

50/600

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

✓ (DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A/T.A No. 11.5/01

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

*hrits*  
*7.12.17*

FORM NO.4  
(See Rule 42)

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

ORDER SHEET  
APPLICATION NO 118 OF 2001.

Applicant (S) *Dr. Japas Kumar Bhattacharyya.*

Respondent(s) *Not 2 ors.*

Advocate for Applicant(s) *Mn. B. Chettri & K.D. Chettri.*

Advocate for Respondent(s) *Clyse.*

Notes of the Registry	Date	Order of the Tribunal
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11.4.01

There is no representation.  
List on 25.4.01 for Admission.

*[Signature]*  
Vice-Chairman

1m

25.4.2001

The learned counsel for the applicant submitted that he has been instructed to withdraw the application for the present with liberty to file the same, if occasion arises. Prayer allowed. The application is dismissed on withdrawal with leave to refile the same, if necessary.

*[Signature]*  
Vice-Chairman

nk m

*NS*  
26/4/2001

This application is in form  
but not in time. Condensation  
Petition is filed vide  
M.P. No. C.F.  
for Rs. 50/- deposited vide  
IPO/B. No. 54 4228 99  
Dated 21/3/2001

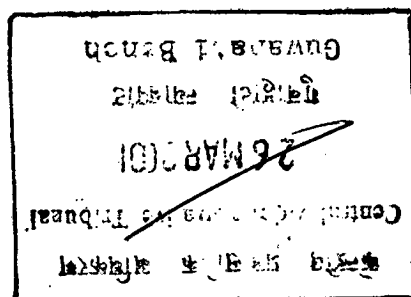
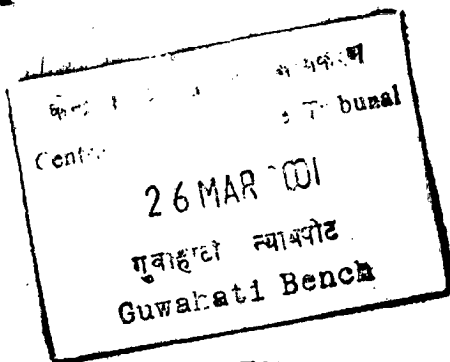
*[Signature]*  
1/c Dy. Registrar, 26/3/01

Three copies Regiments  
filed only. *[Signature]*  
26/3/01

30.4.2001

Copy of the order  
has been sent to the  
Dy. Sec. for taking the  
same to the L/Advocates  
for the parties.

*[Signature]*



IN THE CENTRAL ADMINSTRATEVE TRIBUNAL, GUWAHATI BENCH

O.A.NO. 118 /2001

Between

Dr. Tapas Kumar-Bhattacharyya  
S/o-Shri B.C.Bhattacharyya -  
Senior Medical Officer (C.G.H.S)  
Budh Marg, Patna

AND

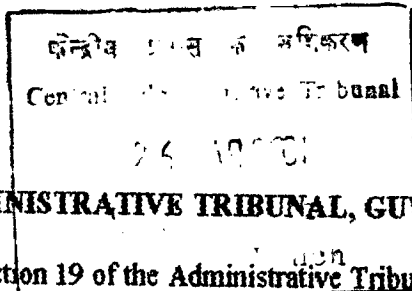
1. The Union of India Represented by the Secretary by the Secretary to the Govt. of India, Ministry of Health and Family Welfare Department, Nirman Bhavan New Delhi-110001.
2. The under Secretary to the Govt. of India, Minister of Health & Family Welfare (CHS.II) Govt. of India, New Delhi.
3. The Director Central Govt. Health Scheme Indu Bhavan, Gandhi Nagar Boring Road, Patna
4. The Addl. Director Central Govt. Health Scheme Indu Bhavan, Gandhi Nagar, Boring Road, Patna.

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FILED BY

Advocate. Kishore Sibal Chetri



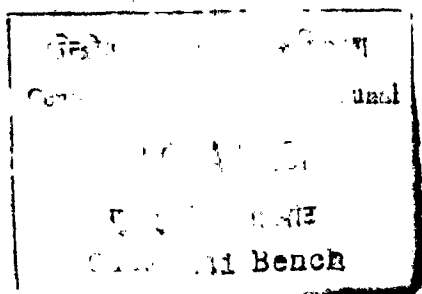
Filed through  
Advocate  
K.D. Choudhary  
23/3/2001

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

An application under section 19 of the Administrative Tribunals Act, 1985.

O. A. No

/2001



**Between**

Dr. Tapas Kumar Bhattacharyya  
S/o. Shri B. C. Bhattacharyya  
Senior Medical Officer (C.G.H.S.)  
Budh Marg, Patna

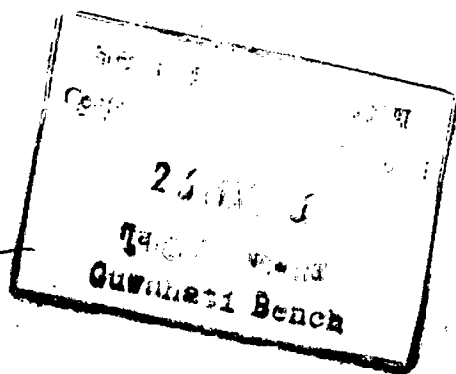
**AND**

1. The Union of India Represented by the Secretary by the secretary to the Govt. of India, Ministry of Health and family welfare Department,  
Nirman Bhavan  
New Delhi -110001
2. The under Secretary to the Govt. of India, Minister of Health & Family Welfare (CHS.II) Govt. of India, New Delhi.
3. The Director  
Central Govt. Health Scheme  
Indu Bhavan, Gandhi Nagar,  
Boring Road, Patna.
4. The Addl. Director,  
Central Govt. Health Scheme  
Indu Bhavan, Gandhi Nagar,  
Boring Road, Patna.

**DETAILS OF THE APPLICATION**

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

This application is made against the order dated 31-1-2000 issued by the under secretary to the Govt. of India, Ministry of Health & Family Welfare for not allowing the applicant to draw transfer T. A. and transit firm choice of posting at Patna in view of direction dated 15-10-99 passed in O. A. No. 296/99 by the Hon'ble C.A.T. Guwahati as well as for amendment of the transfer order dtd. 3-5-2000 as "public interest" instead of own interest. The impugned action is in violation of the provisions of the Law and Rules and the Hon'ble C. A.T. Guwahati passed in O. A. No. 296/99 vide order dated 15-10-99



**2. Jurisdiction of the Tribunal :**

The applicant declare that the subject matter of the instant application is well within the jurisdiction of this Tribunal. The cause of action arose in terms of transfer order dtd. 3-5-2000 and in connection with O. A. No. 296/99 vide order dtd. 15-10-2000 and Cop. No. 16/2000 by this tribunal Guwahati.

**3. Limitation :**

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

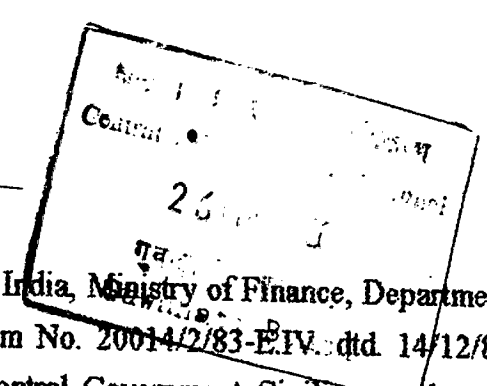
**4. Facts of the Case :**

- 4.1 The applicant has by way of this application made the grievances against the action on the part of the respondents in not considering his representations for drawl of Travelling allowances (T.A.) amounting to Rs. 12,000/- as well as the Transit time period from 1/6/2000 to 4/6/2000 has not been counted in service and thereby the pay was deducted due to four days later in joining in new place of posting of Patna. On the otherhand, the applicant also prays for modification of the transfer order dated 3/5/2000 issued by the under secretary, Ministry of Health & F.W. New Delhi of "Public Interest."

It is stated here in that on the basis of office memorandum dated 14/12/83 issued by the Govt. of India as well as on the direction of the Hon'ble CAT's order dated 15/10/99 passed in O.A. No. 296/99, the applicant had been given choice place of posting from 10<sup>th</sup> Assam Ribles, N. E. Region to CGH. S Patna in view of fresh order No. 22012/13/2000-Family Welfare, New Delhi. Of course, the applicant was released from 10<sup>th</sup> Assam Rifles only on 1/6/2000 and the applicant could join in his new place of posting in the office of the Addl. Director C.G.H.S. of Patna on 5/6/2000 as the 3<sup>rd</sup> and 4<sup>th</sup> June 200 (Saturday and Sunday) were the holidays in the office of the Addl. Director, C.G.H.S. at Ptana. But the authorities concern has not counted the service period (i.e. transit time) and deducted the pay of the applicant for 4 days ( i. e. from 1/6/2000) and no transfer T. A. granted to the applicant till date even after the repeated approach and requests to the authorities to this applicant is deserved to be modified as the transfer order was issued stating thereby on his "own request" instead of inserting public interest along with the other similarly situated cases of transfer as well as with all benefits of transfer travelling allowances etc.

- 4.2 That the applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed under the constitution of India and the laws and Rules framed thereunder.
- 4.3 That the applicant was released from the Assam Rifles on 1/6/2000 in view of order No. A 22012/13/2000 C.H.S. 11 dtd. 3/5/2000 and joined in C.G.H.S. at Patna on 5/6/2000 as the senior medical officer in the same capacity.

JA.



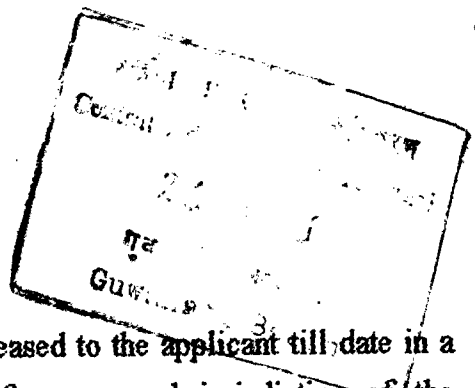
- 4.4 That the applicant states that the Govt. of India, Ministry of Finance, Department Expenditure issued an office memorandum No. 20014/2/83-E.IV. dtd. 14/12/83 specifically mentioned therein that the Central Government Civilian employees having the All India Transfer Liability are entitled to choice place of posting on completion 2 years of service in the North - Eastern Region whose length of service is less than 10 hears and whose length of service is more than 10 years, the employees are entitled to transfer on completion of 3 years fixed tenure in North Eastern Region.

The Present applicant though rendered his service as fixed tenure for more than six years in 10<sup>th</sup> Assam Rifles, but his case had not been considered by the concerning authorities for his choice place of posting. Accordingly this applicant approached the Hon'ble CAT in O.A. No. 296/99 and the same was disposed of by this Hon'ble Tribunal, Guwahati on 15/10/99 with a direction to the respondents to dispose of the representation dtd. 4/4/98 filed by the applicant within a period of one month from the date of receipt of the order.

It is pertinent to mentioned herein that, in view of the hon'ble Tribunals' order dtd. 15/10/99 passed in O. A. No 296/99 and the O. M. dtd. 14/12/83 the applicant severally and in different occasion's approached the authorities concern for consideration of his case for choice place of posting, but the same was remained in dark. Subsequently, having no alternative remedy, this applicant approached this Hon'ble C.A.T. with a contempt application vide Cop. No. 16/2000 on 9/5/2000 for willful disobedience and deligerate negligence to carry out the Hon'ble Tribunal's order dtd. 15/10/99 passed in O. A. No. 296/96. Of course in the later stage, the C.G.S.C. produced a communication letter vide No. I. 11018/85/99 - Legal/316 dated 13/6/2000 in respect of compliance of the Hon'ble Tribunal's order dtd. 15/10/99 for choice posting of the applicant Patna.

The Hon'ble Tribunal after hearing the contempt matter from the consumer respondents was pleased to closed the matter on 30/10/2000 in terms of the communication letter dts. 13/6/2000 issued by the D. G. Assam Rifles, Shillong.

- 4.5 That the applicant states that though the Secretary, Govt. of India, Ministry of Health & Family Welfare, New Delhi issued a transfer order vide No. A 22012/13/2000 - C.H.S. 11 dtd. 3/5/2000 in view of the Hon'ble Tribunal order dtd. 3/5/2000 in view of the Hon'ble Tribunal order dtd. 15/10/99 in O. A. No 296/99 and in contempt Apples No. 16/2000. It was specifically and stated therein that the transfer order was issued at his "own request" instead of inserting public interest in all such transfer matter that too after completion of six years of service instead of three years fixed tenure to all central Govt. employees. It is also pertinent to mentioned herein that though the authorities concern issued the transfer order dtd. 3/5/2000, but the same has not been provided to this applicant till date, the reason best known to them. On the other hand, the applicant was released from 10<sup>th</sup> Assam Rifles on 1/6/2000 and the applicant could join in the new place of posting in the office of Addl. Director, C.G.H.S. at Patna on 5/6/2000 due to holydays on 3<sup>rd</sup> and 4<sup>th</sup> June 2000 (i. e. Saturday and Sunday). But very surprisingly, the authorities concern has not counted the transit time of 4 days i.e. from 1/6/2000 to 4/6/2000 and deducted the pay and also the Transfer T.



A. amounting to Rs. 12,000/- has not been released to the applicant till date in a most arbitrary and in colorable exercise of power and jurisdiction of the authorities concern.

- 4.6 That in view of the Hon'ble Tribunal's order dtd. 15-10-99 passed in O. A. No 296/99, the authorities concern ultimately transferred the applicant from 10<sup>th</sup> Assam Rifles to C.G.H.S. at Patna by virtue of the authorities concerns dtd. 3-5-2000 that too with some ulterior motive to harrass the applicant and in arbitrary action stating thereby that the applicant was been transferred at his 'own request' all Central Govt Employees are transferred out of North East in "Public interest" after completion of their tenure, but the same has not been done of this applicant, that too after completion of six years tenure. Being aggrieved with the arbitrary acts and conducts of the authorities concern, the applicant submitted a representation dtd. 28/6/2000 before the Secretary, Govt. of India Ministry of Health and requested thereby to around the order partially and issue an order in public interest to the effect, but till date the case of the applicant has not been considered from the end of the respondents.

A copy of representation dtd. 28-6-2000 submitted by the applicant to the respondent no. 1 is annexed herewith as Annexure A.

- 4.7 That the applicant states that the applicant again submitted another representation dated 27-7-2000 before the Addl. Director, Central Govt. Health Scheme (C.G.H.S.)

Patna requesting thereby to release the Transfer Travelling Allowance on the transfer from Assam Rifles to C.G.H.S. Patna as per the provisions of law and rules. Of course, the authority concern refused to sanction and release the Transfer T. A. to the applicant on the ground that his transfer order was made at his own request, so he is not entitled to the said benefit.

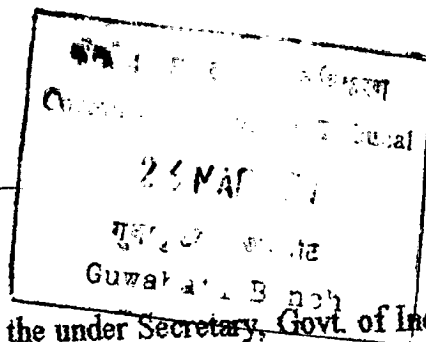
A copy of representation dtd. 27/7/2000 submitted by the applicant to the Respondent no. 4 is annexed herewith as Annexure B.

- 4.8 That on receipt of the applicant's representation & dated 28-6-2000 and 27-7-2000, the addl. Director, C.G.H.S. Patna issued two letters vide dated 20/7/2000 and 16-8-2000 respectively to the Under Secretary Govt. of India, Ministry of Health & Welfare (C.H.S. II) Nirman Bhavan, New Delhi for clarification regarding admissibility's of transfer T. A. and transit period/joining time on the transfer at his own request as referred in the transfer order. Accordingly, it was requested to the Under Secretary, Govt. of India to decide the matter early and needful at his end.

A copy of letter dtd. 16-8-2000 issued by the Addl. Director, C.G.H.S. Patna is annexed herewith as Annexure C.

- 4.9 That the applicant again submitted another representation dated 10-10-2000 to the Secretary Govt. of India, Ministry of Health & Family Welfare, New Delhi, Through proper channel and requested him to amend the transfer order dtd. 3-5-2000 partially as "Public interest" instead of "Own request" stated therein without any discrimination.

A copy of representation dtd. 10-10-2000 is annexed herewith as Annexure D.



- 4.10 That after receipt of several communications, the under Secretary, Govt. of India, Ministry of Health and Family Welfare issued a letter vide No. C. 17011/10/99 C.G.H.S. Patna for clarification regarding admissibility of transfer T.A. and transit period /joining time on the transfer at his own request. As stated in the letter, the applicant was appointed in Central Health Service Specifically for Assam Rifles, the O. M. dtd. 14-12-83 is not applicable to these officers. Further stated that the transfer from assam Rifles was issued only on the direction of C.A.T. Guwahati self explanatory, discriminatory and arbitrary in their acts and conducts. While a central Government employee is transferred in terms of O.M. dated 14-12-83 and in compliance of the Horible CAT's order dtd. 15-10-99 in O. A. No. 296/99 and in Cop. No. 16/2000, the question of denying transfer T. A. and Transit time/Joining period or issuing such transfer order dtd. 3-5-2000 does not arise at all in the instant case rather considering the case with all benefits as provided more the law and Rules.

A copy of letter vide No. C. 17011/10/99 - C.H.S. II dtd. 31-10-2000 issued by the respondent No. 3 is annexed herewith as Annexure E.

- 4.11 That having not received any response and intimation regarding the consideration of his case from the end of the respondents, the applicant again approached the additional Director, C.G.H.S. Patna with a representation dated 2-11-2000 stating all facts and grievances of the applicant. Further it was mentioned in the letter vide No. C. 17022/10/99 CHS.II dtd. 11-5-2000 issued by the Secretary Ministry of Health and Family Welfare that the transfer order had been ordered after completion of a full tenure of 3 years in the North East. It was also specifically stated in the representation that as per the existing orders of the Government as enumerated in SR-114 " Officials transferred after completion of full tenure are entitled to T. A. and transit time even if posted to their place of choice." Accordingly the applicant requested the concerning authority to consider his case at the earlist and to know him the position of the case, but all the efforts were in vain from the end of the respondents.

A copy of representation dtd. 2-11-2000 submitted by the applicant is annexed herewith as annexure F.

- 4.12 That the applicant begs to state that similarly situated Central Govt. Medical Officer/Senior Medical Office of the Central Health Service were transferred from Assam Rifles to their choice place of posting in into consideration of completion of a full tenure of 3 years n North East in terms O. M. dated 14-12-83 as well as on the direction of the given the transfer T. A. and transit time etc. with full benefit as provided under the law and Rules, but whereas this applicant has been discriminated and deprive him in a colourable exercise of power and executive jurisdiction to harrass him in his day to day life. As such, this applicant is also entitled to same benefit and order in respect of his transfer order dtd. 3-5-2000.

A copy of transfer order dtd. 20-9-96 issued by the under secretary to the Govt. of India is annexed herewith as Annexure G.

A.

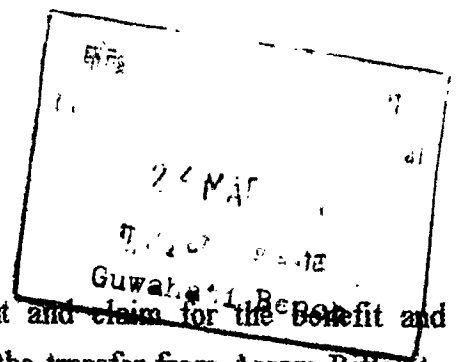


- 6-
- 4.13 That the applicant states that the through the authorities respondents have complied with the Horible Tribunal's order dtd. 15-10-99 passed in O. A. No. 296/99 by virtue of issuing a transfer order dtd. 3-5-2000, but the same was in defective manner showing the transfer at his own request, instead of public interest. On the otherhand the authorities concern can not deprive the applicant from his right and claim over the transfer T. A. and transit time / joining period under any conspiracy. Melafide discrimination or in arbitrary actions of the respondents. If the Horible Tribunal's order is complied with as contended in contempt proceeding vide contempt application No 16/2000, the authorities concern can not deny the applicant's claim and benefits as provided under the rules under such circumstances, the respondents authorities are very much liable for violation of articles, 14, 16 and 21 of the constitution of India.
- 4.14 That this application is made bonafide and for the ends of justice.

**5. Grounds for relief with legal Provisions :**

- 5.1 For that the applicant completed more than six years of service in Assam Rifles in Central Service in North Eastern Region i. e. a full tenure of three years in the North East and the transfer was due to the applicant in terms of O. M. dated 14 - 12-83 or otherwise.
- 5.2 For that in view of the Hon'ble Tribunal's order dtd. 15/10/99 passed in O. A. No. 296/99, the choice place of posting was given to the applicant showing at his "Own request" instead in Public interest" by issuing a defective transfer order dtd. 3-5-2000 from the end of the respondents, which is itself discriminatory and liable to be modified partially.
- 5.3 For that the applicant has been deprived from drawing the transfer travelling allowances as well as transit time / joining period on the ground that the applicant was transferred at his " own request" is not warranted under the law and Rules. The applicant is entitled to all benefits in accordance with law.
- 5.4 For that though the transfer order was issued on 3-5-2000, but the applicant was released from Assam Rifles only on 1-6-2000 and he could join in the office of Addl. Director, C.G.H.S. at Patna on 5-6-2000 due to holidays on 3<sup>rd</sup> and 4<sup>th</sup> June 2000 (Sahurday and Sunday). As such, the authorities concern can not deduct the pay under such circumstances in an arbitrary and in violative of existing Rules.
- 5.5 For that as per existing order of the Government, as enumerated in SR-114 " Official transferred after completion of full tenure are entitled to T. A. andtransit time even if posted to their place of choice. But in his day to day service life without any authority of law.
- 5.6 For that in the name of complience of the Hon'ble Tribunal's order dtd. 15-10-99 passed in. O. A. No. 296/99, the authorities/Respondents are taking advantage for denial the full reliefs and other benefits to the applicant on the basis of irrelevant grounds at this stage. The respondents can not play the dual role by the minister prating the facts and legal position of this instant case after being considered by the Horible Tribunal as well as the authorities concern for the transfer from Assam Rifles to some other places.
- 5.7 For that the representations of the applicant have not been considered by the authorities till date.

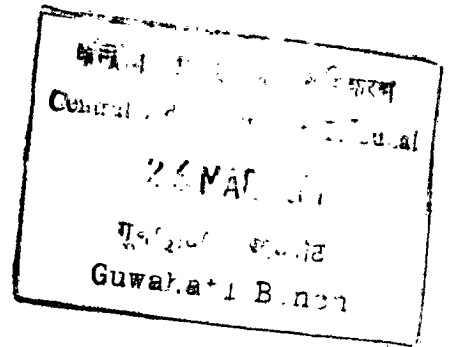
- 7 -



- 5.8 For that the applicant has acquired the right and claim for the benefit and privileges guaranteed under the provisions on the transfer from Assam Rifles to CGHS Patna like any other similarly situated persons in case of their transfer without any discrimination and bonafide actions of the respondents.
6. **Details of remedies exhausted :**  
That the applicant states that he has no alternative and other remedies than to file this application before this Hon'ble Tribunal. In the instant case a new cause of action arose for which the applicant has been compelled to approach this Tribunal for not considering his representations by the respondents arbitrarily.
7. **Reliefs sought for :**  
Under the facts and circumstances stated in paragraph 4 above, the applicant prays for the following reliefs :
- 7.1 That the respondent No. 1 be directed to modify/ammend the transfer order dtd. 3-5-2000 partially showing the transfer in public interest instead of own request and release the transfer T. A. as well as to take into consideration of transit time/joining period (i.e. from 1-6-2000 to 4-6-2000) without any discrimination and arbitrary manner or otherwise along with other similarly situated persons with immediate effect (transfer order dtd. 3-5-000 has not been provided to the applicant till today the reason but known to the respondents).
- 7.2 Costs of the application :
- 7.3 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.
8. **Interim order prayed for :**  
Pending disposal of this application, the application, the applicant prays before this hon'ble Tribunal for direction to the respondents to modify/ammend the transfer order dtd. 3-5-2000 showing the transfer of the applicant in public interest instead of own request with immediate effect.
9. This application is filed through advocate.
10. **Particulars of the Postal Order :**  
i) LP.O. No. : 59422899  
ii) Date of Issue : 21/3/2001  
iii) Issued from : G.P.O. Guwahati  
iv) Payable at : Central Administrative Tribunal - Guwahati.
12. **List of Enclosures :**  
As stated in the index.

- 8 -

**VERIFICATION**



I Dr. Tapas Kuma Bhattacharyya aged about 37 years, S/o B. C. Bhattacharyy presently working as Senior Medical Officer, Central Govt. Health Scheme at Patna do hereby solenly affirm and state the statement made in paragraphs, 2, 3, 4.1, 4.2, 4.3, 4.4, 4.5 and 4.13 and 5 to 12 are true to my knowledge and those made in paragraphs 4.6, 4.7, 4.8, 4.10, 4.11, 4.12 are matters of records derived from the information and believe which I believe to be true. The Annexures are the true copies of the original.

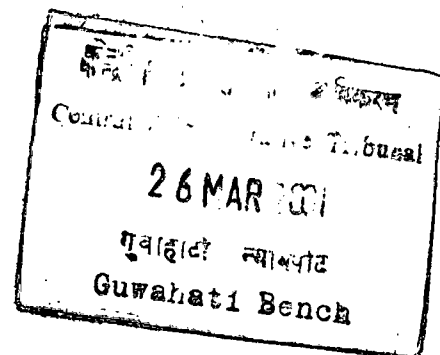
And I sign this verification on this <sup>21<sup>st</sup></sup> day of March, 2001 at Guwahati.

*Dr. Tapas Kumar Bhattacharyy*

**Deponent**

From : Dr. T.K. Bhattachayya, SMO  
Central Govt. Health Scheme,  
Patna.

To : The Secretary,  
Govt. of India,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi - 110001.



(Through Proper Channel)

Sub. : TRANSFER FROM ASSAM RIFLES TO C.G.H.S. AFTER COMPLETION  
OF TENURE.

Ref. : Your Ministry's order No.: A.22012/13/2000-CHS.II dt. 03  
May 2000.

Sir,

Respectfully I like to state that I have been transferred  
from Assam Rifles to CGHS, Patna vide the reference given above.  
In this context, I also like to inform you that I have served  
the North East for more than six years instead of fixed tenure of  
three years. All Central Govt. employees are transferred out of  
North East in "Public Interest" after completion of their tenure.  
But in my case, the transfer has been ordered on my "own request"  
after six years.

I, therefore like to request you to amend the order  
partially and issue an order in Public Interest to this effect.

Thanking you,

Yours faithfully,

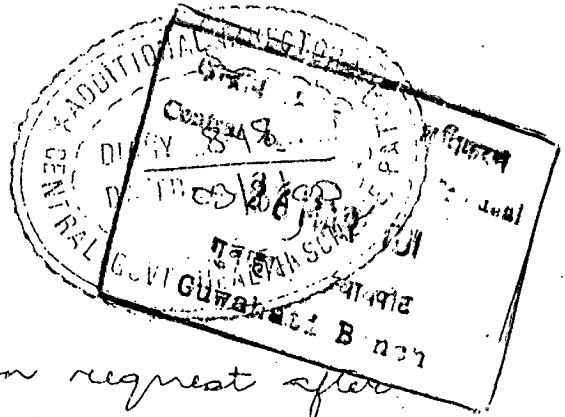
Dated, Patna  
the 28 June 2000

(Dr. T.K. Bhattacharyya)

Copy to:

1. Mr. S. Sridhar, Under Secretary  
Ministry of Health & F.W.  
New Delhi.

- with a request to look into it personally and  
the needful.



Additional Director,  
Central Govt. Health Scheme,  
Patna.

TA on transfer at own request after  
completion of tenure in the North East.

Sir,

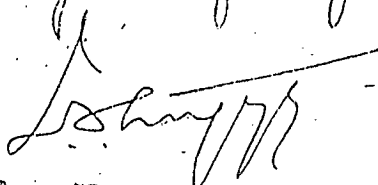
With due respect I like to inform you that  
I have been transferred from the Assam Rifles to  
CGHS, Patna after completion of full tenure in  
the North East. But I am not allowed to draw  
transfer TA. on the ground of my transfer at  
my own request.

I, therefore, request you to look into the  
matter and sanction my transfer TA. as I  
was transferred after completion of a tenure,  
for which provisions already exist.

Thanking you,

Dated, Patna,  
the 27 July 2000 }

yours faithfully,

  
(Dr. T.K. Bhattacharyya)  
SMO,  
CGHS, Patna

1/7/00

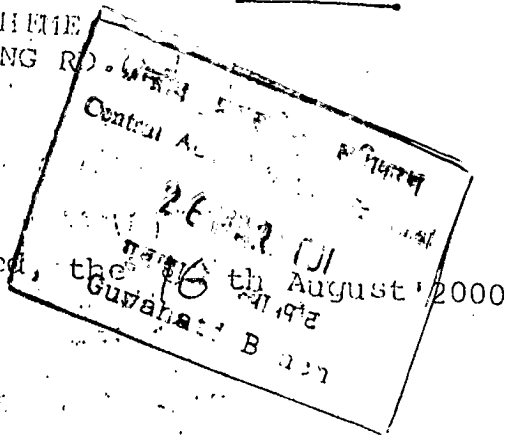
11.11.00  
10/11/00  
12/11/00

No. 19-6/2000/Estt/ 1704  
GOVT. OF INDIA

Resd 14

ANNEXURE - C

OFFICE OF THE ADDL. DIRECTOR  
CENTRAL GOVERNMENT HEALTH SCHEME  
INDU BHAWA, GANDHI NAGAR, BORING RD.  
PATNA - 800001.



To,

Mr. S. S. Adhar

Under Secretary  
GOVT. of India  
Ministry of Health & F/W (CHSII)  
Nirman Bhawan, New Delhi-110011.

Subject:- Clarification regarding Admisibilities of transfer  
T.A. and transit period/joining time at own request  
transfer in respect of Dr. T.K. Bhattacharya, S.M.O.,  
CGHS, Patna.

Ref:- Letter No. A.22012/13/2000-CHS.II dt. 03.5.2000.

Sir,

Please find enclosed herewith representation on the  
subject mentioned above Dr. T.K. Bhattacharya, S.M.O., has joined  
to C.G.H.S. Patna on transfer vide your letter referred above at  
his own request. He has applied for grant of transfer T.A. and  
transit/joining time but as per FR/SR-No. Appendix-10 of CCS (JT)  
Rules 1979 it may please be clarified whether he is intitled  
for transfer T.A. and joining/transit time to him. A represen-  
tation received from him is also enclosed for early decision &  
needful at your end.

Your's faithfully,

Encl as above

(Dr. B.K. Singh)  
Addl. Director, CGHS, Patna.

Certify to  
be true  
copy of the  
original  
K. D. Chakraborty  
Advocate  
23/3/2007

12  
No. 19-6/2000/ESTT/ VS 65  
GOVERNMENT OF INDIA

REGISTERED

OFFICE OF THE ADDITIONAL DIRECTOR  
CENTRAL GOVERNMENT HEALTH SCHEME  
'INDU BHAVAN' GANDHI NAGAR, BORING ROAD,  
PATNA - 800001.

SERIES  
'C'

Patna, Dated, the 20 th July, 2000.

To,

The Under Secretary,  
Govt. of India  
Ministry of Health & F.W ( CHS.II )  
Nirman Bhavan,  
NEW DELHI - 110011.

Subject:-

CGHS Patna - Transfer from Assam Rifles to  
C.G.H.S. after completion of tenure in respect  
of Dr. T.K. Bhattacharya, S.M.O. - regarding.  
.....

Sir,

Please find enclosed herewith a representation  
on the subject mentioned above in respect of Dr. T.K. Bhatta-  
charya, Senior Medical Officer, under Central Govt. Health Scheme  
Patna regarding transfer order in "Public interest" instead of  
instead of "Own request".

The same is forwarded to you for further  
needful action.

Encl:-

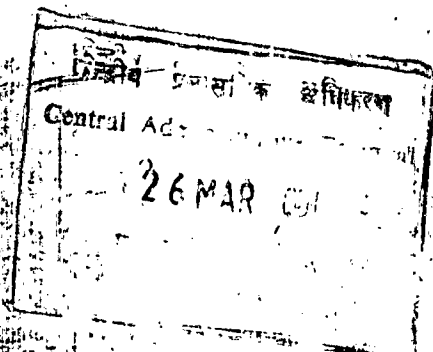
As above.

Yours faithfully,

( Dr. B.K. Singh )  
Additional Director

Copy to:-

Dr. T.K. Bhattacharya, S.M.O.  
Through - The Medical Officer Incharge,  
C.G.H.S. Dispensary No.1, Budh Marg, Patna  
for information.



From : Dr. T. K. Bhattacharyya, SMO  
Central Govt. Health Scheme, Patna.

To : The Secretary,  
Govt. of India,  
Ministry of Health & Family Welfare,  
Nirman Bhavan,  
New Delhi - 110011.  
(Through Proper Channel)

Sub : Transfer from Assam Rifles to C.G.H.S, Patna after Completion of Tenure.

Ref : 1. Order of the Hon'ble CAT, Guwahati Bench in O.A. No. : 296/99 dt. 15 Oct 99  
2. Your Ministry's order No. : A. 22012/ 13/2000 - CHS. II dt. 03 May 2000.

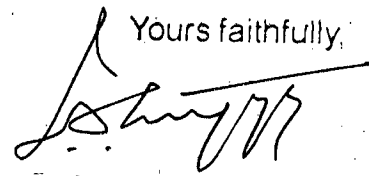
Sir,

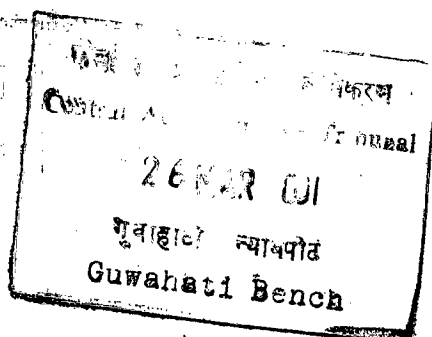
1. Please refer to my application dt. 28 June 2000 on the same subject. I am yet to know if any action has been initiated on it.
2. All central Govt. officials are transferred out of North East in "Public Interest" after completion of their tenure.
3. Though I have completed more than double of the prescribed tenure there, my transfer has been ordered on my "Own Request".
4. You are therefore, once again requested to look into it and kindly ammend the order suitably pending which I shall be compelled to take legal recourse against this discriminatory order.

Thanking you,

Dated, Patna,  
10 Oct. 2000

Yours faithfully,

  
(Dr. T. K. Bhattacharyya)







-14-

ANNEXURE - E

No.C.17011 10 99-CHS.II  
Government of India  
Ministry of Health & Family Welfare

To

Date: 31.10.2000

The Additional Director,  
CGHS, P. N. B. Road, Patna - 800 001.

Sub:- Clarification regarding admissibilities of transfer TA and transit period joining time at own request transfers in re Dr.T.K. Bhattacharya, SMO and Dr.Amitabha Bandyopadhyay, SMO, CGHS, Patna - reg.


Sir,

I am directed to refer to your letters No. 19-6 2000 Estt. 1704 dated 16.8.2000 and No.19-9/2000/1722 dated 18.8.2000 on the subject mentioned above and to say that as both Dr.T.K. Bhattacharya and Dr.Amitabha Bandyopadhyay were appointed in Central Health Service specifically for Assam Rifles, the OM dated 14.12.83 is not applicable to these officers. Further their transfers from Assam Rifles are issued only on the directions of CAT Guwahati bench on the basis of transfer requests made by them.

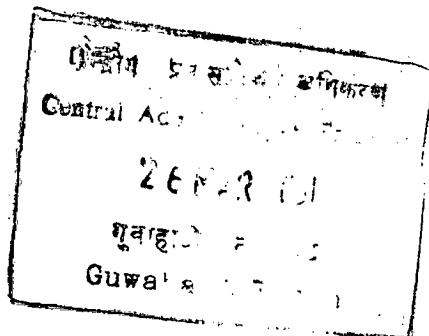
Keeping in view it has been decided, that the transfer orders already issued in respect of Dr.T.K. Bhattacharya and Dr.Amitabha Bandyopadhyay may not be treated as  $\phi$  on public interest.

Both the doctors informed accordingly.

Yours faithfully,

  
(S. SRIDHAR)

UNDER SECRETARY TO THE GOVT OF INDIA



J. K. Bhattacharyya

-15-

ANNEXURE - 'F'

SENIOR MEDICAL OFFICER  
CENTRAL HEALTH SERVICE

C.G.H.S. Dispensary,  
Buddh Marg,  
Patna - 800 001.

02 Nov 2000.

To:

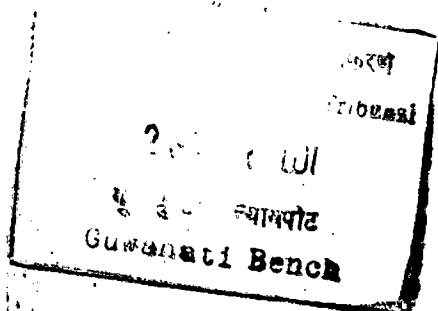
The Additional Director,  
Central Govt. Health Scheme, Patna.

Sub: Transfer T.A. and Transit time.

Sir,

1. Please refer to my application dt 27 Jul 2000 on the subject.
2. I was transferred from the Assam Rifles in North East to C.G.H.S., Patna vide Ministry of Health & F.W. order NO: A. 22012/13/2000 - CHS. II dt 03 May 2000, which was stated to be on my own request. Further, the Ministry has also informed that the transfer had been ordered after completion of a full tenure of three years in the North East vide their letter NO: C. 17011/10/99 - CHS. II dt 11 May 2000 (Copy enclosed).
3. As per existing orders of the Govt., as enumerated in SR-114 "Officials transferred after completion of full tenure are entitled to T.A. and Transit time even if posted to their place of choice".
4. But in my case, your office has disallowed my above claims for the reasons best known to them. I am yet to know the outcome of my application: dt 27 Jul 2000. It was learnt that the matter had been referred to the Ministry. But no reference was made available to me.

P.T.O.



5. Therefore, you are requested to let me know the present position of the same at the earliest.

Thanking you.

Yours faithfully,

*T. K. Bhattacharya*

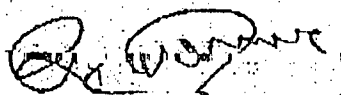
(Dr. T. K. Bhattacharya)

New Delhi, Dated the 20<sup>th</sup> Sept., 1996

ORDER

The President is pleased to order the transfer of the following Medical officers/Senior Medical Officer of the Central Health Service in public interest with immediate effect:-

S.No.	Name of the officer	From	To
1.	Dr. S.S. Shah, SMO - 30AR	Assam Rifles	CGHS, Patna
2.	Dr. S.R. Dhar, MO - 17AR (Sikkim)	Assam Rifles	CGHS, Delhi
3.	Dr. Amit Sarker MO - 30AR	Assam Rifles	CGHS, Lucknow



( R.C. SHARMA )

UNDER SECRETARY TO THE GOVT. OF INDIA

To:-

1. Director General, Assam Rifles, Shillong-793 011.

2. Deputy Director (S), Assam Rifles, Shillong-793 011 with reference to their letters No. I.14015/3-92/SRDMO/ME(A) dated 8.3.96, 27.5.96 & I.14015/2-89-87) SS-16AR (ME(A) dt. 8.7.96.

Dr. S. R. Dhar  
Application

Dr. S. Shah  
Application  
22.9.96  
Ministry (Health & Family Welfare)

3. Assistant Officer, Assam Rifles, Room No. 171, North Block, New Delhi.

4. Additional Director, Central Govt. Health Scheme, Indu Bhawan, Gandhi Nagar, Boaring Road, Patna-800 001.

5. Additional Director, Central Govt. Health Scheme, Nilman Bhawan, New Delhi.

6. Additional Director, Central Govt. Health Scheme, G.A. Ranapratap Road, Lucknow-266 001.

7. CGHS-I (Dte. G.H.S.)

8. Officers Concerned.

9. CHS-I/CHS-V Sections.

10. Shri J.O. Gupta, Asstt.

11. Order Register.

