

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Bahley
8/12/17

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 341/2001

Applicant (s) Dr. Rajeev Ranjan

Respondent(s) U.C.I. Govt

Advocate for the Applicant: M. Chanda, Ms. N. D. Goswami, G.N. Chakraborty

Advocate for the Respondent: C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
His application is in form but not in date format.	4.9.01	Heard counsel for the parties.
Petition filed in this office		The application is admitted. Call for the records.
Mr. B.C. Pathak, learned Addl.C.G.S.C. accepted notice on behalf of the respondents.		Mr. B.C. Pathak, learned Addl.C.G.S.C. accepted notice on behalf of the respondents.
IPO No. 76548892		List on 5/10/01 for order.
Dated 27.8.2001 <i>By, Registrar</i>		
		<i>I C U Shon</i> Member
Notice affixed and sent to D/S for copy the respondent No 1/04 by Regd A.D. <i>6/9/01</i>	5.10.01	At the request of Mr. B.C. Pathak Addl.C.G.S.C. 4 weeks time is allowed for filing of written statement. List on 23.11.01 for filing of written statement and further orders.
Vid. A/No - 3451/2001 dtd - 10/9/01.		<i>I C U Shon</i> Member
No. written statement has been filed. <i>23.11.01</i>	123.11.01	List on 2.1.02 to enable the respondents to file written statement.
No. W/S has been filed. <i>23.11.01</i>	1m	
		<i>Vice-Chairman</i>

2.1.02

List on 30.1.02 to enable the
respondents to file written statement.

No. 1015 has been filed.

3/1
29.1.02

I C Usha
Member

1m

30.1.02

On the prayer of Mr. B.C. Pathak, learned
Addl. C.G.S.C. four weeks time is allowed for
filing of written statement. List on 27.2.02
for orders.

I C Usha
Member

1m

27.2.2002

Written statement has been filed. List
the case for hearing on 22.3.2002.

14.2.2002

W/S submitted

by the Respondents.

bb

I C Usha
Member

22.3.02

Mr. M. Chanda learned counsel for the
applicant submits that he has received the
copy of the written statement to day, and
he prays for adjournment. Prayer is accepted.
List on 5.4.02 for hearing.

I C Usha
Member

1m

5/4. There was a conference.

The case is adjourned to 1/5/2002

PL
A/13
54.

1.5.2002

Heard counsel for the parties. Hearing
concluded. Judgment delivered in open Court,
kept in separate sheets.

The application is disposed of in
terms of the order. No order as to costs.

Boef
31/5

L
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. ~~X~~ X. NO. 341 of 2001.

DATE OF DECISION 15, 2002.

Dr. Rajeev Ranjan

APPLICANT(S)

Sri M. Chanda

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Others.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS.

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 ?
5. Judgment delivered by Hon'ble **Vice-Chairman**.



5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

Date of Order : This the 1st day of May, 2002.

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

Dr. Rajeev Ranjan,
son of prof. Rajendra Prasad Singh,
Medical Officer, CHS,
6, Assam Rifles,
P.O. Khunsa, Arunachal Pradesh. . . . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India
through the Secretary to the
Govt. of India, Ministry of Health and F.W.
New Delhi.
2. The Secretary to the Govt. of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles,
Shillong.
4. The Deputy Director (Admn.)
Assam Rifles,
Shillong. . . . Respondents.

By Sri B.C.Pathak, Addl .C.G.S.C.

O R D E R

CHOWDHURY J. (V.C)

One more case of posting at a place of his choice in terms of the Government policy. The applicant was initially appointed under the Central Health Service (CHS) as Medical Officer on the recommendation of the UPSC. On his appointment to the post of Medical Officer under CHS in the Ministry of Health and Family Welfare his services was placed under the Director General, Assam Rifles and he was posted in 6, Assam Rifles and he is serving in the same place till the date of filing of this application.

He submitted application through proper channel for transferring him from Assam Rifles to CHS for posting him any of the CGHS Dispensaries at Patna, Ranchi or New Delhi. On 2.9.2000 his representation was forwarded by the Commandant indicating that officer was to complete his normal tenure of three years during February 2001 in Assam Rifles and due for posting. He accordingly recommended for posting him out to one of the station choosen by him on completion of three years tenure. By Memorandum dated 25.9.2000 the DGAR was informed that application for posting of the applicant was returned unactioned as Medical Officer did not complete the normal tenure of four years in the organisation with the direction to advise the officer to submit application on completion of tenure for processing the case. The applicant assailed the legitimacy of the said order. Hence this application.

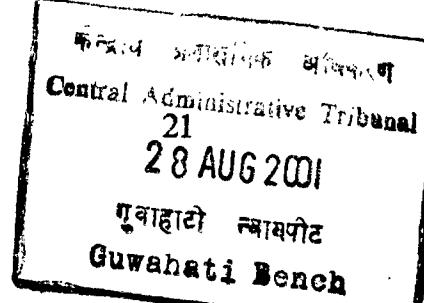
2. As per the prescribed norms communicated through the memorandum dated 14.12.1983 in respect of facilities for civilian employees of Central Government serving in North Eastern Region and Union Territories the tenure posting is provided for three years at a time for officers with services of 10 years or less and 2 years of service at a time for officers with more than 10 years of service. On completion of fixed tenure of service the authority is to consider his posting to a station of his choice as far as possible. After completion of his tenure the applicant no doubt is entitled for consideration of his case for posting in a choice place. The respondents in its written statement however referred to the O.M. No.MoF(Espr)'s I.D. No.F.11(2)/E.ii(B)/2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.83 was

not applicable to the employee on initial posting to the North Eastern Region. The policy guidelines were introduced to render justice to the employee posted on North East Region. The authority itself indicated that the applicant is entitled to be considered for getting a choice place of posting. The applicant has completed his tenure and therefore his case requires consideration.

3. Upon hearing Mr M.Chanda, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed earlier in similar O.A.315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E.Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.


(D.N.CHOWDHURY)
VICE CHAIRMAN



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

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

Title of the Case : O.A. No. 341/2001

Dr. Rajeev Ranjan : Applicant

- Versus -

Union of India & Ors. : Respondents

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Date :

Filed by

Surakshakarwary
Advocate

Filed by the applicant
through advocate G. N. Chakravorty
on 27.8.2001. Jmn.

9

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

O.A. No. 341 /2001

BETWEEN

Dr. Rajeev Ranjan,
Son of Prof. Rajendra Prasad Singh,
Medical Officer, CHS,
Presently posted at 6, Assam Rifles,
P.O. Khunsa
(Arunachal Pradesh).

Applicant

-Versus-

1. **The Union of India,**
Through the Secretary to the
Government of India,
Ministry of Health and F.W.,
New Delhi.

2. **The Secretary to the Govt. of India,**
Ministry of Home Affairs,
Government of India,
New Delhi.

Dr. Rajeev Ranjan

3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles,
Shillong.
4. The Deputy Director (Admn.),
Assam Rifles,
Shillong.

Respondents.

DETAILS OF APPLICATION

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

This application is made not against any particular order but for a direction to the respondents for transfer and posting of the applicant in Patna, Ranchi or New Delhi in terms of his option exercised on 25.08.2000 in accordance with the Office Memorandum issued vide No.20014/3/83-E.IV dated 14.12.1993 by the Government of India, Ministry of Finance, New Delhi, making special provisions for posting to station of choice.

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.

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 under Central Health Services (CHS) as a Medical Officer on the recommendation of the Union Public Service Commission made in 1996 vide memorandum No.A.12025/170/97-CHS.I dated 06.01.1998 issued by the Ministry of Health and F.W., Govt. of India.

4.3 That immediately after his appointment to the post of Medical Officer under CHS in the Ministry of Health and Family Welfare, the services of the applicant were placed under the Director General, Assam Rifles and was posted in 6, Assam Rifles where he joined at Shillong on 05.02.1998. Since his joining under 6, Assam Rifles, he has been continuing in Shillong as the Medical Officer till filing of this application.

4.4 That the applicant begs to state that the Government of India, Ministry of Finance, Department of Expenditure, granted certain improvement and facilities to the Central Government civilian employees who are posted in the North Eastern Region vide O.M. No.20014/3/83-E.IV dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure. In terms of the aforesaid O.M., the Central Government civilian employees who are saddled with All India transfer liability, are entitled to choice station posting after serving for a fixed tenure in the N.E. Region. The relevant portion of the O.M. dated 14.12.1983 issued by the Government of India is reproduced below:

"Subject : 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, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government of some time. The Government had appointed a committee under the chairmanship of Secretary, Deptt. Of Personnel and Administrative reforms, to review the existing allowances and facilities admissible to the various categories of civilian central Government employees serving in this region and to suggest suitable improvements, the recommendations of the committee have been carefully considered by the Government and the 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 services of 10 years or less and of 2 years of service 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 employees concerned is prepared to stay longer.

admissible deputation allowance will also continue to be paid during the period of deputation so extended."

Copy of the O.M. dated 14.12.1983 (extract) and copy of the O.M. dated 22.07.1998 are annexed hereto as Annexure 1 and 2 respectively.

4.5 That the applicant begs to state that he has been serving in the N. E. Region for more than 3 years (completed three years on 05.02.2001) in 6 Assam Rifles and in terms of the above mentioned O.M. dated 14.12.1983 and O.M. dated 22.07.1998, the applicant is entitled to be posted to a station of his own choice since by virtue of his serving in the N.E. Region for a fixed tenure of 3 years, he has become eligible for such transfer as provided in the aforesaid O.Ms.

4.6 That the applicant submitted representation on 25.08.2000 to the competent authority praying for his transfer to a station of his choice in CHS on fulfilling the norms provided in the O.Ms aforesaid and he exercised his options for three places viz: Patna, Ranchi or New Delhi. His application was strongly recommended by the Commandant and forwarded to the competent authority vide forwarding letter No.6020/2/2000-A/862 dated 02.09.2000. But the said application was returned unactioned vide letter dated 25.09.2000 advising the applicant to submit the same on completion of 4 years of service.

Copy of application along with forwarding letter dated 02.09.2000 and returned letter dated 25.09.2000 are annexed hereto as Annexure III and IV respectively).

4.7 That the applicant begs to state that apart from fulfilling the laid down norms for transfer to a station of choice i.e. having served for the required tenure of 3 years in the N.E.Region as stipulated in the O.M. dated 14.02.1983 and O.M. dated

22.07.1998 of the Govt. of India, the applicant has been circumstanced by his serious domestic problems which has necessitated the transfer prayed by his since his mother is a patient of Bronchial Asthma and his father is having PUS, and hence he had applied for transfer to Patna or Ranchi or New Delhi under compelling circumstances.

4.8 That the applicant begs to state that in similarly situated cases, this Hon'ble Tribunal had been kind enough to pass orders earlier directing the same respondents to transfer those applicants to the place of their choice in terms of the O.M. dated 14.12.1983 of the Govt. of India. Such order was passed in O.A. No.250/98 on 08.01.1999 in favour of the applicant Dr. N.S. Chauhan and also in some other subsequent cases like that of Dr. Sutapa Sikdar in O.A.287/2000.

4.9 That the applicant states that there are large number of medical officers working under the Ministry of Health and Family Welfare in different regions of the country, therefore it is obligatory on the part of the respondents/administration to implement the office memorandum dated 14.12.1983 strictly in letter and spirit by posting other medical officers of other regions on rotation basis to enable the officers who are serving in the North Eastern Region on fixed tenure basis under the Director General of Assam Rifles who were posted by the Ministry of Health and Family Welfare to be posted in their station of choice otherwise it would be violative of Article 14 of the Constitution of India.

4.10 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provision(s):

5.1 For that the applicant has completed more than 3 years of service in Assam Rifles in the post connected with defence of India in N.E. Region.

5.2 For that the applicant has acquired a valuable and legal right for immediate transfer to a station of his choice on completion of fixed tenure of 3 years of service in the North Eastern Region in terms of O.M. dated 14.12.1983 and O.M. dated 22.07.1998 of Government of India.

5.3 For that such transfers to station of choice have been allowed to other similarly situated persons on completion of 3 years of service in the N.E. Region in accordance with the O.Ms aforesaid.

5.4 For that the applicant was initially appointed in the Central Health Services from where he came to serve in Assam Rifles and is now due for repatriation to the Central Health Services Organisation under the Ministry of Health and Family Welfare, Govt. of India.

5.5 For that the applicant has got genuine family problems which necessitates his transfer as prayed for and on the basis of which his application for transfer was so strongly recommended by the Commandant, Assam Rifles.

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. Representation submitted by the applicant has been returned by the respondents unactioned.

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

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 of any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought for :

Under the facts and circumstances stated in paragraph 4 above, the applicant most humbly prays for the following relief(s):

- 8.1 That the respondent No.1 be directed to issue order of transfer and posting in respect of the applicant in the light of the office memorandum dated 14.12.1983 issued by the Ministry of Finance, Deptt. Of Expenditure, Govt. of India and in terms of the options exercised by the applicant on 25.08.2000.
- 8.2 Costs of the application.
- 8.3 Any other relief or reliefs as entitled to the applicant under the facts and circumstances stated above as deemed fit and proper by the Hon'ble Tribunal.

9. Interim reliefs prayed for :

Pending disposal of this application, an observation be made that pendency of this application shall not be a bar for the respondents to issue transfer and posting order in respect of the applicant in terms of his options submitted to the authorities on 25.08.2000.

- 10. That this application has been filed through advocate.

11. Details of the I.P.O.

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

12. Details of enclosures

As stated in the Index.

VERIFICATION

I, Dr. Rajeev Ranjan, Son of Prof. Rajendra Prasad Singh, Medical Officer, Central Health Services, presently posted at 6, Assam Rifles, Khunsa, Arunachal Pradesh do hereby verify and affirm that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and that I have not suppressed any material facts.

And I, sign this verification on this the 27th day of July, 2001.

Dr. Rajeev Ranjan

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

"Subject : 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, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government of some time. The Government had appointed a committee under the chairmanship of Secretary, Deptt. Of Personnel and Administrative reforms, to review the existing allowances and facilities admissible to the various categories of civilian central Government employees serving in this region and to suggest suitable improvements, the recommendations of the committee have been carefully considered by the Government and the President is now pleased to decide as follows :

ii) **Tenure of posting/deputation.**

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

*Approved
Rajeev Ranjan
Parivartan*

services of 10 years or less and of 2 years of service 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 employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended."

Sd/- S.C. MAHALIK

Joint Secretary to the Government of India

Annexure-2

F. No. 11(2)/97-E.II(B)
 Government of India
 Ministry of Finance
 Department of Expenditure

New Delhi dated July 22, 1998

OFFICE MEMORANDUM

Subject : Allowances and facilities for civilian employees of the Central Government serving in the states and Union Territories of North Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups 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

*Filed
Smt.
Parvati*

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 OM 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 Depurations/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.

*Alleged
Signature
Advocate*

No. 20014/16/86-E-IV/E.II(B) dated December 1, 1988, shall
continue to be applicable.

21
Sd/-

(N. SUNDER RAJAN)
Joint Secretary to the Government of India

*P. Sunder Rajan
Joint Secretary
Government of India*

Annexure-3**6020/2/2000-A/862****6 Assam Rifles****C/o 99 APO****Headquarters**

Arunachal and Assam Range
Assam Rifles (A Branch)
C/O 99 APO

2 September 2000**APPLICATION FOR CHOICE POSTING**

Application submitted by Dr. Rajeev Ranjan, MO (CHS) regarding choice posting to CHS is fwd herewith in triplicate duly recommended by the comdt for your further necessary action please.

Sd/- Illigible
 (AS Sekhon)
 Adjt
 For Comdt

Encl: 09**NOO**

Dr. Rajeev Ranjan, MO
6 Assam Rifles

*Attested
 Dr. Rajeev Ranjan
 6 Assam Rifles*

Dr. Rajeev Ranjan

PERFORMA FOR REQUEST FOR TRANSFER

1. Name : Dr. Rajeev Ranjan
2. Employee code No. :
3. Designation : Medical Officer (CMS)
4. Date of joining in CMS : Office Order No. A/2625/170/97
-CWE-E dated 06 Jan. 1998
5. Date of joining the organisation from where transfer is sought : 05 Feb 1998
6. Details of the period of service rendered in other organisations including difficult areas like Assam Rifles/Arunachal Pradesh/Andaman & Nicobar Islands/Dadar Nagar Haveli, Laksha Deep Islands Ministry of Labour etc. : Joined in Assam Rifles on dated 05 Feb 1998 – still continuing
7. Reasons for seeking transfer (in brief) : (i) My mother is suffering from Bronchial Asthma.
(ii) My father having PUS.
8. Sections/Organisations where transfer is desired (in order of preference) : (i) CGHS, PATNA
(ii) CGHS, RANCHI,

Sd/-

Signature of the applicant

Date : 25.08.2000

FOR USE IN THE OFFICE OF THE HEAD OF THE OFFICE WHERE THE OFFICER IS POSTED.

1. The officer can be relieved with/without a substitute in the event of his transfer.
2. Certified that the information given in col. 1 to 4 has been verified from records.

Sd/-

*Rajeev Ranjan
Advocate*

Dr. Rajeev Ranjan

Col

Signature of Head of Office

FOR USE IN THE MINISTRY OF HEALTH & P.W. (DEPARTMENT OF HEALTH)

1. Request Registered at Sl. No..... on.....
..... in the transfer register.
2. Transfer recommended/not recommended.
3. If recommended, whether in public interest/at his own request.
4. Place of posting

Signature

Attested
New
Advocate

From :

Dr. Rajeev Ranjan
Medical Officer (CHS)
Assam Rifles
C/o 99 APO

To

The Secretary
Ministry of Health and Family Welfare
(Department of Health)
Government of India
Nirman Bhawan (CHS-I)
NEW DELHI-110 011

(THROUGH PROPER CHANNEL)

Subject : **REGARDING TRANSFER FROM ASSAM RIFLES TO CGHS.**

Hon'ble Sir,

1. Most humbly I have the honour to invite your kind attention to the Office Order No. A. 12025/170/97-CMS-I dated 06 Jan 98 directing the undersigned to take over as Medical Officer in Assam Rifles. With due reference to the aforesaid order, I joined accordingly on 05 feb 1998 at Shillong. After my joining at Shillong I am now under direction to join at 6 Assam Rifles, C/o 99 APO.
2. I have completed 2 years and 6 months in Assam Rifles.
3. I seek transfer from Assam Rifles to CGHS dispensaries Patna, Ranchi or New Delhi as I have some personal family problems.
 - i. My mother is suffering from Bronchial Asthma.
 - ii. My father is having PUS
4. I humbly request you to consider my case and transfer me to CGHS Dispensaries PATNA, RANCHI OR NEW DELHI.
5. I WILL BE EVER GRATEFUL TO YOU FOR THIS.
6. Thanking you,

Yours faithfully,

Sd/-

Dr. Rajeev Ranjan
Medical Officer(CHS)
Assam Rifles
C/o 99 APO

Copy to :

1. Director General Assam Rifles, Shillong-11
2. Deputy Inspector General, Assam Rifles, Assam and Arunachal Range, C/o 99 APO.

*Allesad
Jew
Advocate*

3. Office Copy.

**RECOMMENDATION OF THE COMMANDANT ON THE APPLICATION
SUBMITTED BY DR. RAJEEV RANJAN, MO (CHS) FOR COICE POSTING.**

1. The request of the offr is genuine.
2. The offr is completing his normal tenure of three years during Feb 2001 in the Assam Rifles, outside the CHS in the North Eastern Region and due for posting.
3. It is therefore, strongly recommended that Dr. Rajeev Ranjan MO (CHS) be posted to one of the stations chosen by him on completion of tenure of three years on compassionate grounds after a suitable relief is posted to this unit.

Sd/- Illegible
(David Davasahayam)
Colonel
Commandant 02.09.

Station : Field

Date : 02 Sep 2000.

*Alles led
Jew
Advocate*

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Annexure-IV

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

I. 14015/98/RR-MO/M-1

25 Sep 2000

Headquarters
Arunachal & Assam Range
Assam Rifles
C/o 99 APO

APPLICATION FOR REVERSION TO CHS IN RESPECT OF DR RAJEEV RANJAN, MO (CHS), 6 ASSAM RIFLES – RETURNING OF.

1. Application for posting in respect of above named Medical Officer is returned herewith unactioned as the Med Offr has not completed the normal tenure of 4 years with the Organisation.
2. The Medical Officer may please be advised to submit application on completion of tenure of processing the case.

Sd/-
(R.S. Rathas)
Colonel
Deputy Director(Medical)
For Dir (Adm)

Enclo : 10 (Ten sheets)

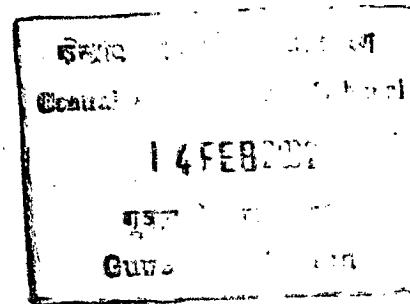
Copy to

1. 6 Assam Rifles - for info please.
C/o 99 APO
2. MS Branch (Internal) - for info with ref to your OM No.
I.11035/1/2000-MS dated 22 Sep 2000.

Selected
Decr
Advocati

31st Feb '98

2002



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. NO 341 OF 2001

Filed by

Dr. Rajeev Ranjan
(C. A. P. C. & C. C.)
C. A. P. C. & C. C. Bench

Dr. Rajeev Ranjan

- VS -

Union of India & Ors

IN THE MATTER OF ::

Written statement submitted by the Respondents.

The Respondents beg to submit the written statement as follows :-

1. That with regard to para 1 to 4.3, the respondents beg to offer no comments being factual and matter of record.
2. That with regard to para - 4.4, the respondents beg to submit that the Office Memorandum 20012/83-E IV dated 14 December 1983 issued by the Ministry of Finance, Department of Expenditure, Govt of India providing choice posting to the Central Govt Employee on their posting to the North Eastern Region including the Doctors belonging to the Central Health Scheme (CHS) is wrongly interpreted to Hon'ble CAT by the applicant. The said concession as made applicable in O.M. dtd 14/12/83 are not extended to Doctors as stated in Govt of India letter No dated 27 Jul 2000.

A true copy of GOI letter dated 27 Jul 2000 is attached as Annexure - I

Contd... P/2

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3. That with regard to para 4.5, the Respondents beg to submit that choice posting as asked by the applicant is not applicable to the Doctors who were enrolled under special recruitment rules for Assam Rifles only.

4. That with regard to para 4.6, the Respondents beg to state that the application of applicant to choice posting as claimed vide OM dated 14 Dec 1983.

5. That with regard to para 4.7, the Respondents beg to state that since the GOI, O.M. dated 14 Dec 1983 is not applicable as made clear vide GOI letter dt 27 Jul 2000, no question of denying by the Respondents to transfer from Assam Rifles to choice station.

6. That with regard to para 4.8, the Respondents beg to offer no comments.

7. That with regard to para 4.9, the Respondents beg to submit that GOI letter dated 14 Dec 1983 is being followed by your Respondent in letter and spirit, as same has been made clear by GOI that OM dated 14 Dec 1983 is not applicable to Doctors enrolled in Assam Rifles under special recruitment rules.

8. That with regard to para 5.2 and 5.3, the Respondents beg to submit that the contention of applicant is incorrect.
9. That with regard to para 4.10, 5 and 5.1 the Respondents beg to offer no comments being factual.
10. That with regard to para 5.4, the Respondents beg to offer no comments.
11. That with regard to para 5.5, the Respondents beg to offer no comments being known to applicant,
12. That with regard to para 6 to 12, the Respondents beg to offer no comments.

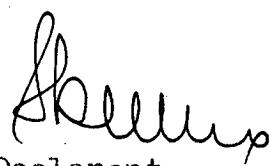
V E R I F I C A T I O N

- 4 -

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

I Major Sandeep Kumar, age 34 years, Son of Shri JP Sharma, working as Joint Assistant Director (Legal) in the Office of the Directorate General Assam Rifles being authorised to 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 9th day of Feb 2002



Declarant

(Sandeep Kumar)

Major

JAD (Legal)

For DGAR.

Ministry of Finance
Department of Expenditure
E.II(B) Branch

Reference Ministry of Health & Family Welfare's O.M. No. C-17011/5/99-CHS-II dt 16.5.2000, seeking clarification for admissibility of the North Eastern Package as available to Central Government employees on their posting to NE Region, to the doctors belonging to Central Health Scheme (CHS) in terms of Finance Ministry's O.M. dated 14.12.83.

The concessions / incentives granted vide this Ministry's O.M. No. 20014/2/83- E.IV dated 14.12.83 are applicable to Central Government Employees who are posted to any state /UT of N.E. Region on the basis of transfer/deputation. This order does not apply to the employees on their initial posting in NER. As regards the issue relating to Tenure of posting of the employees posted in NER, DOPT has clarified that there is no General Policy of posting & transfer of Central Government servants working in various Ministries/Departments. The Ministries/Departments are competent to formulate their specific schemes laying down the post tenure /station tenure keeping in view the availability of manpower, functional needs, financial constraints and sensitivity of posts, etc. In case any further clarifications are desired on this issue, the matter may be taken up directly with the DOP&T.

N. P. Singh
27.2.2000
(N. P. Singh)
Under Secretary E.II(B)

FA(Health)

MoF(Expr)'s I.D. No E.II(2)/E.II(B)/2000 dated 27-7-2000
(509)

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31.200

FA(Health)