matter is really a concern of not only surprising but shocking also.

Sir, I am staying 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 and fully dependent on me. You will appreciate now a days sometimes such situation arises that it really 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 only will have to be left to no man's care, even I myself will be in a helpless condition to live in Guwahati.

I have already made a mention in my earlier representation dated 22nd September 1999 that originally I was serving in an army formation viz. No.1 Advance Base

Contd...

Annexure-12 (Contd.)

Stationery Depot, C/p\$99 APO (Unit is located in Narengi, Guwahati) Due to my wrong treatment and simultaneous hospitalisation, the No.1 Advance Base Stationery Depot vide lett r 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) dated 27.11.86 (Copy enclosed) I was posted to JD DE Shillong on compassionate ground.

In view of the circumstances as enumerated in the foregoing, I would fervently urge upon your good-self kindly to take the above aspects of my case into your active consideration, specially, the condition of my octogenarian mother, and my dependant younger sisters ailments and frequent hospitalisation and also my health condition and regular check up therefore, my case, you will agree needs to be reconsidered.

In view of the circumstances as enumerated, in the foregoing I fervently urge upon your good self to fervently condider our case and thus I am pested to Shillong and Sri N.K.Boro is again posted to DEO Guwahati, in that case government is not losing anything rather two helpless families will be saved and our hardship will be mitigated to some extent. It may be stated here that Shri N.K.Boro LDC has also submitted a representation in the regard vide dated 25th August 1999 (Xerox copy enclosed).

I hope to get favourable consideration and natural justice in the matter from your good self.

Thanking you in anticipation.

Yours faithfully,

Sd/- 21.3.2000

(Ms Sulochana Thapa)
C/o (Capt. Late B.R. Thapa)
Opposite Little Angel School
Barapathar, Shillong-2
Meghalaya

Copy to

The Senior Director
Defence Estates
Ministry of Defence
Eastern Command,
13 Camac Street
Calcutta-17.

SPEED POST

Annexure-13

No. 138/994/ADM/DE
Government of India
Ministry of Defence
Dte Genl Defence Estates
West Block IV, R.K.Puram
New Delhi-110066

13 Apr 2000

MEMORANDUM

Whereas Ms Sulochana Thapa, LDC has made representation addressed to Director General through Joint Director, Defence Estates, Shillong vide her letter dated 21.3.2000 in pursuance of the CAT, Guwahati Bench Order dated 15th Mar 2000. In the said representation as well as in her earlier representations Ms Thapa has made following submissions against her transfer from Shillong to Guwahati and has requested for retention at Shillong on humanitarian ground:

That she is an unmarried lady and having an old ailing mother and 4 dependent sisters :

That Sh. N.K.Boro who has been posted in her place has joined at Shillong ignoring his family commitments.

Whereas Ms Thapa has been relieved by Jt Director, DE Shillong on 17.12.99 and has still not joined at Guwahati :

Whereas all the grounds in the representations have been examined in consultation with the Director, Defence Estates, Eastern Command, Calcutta; who is the appointing authority;

~~Where~~ The Director, DE Eastern Command has reported that she has been posted in Shillong since 1986 and her retention in Shillong is not desirable on administrative grounds;

Whereas the Director has reported that the pleadings made by her are mostly incorrect in as much as her sisters are not dependent on her as they all are employed except one.

Contd....

Attested
Adm.

Annexure-13 (Contd.)

Her mother is getting pension and one of her sisters is employed in Defence Accounts Department and the family is reported to be financially well off. Her presence in the office invariably leads to altercations amongst the staff and the work atmosphere gets vitiated which has a damaging effect on the image and functioning of the office.

Whereas considering all these facts submitted by the Director, Defence Estates, Eastern Command and the pleadings of Ms. Thapa, the undersigned has come to the conclusion that the representations of Ms. S. Thapa merit no further consideration and hereby rejects the same with the direction that Ms Thapa should join her new place of posting without further delay.

Sd/-

Director General
Defence Estates

Ms Sulochana Thapa - In compliance of the CAT order dated 15 Mar 2000 and with reference to her representations against her transfer.

Attested
Sd/-
Ain.