

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 262 of OF 199 2001

Applicant(s) Narayan Chandra Barman

Respondent(s) U.O.I & Ors.

Advocate for Applicant(s) Mr. Atul Sarma , Mr. C.M. Das

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

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Condonation Petition is filed not vide M.F. No. C.F. for Rs. 50/- deposited vide IPG/BD No. 66.79/305. Dated.....</p> <p>Dy. Registrar,</p> <p>Notice prepared and sent to D/S for issuing the Respondent No 1 & 2 vide S/No 2798 W/O 307/07</p> <p>26/7/07.</p> <p>Service report are still awaited.</p> <p>30.8.01</p>	20.7.01	<p>Heard learned counsel for the parties.</p> <p>Admit. Issue notice on the respondents. Returnable by two weeks. Issue notice to show cause as to why the interim order shall not be passed suspending the operation of the order dated 27.6.01 pertaining to transfer of Shri N.C. Barman PA, Noonmati S.O. to Hengrabari S.O. The order of transfer of the applicant as PA Noonmati to Hengrabari as S.O. shall remain suspended till the Returnable date. List on 31.8.01 for orders.</p> <p>lm</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>7.9.2001</p> <p>W/S Submitted in Respondents.</p> <p><i>PA 2001</i></p> <p>Written statement has been filed.</p> <p><i>By</i> 27.9.01</p>	<p>31.8.01</p> <p>bb</p> <p>28.9.01</p>	<p>List on 28.9.2001 to enable the respondents to file written statement.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>It has been stated that the written statement has already been filed and the counsel for the applicant is yet to receive the copy of the written statement. Mr.B.C.Pathak, Addl. C.G.S.C. on behalf of Mr.A.Deb Roy, Sr.C.G.S.C. prays for adjournment to take necessary steps and to serve the copy of the written statement the counsel for the applicant. List on 19.10.01 for orders. The applicant may file a rejoinder if any within 2 weeks.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Rejoinder has been filed.</p> <p><i>By</i> 18.10.2001</p> <p>Rejoinder has been filed.</p> <p><i>By</i> 11.12.01</p> <p>Rejoinder has been filed.</p> <p><i>By</i> 15.1.02</p>	<p>lm</p> <p>19.10.01</p> <p>lm</p> <p>19.12.01</p> <p>lm</p> <p>16.1.02</p>	<p>Written statement has been filed. No rejoinder has been filed. List on 19.12.01 for hearing.</p> <p><i>[Signature]</i> Member</p> <p>On the prayer of learned counsel for the applicant case is adjourned to 16th Jan.2002.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>The case is adjourned today. List again on 01.02.02 for hearing.</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
6.3.2002	bb	None appears for the applicant today. The respondents are yet to produce the records. List the case again on 27.3.2002. for hearing.
27.3.2002	nkm	None appears for the applicant today also. I have heard Mr A. Deb Roy, learned Sr. C.G.S.C. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

Vice-Chairman

Vice-Chairman

4

[illegible]

2

O.A.262 of 2001

Notes of the Registry

Date

Order of the Tribunal

6.3.2002

None appears for the applicant today. The respondents are yet to produce the records. List the case again on 27.3.2002. for hearing *records*.

[Signature]
Vice-Chairman

bb

27.3.2002

None appears for the applicant today also. I have heard Mr A. Deb Roy, learned Sr. C.G.S.C. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

[Signature]
Vice-Chairman

nkm

No-respondents have been filed.

[Signature]
26.3.02

27/3/02

Notes of the Registry	Date	Order of the Tribuna.
<p>of the ...</p> <p>...</p> <p>...</p> <p>...</p>	<p>...</p> <p>...</p> <p>...</p> <p>...</p>	

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 262 of 2002

Date of Decision.....27.3.2002

Shri N.C. Barman

Petitioner(S)

Mr A. Sarma and Mr C.M. Das (absent)

Advocate for the
Petitioner(s)

-Versus-

The Union of India and others

Respondent(s)

Mr A. Deb Roy, Sr. C.G.S.C.

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, 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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.262 of 2002

Date of decision: This the 27th day of March 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

Shri N.C. Barman,
Postal Assistant,
Noonmati Sub-Office,
Guwahati.

.....Applicant

By Advocates Mr A. Sarma and Mr C.M. Das.
(absent).

- versus -

1. The Union of India, represented by
The Chief Post Master General,
Assam Circle, Guwahati.
2. The Senior Superintendent of Post Offices,
Guwahati Division,
Guwahati.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

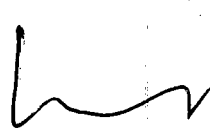
.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)


The matter pertains to transfer and posting. By the impugned order dated 27.6.2001 the applicant who is working as Postal Assistant, Noonmati Sub-office was ordered to join as Sub-Post Master at Hengrabari Sub-office transferred. By the same order the Postal Assistant, Guwahati GPO was ordered to join at Noonmati Sub-office as Postal Assistant vice the applicant on being relieved on office arrangement.

2. The order dated 27.6.2001 affects five officers including that of the applicant. No illegality, as such is discernible. The only ground cited by the applicant in his application pertains to the proximity of his superannuation.



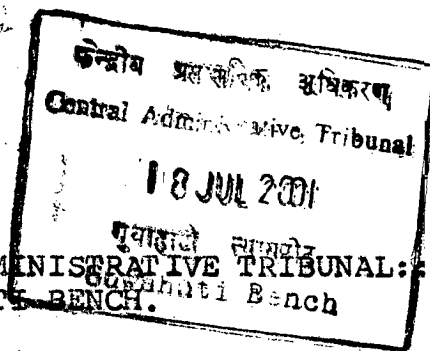
According to the applicant he would attain his age of superannuation on 31.1.2003. I do not find any justification for intervention by this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

3. In the circumstances the application is rejected. There shall, however, be no order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:.....
GUWAHATI BENCH.



Filed by
Narayan Ch. Barman
through
A.C. Sarma
Advocate
18-7-2001

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

Title of the Case O A No. 262 of 2001.

Shri Narayan Chandra Barman,

....Appellant.

- Versus -

Union of India & Ors.

....Respondent.

I N D E X

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5.	Annexure-3	13

For use in Tribunal Office Only

Date of filing :

Registration No:

REGISTRY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI
BENCH.

Filed by
Narayan Ch. Barman
through
A.C. Jaiswa
Advocate
18-7-2001

O.A. No. ...²⁶².....of 2001.

-BETWEEN-

1. Shri Narayan Chandra Barman.

S/o Late Sani Ram Barman,

Postal Assistant, Noonmati

Sub-Office, Guwahati.

.....Applicant.

- AND -

1. Union of India.

Represented by-

The Chief Post Master General,

Assam Circle, Guwahati.

2. The Senior Superintendent of

Post Offices, Guwahati Division,

Guwahati-1.

.....Respondents.

DETAIL OF APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MADE :

The instant application is made challenging the
following orders -

i) Order issued vide Memo No. 13/12-13/Rotation/Ch-IV
dated 27/6/2001 by the senior Superintendent of Post

contd...2

13
Narayan ch. Barman

(2)

Offices, Guwahati Division, Guwahati-1, transferring the applicant from Noonmati Sub-Post Office to Hengrabari Sub-Post Office.

ii) Order issued vide letter No. B-1022 dated 4-7-2001 by the Senior Superintendent of Post Offices Guwahati Division rejecting the representation made by the applicant.

This application is made for stay of the transfer ~~to the~~ a order dated 27-6-2000 so far it relates to the applicant as issued by the senior superintendent of Post Offices, Guwahati Division and upon hearing to set aside and or to quash the same.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application for which he wants redressal is within the Jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the application is within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

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

contd..3

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Narayan Ch. Berman

(3)

4.2) That, the applicant has served the postal Department in various places during the long period of his service and at present he is working as -postal Assistant in Noonmati sub-office since 20-3-98 last.

4.3) That, the applicant has served the Department since his joining with all sincerity and devotion to duties and to the best satisfaction of the authority concerned without there having any blemish what soever in his service record. The application is ~~in his service~~ due to retire from his service in January, 2003 next on superannuation.

4.4) That, the respondent No.2 suddenly vide his memo No. B/R-13/Rotation/Ch-IV dated 27-6-2001 has transferred the applicant from his present place to Hengrabari sub office as sub-post Master (SPM) which is also equivalent to the rank of Postal Assistant.

(Copy of the above order is annexed as Annexure-1)

4.5) That, it is submitted that the applicant has not completed yet minimum tenure period of 4 years at Noonmati sub office as provided by Rule. Moreover, the applicant has been transferred

contd...4

Narayan Ch. Barmun 15

(4)

in the same capacity as the post of postal Assistant and that of the sub-Postmaster are of the same rank without there having any additional financial benefit for the post of S.P.M. But on the other hand the post of S.P.M. carries always higher responsibilities as the person holding the post is to be the over all incharge of the office.

- 4.6) That as per rule, one can keep in deposit maximum 10 months leave and he can encash the same at the time of retirement and if he is having more leave in credit he is to forfeit it without any benefit. The applicant is having more than 10 months earned leave and sufficient half pay leave in his credit and he is contemplating to avail the same for his personal work during the remaining small period of his service life. But the Hengrabari sub office being a single handed office and the sub post ~~office~~ Master (S.P.M.) being the only man to manage the office without there having any postal Assistant it may not be possible on the part of the applicant to avail leave also during the remaining less than one and half years of his service life if he is posted as S.P.M.

contd...5

Narayan Ch. Barman 16

(5)

Hengrabari S.O. as per the impugned transfer order.

- 4.7) That, from the impugned transfer order it appears that it has been issued in partial modification of some earlier order dated 16-1-2000. Hence it is obvious that the impugned transfer order has been issued not in the interest of service but to satisfy some other persons and as such it is a malafide order.
- 4.8) That, the applicant submitted a representation before the respondent No.2 on 30.6.2001 for cancellation of his transfer order in consideration of the particular position of the applicant but the respondent No.2 vide letter No. B-1022 dated 4-7-2001 has communicated to the applicant that the transfer order dated 27-6-2001 stands and the applicant has been asked for get relieved.

(Copies of the representation
and reply are annexed as Annexure-
2 and 3)

- 4.9) That, as per the impugned transfer order the applicant is to be relieved by another official Shri Satyendra Nath Sarma who is to come from Guwahati G.P.O. said Shri Satyendra Nath Sarma being not yet relieved he has not come to join in place of the applicant and as such the applicant

Narayan Ch. Barmam 17

(6)

is still working in his present place of posting at Noonmati S.O. But, to the utter surprise of the applicant the respondent No.2 in her letter dated 4-7-2001 (Annexure-3) has asked the applicant to get himself relieved which proves that the impugned transfer order is tainted with malafide.

5) GROUND FOR RELIEF WITH LEGAL PROVISION:

- 5.1) For that, the impugned transfer order dated 27-6-2002 issued by the respondent No.2 transferring the applicant at the fag end of his service life is illegal, malafide and as such it is liable to be quashed.
- 5.2) For that, the impugned transfer order has been issued infringing the legal rights of the applicant as guaranteed under article 14 and 16 of Constitution of India.
- 5.3) For that, the impugned transfer order has not been issued in the interest of public service in as much as it has been issued in partial modification of some earlier transfer order and as such it is a malafide order and can/not be given effect to.
- 5.4) For that, the impugned transfer order if given effect to in respect of the applicant it will

contd...7

(7)

deprive the applicant from the lawful benefit of leave etc and it will put the applicant in more trouble at the fag end of his service life.

18
Narayan Ch Baman

5.5) For that, it being the convention not to transfer the employees who are on the verge of their retirement the impugned transfer order in respect of the applicant has been issued against the said convention and as such it is liable to be quashed.

5.6) For that, the transfer of the applicant also not being due as he has not completed his tenure in Noonmati S.O., the impugned transfer order is liable to be set aside.

5.7) For that, if the applicant is compelled to carry out the impugned transfer order it will cause serious injustice and it will put him in trouble at the fag end of his service life and as such it is liable to be set aside.

31.1.003

6. DETAILS OF REMEDIES EXHAUSTED:

That, the applicant submitted representation against the impugned transfer order but that has been rejected by the respondent No.2 as communicated through letter dtd. 4-7-2001 issued by the respondent No.2.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

contd...8

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Narayan Ch. Barman

(8)

The applicant further declares that he has not previously filed any application writ petition or any ~~application~~ writ before any court of law or any other authority and/or other Bench of this Hon'ble Tribunal regarding the matter in respect of which the instant application is filed and that no such application, writ petition or writ is pending before any of them.

8. RELIEF SOUGHT FOR :

In view of the facts and circumstances stated above it is most respectfully prayed that this hon'ble tribunal may be pleased to admit the instant application and upon hearing on the cause or causes that may be shown be pleased to grant the following relief.

8.1) Set aside the impugned transfer order dated 27-6-2001 so far it relates to the applicant as issued by the senior superintendent of Post Offices Guwahati Division, Guwahati.

9. INTERIM ORDER PRAYED FOR :

This Hon'ble Tribunal may be pleased to stay the transfer of the applicant as issued vide memo No.B/R-13/Rotation/Ch-IV dated 27-6-2001 by the senior superintendent of Post Office Guwahati Division, Guwahati till disposal of the application.

10) PARTICULARS OF THE I.P.O.:

- (i) I.P.O. No : 66791305
- (ii) DATE : 13.7.2001
- (iii) PAYABLE AT GUWAHATI.

11) LIST OF ENCLOSURES :

As stated in the index.

contd...9

(9)

VERIFICATION

I, Shri Narayan Chandra Barman, the applicant of the instant application do hereby solemnly affirm and verify that the statements made in the accompanying application in the paragraphs from...1...7..... are true to my knowledge, which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification on this ..18..th day of July, 2001 at Guwahati.

Narayan ch Barman

DEPONENT

(Annexure -1)
23.3.98

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SR. SUPERINTENDENT OF POST OFFICES, GUWAHATI DIVN.
MEGHDOOT BHAWAN 3RD FLOOR, GUWAHATI - 781001

NO. B/R-13/Rotation/Ch-IV.

Dated at Guwahati the 27.06.2001

In partial modification of this office memo of even no. dad. 16.1.2001 the following transfer and posting order is issued to have immediate effect in the interest of service.

1. Sri Satyendra Nath Sarma, PA, Guwahati GPO on being relieved on office arrangement will join at Noonmati SO as a PA, vice Sri Narayan Ch. Barman transferred.
- ✓ 2. Sri Narayan Ch. Barman, PA, Noonmati SO on being relieved will join as a SPM, Hengrabari SO vice SPM, Hengrabari transferred. (3+)
3. Sri Dhan Kr. Das, SPM, Hengrabari SO on being relieved will join as a SPM, Binovanagar SO vice Sri Dharmeswar Chamua, SPM Binovanagar transferred.
4. Sri Dharmeswar Chamua, SPM, Binovanagar being relieved will join at Boko SO as a PA vice Shri Sarat Ch. Sarania, PA, transferred.
5. Sri Sarat Ch. Sarania, PA, Boko SO on being relieved will join at Guwahati GPO as a PA, vice Shri Satyendra Nath Sarma transferred. ✓

Sr. Superintendent of Post Offices.
Guwahati Division, Guwahati-781001

Copy to:-

1. The Sr. Postmaster, Guwahati GPO. He is requested to relieve the official at Sl. No. 1 immediately on office arrangement.
2. The Postmaster, Guwahati University H.O.
3. The SPM, Noonmati SO.
4. The SPM, Hengrabari SO.
5. The SPM, Binovanagar SO.
6. The SPM, Boko SO.
- 7-11) The official concerned.
- 12-16) The PFs of the officials.
- 17-18) O/C & Spare.

Sr. Superintendent of Post Offices.
Guwahati Division, Guwahati-781001

20/7/2001

Certified to be true copy.
Advocate

To,

The Senior Supdt. of P O's
Guwahati Division,
Guwahati-781001.

(Through the S P M Noonmati S.O)

Dated at Noonmati the 30th June, 2001.

Sub:- Rotation transfer from Noonmati to Hengrabari as SPM.

Respected Madam,

With due most humbly and respectfully I
beg to state before you the following pray for your kind
consideration and favourable sympathetic orders.

That Madam, I joined here at Noonmati
during the month of March, 1998 and my tenure at Noonmati
is yet to be completed. Further I am due to retire on
superanuation in the month of January, 2003. I served the
Department for long years without any blemish in different
offices carrying out the orders of the superior and now
I am praying before you to show sympathy for the last year
of my retirement and take action to cancell my orders of
my transfer.

Yours faithfully,

(Narayan Ch. Barman)

P.A.Noonmati, S.C.

Certified to be true copy
Advocate

To
The Senior Supt. of P.O's

Guwahati Division,

Guwahati 781001

(Through the SPM Noonmati SO).

Dated at Noonmati the 30th June 2001

Subj: Rotation transfer from Noonmati to
Hengrabari as SPM.

Ref your Memo No B/R-13/Rotation/Ch IV dtd 27⁶/₂₀₀₁

Respected Madam,

with due most humbly
and respectfully I beg to state before you
the following pray for your kind consi-
deration and favourable & sympathetic
orders.

That Madam, I joined here at
Noonmati during the month of March 1998
and my tenure at Noonmati is yet to
be completed. Further I am due to
retire on superannuation in the month
of January 2001. I served the Department
for long years without any blemish in
different offices carrying out the orders of
the superior and now I am praying before
you to ~~be~~ show sympathy for the last year
of my retirement and take action to
cancel my orders of my transfer.

Yours faithfully

NARAYAN CH BARMAN

P.A. Noonmati SO

Certified to be true
SPY.

Advocate

Dept. of Posts
Govt. of India

To,

Shri Narayan Ch. Barman
P.A.Noonmati S.O.
Guwahati-20.

NO = B. 1022 dated at Guwahati-1 the 4.7.2001.

Sub:- Regarding Rotational transfer.

Ref:- Your application dtd. 30.6.2001.

With reference to the subject cited above,
it is intimated that this office order dtd.27.6.2001
remain stand.

You get relieve and join at Hengrabari so as a
S.P.M. as ordered.

sd/-

Sr. Superintendent of
post office
Guwahati Division,
Guwahati-781001.

Certified to be true copy
CS
Advocate

Dept. of posts
Govt of India

psel

ST. SUPERINTENDENT
Guwahati Division, Guwahati-781 001

In,
Sri

Mr. Narayan Ch Barmam.

P.A. Neomati So.

Guwahati 20.

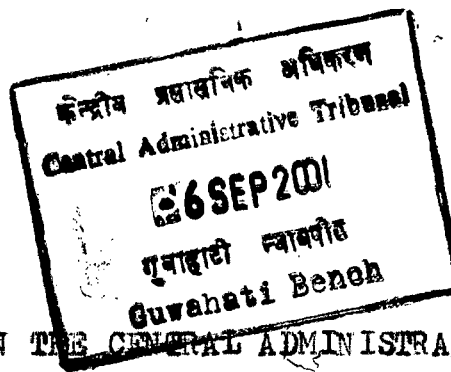
AM = B. 1022 dated at Guwahati The 4.7.2001.
Sub:- Regarding Rotational transfer.
Ref:- Your application dtd 30.6.2001.

With reference to the subject cited above,
it is intimated that this office order dtd.
27.6.2001 remain stand.

You get receive and join at Hengrabari
So as a SPM as ordered.

For P.S.D.
A.T.O.
गुवाहाटी मंडल, गुवाहाटी 781001
Sr. Superintendent of Police Office,
Guwahati Division, Guwahati-781 001.

Artifical to be true
Advocate



Filed
7/9/01
1A, DEB HOY
St. C. G. S. C.
A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 262 OF 2001

Shri Narayan Dh. Barman

- Vs -

Union of India and others.

- And -

In the matter of :

Written Statement submitted by
the respondents

The respondents beg to submit a brief history
of the case which may be treated as a part of
the written statement.

(BRIEF HISTORY OF THE CASE)

Shri Narayan Ch. Barman, P.A. Noonmati SO working
from 20.3.98 has been transferred to Hengrabari
SO as SPM in the interest of service under this
office memo no. BR-13/Rotation Transfer/CH IV
dated 27.6.2001.

Shri Barman submitted a representation to the
authority on the plea that he did not completed
his ~~term~~ tenure at Noonmati and he should not be
transferred as he has only 1(one) year 7(seven)
months for his retirement.

The representation has been consider and rejected in the interest of service and Shri Barman was asked through SPM Noonmati to get himself releive immediately on office arrangement with a view to giving effect of the order dated 27.6.2001.

Shri Barman proceed on leave and filed a case before the Hon'ble C.A.T.

Parawise Comments :

1. That with regard to para 1, the respondent beg to state that the order was issued in the interest of Service and thus cancellation of the order will adversely affect the administration.

(ii) The application was rejected in the interest of service.

2. That with regard to para 2, 3 and 4.1, the respondents beg to offer no comments.

3. That with regard to para 4.2, the respondents beg to state that the applicant has been serving ~~in~~ as P.A. Noonmati SO since 20.3.98.

4. That with regard to para 4.3, the respondents beg to state that the date of retirement of the applicant is on 31.1.2003 A/N.

-3-

5. That with regard to para 4.4, the respondents beg to state that the single handed SPM should necessarily be one TBOP PA or more and not just P.A. More over single handed SPM has more responsibility including financial responsibility as he is the i/c of the office.
6. That with regard to para 4.5, the respondents beg to state that the tenure period of 4 years is maintained ordinarily. The transfer order dated 27.6.2001 was issued in the interest of service. ✓
7. That with regard to para 4.6, the respondents beg to state that leave is granted to the single handed SPMs as and when applied for, the applicant can also availa leave as and when necessary .
8. That with regard to para 4.7, the respondents beg to state that is not based on fact. The order dated 16.1.2001 has been modified under order dated 27.6.2001 in the interest of service and taking consideration of length of service of the applicant.
9. That with regard to para 4.8, the respondents beg to submit the comments what have already made against the foregoing paragraph 1(ii) above.
10. That with regard to para 4.9, the respondents beg to state that as Shri Satyendra Nath Sarma was working in such a branch from which it was not possible to relieve him immediately, the order dated 4.7.01 was issued to implement

the order dated 27.6.01 in the interest of service. On the other hand Sr. Accounts Officer, B.S.N.L., CTO Building requested to extend the Deputation period of Shri Satyendra Nath Sarma upto 31.8.2001 vide his letter no. CA of TRA, Guwahati dated 5.7.01.

11. That with regard to para 5.1, the respondents beg to submit the comments what have already made against the foregoing paragraph 1 above.

12. That with regard to para 5.2, the respondents beg to state that the legal rights of the applicant as granted under the article 14 af 16 of the Constitution of India has not been infringed.

13. That with regard to para 5.3, the respondents beg to submit the comments what have already made against the foregoing paragraph 4.7 above.

14. That with regard to para 5.4, the respondents beg to submit the comments what have already made against the foregoing paragraph 4.6 above.

15. That with regard to para 5.5, the respondents beg to state that the applicant has been transferred from Noonmati to Hengrabari in the same city and thus the transfer order issued is not against the said convention.

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16. That with regard to para 5.6, the respondents beg to submit the comments what have already made against the foregoing paragraph 4.5 above.

17. That with regard to para 5.7, the respondents beg to offer no comments.

18. That with regard to para 6, the respondents beg to submit the comments what have already made against the foregoing paragraph 1 above.

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

20. That with regard to para 8, the respondents beg to state that not admissible as the order dated 27.6.01 has been issued in the interest of service.

21. That with regard to para 9, the respondents beg to submit the comments what have already made against the foregoing paragraph 8 above.

22. That with regard to para 10 and 11, the respondent beg to offer no comments.

Verification.....

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VERIFICATION

I, Sri B. R. Chakravarty, Senior
Supt. of Post 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 4th
day of September, 2001, at Guwahati.

B. Radhina
Declarant