

30/100

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

✓ (DESTRUCTION OF RECORD RULES, 1990)

M.P-166/2001 ordersheet pg- 1 **INDEX**

App's order date-14/09/01

O.A./T.A No. 236/2001

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

E.P/M.A No. 166/2001

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SECTION OFFICER (Judl.)

uitrecoo

FORM NO. 4  
(See Rule 42)

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

ORDER SHEET

APPLICATION NO .....236.....OF 2001.

Applicant (S) *Manik ch. Nay*

Respondent (S) *Govt. of Assam*

Advocate for Applicants (s) *Mr. S. Dutta, K.K. Dey & Ms. M. Choudhury*

Advocate for Respondent (s) *Cuse*

Notes of the Registry

Date

Order of the Tribunal

03.07.01

Mr. S. Dutta, appearing for the applicant states that they made some development in the matter. He requests for one week time.

List on 11-7-2001 for admission.

*Member*

11.7.01

Heard learned counsel for the parties.

Application is admitted. Call for records. Issue notice to show cause as to why the interim prayer shall not be granted as prayed for. Returnable by 4 weeks. Mr. A. Deb Roy Sr. C.G.S.C. accepts notice on behalf of the respondents. List on 10.8.01 for order. Meanwhile, status quo as on to-day shall be maintained.

*Vice-Chairman*

*Requests not yet filed.*

*2/7/01*

lm

*Slts Received*  
*26/7/01*

*Received copy*  
*12/7/01*

✓  
Slats & Encls Received.  
Notice prepared and sent  
to Dls for info. The  
Respondent No. 1 to 5  
Wd. D/Mo 28/2 to  
28/6 dtd 31/7/07

10.8.01

✓  
Mr. A. Deb Roy Sr. C.G.S.C. and Mr.  
B. C. Pathak, Addl. C.G.S.C. for the  
respondents states that the case may be  
fixed after three weeks. In the meantime  
they will file written statement. Prayer  
is allowed and directed to file written  
statement within 2 weeks.

List on 7/9/01 for hearing.

No. written statement  
has been filed.

By  
E-9-01

mb

7.9.01

On the request of both the counsel for the  
parties the matter is adjourned to 14/9/01 for  
hearing.

Member

mb

14.9.01

Judgment delivered in open  
Court. Kept in separate sheets.

Application is disposed of. No costs.

28.9.2001

Copy of the Judgment  
has been sent to the  
Office for issuing  
in case of the  
applicant as well  
as to L.C.S.C.  
in the response.

1m

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

4

Original Application No.236 of 2001 and 237 of 2001.

Date of Order: This the 14th Day of September 2001.

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

1. Shri Manik Ch.Nag (In O.A.No.236 of 2001)  
Son of Late Motilal Nag  
Insurance Inspector(Legal)  
Employees State Insurance Corporation  
Regional Office  
North Eastern Region  
Guwahati-21. ... Applicant

By Advocate Mr.S.Dutta, K.K.Dey  
Ms.M.Choudhury,

-Vs-

1. Union of India  
Represented by the Secretary  
Department of Labour  
Parliament Secretariat  
New Delhi.
2. Employees State Insurance  
Corporation,  
represented by the Director  
Regional Office,  
North Eastern Region,  
Guwahati-21.
3. The Regional Director,  
Employees, State Insurance  
Corporation,  
Regional Office,  
North Eastern Region,  
Guwahati-21
4. The Assistant Director  
Employees, State Insurance Corporation  
Regional Office,  
North Eastern Region  
Guwahati-21.
5. Sri A.Haque (By Advocate Mr.A.Deb Roy  
Inspector, Legal Office Sr.C.G.S.C.)  
Employees' State Insurance Corporation  
Tinsukia. ... Respondents.
2. Smti.Bulu Nag.  
Sife of Sri Manik Ch.Nag (In O.A.No.237 of 2001)  
Superintendent  
Employees State Insurance Corporation  
Regional Office  
North Eastern Region  
Guwahati-21. ... Applicant

By Advocate Mr.S.Dutta, K.K.Dey, Mr.M.Choudhury

-Vs-

contd-

1. The Union of India  
Represented by the Secretary  
Department of Labour  
Parliament Secretariat  
New Delhi
2. Employees State Insurance Corporation,  
Represented by the Director  
Regional Office,  
North Eastern Region Guwahati-21.
3. The Regional Director  
Employees' State Insurance Corporation  
Regional Office  
North Eastern Region  
Guwahati-21
4. The Assistant Director,  
Employees' State Insurance Corporation,  
Regional Office,  
North Eastern Region,  
Guwahati-21.
5. Sri J. Boro, Manager, Gr. II  
Local Office  
Employees State Insurance Corporation  
Tinsukia ... Respondents.

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

O R D E R.

D. N. CHOWDHURY, J(VC):

Both the applications were taken up for consideration together since the same facts and the same question of law are involved. The applicant in O.A.No.237 of 2001 is the wife of the applicant in O.A.No.236 of 2001. By order No.43-A.22/15/2000-Estt. dated 7.6.2001 both the applicants were transferred from Guwahati to Tinsukia. The applicant in O.A.No.236/2001 was transferred from the post of Insurance Inspector (Legal) Regional Office, Guwahati to the post of Insurance Inspector, Tinsukia Division, Tinsukia. and the Applicant in O.A.No. 237 of 2001 was transferred from the post of Superintendent, Regional Office, Guwahati to the post of Manager, Grade-II Tinsukia Division, Tinsukia. The common grievance of the

applicants those were focussed on the effect of the order of transfer in the educational career of the two daughters and one minor son of the applicants, those studying in Guwahati. It has been contended by Mr.M.Chanda that they were transferred in the middle of the Academic Session, that would disrupt the educational career of their children. It was stated that the Academic Session of the eldest daughter would be over by April/May, 2002, second daughter and minor son would be over by April, 2002.

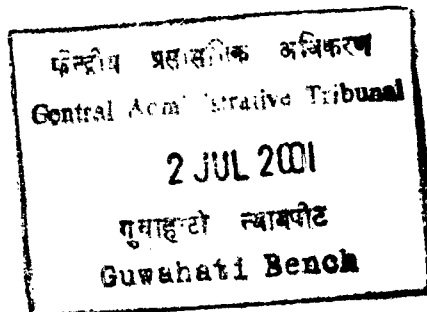
I have heard Mr.M.Chanda learned counsel on behalf of Mr.K.K.Dey learned counsel appearing on behalf of both the applicants at length and also Mr.A.Deb Roy, Sr.C.G.S.C. and Mr.B.C.Pathak, Addl.C.G.S.C. appearing on behalf of the Respondents in both the applications. Apparently though no infraction of any statutory provision is discernible from the order nonetheless the transfer of both the persons at a time undoubtedly would cause dislocation in the education of their children. In the circumstances I am of the view that the ends of justice will be met if direction is issued to the respondents to consider the case the case of the applicant Smt. Bulu Nag in O.A.No. 237 of 2001 for retaining her at Guwahati for keeping the order of transfer in abeyance till completion of the final examination of the Children. It is however, made clear that the applicant in O.A.No.236 of 2001 Shri M.C.Nag shall however, have to join in the new place of posting at the earliest subject to the availability of the joining time.

The application thus stands disposed of.

There shall however be no order as to costs.

Sd/VICE CHAIR

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI

Title of the Case: O.A. 236 OF 2001

Manik Chandra Nag.

... Applicant

-Vs-

Union of India & ors.

... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Annexure</u>	<u>Particulars of documents</u>	<u>Page No.</u>
1.	1	Order No. 43-A.22/15/ 2000-Estt.dated 7.6.01.	13 to 18
2.	2	Order No.43-A.22/15/ 2000-Estt.dated 7.6.01.	19 and 20
3.	3	Certificate dated 26.5.01 of Dr.T.K. Choudhury.	21
4.	4	Representation dated 8.6.01.	22 and 23



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :  
GUWAHATI BENCH : GUWAHATI.

Filed by:  
Manik chandra Nag  
Applicant  
through  
Karuna Kanti Dey  
Advocate  
2.7.2007

O.A. OF 2001

- BETWEEN -

Sri Manik ch. Nag  
Son of Late Motilal Nag  
Insurance Inspector(Legal)  
Employees State Insurance  
Corporation,  
Regional office,  
North Eastern Region,  
Guwahati- 21.

... APPLICANT.

- Versus -

1. The Union of India  
represented by the Secretary  
Department of Labour,  
Parliament Secretariat,  
New Delhi.
2. Employees State Insurance  
Corporation,  
represented by the Director,  
Regional office,

contd..

- 2 -

North Eastern Region,  
Guwahati - 21.

3. The Regional Director,  
Employees' State Insurance  
Corporation,  
Regional office,  
North Eastern Region,  
Guwahati- 21.

4. The Assistant Director  
Employees' State Insurance  
Corporation,  
Regional office,  
North Eastern Region,  
Guwahati - 21.

5. Sri A. Haque,  
Inspector Inspector,  
Legal Office,  
Employees' State Insurance  
Corporation,  
Tinsukia.

... RESPONDENTS.

Details of Application :

1. Particulars of the order against which the  
application made :

contd..

Office order No. 46 of 2001 issued under Memo No. 43-A.22/15/2000-Estt. dated 7.6.2001 by the Assistant Director for Regional Director, Employees' State Insurance Corporation, Regional office, North Eastern Region, Guwahati-21 transferring the applicant from the post of Insurance Inspector (Legal) Regional office, Guwahati to the post of Insurance Inspector, Tinsukia Division, Tinsukia.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of this application praying to set aside the order dated 7.6.2001 is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant further declares that the grievance in respect of which the application has been made has arisen by reason of transfer of the applicant as such this application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

a) That the applicant is a citizen of India

having his permanent residence at Guwahati.

b) That the applicant joined in the respondent employees' State Insurance Corporation on 10.1.69 as Lower Division Clerk. Thereafter he was duly promoted to the next higher post and he served in the various capacities in several places such as Shillong, Tezpur etc. The applicant was ultimately promoted to the post of ~~Inspe~~ Insurance Inspector (Legal) in the year 1994 at Guwahati which he is still holding. The applicant's wife Smt B. Nag is also serving in the respondent Employees' State Insurance Corporation as Superintendent in the Regional Office at Guwahati. The applicant is due to retire in the year 2007.

c) That the applicant is having 3 children i.e. 2 daughters and one son. The applicant's eldest daughter Smti Moumita Nag is studying M.A. in the Gauhati University. Her session for in the final year stated from April, 2001 and shall be continued till May, June, 2002. His second daughter Smti Sumita Nag is studying B.Com. in the Gauhati Commerce College and her session for final year B.Com started in the year March, 2001 and shall be continued till April, 2002. Sri Sajal Nag the son of the applicant is studying in Class-IX in the Central School at Noonmati, Guwahati and

contd...

(1994) Sup  
(2) 666

the sessions started in the year March, 2001 and shall be continued till April, 2002.

c) d) That the respondent No. 4 for the respondent No. 3 vide impugned office order No. 46 of 2001 issued under memo No. 43-A.22/15/2000-Estt. dated 7.6.2001 transferred the applicant from the post of Insurance Inspector (Legal), Regional office, Guwahati to the post of Insurance Inspector, Tinsukia Division, Tinsukia. The applicant beg to state that by the same order his wife Smti. B. Nag has also been transferred from the post of Superintendent, Regional office, Guwahati to the post of Manager, Grade-II, Local office, Tinsukia. It was directed in the said impugned order dated 7.6.2001 that the applicant will be relieved from Regional office, Guwahati on 29.6.2001 and thereafter should proceed to Tinsukia and take over charge of Insurance Inspector, Tinsukia Division, from Shri A. Haque, the respondent No. 5 Insurance Inspector after availing normal joining time.

A copy of the said impugned order dated 7.6.2001 is annexed hereto and marked as Annexure-1.

e) That the applicant beg to state that he is suffering from Osteoarthritis and not in a

contd..

position to walk properly. He needs constant advice by a competent doctor. The doctor has advised that his recovery from the illness is not satisfactory. The applicant is presently on medical leave from 26.4.2001. The applicant further beg to state that the aforesaid impugned order of his transfer has been passed while he is on leave.

Copy of the Doctor's Certificate is enclosed hereto and marked as Annexure-2.

f) That the applicant beg to state that on the same day the respondent No. 4 for respondent No. 3 vide office order No. 47 of 2001 issued under memo No. 43-A.22/15/2000-Estt. dated 7.6.2001 directed that in partial modification of this office order No. 46 of 2001 dated 7.6.2001 the applicant will be relieved from his present duties of Regional office, Guwahati immediately instead of 29.6.2001.

A copy of the aforesaid dated 7.6.2001 is annexed hereto and marked as Annexure-3.

g) That the applicant beg to state that the aforesaid order of his transfer case as bolt from the blue. He is ill and under the treatment of

contd..

his doctor at Guwahati for which he has to go for medical leave presently. The applicant's 2 grown up daughters and one minor son is studying at Guwahati. They needs his help and care. The applicant is not in a position to go to a far place from Guwahati. The academic session of his eldest daughter will get over by June, 2002 and of his second daughter and minor son will be over by April, 2002 and it will be quite difficult for the applicant to leave the station before the academic sessions are cover.

h) That the applicant beg to state that there are many officers junior to him in the respondent Corporation including one Sri Rajen Deka, Insurance Inspector who is working since 1993 at Regional office, Guwahati i.e. working since longer period than the applicant have not been transferred and he has been allowed to work at Guwahati.

i) That the applicant will be subjected to irreparable loss and injury if he has to go for work at Tinsukia in view of the impugned order dated 7.6.2001.

j) That the applicant beg to state that he submitted his representation dated 8.6.2001 before the

contd...

Regional Director, E.S.I., Corporation, Bamunimaidan, Guwahati-21, stating that he is suffering from Osteoartharitis of his left knee and also his daughters and son who are studying and their academic session will be over by May-June, 2002 and till such time his transfer may be kept in abeyance.

Copy of the representation is annexed hereto and marked as Annexure-4.

k) That the applicant beg to state that he has not yet taken over charge of Insurance Inspector, Tinsukia Division, Tinsukia as such the respondent No. 5 could not join the post presently held by the petitioner in the Regional office at Guwahati.

5. Grounds for relief with legal provisions :

a) That the impugned order dated 7.6.2001 is arbitrary, illegal and malafide inasmuch as the respondent No. 2 and 4 knowing fully well about the illness of the applicant transferred him to Tinsukia where he will not be able to get proper medical facilities and as such the same is liable to be set aside and quashed.

b) That the impugned order dated 7.6.2001 is



arbitrary, illegal and malafide inasmuch as the same has been passed in total non-application of mind, hastily, on the verge of his retirement and without affording any time to make representation and as such the same is liable to be set aside and quashed.

c) That the impugned order dated 7.6.2001 is illegal and without jurisdiction inasmuch as the same has been passed in the midst of academic session creating much problem to the concerned employee and as such the same is liable to be set aside and quashed.

d) That the impugned order dated 7.6.2001 is arbitrary and discriminatory inasmuch as the junior incumbents of the same rank working for longer period in the same office than that of the applicant has not been transferred and as such the same is liable to be set aside and quashed.

e) That in any view of the matter the impugned order dated 7.6.2001 is liable to be set aside and quashed.

6. Details of remedies exhausted :

The applicant states that he filed representation dated 8.6.2001 before the Regional

Director Employees' State Insurance Corporation,  
Guwahati- 21 but no order has been passed yet. The  
The applicant beg to state that he apprehends that  
the authority will not pass any favourable or er to  
him.

7. Matter not previously filed or pending before any  
other Central Administrative Tribunal :

The applicant declares that the matter  
regarding which the application has been made is not  
pending before any court of law or any other authority  
or any other Bench of the Tribunal.

8. Relief Sought for :

In view of the facts mentioned in para 4  
above, the applicant prays for the following relief(s):-

a) To set aside and quash the impugned  
office order No. 46 of 2001 issued under Memo No. 43-A.  
22/15/2000-Estt. dated 7.6.2001 by the Assistant Director  
for Regional Director, Employees' State Insurance ~~Inspeax~~  
Corporation, Regional office, North Eastern Region,  
Guwahati-21 transferring the applicant from the post  
of Insurance Inspector (Legal) Regional office, Guwahati  
to the post of Insurance Inspector Tinsukia Division,  
Tinsukia.

contd...

b) cost of the application,

c) Any other appropriate relief or relief that the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

The applicant prays that pending disposal of this application this Hon'ble Tribunal may be pleased to stay the operation of the impugned office order No. 46 of 2001 issued under Memo No. 43-A.22/15/2000 -Estt. dated 7.6.2001 by the Assistant Director for Regional Director, Employees' State Insurance Corporation, Regional office, North Eastern Region, Guwahati- 21 transferring the applicant from the post of Insurance Inspector (Legal) Regional office, Guwahati to the post of Insurance Inspector, Tinsukia Division, Tinsukia.

10. That the application is filed through Advocate Sri S. Dutta and K.K. Dey.

11. Particulars of the India Postal order :-

i) Number of India Postal : 66 792381  
Order.

ii) Name of the issuing : 4.5.2001.  
post office.

iii) Date of issue of : 4.5.2001.  
postal order.

iv) Post office at which :  
payable.

12. ~~xx~~ List of Annexures :  
Annexures- 1 to 4.

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

I, Manik Chandra Nag son of Late Motilal Nag  
aged about 54 years resident of Bamunimaidan, P.S.  
Chandmari, District- Kamrup, Assam do hereby declare  
and verify that I am the applicant in the instant  
application and the statements made in paragraphs  
1, 2, 3subparagraph~~xx~~ (a)(b) (c)(e)(g) (i)(j) and (k)  
of paragraphs 4, 5 and 7 to 9 of the application are  
true to my knowledge and those made in sub-paragraphs  
(d)(f) and (h) of paragraphs 4, 10 and 11 are true  
to my information derived therefrom which I believed  
to be true and I sign this verification on this the  
12<sup>th</sup> day of june, 2001 at Guwahati

Manik Chandra Nag

ANNEXURE - 1.

EMPLOYEES' STATE INSURANCE CORPORATION

REGIONAL OFFICE: NORTH EASTER REGION

GUWAHATI-21.

No.43-A.22/15/2000-Estt.

Dated & 7.6.2001.

OFFICE ORDER NO. 46 of 2001

The Regional Director has ordered the postings/  
transfers in respect of the following officials in  
the interest of public service.

<u>Sl.No. Name official</u> <u>&amp; Designation</u>	<u>Present place</u> <u>of posting</u>	<u>Posting/transfers</u> <u>Now ordered</u>
1. Sri P.K.Sarmah, Offg.Mgr.Gr.II	Local Office, Bongaigaon.	Manager Gr.II(Offg) Local Office, Shillong.
2. Sri M.E. Nag, I.I(Legal)	Regional office Guwahati.	Insurance Inspector Tinsukia Division, Tinsukia.
3. Mrs. B.Nag, Supdt.	Regional office, Guwahati.	Manager Gr.II, Local Office, Tinsukia.
4. Sri J.Boro, Mgr.Gr.II.	Local office, Tinsukia.	Insurance Inspector Bk.Bk(LR) Bft.Br., Regional office, Guwahati.

certified to be

true copy

Kareena Kanta Dey

Advocate

11.6.2001

contd...

- 14 -

- |  |                                 |   |
|--|---------------------------------|---|
| 5. Sri A. Haque,<br>I.I.               | Tinsukia Division,<br>Tinsukia. | Insurance Inspector<br>(Legal), Regional<br>Office, Guwahati.       |
| 6. Sri D. Sinha,<br>I.I.(R)            | Regional office,<br>Guwahati.   | Manager Gr.II, Local<br>Office, Silchar.                            |
| 7. Sri P. Goswami,<br>Offg. Mgr.II.    | Local Office,<br>Silchar.       | Insurance Inspector<br>(Recovery),<br>Regional office,<br>Guwahati. |
| 8. Sri T.C. Das Sastri,<br>Mgr. Gr.II. | Local office,<br>Shillong.      | Superintendent (Adm)<br>Regional office,<br>Guwahati.               |
| 9. Sri I. Ali Sheikh,<br>I.I./Supdt.   | Regional office,<br>Guwahati.   | Manager Gr.II, Local<br>Office, Bongaigaon.                         |
| 10. Sri P.K. Sarma,<br>UDC-Cashier.    | Local Office,<br>Dhubri.        | U.D.A.-Cashier,<br>Regional office,<br>Guwahati.                    |
| 11. Sri P.D. Patgiri,<br>UDC.          | Regional office,<br>Guwahati.   | U.D.C.-Cashier, Local<br>Office, Dhubri.                            |
| 12. Sri J.R. Mahanta,<br>UDC-Cashier.  | Regional office,<br>Guwahati.   | U.D.C., Regional<br>Office, Guwahati.                               |

Sri I. Ali Sheikh, I.I./Supdt. who is looking after

contd..

the works of Local office, Chandrapur will be relieved on the day when Sri C.K. Bora Manager Take-over charge of Manager Gr.II, Local office, Chandrapur.

On being relieved by Sri Bora, Sri I.Ali Sheikh should proceed to Bongaigaon and take-over charge of Manager Gr.II, Local office, Bongaigaon immediately from Sri P.K. Sarmah, Manager.

On being relieved by Sri I.Ali Sheikh, Sri P.K.Sarmah should proceed to Shillong and take-over charge of Manager Gr.II, L.O. Shillong from Sri T.C.Das Sastri after availing normal joining time.

On being relieved by Sri P.K.Sarmah, Sri T.C. Das Sastri should come to Guwahati and report for duty as Superintendent (Adm.) at Regional office, Guwahati after availing normal joining time.

Sri D. Sinha, Insurance Inspector(R), R.O. Guwahati will be relieved from his present duties of R.O. Guwahati on 29.6.2001 (AN) and thereafter should proceed to Silchar and take-over charge of Local office, Silchar as Manager Gr.II from Sri P.Goswami, Mgr., L.O. Silchar after availing normal joining time.

On being relieved by Sri Sinha, Sri P.Goswami

should come to Guwahati and report for duty as Insurance Inspector (Recovery), Regional office, Guwahati immediately.

Sri M.C.Nag, I.I(Legal) (On leave) will be relieved from Regional office, Guwahati on 29.6.2001 (AN) and thereafter should proceed to Tinsukia and take-over charge of Insurance Inspector, Tinsukia Division from Shri A. Haque, I.I after availing normal joining time.

On being relieved by Sri Nag, Sri A. Haque, I.I. Tinsukia should come to Guwahati and take-over charge of Insurance Inspector(Legal), R.O., Guwahati immediately after availing normal joining time.

Mrs. B.Nag, Supdt. will be relieved from her present duties of R.O. on 29.6.2001(AN) and thereafter she should proceed to Tinsukia and take-over charge of Manager Gr.II, L.O. Tinsukia from Sri J. Boro, Mgr. after availing normal joining time.

On being relieved by Mrs. Nag, Sri J.Boro, should come to Guwahati and should report for duty as Insurance Inspector (LR) Bft. Br.at R.O., Guwahati immediately after availing normal joining time.

cont ...



Sri P.D. Patgiri, UDC, R.O. Guwahati will be relieved from his present duties of R.O. Guwahati on 29.6.2001 (AN) and should join/take-over charge of U.D.C.-Cashier, L.O. Dhubri immediately after availing normal joining time.

On being relieved by Sri P.D. Patgiri, Sri P.K.Sarma, UDC-Cashier should come to Guwahati and join/take-over charge of UDC-Cashier, R.O. Guwahati from Sri J.R.Mahanta after availing normal joining time.

On being relieved by Sri P.K. Sarma, Sri J.R. Mahanta, UDC- Cashier should report for duty as U.D.C. at R.O. Guwahati on the same forenoon/ afternoon.

Transfer/posting of Sri I. Ali Sheikh and Sri P. Goswami have been made on their own request and cost.

They will draw their present pay and other allowances as admissible in the new place of posting.

TA/DA and joining time etc. will be entitled to the official at Sl.No.1,2,3,4,5,6,8,10,11. No TA/DA joining time etc. will be entitled to the official at Sl.No. 7 & 9 as the postings/transfers have been ordered on their own request. No. TA/DA/Joining time etc. will be entitled to the official at Sl.No.12 as the posting has

has been ordered in the same office/station.

Necessary charge/joining report may be sent  
in due course.

Sd/-

( K.C.GHOSH )

ASSISTANT DIRECTOR

FOR REGIONAL DIRECTOR.

To

1. Officials concerned.
2. The Dy.Director(F), ESIC, R.O. Guwahati.
3. The Dy.Director(R), ESIC, R.O. Guwahati.
4. All Local office Managers, NE Region.
5. Cash Br. R.O. Guwahati.
6. All Branches, R.O. Guwahati- Bft. Br.
8. Office order Register.
10. Personal file concerned.
11. Hindi Cell, R.O. Guwahati.

...

certified to be  
true copy  
Kamuna Kanta Dey  
Advocate  
11.6.2001

ANNEXURE - 2.

EMPLOYEES' STATE INSURANCE CORPORATION

REGIONAL OFFICE: NORTH EASTER REGION

GUWAHATI-21.

No.43-A.22/15/2000-Estt.

Dated: 7.6.2001.

OFFICE ORDER NO. 47 OF 2001.

In partial modification of this office order No. 46 of 2001 dated 7.6.2001, the following officials will be relieved from their present duties of Regional office, Guwahati immediately instead of 29.6.2001 (AN).

1. Sri D. Sinha, I.I(R)
2. Sri M.C.Nag, I.I(On leave) |
3. Mrs. B. Nag, Supdt.
4. Sri P.D. Patgiri, U.D.C.

Other conditions will remain unchanged.

Sd/- 7.6.2001.

(K.C. GHOSH)

ASSISTANT DIRECTOR  
FOR REGIONAL DIRECTOR.

-----

con d...

To

1. Officials Concerned.
2. The Dy. Director (F), R.O. Guwahati.
3. The Dy. Director (R), ESIC, R.O.  
Guwahati.
4. All Local Office Managers,  
N.E. Region.
5. Cash Br. R.O. Guwahati.
6. All Branches, R.O. Guwahati.
7. Office order Register.
8. Personal file concerned.
9. Hindi Cell, R.O.  
Guwahati.

sd/-

ASSISTANT DIRECTOR  
FOR REGIONAL DIRECTOR.

---

...

certified to be  
true copy

Karuna Kant Singh  
Advocate  
11-6-2001

- 21 -

ANNEXURE- 3.

Dr.T.K. Choudhury, MBBS,  
Regd.No.5675 (AMC)

CHAMBER:

BAMUNI MAIDAN, GHY-21.

Date. . . . .

TO WHOM IT MAY CONCERN

Certified that Sri M.C.Nag is undergoing treatment for Osteoarthrities of the Knee Jts.since 26.4.2001. He was advised rest from 26.4.2001 to 25.5.2001. As his recovery from the illness is not satisfactory, he is advised further rest for 3(three) wks w.e.f. 26.5.2001.

Sd/- 26.5.2001.

Dr.T.K. Choudhury,

Regd.No.5675.

...

certified to be  
true copy

Karuna Kanta Dey  
Advocate  
11.6.2001

ANNEXURE- 4.

To

The Regional Director,  
E.S.I. Corporation,  
Bamunimaidan,  
Guwahati- 21.

SUB:- Transfer of self from Guwahati to Tinsukia  
vide Regional office order No. 46 of 2001  
dated 7.6.2001.

Sir,

With reference to the subject cited above  
I beg to state that I am not in a position to proceed to  
Tinsukia at present due to the following reasons :-

- (1) That Sir, I am now suffering from osteo arthaitis  
of the left knee joint and I am on leave on  
medical ground w.e.f. 26.4.2001. The doctor  
has advised me to take complete bed rest upto  
15.6.2001 for recovery of my ailments.
- (2) That Sir, my children are now reading at Guwahati.  
My eldest daughter Miss Moumita Nag is a student  
of Guwahati University who will appear M.A.  
Final examination during April, 2002 to May,  
2002. My youngest daughter Miss Sumita Nag

contd...

is a student of Guwahati commerce College who will appear B-Com final examination in the month of April, 2001. My son Shri Sandeep Nag is a student of Class-IX is reading in Central School who will appear final examination in the month of March, 2002.

In view of the position stated above I am to request you kindly to consider my case sympathetically and cancell the transfer order till the academic session of my children is over and till recovery of my desease.

Date: 8.6.2001.

Yours faithfully,

Sd/- 8.6.2001

(M.C. NAG)

I.I.LEGAL.

....

certified to be  
true copy.

Kareena Kantar Dey  
Advocate  
11.6.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 236 OF 2001

Shri M.C. Nag

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statements submitted by  
the respondents

The written statements of the respondents are  
as follows :-

1. That with regard to para 1, the respondents beg to office order No. 46 of 2001 and 47 of 2001 issued transferring the applicant from Guwahati to Tinsukia Division in the interest of public service.

Liability of transfer is one of the condition of service. The petitioner joined the E.S.I. Corporation knowing fully well that the post is a transferable post. Therefore, the petitioner have no right to claim that he may not be transferred as interest of the office is greater than the personal interest of officers/official. The petitioner has been relieved from the duties of Regional Office, Guwahati on 8.6.2001 (FN) as per office order No. 47 of 2001 ( partial modification of order No. 46 of 2001

Regd by 32  
27/11/2001  
25.5.50



-2-

dated 7.6. 2001 )vide office order No. 48 of 2001 dated 8.6.2001.

Copy of office order No. 46 of 2001 and 47 of 2001 dated 7.6.2001 and order No.48 of 2001 dated 8.6.2001 and appointment order enclosed as Annexure - R<sub>1</sub> and R<sub>2</sub> .

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

3. That with regard to para 4.a, the respondents beg to state that as per declaration dated 20.5.1970 of permanent Home Town by Sri Nag is P.O. Hojai, Gobindapally, Nagaon but not at Guwahati as mention by the applicant.

4. That with regard to para 4.(b), the respondents beg to state that till the date of retirement, all the conditions of service are applicable to a Government servant.

Mrs. B. Nag has also been transferred to Tinsukia in the interest of Public service vide Office Order No. 46 of 2001 and 47 of 2001 dated 7.6.2001 and relieved from the duties of Regional Office, Guwahati on 8.6.2001 (FN) vide Office order No. 48 of 2001 dated 8.6.2001 . ( Copies of orders already enclosed ).

Further, there is no such Govt./Department instruction that both husband and wife serving in the same organisation can not be transferred. Rather, both husband and wife can be posted in same station as far as practicable vide the Govt. of India O.M. No. 28034/2/97 BH(A) dated 12.6.96. Keeping the instruction in view, both of them have been transferred to the same station.

5. That with regard to para 4(c), the respondents beg to state that there is no order/instruction from the Govt. of India that the employee cannot be transferred in the middle of academic session of the employee's children.

6. That with regard to para 4(d), the respondents beg to state that the applicant and his wife Mrs. B. Nag have been transferred to Tinsukia in the interest of Public service vide Office order No. 46 of 2001 and 47 of 2001 dated 7.6.2001 and as per office order No. 47 of 2001, they have already been relieved from their duties of Regional Office, Guwahati on 8.6.2001(FN) vide Office Order No. 48 of 2001 dated 8.6.2001. ( Copies of order already enclosed ).

7. That with regard to para 4(e), the respondents beg to state there is no such Govt/Department instruction/rule that the order of transfer cannot be passed while the concerned employee is on leave.

8. That with regard to para 4(f), the respondents beg to state that although in the office order No.46 of 2001 dated 7.6.2001 it was mentioned that the applicant will be relieved from his present duties of Regional Office, Guwahati on 29.6.2001, keeping in view of the interest of the office, the same has been modified vide Office Order No. 47 of 2001 dated 7.6.2001 that the applicant will be relieved from duties of Regional Office, Guwahati on 8.6.2001 (FN).

9. That with regard to para 4(g), the respondents beg to state that as the transferred of the applicant has been ordered in the interest of public service, therefore, his transfer case is not bolt from the blue as he knows that

that the job is transferrable, any where in India.

Further, there is no bar to educate the children at Guwahati if they are posted even at Tinsukia.

10. That with regzrd to para 4(h), the respondents beg to state that as the liability of transfer is one of the conditions of service and the applicant has been transferred in the interest of public service, the applicant can not claim that senior employee cannot be transferred. There is no such Govt./Department rule/instruction that Senior person can be allowed to work in the same station transferring the junior. The authority is empower to transfer any one whom the authority feels that the service of the officer is more beneficial for the organisation.

11. That with regard to para 4(k), the respondents beg to state that since the applicant has been transferred in the interest of public service and liability of transfer is also a condition of service, there is no question of irreparable loss and injury arise due to the transfer of the applicant. There is also a provision that employee can take leave as per rule for medical treatment during and after transfer as and when require for the same.

12. That with regard to para 4(j), the respondents beg to state that the application dated 8.6.2001 submitted by the applicant has been considered carefully and has been intimated to the applicant that his request has been considered but could not be acceded to vide this office Memo No. 43-A.22/15/2000-Estt. dated 14.6.2001 ( copy enclosed ).

13. That with regard to para 4(k), the respondents beg to state that the applicant should obey the order of the competent authority.

14. That with regard to para 5(a), the respondents beg to state that the order dated 7.6.2001 is not arbitrary, illegal and malafide as the transfer has been ordered in the interest of public service and liability of transfer is also a condition of service.

Further, the applicant will also be able to take medical treatment working at Tinsukia. Therefore, the transfer order may not be liable to set aside and quashed.

15. That with regard to para 5(b), the respondents beg to state that the order dated 7.6.2001 is not arbitrary, illegal and malafide. The order of transfer of the applicant has been issued applying the mind in interest of public service. There is no Govt. instruction/rule that six year before the date of retirement of an employee can not be transferred. All the conditions of service are applicable till the date of retirement from service. Therefore, the order of transfer can not be set aside and quashed.

16. That with regard to para 5(c), the respondents beg to state that as it has already stated in para 4(c) above, that there is no Govt/instruction/order that the employee cannot be transferred in the middle of the academic session of the employee's children. Therefore, the order of transfer dated 7.6.2001 is not illegal and the same has been issued with jurisdiction. Therefore, the order of transfer is not liable to be set aside and quashed.

17. That with regard to para 5(d), the respondents beg to state that beg to submit the comments what have already made against the foregoing paragraph 4(h) above.

18. That with regard to para 5(e), the respondents beg to state that ~~beg to state~~ in view of the above, the order dated 7.6.2001 is not liable to be set aside and quashed.

19. That with regard to para 6, the respondents beg to state that the application dated 8.6.2001 submitted by the applicant has been considered and intimated to him vide this office Memo. No. 43-A.22/15/2000-Estt. dated 14.6.2001 that his request has been considered but could not be acceded to. ( copy already enclosed ).

20. That with regard to para 7, the respondents beg to offer no comments.

21. That with regard to para 8(a), the respondents beg to state in view of the fact mentioned in above paras, the office order no.46 of 2001 and 47 of 2001 issued under No. 43.A.22/15/200-Estt. dated 7.6.2001 may not be set aside and quashed.

22. That with regard to paras 8(b) and 8(c), the respondents beg to offer no comments.

23. That with regard to para 9, the respondents beg to state that the Hon'ble CAT is requested not to order to stay the operation of the office order No.46/2001 issued under Memo No. 43-A.22/15/2000-Estt. dated 7.6.2001 may not be set aside and quashed.

24. That with regard to para 10, 11 and 12, the respondents beg to offer no comments.

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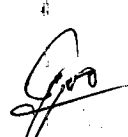
-7-

# VERIFICATION

12

I, Shri D. N. Pegoo, Regional  
Director, ESIC being authorised do hereby verify and  
declare that the statements made in this written statement  
are true to my knowledge, information and believe and I have  
not suppressed any material fact.

And I sign this verification on this  
th day of , 2001 at, Guwahati.

  
Declarant.  
( D. N. Pegoo )  
Regional Director,  
E. S. I. Corporation,  
N E Regional Guwahati-21

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4

EMPLOYEES' STATE INSURANCE CORPORATION  
REGIONAL OFFICE: NORTH EASTERN REGION  
GUWAHATI-21

No.43-A.22/15/2000-Estt.

Dated 7-6-2001

OFFICE ORDER NO 46 of 2001

The Regional Director has ordered the postings/transfers in respect of the following officials in the interest of public service.

S.No. Name official & Designation	Present place of posting	Posting/transfer now ordered
1. Sri P.K.Samah, Offg.Mgr.Gr.II	Local Office, Bongaigaon	Manager Gr.II(Offg.), Local Office, Shillong
2. Sri M.C.Nag, I.I(Legal)	Regional Office, Guwahati	Insurance Inspector, Tinsukia Division, Tinsukia
3. Mrs B.Nag, Supdt.	Regional Office, Guwahati	Manager Gr.II, Local Office, Tinsukia
4. Sri J.Boro, Mgr.Gr.II	Local Office, Tinsukia	Insurance Inspector(LR) Bt.Br., Regional Office, Guwahati
5. Sri A.Haque, I.I	Tinsukia Division, Tinsukia	Insurance Inspector(Legal), Regional Office, Guwahati
6. Sri D.Sinha, I.I (R)	Regional Office, Guwahati	Manager Gr.II, Local Office, Silchar
7. Sri P.Goswami, Offg.Mgr.II	Local Office, Silchar	Insurance Inspector(Recovery), Regional Office, Guwahati
8. Sri T.C.Das Sastri, Mgr.Gr.II	Local Office, Shillong	Superintendent(Adm.), Regional Office, Guwahati
9. Sri I.Ali Sheikh, I.I/Supdt.	Regional Office, Guwahati	Manager Gr.II, Local Office, Bongaigaon
10. Sri P.K.Sama, UDC-Cashier	Local Office, Dhubri	U.D.C-Cashier, Regional Office, Guwahati
11. Sri P.D.Patgiri, UDC	Regional Office, Guwahati	U.D.C-Cashier, Local Office, Dhubri
12. Sri J.R.Mahanta, UDC-Cashier	Regional Office, Guwahati	U.D.C, Regional Office, Guwahati

Sri I.Ali Sheikh I.I/Supdt. who is looking after the works of Local Office, Chandrapur will be relieved on the day when Sri C.K.Bora Manager take-over charge of Manager Gr.II, Local Office Chandrapur.

On being relieved by Sri Bora, Sri I.Ali Sheikh should proceed to Bongaigaon and take-over charge of Manager Gr.II, Local Office, Bongaigaon immediately from Sri P.K.Samah, Manager.

On being relieved by Sri I.Ali Sheikh, Sri P.K.Samah should proceed to Shillong and take-over charge of Manager Gr.II, Local Office, Shillong from Sri T.C.Das Sastri after availing normal joining time.

Contd...2.

(2.)

On being relieved by Sri P.K.Sama, Sri T.C.Das Sastri should come to Guwahati and report for duty as Superintendent(Adm.) at Regional Office, Guwahati after availing normal joining time.

Sri D.Sinha, Insurance Inspector(P), R.O. Guwahati will be relieved from his present duties of R.O. Guwahati on 29-6-2001(AN) and thereafter should proceed to Silchar and take-over charge of Local Office, Silchar as Manager Gr.II from Sri P.Goswami, Mgr., L.O. Silchar after availing normal joining time.

On being relieved by Sri Sinha, Sri P.Goswami should come to Guwahati and report for duty as Insurance Inspector(Recovery), Regional Office, Guwahati immediately.

Sri M.C.Nag, I.I(Legal) (on leave) will be relieved from Regional Office, Guwahati on 29-6-2001(AN) and thereafter should proceed to Tinsukia and take-over charge of Insurance Inspector, Tinsukia Division from Shri A.Haque, I.I after availing normal joining time.

On being relieved by Sri Nag, Sri A.Haque, I.I, Tinsukia should come to Guwahati and take-over charge of Insurance Inspector(Legal), R.O., Guwahati immediately after availing normal joining time.

Mrs B.Nag, Supdt. will be relieved from her present duties of R.O. on 29-6-2001(AN) and thereafter she should proceed to Tinsukia and take-over charge of Manager Gr.II, L.O. Tinsukia from Sri J.Boro, Mgr., after availing normal joining time.

On being relieved by Mrs. Nag, Sri J.Boro should come to Guwahati and should report for duty as Insurance Inspector(LR) Bft.Br. at R.O., Guwahati immediately after availing normal joining time.

Sri P.D.Patgiri, UDC, R.O. Guwahati will be relieved from his present duties of R.O. Guwahati on 29-6-2001(AN) and should join/take-over charge of U.D.C-Cashier, L.O. Dhubri immediately after availing normal joining time.

On being relieved by Sri P.D.Patgiri, Sri P.K.Sama, UDC-Cashier should come to Guwahati and join/take-over charge of UDC-Cashier, R.O. Guwahati from Sri J.R.Mahanta after availing normal joining time.

On being relieved by Sri P.K.Sama, Sri J.R.Mahanta, UDC-Cashier should report for duty as U.D.C at R.O. Guwahati on the same forenoon/afternoon.

Transfer/posting of Sri I.Ali Sheikh and Sri F.Goswami have been made on their own request and cost.

They will draw their present pay and other allowances as admissible in the new place of posting.

TA/DA and joining time etc. will be entitled to the official at Sl.No. 1,2,3,4,5,6,8,10,11. No TA/DA /joining time etc. will be entitled to the official at Sl.No. 7 & 9 as the postings/transfers have been ordered on their own request. No TA/DA/Joining time etc. will be entitled to the official at Sl.No. 12 as the posting has been ordered in the same office/station.

Necessary charge/joining report may be sent in due course.

(K.C.G.ESH)  
DIRECTOR  
FOR REGIONAL DIRECTOR

To

1. Officials concerned.

2. The Dy. Director(P), R.O. Guwahati

3. The Dy. Director(R), R.O. Guwahati

4. All Local Office Managers, N.E. Region.

5. Cash Br., R.O. Guwahati

6. All Branches, R.O. Guwahati

8. Office of the Registrar.

9. Personal file concerned.

10. Hindi Cell, R.O. Guwahati



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EMPLOYEES' STATE INSURANCE CORPORATION  
REGIONAL OFFICE NORTH EASTERN REGION  
GUWAHATI-21

Dated 7-6-2001

No. 43-A.22/15/2000-Estt.

OFFICE ORDER NO 47 of 2001

In partial modification of this office order No. 46 of 2001 dated 7-6-2001, the following officials will be relieved from their present duties of Regional Office, Guwahati immediately instead of 29-6-2001(AN).

1. Sri D. Sinha, I.I(R)
2. Sri M.C. Nag, I.I (On leave)
3. Mrs B. Nag, Supdt.
4. Sri P.D. Patgiri, U.D.C

Others conditions will remain unchanged.

( K.C. GHOSH )  
ASSISTANT DIRECTOR  
FOR REGIONAL DIRECTOR

To

1. Officials concerned.
  2. The Dy. Director(F), ESIC, R.O. Guwahati
  3. The Dy. Director(R), ESIC, R.O. Guwahati
  4. All Local Office Managers, N.E. Region.
  5. Cash Br. R.O. Guwahati
  6. All Branches, R.O. Guwahati
  7. Office order Register
  8. Personal file concerned.
  9. Hindi Cell, R.O. Guwahati
- Raw  
18/6

EMPLOYEES' STATE INSURANCE CORPORATION  
REGIONAL OFFICE: NORTH EASTERN REGION  
GUWAHATI-21

No. 43-A.22/15/2000-Estt.

Dated 8-6-2001

OFFICE ORDER NO 48 OF 2001

In pursuance of this office order No.46 of 2001 and No.47 of 2001 dated 7-6-2001, the following officials are hereby relieved/deem to have been relieved from their present duties of Regional Office, Guwahati in the forenoon of 8-6-2001, with the instruction to report for duty as ordered.

1. Sri D. Sinha, I. I(R), R.O. Guwahati
2. Sri M.C. Nag, I. I(Legal), R.O. Guwahati (on leave)
3. Mrs B. Nag, Supdt., R.O. Guwahati
4. Sri P.D. Patgiri, UDC, R.O. Guwahati

( K. C. GHOSH )  
ASSISTANT DIRECTOR  
FOR REGIONAL DIRECTOR

To

1. Officials concerned.
2. The Dy. Director(F), ESIC, R.O. Guwahati
3. The Dy. Director(R), ESIC, R.O. Guwahati
4. Local Office Manager, Tinsukia / Dhubri / Silchar
5. Cash Br. R.O. Guwahati
6. Office Order Register
7. Personal file concerned.
8. Hindi Cell, R.O. Guwahati

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RECEIVED  
OFFICE ORDER  
NO. 48 OF 2001  
DATED 8-6-2001  
REGIONAL OFFICE  
GUWAHATI

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43

EMPLOYEES' STATE INSURANCE CORPORATION  
REGIONAL OFFICE: NORTH EASTERN REGION  
GUWAHATI-21

No.43-A.22/15/2000-Estt.


Dated 14-6-2001

MEMORANDUM

Subject : Transfer from Guwahati to Tinsukia vide  
Regional Office order No.46 of 2001  
dated 7-6-2001.

.....

With reference to his letter dated 8-6-2001  
on the above subject, Sri M.C.Nag, Insurance Inspector  
is informed that the Regional Director has examined  
his request and the same could not be ~~accord~~ acceded  
to and directed to the undersigned to advise Sri  
M.C.Nag, I.I to join immediately after availing  
normal joining time as per order failing which  
departmental action would be taken against him.

  
( K.C.GHOSH )  
ASSISTANT DIRECTOR  
FCR REGIONAL DIRECTOR

To

7

Sri M.C.Nag,  
Insurance Inspector,  
E.S.I. Corporation,  
R.O. Guwahati

*Rev  
K  
18/6*

[illegible]

His employment is made on purely temporary basis and his services are liable to termination at any time without any notice excepted, the fact is therefore.

He is now posted in the local office, Bhabani  
and is liable to be transferred anywhere in India. He  
will be governed by the terms and conditions of Service  
of a W.O. and B.O. (Compulsory staff and conditions  
of service) Regulation.

1993 JAN 12 AM 11:01

10. Manik Ch. Das  
11. Leo Gavilati

Copy to:-

1. The Accounts Office, Calcutta.
2. The Manager Local Office, Calcutta (2 copies).
3. Office Order Register.
4. Personal file.

1. GI [unclear]

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M. 12

DECLARATION REGARDING PERMANENT HOME TOWN.

Declaration of Permanent 'Home' address required to be made under clause 1 (4) of the Ministry of Home Affairs Memo No. 43/55-Ests. (A) part II dated 11.10.56, as applied in the Employees' State Insurance Corporation, for purpose of Travel Concessions to Govt. servants during regular leave.

I declare my permanent 'Home' as under :-

Address :- Manik ch. Nag.  
c/o. M. L. Nag.  
P.O. Hojai, Gibindapally,  
St. Nargang.

Reasons :- we have land property and all relationship living to the above place for last ten years.

Name of the nearest Rly. Station:- Hojai

Dated:-

25/5/70

Signature

Designation - L.D. e. R.O.  
Ganesh

Accepted :-

Signature of Controlling Officer.  
E.S.I. Corporation, Ganesh.

New Delhi, the 12th June, 1997

## OFFICE MEMORANDUM

Sub :- Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide OM No. 28034/7/86-Estt. (A) dated 3-4-86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Department should strictly adhere to the guidelines laid down in OM No. 28034/7/86-Estt. (A) dated 3-4-86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.
3. It is further clarified that even in cases where only the wife is a government servant, the concession elaborated in Para 2 of this O.M. would be admissible to the government servant.
4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.
5. A copy of this Department's OM No. 28034/7/86-Estt(A) dated 3-4-86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

Sd.

(Harinder Singh)

Joint Secretary to the Govt. of India

Tel.No. 301 1276

To

- (1) All Ministries /Departments of the Government of India.
- (2) Department of Women & Child Development.
- (3) The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

New Delhi, the 3-4-86.

16  
OFFICE MEMORANDUM

Subject : Posting of husband and wife at the same station.

-----  
The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Govt. service or in the service of Public Sector Undertakings has been raised in Parliament and other forums on several occasions. Govt. position has been that requests of Govt. servants and employees of public sector undertakings for posting at the same station usually receive sympathetic consideration, and that each case is decided on merits, keeping in view the administrative requirements.

2. The Govt. of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated and implemented by different Ministries of the Central Govt. to achieve this end. It is also considered necessary to have a policy which can enable women employed under the Govt. and the Public Sector undertakings to discharge their responsibilities as wife/mother on the one hand and productive workers on the other, more effectively. It is the policy of the Govt. that as far as possible and within the constraints of administrative feasibility, the husband and wife should be posted at the same station to enable them to lead a normal family life and to ensure the education and welfare of their children.

3. In Feb., 1976 the then Department of Social Welfare had issued a circular D.O. letter to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife at the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resources Development from women seeking the intervention of that Department for a posting at the place where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to these employees who are under the purview of the Govt./Public Sector Undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the request from the spouses for a posting at the same station. At the outset, it may be clarified that it may not be possible to bring every category of employees within the ambit of this policy as situations of husband/wife employment are varied and manifold. The guidelines given below are, therefore, illustrative and not exhaustive. Govt. desire that in all other cases the cadre controlling authority should consider such requests with utmost sympathy.

...2/-

17 48

4. The classes of cases that may arise, and the guidelines for dealing with each class of case, are given below :-

(i) Where the spouses belong to the same All India Service or two of the All India Services namely IAS, IPSA and Indian Forest Service (Group 'A');

- The spouse will be posted to the same Cadre by providing for a cadre transfer of one spouse to the Cadre of the other spouse subject to their not being posted by this process to their home cadre. Postings within the Cadre will, of course, fall within the purview of the State Govt.

(ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services :-

- The cadre controlling authority of the Central Service may post the officer to the station or if there is no post in that station, to the State where the other spouse belonging to the All India Service is posted.

(iii) Where the spouses belong to the same Central Service :-

- The Cadre controlling authority may post the spouses to the same station.

(iv) Where the spouse belongs to one Central Service and the other spouse belongs to another Central Service :-

- The spouse with the longer service at a station may apply to the appropriate cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the State where the other spouse belonging to the other Central Service is posted.

(v) Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertakings :-

- The spouse employed under the Public Sector Undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted.



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(vi) Where one spouse belongs to a Central Service and the other spouse belongs to PSU :-

- The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station or if there is no post under the PSU in that station, to the State where the other spouse is posted. If, however, the request cannot be granted because the PSU has no post in the said station/State, then the spouse belonging to the Central Service may apply to the appropriate cadre controlling authority and the said authority may post the said officer to the station or if there is no post in that station, to the state where the spouse employed under PSU is posted.

(vii) Where one spouse is employed under the Central Govt. and the other spouse is employed under the State Govt.

- The spouse employed under the Central Govt. may apply to the competent authority and the competent authority may post the said officer to the station or if there is no post in that station to the State where the other spouse is posted.

5. As will be seen from the illustrations given above, they do not cover all possible categories of cases which may arise. In fact it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines will have to be dealt with keeping in mind the spirit in which these guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

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

8. This issues with the concurrence of the Department of Public Enterprises.

9. Hindi version will follow.

Sd/-

(Mrs. Aarti Khosla)

Joint Secretary to the Govt. of India.

To  
All Ministries/Departments of the Govt. of India.  
(As per standard list with usual number of spare copies.)