

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 216/01

R.A/C.P No.

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SECTION OFFICER (Judl.)

Salil
7/2/17

unitreoo

FORM NO.4

(See Rule 42)

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

ORDER SHEET

APPLICATION NO 216.....OF 2001.

Applicant (s) SHRI PURAN CHAND

Respondent (s) UNION OF INDIA & ORS.

Advocate for Applicants (s) Mr. M. Chanda, Mrs. N.D. Goswami,
Mr. G.N. Chakraborty, Mr. H. Dutta.

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

Notes of the Registry	Date	Order of the Tribunal
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8.6.01

Present: Hon'ble Mr.K.K.Sharma
Administrative Member.

Heard learned counsel for the parties. Application is admitted. Issue notice.

The applicant has served in the North Eastern Region for about 8 years. As per ^{Governments} guidelines he is entitled to choice station posting after completion of two years Station fixed tenure. However, the applicant is transferred on posting to FA Gwal-dam (U.P.). The applicant submitted several representations for choice Station posting. In the circumstances the order dated 10.5.01 (Annexure IX) is stayed till disposal of the O.A. Let this case be listed for hearing on 20.7.01. ✓

This application is in form but not in time Condonation Petition as filed vide M. P. No. C F. for Rs. 50/- deposited vide IPO/B No. 6.9.792450 Dated 15.5.2001

[Signature]
Dr. Registrar
16/6/01

Requisite not filed.

Requisite filed. Notice prepared and sent to all for cross the Respondent No 1 to 4 by Regd AD vide DINo 2060/W 2063 dtd 14/6/07

lm

[Signature]
Member

20.8.01

Mr.A.Deb Roy, Sr.C.G.S.C
has submitted that the respondents
desire to file written statement for
which he requires four weeks time.
considering the facts and circumstan-
ces the respondents are allowed to file
the written statement. List on 27.8.01
for hearing.

In the meantime the interim
order ~~shakti~~ dated 8.6.01 shall con-
tinue.

Vice-Chairman

lm

MS
23/7/01

27.8.01

Judgment delivered in open

Court. Kept in separate sheets. Appli-
cation is allowed. No costs.

Vice-Chairman

lm

14.9.2001

Copy of the Judgt
has been put to the
Dfrec. for issuing
The same to the
Applicant as well
as to the Addl. C.S.C.
for the Respd.

MS

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 216 of 2001

Date of Decision.....27.8.01

Shri Pura Chand

-----Petitioner(S)

Mr.M.Chanda, Mrs.N.D.Goswami, Mr.G.N.Chakraborty

-----Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

-----Respondent(s)

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

-----Advocate for the
Respondent(s)


THE HON'BLE

MR.D.N.JUSTICE D.NICHODHURY, VICE-CHAIRMAN

THE HON'BLE

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

Judgment delivered by Hon'ble : VICE-CHAIRMAN



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.216 of 2001

Date of Order: This the 27th Day of August 2001.

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

Shri Puran Chand
S/O.Late Saindass
Resident of Vill.Phaloura Nagbani
P.O.Domana
Dist.Jammu,
Jammu & Kashmir Applicant.

By Advocate Mr.M.Chanda, Mrs.N.D.Goswami, Mr.G.N.Chakraborty

-Vs-

1. Union of India
Through the Secretary of the Govt. of India,
Ministry of Home Affairs,
New Delhi.
2. The Director General, SSB
R.K.Puram
New Delhi.
3. The Assistant Director, (EA-I)
Office of the Director General SSB,
East Block-V, R.K.Puram
New Delhi-110066.
4. Shri B.S.Kapirwan, D.F.O(M)
Office of the Dy. Inspector General, SSB,
F.A.Gwaldam
Uttar Pradesh Respondents.

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

O R D E R.

CHOUDHURY, J. (V.C.):

By this application under Section 19 of Administrative Tribunals Act, the applicant has sought for direction to implement and to enforce the office Memorandums dated 20014/3/83/E-IV dated 14th December 1983, O.M.No. 20014/16/86-E/IV/E/II(B) dated 1st December 1988, as well as the Office Memorandum No.E/II/(2)/97/E-II(B) dated 22nd July 1998. The aforesaid memorandums ^{were} issued by the Central

contd/-

Government with a view to attract and retain competent officers for service in the N.E. Region. The said Memorandum are issued from time to time by the Government on the basis of the recommendation of the Committee for providing facilities to the Civilian Central Government employees serving in this Region and for improvement of the service conditions. As per said Office Memorandum the tenure was fixed for posting of 3 years at a time for officers with service of 10 years or less and 2 years and with more than 10 years of service. The Officers on completion of the fixed tenure of service was to be considered for posting to a Station of their choice as per as possible. The applicant initially was posted at the N.E. Region in the year 1993. The applicant was transferred from Aizawl area and posted at Shillong with effect from 1.9.1996. After completion of his tenure he asked for posting for the following four SSB places :-

- 1) S.S.B. Directorate, New Delhi
- 2) Divisional Head Quarters, Jammu
- 3) Area Office, Jammu
- 4) Area Office, Sundarbani.

The applicant submitted a representation on 5.8.2000 praying for his transfer to a Station of his choice. Subsequent to the representation the Respondent No.3 issued one letter dated 13.9.2000 informing the applicant that there was no vacancy in the administrative office of the SSB Directorate. However, it was mentioned that the post was lying vacant in the Leh Area J&K Division and he was offered posting at Leh. On receipt of the letter dated 13.9.2000 the applicant wrote back as that he had already served in Leh since 1977 to 1979. By order dated 10.5.2001 the applicant was transferred from Shillong Division to SSB

FA, Guwaldam. The letigimach of the said order is challenged in this proceedings and he has sought for direction for the transfer and posting to a Station of his choice.

The respondents has submitted the Written Statement and stated that the representation of the applicant for providing the place of his choice is under active consideration. Before the decision was taken the applicant hurriedly rushed to this Tribunal for a direction without awaiting for decision and providing a reasonable opportunity to the authority for consideration of his case. The contents of the policy decision in Office Memorandum dated 14th December 1983 read with O.M. dated 1st December 1988 and 22nd July 1998 was never indispute.

I have heard Mr.M.Chanda learned counsel for the applicant and Mr.B.C.Pathak, Addl.C.G.S.C. for the respondents at length. Since the respondents have taken up the matter to provide him posting, I do not think that any direction is required to be passed at this stage. The matter is under active consideration of the respondents. Since the applicant has already spent more than eight years in the N.E.Region, it is expected that the respondents take a decision for giving him choice place of posting as per the professed norms of choice posting. The respondents are accordingly ordered to complete the exercise as early as possible preferably within three months from receipt of the order. In view of the stand taken by the respondents in the matter of posting the applicant at his choice place of posting it would not be appropriate for transferring the applicant from Shillong Division to FA,Guwaldam.

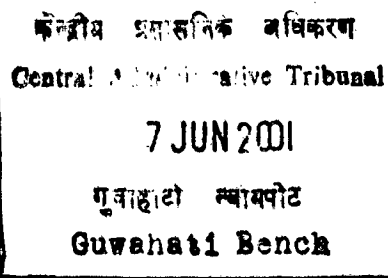
contd/-4.

The impugned order dated 10.5.01 in the circumstances is set aside and quashed.

Subject to the observations made above the application is allowed. There shall however, no order as to costs.


(D.N. CHOUDHURY)
VICE-CHAIRMAN

LM



9
Filed by the
applicant-
Sujitkshosh
Advocate
7.6.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

Title of the Case : O.A. NO. 216 /2001

Shri Puran Chand : Applicant

-Versus-

Union of India & Ors : Respondents.

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Dated 7.6.2001

Filed by,

Sujitkshosh

Advocate

PX
PURAN CHAND
D & CM

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

GUWAHATI

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

O.A. NO. 216 /2001

BETWEEN

Shri Puran Chand

Age : About 54 years

S/o Late Saindass

Resident of Vill. Phaloura Nagbani

P.O. Domana

Dist. Jammu,

Jammu & Kashmir

.... Applicant

- AND -

1. Union of India

Through the Secretary of the Govt. of India,
Ministry of Home Affairs,
New Delhi.

2. The Director General, SSB

R.K. Puram
New Delhi.


3. The Assistant Director, (EA-I)

Office of the Director General, SSB,
East Block-V, R.K. Puram
New Delhi - 110 066.

4. Shri B.S. Kapiwan, D.F.O. (M)

Office of the Dy. Inspector General, SSB,

contd..p/2


PURAN CHAND
DFO (M)

(2)

F.A. Gwaldam
Uttar Pradesh

..... Respondents

DETAILS OF APPLICATION :

1. Particulars of Order against which this application is made.

This application is made against the impugned order No. 4/SSB/A-4/2001(2)-1397-1403 dated 10.05.2001 issued by the Respondent No.3 transferring the applicant from Shillong Division and posting him to FA, Gwaldam (U.P.) ignoring his genuine prayers for posting to a station of his choice, which is a legitimate right acquired by the applicant in terms of the O.M. No.20014/2/83 E.IV dated 12.12.83 and also the subsequent memoranda issued by the Ministry of Finance , Govt.of India.

2. Jurisdiction of the Tribunal

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

3. Limitation

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

contd...p/3


PURAN CHAND
DFO CM

4. Facts of the Case :

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

4.2. That the applicant was initially appointed as a Medical Asstt. in 1967 in the office of the Sub-Area Organizer, Miransahib in the District of Jammu in Jammu & Kashmir under the Respondents.

Subsequently, he was promoted as Deputy Field Officer (Medical) and was posted in Aizawl area under Shillong Division in the N.E. Region w.e.f. 09.03.1993 where he served upto 31.08.1996 in the same capacity.

Thereafter, the applicant was transferred from Aizawl area and posted at Shillong in Meghalaya as D.F.O.(M) w.e.f. 01.09.1996 where he has been continuing till now.

4.3. That having served for more than eight years by now in the N.E. Region, the applicant is now entitled to get the benefit of transfer and posting to a station of his choice in the light of the O.M. No. 20014/2/83/E.IV dated 14.12.83, issued by the Ministry of Finance, Govt. of India, New Delhi providing for some special incentives for serving in the N.E. Region, which inter-alia provides that -

" There will be a fixed tenure of posting of 3 years at a time for officers with

[Signature]
DFO (M)

(4)


service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of ~~periods of 2/3~~ 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. "

The O.M. as quoted above, categorically provides the facility of transfer and posting to a station of choice after serving in the N.E. Region for a specified tenure (2 years in case of the applicant). This has been further reiterated by the Government of India vide O.M. F. 20014/16/86.E.IV/E.II(B) dated 01.12.1988 and O.M. No. F. No.II (2)/97-E II(B) dated 22.7.98 issued by the Ministry of Finance, Government of India.

(Copy of O.M. dated 14.12.83 and O.M. dated 22.7.98 are annexed hereto as Annexure I & II respectively).

4.4. That on fulfilling the above criteria, the applicant submitted one representation on 12.12.98 to the Respondent No.2 through proper channel praying for transfer to a station of his choice in terms of the aforesaid O.M. dated 14.12.83 of the Govt. of India and sought transfer from Shillong Division to the J & K Division i.e. his Home State specifying his

contd..p/5


 P. B. CHAND
 DFCM

(5)

options for the following four places.

1. Delhi SSB, Directorate
2. Divisional Head quarters, Jammu
3. Area Office, Jammu, and
4. Area Office, Sundarbani

2 Thereafter the applicant again submitted a representation on 14.12.99 to the said respondent No.2 explaining his domestic problems and praying further for his transfer and posting to one of the four stations opted by him in his application dated 12.12.98.

Finding no response to his aforesaid representations dated 12.12.98 and 14.12.99, the applicant submitted another representation on 05.08.2000 praying earnestly for his transfer to a station of his choice.

(Copy of representations dated 12.12.98, dated 14.12.99 and dated 05.08.2000 are annexed hereto and are marked as Annexure-III, IV and V respectively).

4.5. That subsequent to the representation dated 05.08.2000, the respondent No.3 issued one letter No.4/SSB/A4/2000(5)-5404 dated 13.9.2000 informing the applicant through Divisional Organiser, Shillong that his case would be considered during next rotational transfers and also asking for his willingness, if any, for transfer to Leh area (J & K Div.) where a post was lying vacant.

(Copy of letter dated 13.9.2000 is appended herewith as Annexure-VI).

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PURAN CHAND contd..p/6
D.P.C.M.

(6)


4.6. That on receipt of the letter dated 13.9.2000, the applicant got surprised to have an offer for transfer to Leh area where he had earlier served since 1977 to 1979, particularly when he gave specific options for four stations.

Therefore, the applicant immediately submitted one representation on 11.10.2000 expressing his inability to serve at such high altitude in his present health condition and prayed for his transfer to a place of his choice as specified. This was followed by another representation submitted on 21.11.2000.

It is pertinent to mention here that the applicant had served in different hard/remote areas since his very joining without any grievance and has been serving in the N.E. Region for last eight years although he is entitled to be transferred from the N.E. Region on completion of a fixed tenure of 2 years service in the region as per the professed policy of the Government of India as explained above. The applicant has so far served in 11 different places as shown below -

	<u>Places of Posting</u>	<u>Period</u>	<u>Duration</u>
1.	Miran Sahib SAO Office, Jammu area.	2/67 to 12/67	11 months
2.	Akhnoor SAO Office Jammu area.	1/68 to 12/69	2 years
3.	Damana C.O. Office, Jammu area.	1/70 to 12/74	5 years
4.	Samba C.O. Office, Jammu area.	1/75 to 12/76	2 years

contd..p/7


PURNI CHAND
DEOCWJ

(7)

5. Khalsi SAO Office, 1977 to 1979 3 years
Leh Ladakh area
6. Dehra Gopipur C.O. 1980 to 1981 2 years
Office, Kangra area
(HP)
7. Samba C.O. Office, 1982 to 8/83 1 year 8 months.
Jammu area
8. Training Centre, 9/83 to 8/88 5 years
Sarahan(HP)
9. Akhnoor SAO Office, 9/99 to 2/93 4 years 2 months
Jammu area
10. Aizawl Area Office, 3/93 to 8/96 3 years 6 months.
Shillong Division
11. Meghalaya Area Office, 9/96 to 4 years 8 months.
Shillong Division. till now.

Now the applicant is at the fag end of his service and has to sort out his important domestic problems prior to his superannuation for which he has been so earnestly praying for his transfer to a place of choice.

(Copy of application dated 11.10.2000 and dated 21.11.2000 are annexed hereto as Annexure- VII and VIII respectively).

4.7. That surprisingly, all the prayers and efforts of the applicant as described above were reduced to a mockery when the Respondent No.3 lastly issued the impugned order No. 4/SSB/A-4/2001(2)-1397-1403 dated 10.5.2001 transferring the applicant from Shillong Division and posting to F.A., Gwaldam (U.P.) simply attempting to add to the miseries of the applicant further.

(Copy of the order dated 10.5.01 is annexed herewith and marked as Annexure-IX).

contd..p/8


PURANI CHAND
DFO (M)

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(8)

4.8. That the applicant being shocked and frustrated at the arbitrary and capricious action of the respondents as above, submitted his last representation on 15.5.2001 to the Respondent No. 2 praying for reconsideration of his transfer and requesting for transfer to one of the stations of his choice in the light of the O.M. dated 14.12.83 of the Government of India.

(Copy of representation dated 15.05.2001 is annexed hereto as Annexure- X).

4.9. That the applicant begs to state that the respondents by issuing the impugned order of transfer dated 10.5.2001, simply demonstrated their vindictive attitude towards the applicant and their action is arbitrary, malafide, ill-motivated and devoid of any principle of justice. Non-consideration of the prayer of the applicant for transfer to a station of his choice even after 8 years of service in the N.E. Region is against the professed policy of the Government. The commitment of the respondents that the case of the applicant would be considered during next rotational transfers as mentioned in their letter dated 13.9.2000 (Annexure- VI) now appears to be far from their real motive since the transfer of the applicant to F.A., Gwaldam is not a part of usual rotational transfer but only an isolated & transfer deliberately done just to frustrate the sought-after transfer of the ~~applicant~~ applicant to a station of his choice.

contd...p/9


P. K. R. CHAND
JFO CM

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It is relevant to mention here that it is incumbent upon the respondents to foster the professed policy of the Government and to ensure that the persons working in other divisions are transferred to the N.E. Region on rotational basis in order to facilitate the transfer of those working in the N.E. Region since long to a station of their choice. But unfortunately, the same is not being practised on an uniform basis and being done on choose and pick basis thus posting some targetted persons to the remote areas for years together and keeping others in their places of choice which is violative of the doctrine of equality as enshrined under Article 14 and Article 16 of ~~the~~ our Constitution.

4.10. That the applicant further begs to state that the similar case was earlier examined by this Hon'ble Tribunal and this Hon'ble Tribunal vide its judgment and order dated 16.7.93 in OA No. 134 of 1992 recognised the right of posting to a station of choice on completion of fixed tenure in a difficult place. The applicant of this application being similarly circumstanced prays before this Hon'ble Tribunal for protection of his valuable right which he has acquired by virtue of his serving in the N.E. Region for long 8 years.

(Copy of judgment and order dated 16.7.93 in OA No. 134/92 is annexed hereto as Annexure-XI)

This Hon'ble Tribunal was also pleased to pass similar judgment in series of cases viz., OA No. 287/2000 (Dr. Sutapa Sikdar - Versus - U.O. I. & Others) and


PURAN CHAND
J.F.D.C.M)

contd..p/1

(10)

O.A. No. 250/98 (Dr. N.S. Chauhan -Versus - U.O.I. & others).

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

5. Grounds for relief(s) with legal provisions


5.1. For that the applicant has completed more than 8 years of service in the N.E. Region under the respondents.

5.2. For that, in accordance with the criteria laid down by the Government for choice station posting in O.M. dated 14.12.83 and O.M. dated 22.7.98, the applicant is entitled to posting to a station of choice after serving for a tenure of 2 years in the N.E. Region, whereas the applicant has already served for more than 8 years.

5.3. For that the applicant is saddled with all India transfer liability which is one of the criteria for having choice-station posting.

5.4. For that the applicant has already served different hard areas including N.E. Region and has acquired a valuable right for transfer to a station of his choice.

5.5. For that the representations of the applicant have not been considered by the respondents although he is at the fag end of his service and he has to settle his major family problems before his superannuation.

 contd..p/11
PURAN CHAND
DEOCH

(11)

5.6. For that the Hon'ble Tribunal was pleased to grant such prayer earlier in identically situated cases.

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 submitted by the applicant failed to evoke any response from 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 of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. Reliefs sought for

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

8.1. That the impugned order of transfer bearing No. 4/SSB/A-4/2001(2)-1397-1403 dated 10.5.2001 issued by the Respondent No.3 be set aside and quashed.

contd..p/12


P. RAN CHAND
JFO(X)

8.2. That the respondents be directed to issue order of transfer and posting in respect of the applicant to a station of his choice as prayed for, in the light of the O.M. dated 14.12.83 of the Government of India with immediate effect.

8.3. To pass any other order(s) as deemed fit and proper under the facts and circumstances as stated above.

8.4. Costs of Case.

9. Interim relief sought for

During pendency of this application, the applicant prays for the following relief -

9.1. That the respondents be directed not to implement the impugned order No. 4/SSB/A-4/2001 (2)-1397-1403 dated 10.5.2001 till such time this application is finally disposed of.

10. _____

This application is filed through Advocate.


11. Particulars of the I.P.O.

i) IPO No. : 66 792 450
ii) Date of issue : 15.5.2004
iii) Issued from : GPO, Guwahati.
iv) Payable at : GPO, Guwahati.

12. List of enclosures

As stated in the index.

Verification


PURAN CHAND
DFO


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(13)

VERIFICATION

I, Shri Puran Chand, aged about 54 years, S/O Late Saindass, Resident of village Phaloura Nagbani, P.O. Domana, Dist. Jammu, Jammu & Kashmir, do hereby verify that the statements in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

I, sign this verification this the 7th day of June, 2001.


PURAN CHAND
DFOCMJ

Signature

Annexure-1

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

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

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

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

i) Tenure of posting/deputation :

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years of less and of 2 years at a time for officers with more than 10 years of service, Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

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

certified to be true copy
Sushilash
Advocate

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

iii) Special (Duty) Allowance :

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

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

New Delhi, Dated July 22, 1998

OFFICE MEMORANDUM

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

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

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

(i) Tenure of Posting/Deputation

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

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

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

(iii) Special (Duty) Allowance

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

In terms of the orders contained in this Ministry's O.M. No. 20022/2/88-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special (Duty) Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as proscribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/95-E.II(B), dated January 12, 1996, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

certified to be true copy
Sujitkash
Advocate

(iv) Special Compensatory Allowances

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

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

(v) Travelling Allowance on First Appointment

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

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

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

(vii) Leave Travel Concession

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

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

OR

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

These special provisions shall continue to be applicable.

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

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

(viii) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Est. (Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

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

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

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

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

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

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

(xii) Medical Facilities

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

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

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

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

6. Hindi version will follow.

(Signature)
F

(H. SUNDER RAJAN)

Joint Secretary to the Government of India

To

All Ministries/Department of the Government of India (As per standard Distribution List)

Copy (with usual number of spare copies) forwarded to C&AG, UPSC, etc. (As per standard endorsement list)

Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

T/o

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ANNEXURE - III

(3)

77

The Director,SSB,
Directorate,East Block-V,
Level-VI,R.K.PURAM,
New Delhi-110066

(THROUGH PROPER CHANNEL.)

Subject:-Prayer for Inter Division transfer from Shillong
Division to J&K Division.

Sir,

I beg to lay the following few lines for favour of
your sympathetic consideration and favourable action please.

That Sir,I was promoted to DFO(M)and posted in Office
of the Area Organiser,SSB,Aizawl Area(Mizoram)under the Shill-
ong Division Vide SSB,Directorate order No.7/SSB/A-2/92(I)321
dated 27-1-93 and I have completed my tenure 3 years 6 month
at Area Office Aizawl under the Shillong Division.

That Sir,In the month of August,96 opening of New
Meghalaya Area I was again transferred from Aizawl Area to
Meghalaya Area at Shillong along with post under the Shillong
Division Vide DO Shillong order No.E-1/1-74/SD/93-94/882950
dated 8-8-96.I have completed 5 years 10 month of continuous
Service in the North Eastern Zone since 9th March,93 to Dec.98.

I would,therefore,like to request you to kindly
consider my case of transfer from Shillong Division(North
Eastern Zone) to J&K Division Jammu(North Eastern Zone) in
my home State during this last stint of Service to settle
the domestic problems.

I may please be transfer to any of the following
places.

- | | |
|---------------------------|---------------------------|
| 1. Delhi SSB,Directorate. | 3.Area Office Jammu. |
| 2. Divisional Hqrs.Jammu. | 4.Area Office Sunderbani. |

Thanking You

Yours faithfully.

(PURAM CHAIT DFO(M)

O/O The Area Organiser,
SSB,Meghalaya Area Shillong

Dated.12-12-98.

certified to be true copy
Sushil Mohan
Advocate

-20-

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PARTICULARS.

1. Name of employee :- PURAN CHAND.
2. Home state :- J & K.
3. Permanent address :- R/O Village Phaloura Nagbani, P.O. Domana, Teh & Distt. Jammu.
4. Date of birth :- 28-7-1947.
5. Date of joining in SSB. :- 10-2-67.
6. Details of Family Members:-

Sl.No.	Name.	Relationship with Govt. Servant.
1.	Mrs. Kushalaya Devi.	Wife. 47 Years.
2.	Ramesh Kumar.	Son. 26 Years.
3.	Rakesh Kumar.	Son. 20 Years.
4.	Surash Kumari.	Daughter. 28 Years.
5.	Renu Bala.	-Do- 18 Years.

7. Details of School going student if any:-

Sl.No.	Name of children.	Class in which study.	Name of School/College.
1.	Miss Renu Bala.	10th Class.	Govt. Girls High School Domana.

8. Details of previous posting.

DETAILS ATTACHED WITH THE PARTICULARS LIST.

ZONE WISE CHOICE STATION.

Sl.No.	Zone.	Division.	Choice station.
-1.	Delhi.	SSB, Directorate.	SSB, Directorate.
2.	North Eastern region.	J & K.	Division Hqrs. Jammu.
3.	North Eastern region.	J & K.	Area Office Jammu.
4.	North Eastern region.	J & K.	Area Office Sunderbani.

Signature of Employee.

To

The Director,SSB,
SSB,Directorate,East Block-V,
Level-VI,R.K.Puram,New Delhi-110066.

(THROUGH PROPER CHANNEL.)

Subject:- Prayer for Inter Division transfer from Shillong Division to J&K Division.

Sir,

Kindly refer to my earlier application dated 12-12-98, forwarded by D.C.Shillong Vide Div.H.O.Memorandum No.GE-11/SD/97-98/128-29 dated 7-1-99 regarding my Inter Division transfer from Shillong Division to J&K Jammu Division.

Since I have already ~~completed~~ been completed more than 6(Six) years tenure in North Eastern Region i.e.under Shillong Division.(Excluding availed leave period)As I was joined here on 9-3-93.

Now I intended to go to nearest to my home town Jammu under J&K Division as I have to settle my father's property in between own brother and also date of my superannuation is very nearer.So,I have to settle some urgent domestic problem for which my case may be ~~considered~~ considered sympathetically to enable me to join in my preferable place at J&K Div. Jammu.Moreover my detail posting during my Service is furnished in Annexure 'A' for your ready reference.

Encls:-Particulars list frash in duplicate.

- 2.Detail of posting particulars frash in duplicate.
- 3.Copy of the representation forwarded to the Jt.Deputy Director(EA) last year.in duplicate.
- 4.Earlier application,particulars list and detail of posting in duplicate.

Yours faithfully,

(Puran Chand DFO(M))

O/C The Area Organiser,SSB,
Meghalaya Area Shillong.

certified to be true copy
Sushil Kishor
Advocate

PARTICULARS.

1. Name of employee:- PURAN CHAND, DFO (M).
 2. Home State:- Jammu (J&K).
 3. Permanent address:- R/O Village Phaloura Nagbani, PO, Demana, Tehsil & Distt. Jammu Tawi. (J&K).
 4. Date of birth:- 28-7-1947.
 5. Date of joining in SSB:- 10-2-1967.
 6. Details of Family Members:-

<u>Sl. No.</u>	<u>Name.</u>	<u>Relationship with Govt. Servant.</u>
1.	Mrs. Kushalaya Devi.	Wife. 48 years.
2.	Ramesh Kumar.	Son. 27 years.
3.	Rakesh Kumar.	Son. 21 years.
4.	Surash Kumari.	Daughter. 29 years.
5.	Renu Bala.	Daughter. 19 Years.

7. Details of School going student if any:- NIL.

8. Details of previous posting:-

Annexure attached.

Zonewise choice station:-

<u>Sl. No.</u>	<u>Zone.</u>	<u>Division.</u>	<u>Choice station.</u>
1.	NORTH DELHI.	SSB, DTE.	SSB, Directorate.
2.	North Eastern Region.	J&K, Jammu.	Division Hqrs. Jammu.
3.	North Eastern Region.	J&K, Jammu.	Area Office Jammu.
4.	North Eastern Region.	J&K, Jammu.	Area Office Sunderbani.

Signature of Employee.
 14/12/99

To

The Principal Director, SSB,
SSB, Directorate, Cabinet Sectt,
East Block-V, Level-V, R.K. Puram,
New Delhi-110066.

(THROUGH PROPER CHANNEL.)

Subject:- Appeal for transfer from Shillong Division to J&K Division after completion of more than 7 Years in N.E. Region as DFO(M).

Hon'ble Sir,

I have the honour to bring to your kind notice the few lines of my genuine request for favourable consideration at your benign hands please.

- i) That I was promoted as DFO(M) and was posted in Aizawl Area under Shillong Division W.E.F. 09-03-1993 and I served there up to 31-08-1996 as DFO(M).
- ii) That I was transferred from Aizawl area to Meghalaya Area and I joined at Shillong as DFO (M) on 01-09-1996 and since I am serving in the same Office and I have completed in North East Region more than 7 years tenure instead of single tenure I have served for double tenure in N.E. Region.
- iii) That I have applied for my transfer from Shillong Division to J&K Division twice i.e. on 12-12-1998 and 30-12-1999 as per time schedules laid down for transfers but to my surprise it was noticed by me that there are instances where some one are transferred within one year and I have not been transferred even after 7 yrs i.e. also from North East Region for which 3 years tenure is laid down.
- iv) That my choice stations are as under:-
 1. SSB Directorate. 2. Divisional Hdqrs. SSB, Jammu.
 3. Area Office, SSB, Jammu. 4. Area Office, SSB, XBBX Sunderbani.
- v) That my domestic affairs are distrubed at present. I have to settle the marriage of my daughter and son and from this far flung location it is not possible to me.
- vi) That I have served in Leh Ladakh Area, T.C. Sarhan and now I am compelled to go to Jammu/SSB Dte. only and I pin my hope that this application will be considered favourably in view of my appeal.

I shall be thankful to you if I am posted to either of the above mentioned stations to enable me to settle the marriage of my marriageable daughter and son.

Thanking you Sir.

Yours faithfully,

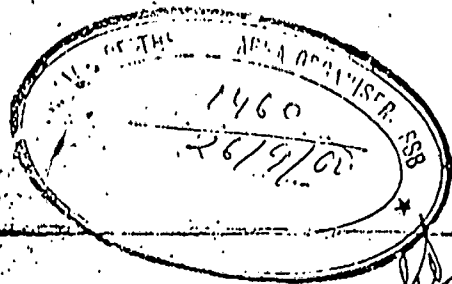
(PURAN CHAND)

DFO(M) Office of the A.O.
SSB, Meghalaya Area Shillong

Encls:- Posting and transfer particulars. Copy of forwarding letters and copies of my application.

*certified to be true copy
Sivulhash
Advocate*

5/8/2000



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ANNEXURE-VI

NO. 4/SSB/A4/2000(5)-5404
DIRECTORATE GENERAL OF SECURITY
OFFICE OF THE DIRECTOR : SSB
EAST BLOCK V, R.K. PURAM
NEW DELHI - 110066.

DATED THE, 13/9/00

RECEIPT No. 5385 DT 19/9

MEMORANDUM

SUBJECT:- Regarding transfer of Shri Puran Chand, DFO(M) from Meghalaya Area (Shillong Division) to J&K/SSB Directorate.

Divisional Officer, Shillong Division may please refer to his Memo. No. E.I/1-2/SD/PM/99/12527-28 dated 24/08/2000 on the subject cited above.

2. In this connection it is pointed out that at present there is no vacancy of DFO(M) in A.O. Office, Jammu or SSB Directorate. However, the post is lying vacant in Leh Area (J&K Division). In case official is interested for transfer to Leh, his willingness may be sent to SSB Directorate immediately for consideration. However, his case for transfer will be considered during next rotational transfer.

(N.C. BHATTACHARJEE)
ASSISTANT DIRECTOR (EA-I)

To

The Divisional Officer,
SSB Shillong Division.

No. E.I/1-2/SD/PM/99/12527-28

Copy to :- The Area Officer, Meghalaya - for information
Shri Puran Chand, DFO(M).

PARDEEP

Section Officer, SSB
Shillong Division, Shillong.

2. Puran Chand
DFO(M)
may note. Pl.
Amr
25/9/00
No. 4/SSB/A4/2000(5)-5404
26/9/2000
certified to be true copy
Sujithshankh
Advocate

-25-

ANNEXURE-VII 3)

To

The Director, SSB,
Directorate, East Block-V,
Level-VI, R.K. Puram,
New Delhi-110066.

(THROUGH PROPER CHANNELS..)

Subject:- Inter Division Transfer/Posting from N.E.R.Shillong
Division to choice Posting J&K Division.

Sir,

Kindly refer to your Memorandum No.4/SSB/A4/2000/
(S)-5406. Dated 13-9-2000, copy endroae to A.O.SSB, Meghalaya Area
Shillong by the Divisional Organiser, SSB, Shillong Vide letter
No.E-1/1-2/SD/PM/99/14139 dated 22-9-2000, regarding considration
of my prayer for transfer from Shillong Division to J&K Division
In this connection Director, SSB, New Delhi has been intimated
that only post of DFO(M) is lying vecant in Leh (Ladakh) Area of
J&K Division. Regarding considration of my case for Inter Division
transfer posting is hanging behind for last few years. Though I
have already completed my tenure at Leh Area since, 1977 to 1979.
In this connection detail particulars of my last posting furni-
sed in Annexure-A which may please be perused. Since I am more
than 53 years of age my health factor not at all capable to
work at such High altitute area such Leh and Ladakh.

Owing to above fact, I would request you kindly
to re-consider my transfer from Shillong Division to J&K Division
where DFO(M) J&K might have completed tenure of Service and trans-
fer one of them from J&K to other places, So I may able to get a
chance there to work at my native places at the last stage of
my Service an enable me to look-after my family members and solve
some unavoidable domestic affairs like distribution of father's
land property amongst brother's and establishment permanent
settlement before attaining age of Superannuation.

Thanking you.

Yours faithfully,

(THURAN CHAND DFO(M))

Office of the Area Organiser,
SSB, Meghalaya Area Shillong.

Dated. 11-10-2000.

certified to be true copy
Sujit Shash
Advocate

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u-v

ANNEXURE - VIII

To

The Director, SSB,
Cabinet Sectt. East Block-5,
Level-5, R.K. Puram,
New Delhi-110066.

(13)

(THROUGH PROPER CHANNEL.)

Subject:--Representation for Inter Division transfer
posting from N.E.R. Shillong Division to my
choice posting place under J&K Division Jammu.

Sir,

In continuation of my representation dated 11-10-
2k regarding Inter Division transfer posting from N.E.R.
Shillong Division to my choice place of posting of J&K,
Division Jammu.

In view of above subject, I would like to request
you kindly to consider my transfer posting on priority
basis as I have completed about 8 years of continuous Serv-
ice in N.E.R. for which I shall be most grateful to you.

Encls:--As stated above.

Yours faithfully,

9 PURAN CHAND, DFO(M).
Office of the Area Organizer
SSB, Meghalaya Area Shillong.

*certified to be true copy
Sujitkash
Advocate*

-27-

ANNEXURE - IX

(14)

NO.4/SSB/A-4/2001(2)- 1397/1403
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR GENERAL, SSB
EAST BLOCK - V, R.K. PURAM
NEW DELHI - 110066.

DATED THE, 10/5/01

O R D E R

The Competent Authority has approved the transfers/postings of following Deputy Field Officers(Medic) with immediate effect in public interest:-

Sl. No.	Name of D.F.O.(M)	From	Transferred To
	S/SHRI		
1.	Puran Chand	Shillong Divn.	P.A. Gwalidan
2.	B.S. Kaparwan	P.A. Gwalidan	Shillong Divn.

2. The above transfer orders be implemented within one month and report compliance to SSB Directorate promptly.

(G.C. JOSHI)
ASSISTANT DIRECTOR(EA.I)

DISTRIBUTION:-

1. The Director of Accounts, Cabinet Secretariat, R.K. Puram, New Delhi-110066.
2. The Divisional Organizer, SSB, Shillong Division.
3. The Joint Director(Medical), SSB Directorate.
4. The Dy.Inspector General, SSB, P.A. Gwalidan.
5. Individual concerned through unit.
6. Office order file.

..*

Revised on
15/5/2001
certified to be true copy
Sujit Shash
Advocate

To

The Director General, ~~General~~,
S.S.B. R.K. Puram, New Delhi-110066.

(THROUGH PROPER CHANNAL)

Sub:- Transfer from Shillong Division to FA.Gwaldam.

Sir,

Most respectfully, I am to submit the following few lines of my genuine request for your kind consideration sympathetically at the earliest please.

- i) That I had applied for my transfer from Shillong Division to SSB Dte., 2. Divisional Hqrs. SSB, Jammu, 3. Area Office, SSB, Jammu and 4 Area Office, SSB, Sunderbani, vide my application dated 5-8-2000.
- ii) That at present I had rendered 3 years Service in North Eastern region, where the tenure is fixed 2-3 years and I have received discouraging replies all the times from SSB Dte.
- iii) That to my surprise I have been now transferred to F.A.Gwaldam, arbitrarily and without my consent, which is malafide itself and I am not ready to move to F.A.Gwaldam for the reason that none of the station of my choice has been given to me despite my 8 years tenure in N.E. Region. Hence it is proved that to favour some other my request has been considered arbitrarily which is itself malafide.
- iv) That I am again submitting this application for sympathetic consideration at your end and my transfer may be reviewed to SSB Dte., Jammu Div. Hqrs., 3. Jammu Area, and 4. Sunderbani to impart me justice as I had served remotest parts of my mother land and now as per relevant rules I may be given either of the choice station as stated supra.
- v) That if my transfer is not reviewed to SSB Dte./ Jammu, I would be compelled to knock the door of Court of Law for the ends of justice because my transfer has been made against my choice and with ill motivated intention. It is understood that during 8 years no person was transferred from Jammu and no post fallen vacant, how it is true. It shows that knowingly I have been given step motherly treatment by SSB Dte. There are instances when DFO(M) were pre-maturely transferred to SSB Dte. from Jammu and vice versa but my case has been knowingly ignored till date.

I pin my hopes that justice may kindly be given to me at the earliest. If my transfer is not reviewed as per my choice I will not move from Shillong Division and may go to Court of Law against this order which is malafide in toto. An early action in the matter is requested please.

Thanking you sir.

Yours faithfully,

(P.V. 1515)
(Puran Chand)
DFO(M) Office of the Area
Organiser, SSB, Meghalaya,
Shillong Division.

Dated:-15-05-2001.

*certified to be true copy
Surinder K. Advani*

617. Swamy's CL Digest 1993

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 134 of 1992

Chandra Prakash v. Union of India and others

Date of Judgment 16-7-1993

On completion of fixed tenure in a place with difficult working condition lacking primary facilities, one acquires a right of posting to a station of choice, as per extant policy

Facts: The applicant was posted to the State of Arunachal Pradesh in January, 1989, as DIG (Supertime-scale) and he had completed the fixed tenure. He submitted two representations, dated 26-7-1991 and 24-12-1991, before the authority for transfer and posting to Delhi, station of his choice. The authority remained silent. But after completion of period exceeding "fixed tenure" in Arunachal Pradesh, the authority instead of posting the applicant in the station of his choice (Delhi), transferred him on Central deputation in BSF. In this regard also, the applicant submitted a representation before the authority to reconsider his case and for posting in Delhi against cadre post. But the authority did not reply to any of the representations. Therefore, the applicant has filed this application before this Tribunal for quashing the transfer/central deputation order, dated 7-5-1992 and for posting in Delhi against cadre post. It was alleged that the respondent No. 1 has adopted a device to defeat the rightful claim of the applicant for posting in Delhi, station of his choice and that the impugned order of central deputation is arbitrary, discriminatory and *mala fide*.

The respondent contested the case by filing the written statement. It is stated that for AGMU cadre, central deputation reserve is 35 and that in December, 1991, the name of the applicant along with 7 other officers was approved by the ACC for deputation in BSF and the order, dated 7-5-1992, was passed accordingly and that the posting is to be decided by the concerned organization and that there is no *mala fide* in any way in the selection of the applicant to central deputation for posting as DIG of BSF. The learned Counsel also stated that the respondents cannot give any assurance that the applicant will be posted in Delhi on central deputation.

Held: The applicant previously served for more than three years in Andaman and Nicobar Islands (hard-area). But he has now acquired a right for posting in a station of his choice (Delhi) on completion of the fixed tenure at Arunachal Pradesh by virtue of Government Policy/instructions under orders, dated 17-2-1989. It has now become an obligation to the respondent No. 1 (Cadre-controlling authority of AGMU) to

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implement/apply the benefit of choice posting to the applicant who completed the fixed tenure. The provision in the said order/instructions, dated 17-2-1989, is for the benefit of the officers serving in the hard-area and the applicant by completing 'fixed tenure' had earned the right to the benefit/facility and the authority must discharge their obligation by posting the applicant to a station of his choice (Delhi). The applicant submitted representation in time, expressing his choice station, 'Delhi' and for posting. But the respondents did not respond. The respondent No. 1 caused injustice to the applicant by refusing to grant the benefit of the right earned for posting to choice station, 'Delhi'. The respondent No. 1 caused further injustice on the applicant by placing him on central deputation to BSF after completion of fixed tenure in hard-area, Arunachal Pradesh.

After formation of the Policy, dated 17-2-1989 and its circulation for compliance, the IPS Officers of Arunachal Pradesh, Sh. R. Tiwari, Sh. Virender Prakash and Sh. P.S. Bawa posted in Arunachal Pradesh were posted back to Delhi by orders of the authority in 1989 and 1990 even before completion of their laid-down tenure. There are many IPS Officers of DIG rank in the cadre in Delhi posting who have not undergone even a single posting on central deputation although their central deputation were long due earlier to the applicant. Therefore, it has been established that discrimination was done by the respondent No. 1 (Cadre Controlling Authority) in the case of the applicant.

Now it has been informed by the learned Counsel for the applicant that the applicant has already been relieved by the State of Arunachal Pradesh on 30-6-1993. It would be unfair if the injustice is allowed to continue without repair under the provision of the approved policy/instructions and protect the right of the applicant earned thereunder.

In the result, this application is allowed. The impugned transfer order under Letter No. 14023/58/91-UTS, dated 7-5-1992, passed by the Ministry of Home Affairs, Government of India, placing the applicant, Sh. Chandra Prakash, on central deputation to BSF is hereby quashed. The respondent No. 2, Director-General, Border Security Force, New Delhi, is directed not to post the applicant, Sh. Chandra Prakash, IPS (Supertime-scale) in Border Security Force duty in any station because his central deputation order has been quashed. The respondent No. 1, Ministry of Home Affairs, Government of India, New Delhi, is hereby directed to post the applicant in Delhi in the cadre forthwith.

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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 214 of 1993

Surendra Mishra v. Union of India and others

Date of Judgment 5-7-1993

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