

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.

ORDERS SHEET

APPLICATION NO.

389/2001

Applicant (s) Amrapali

Respondent(s) U.O. P. for

Advocate for the Applicant: M. Chanda, Mrs. N. D. Boruah, G. R. Chakrabarty

Advocate for the Respondent: Adv. case. A. K. Chaudhury

Notes of the Registry	Date	Order of the Tribunal
	25.9.01	Present : Mr. K. K. Sharma, Administrative Member.
This application is in form but not in proper format.		Issue notice of motion. List on 10/10/01 for admission.
Petition No. 36536 filed vide N.P.R. No. C.C.F. for Rs. 50/- deposited vide IPO/Bu No SG 424581.		In the meantime, the operation of order no. 28/3/2001 EC I dated 31st May, 2001 (Annexure 13) shall not be operative so far the applicant is concerned.
Dated... 25.9.2001 By: <i>Dr. Registrar</i>		<i>K. K. Sharma</i> Member
	mb	
	25/9/01	
	10.10.01	List on 16.11.01 to enable the respondents to obtain necessary instruction.
		Interim order dated 25.9.01 shall continue.
		<i>W.</i>
⑤ Service report are still awaited.	pg	Vice-Chairman

3/10/01

16.10.01

16.10.01

Order dtd. 10/10/01
Communicated to the
Parties Council.

on
11/10/01

16.11.01

Heard Mr. M. Chanda, learned coun-
sel appearing on behalf of the applicant.
He states that the applicant had given
nine options for his choice posting in-
cluding Dehradun. He submits that there
is a vacancy at Dehradun on account of
transfer of Mr. Devender Gupta from Deh-
radun to Yamuna River Front Development
project. He submits that the applicant
could have been accommodated at Dehradun.

Mr. A. K. Chaudhury, learned Addl.
C.G.S.C for the respondents wants time
for getting instruction from the respon-
dents.

Prayer is accepted. List the
case 14.12.2001 for admission.

ICUShan.

Member

bb

14.12.01

Heard learned counsels for the
parties.

The application is admitted. Call
for the records.

The respondents were directed to
obtain instructions as to why the applic-
ant ~~should~~ not be posted at Dehradun
where the vacancy is exits Mr. A. K. Choudh-
ury, learned Addl. C.G.S.C. informed that
he was considered for posting at Dehradun
~~but~~ ^{request} he could not accept.

Since the written statement has ~~been~~ filed,
the case may be posted for hearing.
List on 18.1.2002 for hearing. Meanwhile
interim order dated 25.9.2001 shall
continue so far the applicant is concerned.

WLS has been filed.

3/2
17.1.02

mb

ICUShan
Member

Notes of the Registry	Date	Order of the Tribunal
	18.1.02	<p>The only relief sought in this application is the choice posting. By order dated 31.5.2001, the applicant was transferred from EE(A) ACC.I, Guwahati to EE, CDO, New Delhi. The applicant has stayed in the N.E. Region for three years and in view of the Government instructions the applicant has entitled for choice posting. In the earlier hearing, the learned counsel for the applicant pointed out that there is a vacancy at Dehradun on account of transfer of Sri Debendra Gupta, EE(p&A), DCC, Dehradun to EE, Yamuna River Front Development Project. It is also pointed out that there is also a vacancy at Dehradun on account of transfer of Sri P.K. Permer to Ajmer by order dated 27.11.01 after filing this application. Mr. M. Chanda, learned counsel for the applicant also submitted that there is a vacancy at Ajmer on account of transfer of Sri S.L. Meena to Jaipur by order dated 27.11.2001.</p> <p>The respondents in their written statement have stated that the representation dated 18.6.2001 of the applicant was considered by the respondents but his request of choice posting could not be accepted. No written reason has been given as to why the applicant's request could not be accepted. It will be necessary for disposal of the application, that the respondents should produce records relating the rejection of the applicant's representation.</p> <p>List on 08/02/2002 for further hearing. A copy of the order may be given to the learned counsel for the respondents.</p> <p style="text-align: right;">I C Usha VIMember</p> <p style="text-align: center;">mb</p> <p><i>Order dtd 18/1/02 communicated to the parties concerned. 22/1/02.</i></p>

Notes of the Registry	Date	Order of the Tribunal
	25.1.02	<p>Though the matter was listed on 8.2.2002 on the prayer of the counsel for the parties the matter was taken up today.</p> <p>The only issue raised in this O.A relates to the choice station posting. The applicant is at present working as Executive Engineer, CPWD, Guwahati. He has been working in the North Eastern Region with effect from 18.3.99. By order No.120/2001 dated 31.5.2001 the applicant was transferred as Executive Engineer, CDO, New Delhi. By Annexure-8 letter dated 22.2.2001 the applicant had made a request for his posting to any one of the following choice station, namely, Karnal (Haryana), Dehradun (Uttaranchal) and Allahabad (U.P.). However, as mentioned above the applicant's request for transfer to Dehradun had not been considered and he was posted to New Delhi.</p> <p>Mr M.Chanda, learned counsel for the applicant referring to the circular No.20014/14/3/83-E.IV dated 14.12.1983 under which tenure for posting in N.E.Region was fixed at two years for those who have completed 10 years of service. The applicant has completed 10 years of service. Reference also made to Annexure-15 which applies to the</p>

Notes of the Registry

Date

Order of the Tribunal

Rec'd.
A.K.Chandul
P.D.D.C. 6/2/02

25.1.02

On the prayer of the counsel for the parties the case is taken up for disposal.

Heard counsel for the parties. The application is allowed in terms of the order, kept in separate sheets
No order as to costs.

I C Ullah
Member

12.2.2002
Copy of the Judgment
has been sent to the
Office for sending the
same to the applicant
by post
K

pg

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 389 of 2001.

Date of Decision. 25.1.2002.

— — — — — Sri Anurag — — — — — Petitioner(s)

— — — — — Sri M.Chanda — — — — — Advocate for the
Versus — — — — — Petitioner(s)

— — — — — Union of India & Ors. — — — — — Respondent(s)

— — — — — Sri A.K.Choudhury, Addl. C.G.S.C. — Advocate for the
Respondent(s)

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.
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 : ¹ Administrative Member.

KK Sharma

A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 389 of 2001.

Date of Order : This the 25th Day of January, 2002.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

Shri Anurag,
Son of Sri Jagat Prakash,
Executive Engineer(Admn.)
Assam Central Circle No.1.,
CPWD, Guwahati-21.

... Applicant

By Advocate Sri M.Chanda.

- Versus -

Union of India & Others.

... Respondents

By Sri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

K.K.SHARMA, MEMBER(A),

Though the matter was listed on 8.2.2002 on the prayer of the counsel for the parties the matter was taken up today.

The only issue raised in this O.A. relates to the choice station posting. The applicant is at present working as Executive Engineer, CPWD, Guwahati. He has been working in the North Eastern Region with effect from 18.3.99. By order No.120/2001 dated 31.5.2001 the applicant was transferred as Executive Engineer, CDO, New Delhi. By Annexure-8 letter dated 22.2.2001 the applicant had made a request for his posting to ^{any} one of the following choice stations, namely, Karnal

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contd..

(Haryana), Dehradun (Uttaranchal) and Allahabad (U.P.).

However, as mentioned above the applicant's request for transfer to Dehradun had not been considered and he was posted to New Delhi.

Mr.M.Chanda, learned counsel for the applicant referred to the circular No. 20014/14/3/83-E.IV dated 14.12.1983 under which tenure for posting in N.E.Region was fixed at 2 years. Reference also made to Annexure-3 circular No.29/1/97-EC.I dated 5.5.1999 under which tenure of posting in N.E.Region was fixed at two years, irrespective of length of service. The applicant has already completed two years of tenure posting and therefore he is entitled to be posted to a station of his choice. The applicant on receipt of transfer order dated 31.5.2001 made a representation dated 8.6.2001. In this representation the applicant pointed out that a vacancy exists at Dehradun, which was one of his choice station, During the course of hearing on 18.1.2002 Mr Chanda, learned counsel for the applicant pointed out that there is also a vacancy at Dehradun on account of transfer of Sri P.K.Permer to Ajmer by order dated 27.11.2001 after filing this application. It was further pointed out that there is another vacancy at Ajmer on account of transfer of Sri S.L.Meena to Jaipur by order dated 27.11.2001. Ajmeer is also a choice station of the applicant. On 18.1.2002 the respondents were also directed to produce the records to show the reason as to why the applicant's

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contd..

representation for his transfer to Dehradun was turned down. Accordingly the learned counsel for the respondents Mr A.K.Choudhury has produced the record. From the records produced it is seen that applicant's representation for transfer to Dehradun was considered by a Hard Case Committee for Executive Engineers(Civil) which met on 6.9.2001. The Committee after considering the reasons given by the applicant recommended as under

"On completion of his hard area tenure, he is presently under posting as EE, CDO, vide orders dated 31.05.2001, but he has requested for change of posting and he has not been posted to any of his choice stations. He may, therefore, be posted as EE (P&A), D.C.C.Dehradun, vice Shri Devendra Gupta already transferred which is one of his choice stations in cancellation of earlier orders posting him to Delhi."

The recommendation of the Committee was placed before the Director General, CPWD who on 14.9.2001 considered the recommendations and did not approve the request of the applicant for a transfer to Dehradun. No reasons have been given. However, Mr A.K.Choudhury, learned Addl.C.G.S.C appearing for the respondents referred to the letter dated 14.1.2002 issued by the Director General of Works, CPWD addressed to the Superintending Engineer, Assam Central Circle-I, CPWD,Guwahati, wherein the reasons given for not accepting the request of the applicant was 'it was decided to post him in Central Design Organisation (CDO) at New Delhi as it was felt that he being a

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Class I graduate Engineer, his services could be better utilized in CDO in public interest.'

I have heard Mr M.Chanda, learned counsel for the applicant and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents at length. There is no dispute that a vacancy exists at Dehradun and Dehradun is one of the choice station of the applicant. The only reason appears to be that the department thought that the applicant's services was desirable in a different position in Delhi.

Having heard the learned counsel for the parties I am of the view that the applicant's request requires re-consideration by the authority, more so in view of the fact that a vacancy exists at Dehradun. I therefore, direct the respondents to re-consider the prayer of the applicant for a transfer to his choice station of posting in the light of the Memorandum dated 14.12.1983 and in terms of CPWD Manual (Annexure-15) referred to above within a period of 6 weeks from the date of receipt of this order.

The application is treated as allowed. The interim order dated 25.9.2001 stands vacated.

There shall, however, be no order as to costs.

K.K.Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

24 SEP 2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI
Guwahati Bench

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 389 OF 2001

SHRI ANURAG APPLICANT

- VERSUS -

UNION OF INDIA & OTHERS RESPONDENTS

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Filed by

Advocate

Filed by one appellant
Shri Anurag
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 389 OF 2001

BETWEEN

Shri Anurag S/o Shri Jagat Prakash,
Executive Engineer (Admn),
Assam Central Circle No-I,
CPWD, Guwahati-781 021

- AND -

- (1) Union of India, represented by the Secretary to the Government of India, Ministry of Urban Development & Poverty Alleviation, New Delhi.
- (2) The Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi-110 011
- (3) The Chief Engineer(NEZ), Central Public Works Department, Dhankheti, Shillong-3
- (4) The Superintending Engineer, Assam Central Circle-I CPWD, Bamunimaidan Guwahati-781 021

..... Respondents.

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

This instant application is directed against the Office Order No.120/2001 issued by the Respondent No.2 i.e., DG(W), CPWD, New Delhi vide no.28/3/2000-EC.I dt.31-5-2001. The applicant has been transferred to New Delhi vide this order.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant Application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMIMATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

1-3

4. FACTS OF THE CASE

Facts of the case in brief are given below :

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

4.2 That your **applicant joined** as Executive Engineer(Planning) in the office of the Chief Engineer(NEZ), CPWD, Shillong i.e., Respondent No.3 on 18-3-99 on transfer from **Ghaziabad Central Division, CPWD, Ghaziabad**.

Annexure-1 is the photocopy of joining report dt.18-3-99

4.3 That your applicant was again transferred from Shillong to Guwahati and joined as Executive Engineer(Administration) in the office of Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati-781 021 i.e., Respondent No.4 on 6-4-99. Office Order regarding joining of your applicant is Guwahati was issued vide SE's office Order no.21(8)/ACC-I/E.I/625 dt.21-4-99.

Annexure-2 is the photocopy of the order dt.21-4-99.

4.4 That your applicant begs to state that he has already **completed the prescribed two years tenure in the North Eastern Region on 17-3-2001**. As per the office Memorandum No.29/1/97-EC.I dt.5-5-99 issued by the DG(W), CPWD, New Delhi i.e., Respondent No.2, **the tenure of posting of officers in North Eastern Region is two years irrespective of their length of service.**

Annexure-3 is the photocopy of the DG(W)'s O.M. dt.5-5-99.

4.5 That your applicant begs to state that Respondent No.2 i.e., DG(W), CPWD, New Delhi issued a list of Executive Engineers posted in the hard areas who were due to complete the prescribed two years tenure and due for transfer during 2000-01 vide Office Memorandum No.28/3/2000-EC.I dt.18-2-2000.

Annexure-4 is the photocopy of the DG(W)'s O.M. dt.18-2-2000.

Your applicant represented to the DG(W), CPWD, New Delhi i.e., Respondent No.2 on 24-3-2000 through proper channel to include his name in the list of Executive Engineers who will become due for transfer during 2000-01.

Annexure-5 is the photocopy of the representation dt.24-3-2000.

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Representation dt.24-3-2000 was forwarded to the Chief Engineer(NEZ), CPWD, Dhankheti, Shillong for onward transmission to the DG(W), CPWD, New Delhi vide Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati-781 021 letter no. EE(A)/OA/ACC-I/2000/779 dt.5-4-2000

Annexure-6 is the photocopy of the forwarding letter dt.5-4-2000.

4.6 That your applicant begs to state that DG(W), CPWD, New Delhi i.e., Respondent No.2 **neither included the applicant's name in the list of Executive Engineers due to complete the prescribed two years tenure nor gave an opportunity to opt for the choice posting nor transferred the applicant during the year 2000-01, despite completion of two years tenure during the year 2000-01.** None of the respondents even bothered to intimate the applicant about the fate of his representation dt. 24-3-2000. Such an act of discrimination on the part of the respondents gives an idea of their predetermined malafide, discriminatory and arbitrary actions.

4.7 That your applicant begs to state that DG(W), CPWD, New Delhi i.e., Respondent No.2 was kind enough to atleast include the name of the applicant in a similar list of Executive Engineers becoming due for transfer during 2001-02. While doing so, DG(W), CPWD, New Delhi vide Office Memorandum No.28/3/2001-EC.I(Vol.I) dt.1-2-2001 called for options of 3 stations in order of preference from all the Executive Engineers included in the said list.

Annexure-7 is the photocopy of the DG(W)'s O.M. dt.1-2-2001.

Despite keeping the last date of receiving options on 26-2-2001, the DG(W), CPWD, New Delhi i.e., Respondents No.2 did not ensure its timely delivery and the applicant could obtain a Faxed copy and that too by personal efforts as late as on 22-2-2001. This again gives an idea of the efforts made by the respondent no.2 to deprive the applicant from his legitimate rights.

4.8 That your applicant begs to state that acting promptly on receipt of the above said O.M. dt.1-2-2001, the applicant represented to the DG(W), CPWD, New Delhi through proper channel vide his representation dt.22-2-2001.

Annexure-8 is the photocopy of the representation dt.22-2-2001.

While opting choice stations, your applicant mentioned the **three choice stations** namely **Karnal, Dehradun and Allahabad** in his representation dt.22-2-2001. Besides your applicant mentioned **six additional stations** namely **Kanpur, Ajmer, Goa, Bareilly, Rohtak and Varanasi** to enable the Respondent No.2 i.e., DG(W), CPWD, New Delhi to atleast post him to any of the nine choice stations in case he finds it difficult to post him in one of the first three stations due to some exceptional circumstances or in the exigencies of Public service.

anu(m)
Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati i.e., Respondent No.4 forwarded the said representation to Chief Engineer(NEZ), CPWD, Dhankheti, Shillong i.e., Respondent No.3 vide his letter no.21(8)/ACC-I/E.I/584 dt.23-2-2001, **duly admitting the late receipt of DG(W)'s O.M. dt.1-2-2001 (Annexure-7) and favourably recommending while assessing your applicant as sincere and hard working.**

Annexure-9 is the photocopy of SE's forwarding letter dt.23-2-2001.

Respondent No.3 ie., Chief Engineer(NEZ), CPWD, Dhankheti, Shillong forwarded the representation to Respondent No.2 i.e., DG(W), CPWD, Nirman Bhawan, New Delhi vide his letter No.1/3/200-Admn. dt.2-3-2001 by ordinary post. Such inordinate delay in forwarding the representation gives an idea of the attempts made by the respondents to deny your applicant his legitimate rights.

Annexure-10 is the photocopy of CE's forwarding letter dt.2-3-2001.

4.9 That your applicant begs to state that in the event of not receiving any response from any of the respondents, your applicant **again represented** to the DG(W), CPWD, New Delhi through proper channel **vide representation dt.15-5-201**. Vide this representation your applicant indicated about the following losses in the event of his non-joining at his new place of choice posting by 31-5-2001.

- (i) **Likely loss of one academic year of his 4 year old son** aspiring to see first admission in a reputed School.
- (ii) **Likely deterioration in the recent head injury sustained by your applicant.**
- (iii) **Serious sufferings of your applicant's parents** who already were suffering from serious ailments.

Annexure-11 is the photocopy of the above said representation dt.15-5-2001.

The Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati forwarded the representation to the Chief Engineer(NEZ), CPWD, Dhankheti, Shillong vide his letter no.8(3)/ACC-I/E-I/1118 dt.24-5-01 **duly certifying the hardships faced by your applicant as genuine.**

Annexure-12 is the photocopy of the SE's forwarding letter dt.24-5-2001.

4.10 That your applicant begs to state that Chief Engineer(NEZ), CPWD, Dhankheti, Shillong never forwarded the above said representation. Subsequently DG(W), CPWD, New Delhi by office order no.120/2001 issued vide no.28/3/2000-EC.I dt.31-5-2001, transferred your applicant from Guwahati to New Delhi. **(Applicant's name appearing at Sl. No.41 of this order.**

Annexure-13 is the photocopy of the DG(W)'s order dt.31-5-2001.

answerm

4.11 That your applicant begs to state that **New Delhi was not among the nine choice stations** opted by your applicant and not posting him to one of his choice stations is in clear **violation of the orders of the Hon'ble President of India** issued vide Ministry of Finance, Department of Expenditure Office memo No.20014/3/83-EC.IV dt.14-12-83. The order of the Hon'ble President of India clearly speaks that- **"Officers, on completion of the fixed tenure, mentioned above, may be considered for posting to a station of their choice as far as possible".**

Annexure-14 is the photocopy of the relevant page of the Presidential's order dt.14-12-83.

Even the transfer rules prescribed for Gazetted Engineer Services prescribed in CPWD Manual Vol.I 1992 Edition-

"Choice Posting will be given to the Officers serving in hard areas on completion of tenure posting"

Annexure-15 is the photocopy of the transfer rules prescribed at page 73 & 74 of CPWD Manual Vol.I, 1992 Edition.

Thus the DG(W) not only violated the orders of the Hon'ble President of India but also the transfer rules prescribed in the CPWD Manual.

4.12 That your applicant begs to state that he felt deeply dejected, frustrated and shocked by seeing that the post of Executive Engineer (Planning & Administration) at **Dehradun was left vacant** vide DG(W)'s aforesaid office order dt.31-5-2001 despite Dehradun being among the first three stations of my choice. It is evident from DG(W)'s Office Order dt.31-5-2001 (Annexure-13) **Sl. No.31, Shri Devendra Gupta has been transferred from the post of EE(P&A), DCC, Dehradun to EE, Yamuna River Front Development Project, New Delhi but no one has been posted against him. The post of Executive Engineer(Planning & Administration) is still vacant at Dehradun.**

What was even more shocking in the said DG(W)'s order that one **Sh. N.K. Aggarwal appearing at Sl. No.57** of the impugned order dt.31-5-2001, has been **posted as EE(Valuation), Rohtak** from the post of EE, SPG Project-IV, **New Delhi**. DG(W), CPWD, New Delhi i.e., Respondent No.2 was pleased to give choice posting to a person posted in New Delhi but not to your applicant who opted for Rohtak as one of the nine choice stations and who deserved it due to the completion of hard area tenure.

4.13 That your applicant begs to state that your applicant represented against the impugned DG(W)'s order dt.31-5-2001 vide representation through proper channel dt.8-6-2001 stating the aforesaid act of discrimination and his personal problems. He also categorically stated that despite giving nine choice stations instead of three, your applicants was denied his legitimate right.

Annexure-16 is the photocopy of aforesaid representation dt.8-6-2001.

anurag
Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati forwarded the aforesaid representation to Chief Engineer(NEZ), CPWD, Dhankheti, Shillong vide his letter no.8(3)/ACC-I/E.I/1249 dt.12-6-2001 **duly certifying the hardships faced by your applicant as genuine.** Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati **further certified that your applicant deserves for choice posting as per Hon'ble Presidential orders dt.14-12-1983 and CPWD Manual Vol.I provisions.**

Annexure-17 is the photocopy of the aforesaid forwarding letter dt.12-6-2001.

The Chief Engineer(NEZ), CPWD, Dhankheti, Shillong forwarded the aforesaid representation to Director General of Works, CPWD, Nirman Bhawan, New Delhi vide his letter no.1/3/2000-Admn. dt.19-6-2001 with request to DG(W), CPWD, Nirman Bhawan, New Delhi to post him as per his choice stations instead of New Delhi. Chief Engineer(NEZ), CPWD, Dhankheti, Shillong also certified that the **hardships faced by your applicant were genuine and he deserved choice posting as per rules.**

Annexure-18 is the photocopy of CE(NEZ)'s letter dt.19-6-2001.

While forwarding the representation vide his letter dt.19-6-01, the Chief Engineer(NEZ), CPWD, Dhankheti, Shillong indicated your applicant as Superintending Engineer(P) which might have resulted in its "Filling in the wrong place" in DG(W) Office. Although on request of your applicant, a corrigendum was issued vide no.1/3/2000-Admn. dt.26-6-01 by Chief Engineer(NEZ), CPWD, Dhankheti, Shillong yet the designation of your applicant was again shown incorrectly as EE(P) instead of EE(A).

Annexure-19 is the photocopy of corrigendum dt.26-6-01.

4.14 That your applicant begs to state that your applicant **has completed six more months than the prescribed two years tenure**, almost four months have passed since your applicant was transferred to New Delhi but neither any modified transfer order has been issued by the Director General of Works, CPWD, Nirman Bhawan, New Delhi i.e., Respondent No.2 nor any intimation has been received from any of respondents on the fate of his numerous representations.

4.15 That your applicant begs to state that the agony of your applicant was not yet finished. As per the respondent no.2 i.e., Director General of Works, CPWD, Nirman Bhawan, New Delhi Office Memorandum No.23/12/98-EC.I dt.10-12-98.

" It has been decided that, officers who are not relieved within 30 days of date of issue of orders, will automatically stand relieved after expiry of 30 days and will not be eligible to draw pay and allowances from their present office unless their transfer orders are cancelled/modified or further instructions given from Central Office."

anurag

It has further been clarified by the DG(W) in his same order that "In cases where no substitute is posted, the officer under transfer may be relieved by making dual charge arrangement."

Despite the clear instructions of Director General of Works, CPWD, Nirman Bhawan, New Delhi vide his O.M. dt.10-12-98, the controlling/competent officer to relieve your applicant i.e., Respondent No.4 is not relieving him and forcing him to stay in the North Eastern Region without being authorized to do so.

Annexure-20 is the photocopy of the DG(W)'s O.M. dt.10-12-98.

Even as per the office memorandum issued by Respondent No.2 i.e., Director General of Works, CPWD, Nirman Bhawan, New Delhi vide no.23/6/2001-EC.I dt.12-4-01.

"The practices of not relieving the officers pending decision on the representations and withholding their transfer is viewed seriously and competent authority has decided that **all officers under transfer must be relieved forthwith. Their representation if any will be considered only after they join new place of posting.** It will be the responsibility of respective controlling officers to adhere to above guidelines."

Annexure-21 is the photocopy of DG(W)'s O.M. dt.12-4-2001.

4.16 That your applicant begs to state that after making numerous requests to CE(NEZ) and Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati i.e., Respondent Nos. 3 & 4 respectively and all going waste, your applicant made a representation dt.29-8-01 before the Respondent no.4, i.e., Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati the competent authority to relieve him immediately by stating the following facts :

- (A) **His forceful detention in Guwahati by Respondent No.4 is in violation of the aforesaid orders dt.10-12-98 and 12-4-01 respectively of Director General of Works, CPWD, Nirman Bhawan, New Delhi i.e., highest authority of CPWD.**
- (B) **It had been a practice of Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati i.e., Respondent No.4 to extend such favours to his predecessors and many such officials but he was consistently denying such legitimate right to your applicant.**
- (C) Even very recently, their legitimate right was given to one **Sh. Nirmal Goel** and one **Sh. Rajeev Kumar**. Both of them **transferred under the same impugned order dt.31-5-01** and both working under the Chief Engineer(NEZ), CPWD, Dhankheti, Shillong i.e., Respondent No.3 **were relieved well in time** but your applicant has not been given his legitimate right despite his numerous domestic problems to which even both the respondents have agreed and certified in writing.
- (D) Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati **relieved one Shri G.C.Mazumdar, Asstt. Labour Welfare Commissioner(C)[NEZ]**, Assam Central Circle-I, CPWD, Guwahati on 22-5-01 who undoubtedly have much more sensitive duties than your applicant and in whose absence interests of the labourers, implementation of CPWD safety code, CPWD contractor's Labour Regulations etc. have all been at stake **for last 4 months**. Although **his absence may even lead to legal complications and huge loss to the Government** yet Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati became kind enough to relieve him but not your applicant.
- (E) As your applicant can not draw his salary in compliance of DG(W)'s order dt.10-12-98(Annexure- 20) after 30 days of

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issue of transfer orders, he sought approval of Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati i.e., Respondent No.4 to draw his salary and applied for Transfer Traveling Allowance. On the issue of relieving Respondent no.4 i.e., Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati remained silent. Although he approved the drawal of salary despite being not authorized to convey such approval yet he neither sanctioned the Transfer Travelling Allowance nor commented on relieving.

Annexure-22 is the photocopy of the applicant's representation dt.29-8-01 and Annexure-23 is SE's remarks on the applicant's representation dt.29-8-01.

(F) Your applicant stating all his hard-coming rules position and his discriminatory actions most humbly requested the Respondent No.4 to relieve him latest by 10-9-2001 and further stated that in the event of non-relieving by 10-9-01, he may be treated as automatically relieved in compliance of DG(W)'s order dt.10-12-98 (Annexure-20)

On knowing this fact, the respondent no.4 i.e., Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati temporarily entrusted your applicant additional charges of Guwahati Central Division and Executive Engineer(Planning) as well to make his relieving impossible on 11-9-01.

4.17 That your applicant begs to state that in light of the facts stated above, your Lordship may be pleased to appreciate that the ;

(i) Respondents are acting in an autocratic manner fully violating the Transfer rules specified in CPWD Manual Vol.I and violating even the orders dt.14-12-83 of the Hon'ble President of India. On one hand respondents are certifying that your applicant deserves the choice posting as per rules and even his problems are genuine, but on the other hand they are not giving him the choice posting, his right as per transfer policy as well as Hon'ble President of India order dt.14-12-83.

(ii) First the Respondents are not giving your applicant the choice posting. Second they are not relieving him despite being not authorized to do so in light of DG(W)'s O.Ms dt.10-12-98 and 12-4-2001 respectively. In fact by taking shield of the same DG(W)'s O.M. dt.12-4-2001 they are not considering his representation for change in the place of posting. Thus they are forcing him to stay in the North Eastern Region for indefinite period.

(iii) *Answer*
Respondents are involved in discriminatory actions. They are relieving the officials at their own will keeping aside all rules, regulations and Govt.'s interests. Easten Region is running without regular Additional Director General, North Eastern Zone is running without regular Superintending Engineer(Administration), Guwahati Central Electrical Circle is running without regular Superintending Engineer and Executive Engineer(Planning & Administration), Assam Central Circle-II is running without regular Executive

Engineer(Planning & Administration), Entire North Eastern Region is running without a regular Asstt. Labour Welfare Commissioner but in the arbitrary opinion of the respondent probably the Assam Central Circle-I can not run without your applicant.

4.18 The Respondents' gross involvement in discriminatory, arbitrary, malifide, illegal and without jurisdictional activities can be made more clear by the following illustrations.

- (A) Choice Posting is given to officers on completion of two years tenure in hard area/North Eastern Region even by giving three choices. **Despite giving nine choices, the applicant was denied the choice posting, his legitimate right.**
- (B) Post of Executive Engineer (Planning) at **Dehradun** kept vacant but not given to your applicant, **despite Dehradun being the second choice station of the applicant.**
- (C) **One official was posted from New Delhi(Not a hard area) to Rohtak** despite Rohtak being your applicant's eighth choice station and despite completing hard area tenure.
- (D) Normal Tenure of stay of the officers a particular station is 3-4 years as per clause 7 of Transfer Rules for Gazetted Engineering Services prescribed in CPWD Manual Volume-I 1992 Edition Page-73 & 74 (Annexure-15)

Despite normal tenure of 3-4 years at a particular station, **the following persons posted at Karnal, Dehradun and Allahabad** (the first three stations of your applicant's choice) are still continuing in these stations even after completing much more than normal tenure.

1. Sh. R.S.singh at Allahabad- 6 years 2 months.
2. sh. A.K.Rajdev at Karnal- 4 years 5 months.
3. Sh. S.N. Sharma at Allahabad- 4 years 2 months.
4. Sh. P.K. Parmar at Dehradun- 4 years 2 months.
5. Sh. Naimuddin at Dehradun- 4 years 2 months.

Out of the above Sh. S.N.Sharma entered into his last two years of service w.e.f. 1-6-01 and Respondents while issuing order dt.31-5-01 did not transfer him, **thus allowing him to stay at Allahabad for another two years** as he can not be posted out now as per Clause 7(j) of Transfer Rules prescribed in CPWD Manual Vol.I.

- (E) **As many as 45 officers are continuously serving in New Delhi for last more than 8 years and few of them for even 20 years** or more but none of them has been transferred out from New Delhi **despite normal stay of 3-4 years.** Your Lordship may be pleased to appreciate that no exigencies of public service can justify their such long stays at one particular station.

Annexure-24 is the copy of the list of longest stayees at Delhi circulated vide DG(W)'s O.M. dt.1-2-01

(F) One the one hand there are **hundreds of officers** in CPWD who have **never been posted to hard areas** upto their retirements or even after completing 20-30 years of service.

But on the other hand there are officers who are again and again posted to hard areas. Even your applicant is being forced to stay for indefinite period in hard area.

4.19 That your applicant begs to state that the discriminatory acts of the respondents indicated above are only a few examples. **There are hundreds of such instances where Respondents are breaking the rules and don't even bother to honour the orders of the Hon'ble President of India.**

4.20 That your applicant begs to state that the Respondents have issued transfer order dt.31-5-01 in respect of the applicant against the Hon'ble President of India and the transfer policy. Your applicant has got reasons to believe that the Respondents are resorting to the colourable exercise of power to accommodate the persons of their interest at the choice stations of your applicant.

4.21 That your applicant begs to state that the non-relieving of the applicant for the last 6 months by the respondents is improper, malafide, illegal and without jurisdiction.

4.22 In view of the facts and circumstances it is a fit case for passing an order to protect the legitimate rights of the applicant and his family members.

4.23 That this application is filed bonafide and for the interest of the justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that due to the above reasons narrated in details, the issuance of the impugned Transfer order dt.31-5-01 in respect of your applicant and subsequent inaction on the representations made by the applicant for change of place of posting and relieving from Guwahati in *prima facie* are illegal, malafide, arbitrary and without jurisdiction.

5.2 For that, there is violation of Hon'ble President of India orders issued vide O.M. no.20014/3/83-D.IV dt.14-12-83 and Transfer Rules prescribed in the CPWD manual Volume-I.

5.3 For that the Respondent No.4 deliberately did not implement the Director General of Works, CPWD, Nirman Bhawan, New Delhi O.M. No.23/12/98-EC.I dt.10-12-98 (Annexure-20) and O.M. no.23/6/2001-EC.I dt.12-4-01 (Annexure-21).

5.4 For that the applicant is facing numerous domestic and personal problems and the respondents have duly certified them as genuine. **Although the Respondents deem your applicant as sincere and hardworking and certify that he deserves choice posting as per rules, yet neither they are giving him choice posting nor relieving from the present hard area posting.**

5.5 For that, it is a settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the said benefits.

5.6 For that, the Respondents before transferring the applicant ought to have considered the transfer policy of CPWD Manual Vol.I and Hon'ble Presidential orders issued vide O.M. dt.14-12-83 in this matter and as such the impugned transfer order is bad in the eye of law and is liable to be modified as per rules.

5.7 For that this Hon'ble Tribunal in OA 295 of 1999, S.A. Khan Vs. Union of India was pleased to pass an order on 31-3-2000 directing the respondents to consider the representation of the applicant on merit and communicate to him an order within one month from the receipt of such representation.

The applicant in O.A. 295/99 was a Superintending Engineer in CPWD, Silchar and was posted to North Eastern Region from outside the North Eastern Region as in case of your applicant.

The applicant in OA 295/99 claimed the benefit of choice posting provided by the Presidential order issued vide O.M. No.20014/3/83-E.IV dt.14-12-83 and your applicant is also claiming the same benefit.

Within 10 days of passing the judgement by Hon'ble Tribunal, the respondents posted Sh. S.A. Khan, the applicant in OA 295/99 to Allahabad i.e., his choice station. Your applicant also prays for justice on the same lines.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

Annexure-25 is the copy of judgement dt.31-3-2000 passed by this Tribunal and Annexure-26 is the copy of transfer order dt.10-4-2000 issued by the Respondents in compliance of Annexure-25 order.

6. DETAILS OF REMEDIES EXHAUSTED.

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT REVIOUSLY FILED OR PENDING IN ANY OTHER COURT :

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated above, the applicant most respectfully prays that your Lordship may be pleased to admit this petition and may be pleased to direct the respondents to give the following reliefs:

8.1 To pass the necessary order of choice place of posting in terms of choice station posting rules prescribed in Hon'ble President of India Order issued vide O.M. dated 14.12.1983 and Transfer Rules vide CPWD Manual Volume-I for choice stations given by the applicant vide representation dated 22.2.01.

8.2 That in terms of the prayer No.8.1, the impugned Transfer order No.120 issued vide no.28/3/2000-EC.I dt.31-5-01 by Respondent be modified in respect of your applicant taking into account the transfer rules laid down in CPWD manual Vol.I and the Hon'ble President of India's order issued vide O.M. No.20014/3/83-E.IV dt. 14-12-83 and the options given by the applicant vide representation dt. 22-2-01.

8.3 To pass any other order or relief to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

8.4. Cost of the application.

9. Interim Order Prayed for:

That your applicant most respectfully beg to submit that in the light of the reasons narrated above in detail rules position and legal provisions, this is a clear case of gross injustice to your applicant and Hon'ble Tribunal may be pleased to dispose of the application at the admission stage itself, directing the respondents to give the relief indicated at Sl.No.8.

However, for any reasons, pending disposal of the application the applicant most respectfully prays that your Lordship may be pleased to pass an interim order for following interim relief. Hon'ble Tribunal may be pleased to stay the operation of the impugned order no.120/2001 issued vide DG(W) no.28/3/2000-EC.I dt.31-5-01 (Annexure-13) so far the applicant is concerned till disposal of this application.

10. Application is filed through the Advocate.

11. Particulars of I.P.O.

I.P.O. No. 5G 424581 amounting Rs.50/-

Date of Issue 21.9.2001

Issued from Bamuni-Maidan, Guwahati

Payable at Guwahati.

12. List of enclosures :-

As stated above.

.....VERIFICATION

Amrit

VERIFICATION

I, Shri Anurag, son of Shri Jagat Prakash, working as Executive Engineer (Admn), Assam Central Circle No-I, CPWD, Guwahati-21 do hereby solemnly verify that the statements made in paragraphs 1-4, 6, 7, 8, 9 & 10 are true to my knowledge and those made in paragraphs 5 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And, I sign this verification today on this the 21st day of September, 2001 at Guwahati.

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anurag 21/9/01
Declarant:
(ANURAG)

1 13 29

2 15 36

38 Reh

Declarant - 27.11.01

14.1.2002

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ANNEXURE - 1

To

The Superintending Surveyor of Works

North Eastern Zone, CPWD

Cleve's colony, Dhamketi

Shillong, Meghalaya

Sub:- Joining Report

Respected Sir,

In the above noted subject, I hereby give my joining report in pursuance of the DG(W) office order no. 196 of 1998 on the Forenoon of 18.3.99 as SW(NEZ) Shillong, on transfer from Ghaziabad.

Thanking You.

Yrs. faithfully

ANURAG 18.3.99

(ANURAG)

Executive Engineer (CIVIL)

Dr. 18.3.99

Bllesleel
Mr. Advocate

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ANNEXRE-2

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Government of India
Central Public Works Department

No.21(8)/ACC-I/E-I/ 625

Dt:Guwahati, the 21st April, 1999.

OFFICE ORDER

In pursuance of DG(W)'s Office Order No.45 of 1999, issued vide F/No.28/3/99-EC&I (Vol.I) (Part.I) dated 1-4-99 and the Superintending Surveyor of Works(NEZ), CPWD, Shillong's relieve order No. 21(1)/95/SSW(NEZ)/370 dt.5-4-99, Shri Anurag, has reported for duty as Executive Engineer(Admn), in this office on the forenoon of the 6th April, 1999.

(R.P.GOLCONDA)
Superintending Engineer,
Assam Central Circle-I,
CPWD :: :: Guwahati-21

Copy to:-

1. The DG(W), CPWD, Nirman Bhawan, New Delhi-110011.
2. The Chief Engineer(NEZ), CPWD, Cleve Colony, Dhanketi, Shillong-3.
3. The SSW(NEZ), CPWD, Cleve Colony, Dhankheti, Shillong-3.
4. The Pay & Accounts Officer(NEZ), Mulki Point, Shillong-1.
5. All the Executive Engineers of Divisions/Planning under the Circle.
6. Shri Anurag, EE(Admn), ACC-I.
7. The Cashier/ACC-I (in duplicate).
8. Service Book of the incumbent.
9. P/F No.15(770)/ACC-I/E-I.

R.P.Golconda 21/4/99
SUPERINTENDING ENGINEER.

*Attested
by
Advocate*

anurag

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ANNEXURE - 3

No. 29/1/97-EC.I
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

New Delhi, dated, the 5th May, 1999.

OFFICE MEMORANDUM

Subject:- Tenure of officers and staff posted in North Eastern Region.

The undersigned is directed to refer to this Directorate's O.M. of even number dated 10-12-97, on the subject cited above.

It has been decided by the competent authority that, the tenure of posting of officers and staff of C.P.W.D., posted in North Eastern Region, will continue to be two years, irrespective of their length of service, till further orders.

M. Kumar
(MAHENDRA KUMAR)
DY.DIRECTOR(ADMIN.)-I

To

All Chief Engineers(Civil & Elect.)/Superintending Engineers(Civil & Elect.)/Executive Engineers(Civil & Elect.) in C.P.W.D., PWD, including Valuation, Appropriate Authority, I.T Deptt., M/o Environment & Forests etc.

E.I
6/5
10/5
Copy to all EE's, EECP, EEA and O/s.

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Government of India
Central Public Works Department

No. 21 (6) / ACC-I/P-1/

915 dated, Guwahati, 21/5/99.

For the

1) All Executive Engineers under the circle.
2) E-II/SCC-L
3) 2/No. 21 (4) / ACC-I/B-I.

EE(Adm)/Acc
am/m

*Allected
Mr. Advocate*

*Office Superintendent,
Assam Central Circle-I
CPWD :: :: Guwahati-21*

ANNEXURE-4

MOST IMMEDIATE

No. 28/3/2000-EC.I
 GOVERNMENT OF INDIA
 DIRECTORATE GENERAL OF WORKS
 CENTRAL PUBLIC WORKS DEPARTMENT

New Delhi, dated the 18th February, 2000.

OFFICE MEMORANDUM

Subject:- Postings & Transfers in the grade of Executive Engineer (Civil)
 - Options for further posting on completion of tenure at present
 station - Reg.

The undersigned is directed to forward a list of Executive Engineer (Civil), who have become due for transfer, or will become due for transfer, during the year 2000-2001. Hence the officers may be requested to indicate options for transfer latest by 06-03-2000, by giving names of 4 stations, in order of preference, for consideration, alongwith the data of postings for the last 10 years to this Directorate.

The officers may also be informed that, there is no commitment on the part of the Department, to post them to the station of their choice. However, the transfer will be made in public interest, considering all the relevant factors, including preferences.

M. Kumar
 (MAHENDRA KUMAR)
 DY. DIRECTOR (ADMN.), I

Encl:- As above.

To

1. All Additional Directors General of C.P.W.D.
2. Engineer-in-Chief, PWD, Govt. of Delhi, New Delhi.
3. All Chief Engineers (Civil), in C.P.W.D., PWD, Income Tax Department, M/o Environment & Forests etc.
4. DDG(W), CPWD/CE (Vigilance), CPWD, New Delhi.
5. Directors of Works, P&WA, PM, S&D, CPWD, New Delhi.

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1/NE2

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*Alleged
 Dr.
 Advocate*

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74. N.S.Narayanan(1394)	01-06-40	EE(MIS), SZ.III, Bangalore	25-01-96	25-01-96
75. P.K.Naidu(1485)	25-08-66	B.C.Dn., II, Bangalore	12-05-97	19-05-96
76. V.S.Shankarling(1294)	01-04-42	Hubli Cent.Divn., Hubli	16-07-96	16-07-96
77. G.R.Sharma(1416)	15-11-40	EE(P), SZ.II, Hyderabad	24-04-98	29-04-83
78. S.R.Tetali(588)	10-07-41	U/P EE(P), SZ.II, Hyderabad		25-03-93
79. M.Eswarayya(160)	01-07-42	EE(P&A), MCC.II, Hyderabad	09-07-99	01-02-95
80. D.Balachandran(1414)	24-12-45	H.C.Dn.I, Hyderabad	20-01-96	20-01-96
81. S.S.N.Murthy(356)	21-04-42	EE(Val), Visakhapatnam	05-07-99	14-08-91
82. I.Koteswara Sarma(1299)	03-04-44	EE, VCDn., Visakhapatnam	05-07-99	01-12-95
83. V.Suryanarayana(1417)	15-04-44	EE(Val), Vijayawada	26-06-96	26-06-96
84. N.N.S. Siva Rao(1228)	01-12-65	V.C.Dn., Vijayawada	12-11-96	12-11-96

(POSTED IN HARD AREAS)

1. K.Saikia(1308)	02-11-41	Project Dn.II, Guwahati	01-09-97	15-02-86(Under NEZ)
2. N.N.Bala(1615)	22-02-48	K.C.Dn, Kaliaganj	27-04-98	28-03-87(Under IBBZ)
3. P.K.Bandopadhyay(1563)	17-01-42	EE(A), M.C.C., Murshidabad	18-06-99	25-11-91(Under IBBZ)
4. B.K.Chakrabarti(1429)	15-08-40	T.C.Dn., Agartala	04-01-96	01-04-93(Under NEZ)
5. N.K.Kirtania(1581)	01-02-43	EE(P), M.C.C., Murshidabad	25-04-98	12-07-93(Under IBBZ)
6. Chittaranjan Nanda(1487)	05-11-65	S.C.Dn., Siliguri	15-07-97	21-03-94(Under IBBZ)
7. Piyush Chakma(1545)	23-01-67	G.C.Dn., Guwahati	01-06-99	15-02-95(Under NEZ)
8. A.K.Das(1304)	02-08-62	J.C.Dn., Jalpaiguri	05-09-97	05-04-95(Under IBBZ)
9. D.Bhowmik(1292)	12-2-41	EE(Plg.), MCC, Malda	12/98	16-05-95(Under IBBZ)
10. S.K.Basak(1325)	03-04-41	EE(P), SCC.I, Siliguri	01-07-98	6/95(Under IBBZ)
11. A.K.Chatterjee(1062)	09-07-43	EE(HQ), IBBZ, Siliguri	14-08-95	14-08-95
12. D.J.Mondal(1637)	03-01-57	NAA Project Dn., Guwahati	24-09-98	26-08-96(Under NEZ)

Applicant's name
not included

(..... contd.)

Amrit

Attested
Mr. Advocate

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-: 11 :-

13. Robin Deori(817)	01-06-57	EE(P), A.C.C.I, Guwahati	31-05-99	05-10-96
14. A.K.Bhattacharya(93)	16-05-45	Krishna Nagar Cent.Maint. Division.	25-07-97	25-07-97
15. S.P.Chakraborty(1589)	15-04-44	B.C.Dn.I, Balurghat	04-05-98	30-07-97
16. Ram Dayal(1302)	08-07-66	B.F.Dn.VI, Barmer	01-07-99	17-12-97
17. A.S.Taneja(1250)	02-03-50	EE, BF Divn.V, Jaisalmer	25-10-99	05-02-98
18. Rajesh Kumar(1541)	15-06-67	Coochbehar Cent. Divn.II	23-04-98	23-04-98
19. Amar Singh(1617)	08-05-58	M.C.Dn.II, Murshidabad	07-06-99	27-04-98
20. Hari Singh(1619)	10-02-57	Assam Avn.Divn., Guwahati	7/99	27-04-98
21. Gopal Varshney(1523)	16-12-67	M.C.Dn.II, Imphal	30-05-98	30-05-98
22. M.L.Rustogi(1382)	25-06-42	EE(P), IBBR(Maint.) Zone Siliguri	10/99	03-08-98
23. A.K.Paul(1591)	08-07-47	IBBR Maint.Divn., Silchar	10-08-98	10-08-98
24. Rajendra Singh(1627)	01-12-57	M.C.Dn.II, Malda	17-08-98	17-08-98
25. H.K.Sharma(1640)	01-01-52	M.C.Dn.I, Murshidabad	25-09-98	25-09-98
26. C.K.Jati(1061)	31-12-44	IBBR Maint.Divn., Agartala	05-11-98	05-11-98
27. K.K.Roy(1696)	01-03-41	B.C.Dn.I, Barasat	16-11-98	16-11-98
28. J.S.Verma(1701)	05-02-42	EE(P).I, IBBR Maint. Zone Siliguri	23-11-98	23-11-98
29. J.B.Ghosh(1705)	01-03-42	EE(MIS), NEZ, Shillong	23-11-98	23-11-98
30. L.Dhar(1700)	01-12-42	EE(Valuation), Guwahati	30-11-98	30-11-98

Applicant's name not
included.

Amul M

ANNEXURE - 5

P- (21)

To
The Director General (Works)
Central Public Works Department
A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi-110 011

[Kind Attention – Shri Mahendra Kumar, Dy. Director(Admn-I)]

(Through Proper Channel)

Subject:- Postings and Transfer in the grade of Executive Engineer(Civil)- Options
for further posing on completion of tenure at present station- Regarding.

Reference:- Your O.M. No. 28/3/2000-EC I dtd.18-2-2000

Respected Sir,

Adverting to the reference on the subject cited above it is to be stated that I was transferred to the post of SE(NEZ) Shillong from Ghaziabad Central Division vide your office order No.196 of 1998 File No.30/15/98-EC I dtd.23-9-98. After my joining in Shillong, I was later posted as EE(Admn), Assam Central Circle-I, Guwahati from Shillong vide your office order No.45 of 1999, file No.28/3/99-EC-I(Vol-I) (Part) dtd.1-4-99. As per these two orders, I am completing my two years tenure in North-East/Hard Area during the current year 2000-2001 and will become due for transfer during the year 2000-2001 as per the current policy. My name has not been included in the list of EEs posted in hard Areas forwarded vide your above mentioned O.M. dtd.18-2-2000.

You are requested to kindly include my name in the list of Executive Engineers(Civil) who will become due for transfer during 2000-2001, so that I may also give my options for transfer from the hard area.

As early action is requested please.

anurag 24/3/2000

(Anurag)
Executive Engineer(Admn)
Assam Central Circle-I
CPWD, Guwahati-781 021

2/2
25/3
Advance copy to:- Shri Mahendra Kumar, Dy. Director(Admn-I), Office of the
Director General (Works), CPWD, A Wing, Nirman Bhawan,
Maulana Azad Road, New Delhi-110 011 for kind information and
necessary action please.

*Plz exped
Your
Advocate*

(Anurag)
Executive Engineer(Admn)
Assam Central Circle-I
CPWD, Guwahati-781 021

ANNEXRE- 6

P- (22)

Government of India
Central Public Works Department

No. EE(A)/OA/ACC-1/2000/ 775

dtd. 05/4/2000

To
The Chief Engineer(NEZ),
CPWD, Dhankheti,
Shillong-3

Subject:- Postings and Transfer in the grade of Executive Engineer(Civil)- Options
for further posing on completion of tenure at present station- Regarding.

Reference:- DG(W) O.M. No. 28/3/2000-EC I dtd. 18-2-2000

Kindly find enclosed herewith a representation from Sh. Anurag,
EE(Admn) under this Circle for inclusion of his name in the list of EEs who become due
for transfer from the hard areas in the current financial year.

It is requested to kindly forward the representation to DG(W) with a
favorable recommendation from your end please.

Encld As above

Anurag 5/4/2000
Executive Engineer(Admn)
Assam Central Circle-I
CPWD, Guwahati-781 021

*Anurag
Parasuram
Parasuram*

Anurag

ANNEXURE - 7

P- (23) 25

MOST IMMEDIATE

No.28/3/2001-EC.I(Vol.I)
 GOVERNMENT OF INDIA
 DIRECTORATE GENERAL OF WORKS
 CENTRAL PUBLIC WORKS DEPARTMENT

Nirman Bhawan, New Delhi-110011
 Dated the 01/2/2001

OFFICE MEMORANDUM

Subject: - Postings & Transfers in the grade of Executive Engineer(Civil) - Options
 for further posting on completion of tenure at present station - Reg.

The undersigned is directed to forward a list of Executive Engineers(Civil), who have
 become due for transfer, or will become due for transfer, during the year 2001-2002. Hence the
 names of 3 stations, in order of preference, for posting, in the last 10 years, to this Directorate.

The officers may also be informed that, there is no commitment on the part of the
 Department, to post them to the station of their choice. However, the transfer will be made in
 public interest, considering all the relevant factors.

SECRETARY *SPM*
 BY SECRETARY(A)

Encl: As above

To

1. All Additional Directors General of C.P.W.D.
2. Engineer-in-Chief, PWD, Govt. of Delhi, New Delhi.
3. All Chief Engineers(Civil), in C.P.W.D., PWD, Income Tax Department,
 M/o Environment & Forests etc.
4. DDG(W), CPWD/CE(Vigilance), CPWD, New Delhi.

*Admitted
 Dr. Advocate*

anil m

ANNEXRE - 8

Pr 24

To

The Director General of Works
CPWD, Nirman Bhawan
New Delhi-110 011. *(Through Proper Channel)*

Subject:- Posting and Transfer of EE(CIVIL)- options for further posting on completion of tenure at hard area.

Reference:-
 (i) Your O.M. No.28/3/2001-EC.I(Vol.I) dt.1-2-2001.
 (ii) Your O.M. No.29/1/97-EC.I dt.5-5-99.
 (iii) Ministry of Finance, Deptt. of Expenditure O.M. No.20014/3/83-E.IV dt.14-12-83.
 (iv) CPWD Manual Vol.I, 1992 Edition, Section 8, para 7 at Page-73-74.

Respected Sir,

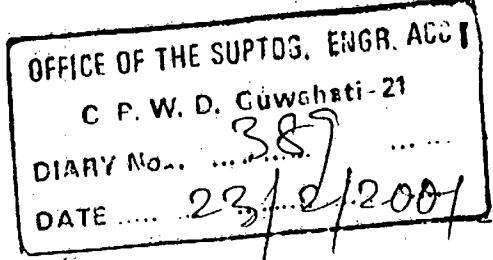
With due regards I beg to state that your above referred office memorandum dt.1-2-2001 was received in my present office today only and in immediate compliance of the instructions contained therein, my humble submission is as hereunder.

(i) As per your above referred O.M. dt.5-5-99, tenure of posting of officers in North Eastern Region is two years and I am completing my two years tenure in North East on 17-3-2001.

(ii) I may kindly be posted to a station of my choice in compliance of the above referred Ministry of Finance O.M. dt.14-12-83. Also as per Section 8 para 7(c) of Transfer Rules of Gazetted Engineering Services as contained in CPWD Manual Vol.I, 1992 Edition page-73, "Choice posting will be given to the officers serving in hard areas on completion of tenure posting".

(iii) The names of 3(three) stations of my choice in order of preference are indicated as below :-

- (1) Karnal (Haryana)
- (2) Dehradun (Uttaranchal)
- (3) Allahabad (U.P.)



(iv) While submitting names of 3 stations of my choice, I have taken full care of Rule 7 of Transfer Rules for Gazetted Engineering Services, which provides 3 to 4 years of normal tenure of stay of officers at a particular station. The officers (mentioned as "due for transfer" vide your above referred O.M. dt.1-2-2001) presently posted at three stations of my choice have already completed 3(three) years at these stations and that too at the same post and completing 4(Four) years between 10-4-2001 to 1-8-2001. Also no officer of them is due to retire on superannuation within two years, as per Rule 7(j) of Transfer Rules for Gazetted Engineering Services.

(v) As per Transfer Rules for Gazetted Engineering Services, if for some exceptional circumstances or in the exigencies of public service it is not possible to post me to any of my three choice stations stated above at Sl. No.(iii), I may kindly be posted to one of the following 6(Six) stations, which are mentioned as below in order of my preference.

(4) Kanpur (U.P.)	(5) Ajmer (Rajasthan)
(6) Goa	(7) Bareilly (U.P.)
(8) Rohtak (Haryana)	(9) Varanasi (U.P.)

vi) *anurag* Posting details since my joining in CPWD on 18-2-93 are as below-
 18.2.93 - 22.10.93 AEE(Trg), 29.10.93 - 28.1.94 AEE(Field), PWD-V, N.Delhi,
 29.1.94 - 14.7.97, AEE(Field), PWD-28, N. Delhi, 15.7.97-3.10.98EE, GCD, Ghaziabad,
 18.3.99 - 5.4.99 EE(P), NEZ, Shillong, 8.4.99 to till date. EE(A), ACC-I, Guwahati.

In light of the above, I most humbly request you to consider my case favourably and post me to one of the stations as mentioned at Sl. No.(iii) above in order of my preference.

anurag 22/2/01
 EE(A), ACC-I, Guwahati-21

*Alleged
Anurag
Dhr. O. cat.*

Advance copies (by SPEED POST) to :-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-110 011.
2. Addl. Director General of Works(S&P), CPWD, Nirman Bhawan, New Delhi-110 011.
3. The Chief Engineer(P&S), CPWD, Nirman Bhawan, New Delhi-110 011.

(Anurag)

Through special messenger

P- (25)

ANNEXRE-9

Government of India
Central Public Works Department

No. 21(8)/ACC-I/E-I/ 584

dt. 23rd. Feb. 2001

To

The Chief Engineer (NEZ)
CPWD, Dhankheti
Shillong-3

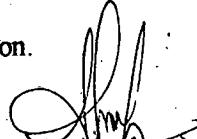
Subject: - Posting and Transfer in the grade of Executive Engineer (Civil)- options in respect of Shri Anurag, EE(A) for further posting on completion of tenure at present station- regarding.

Reference: - DG (W) Office Memorandum No. 28/3/2001-EC.I (Vol.I) dt. 1-2-2001.

Kindly find enclosed herewith a self explanatory representation (in triplicate) on the subject cited above for onward transmission to DG (W). The delay in forwarding the representation is due to late receipt of the above said O.M. in this office. He is completing his tenure of hard area posting on 17/3/2001.

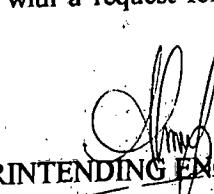
Shri Anurag, EE (A) has been working in Assam Central Circle-I, since 4/1999. He is sincere and hard working and is recommended to forward his representation with favorable comments to post him in the choice places indicated in the representation.

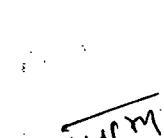
Encl: As Above

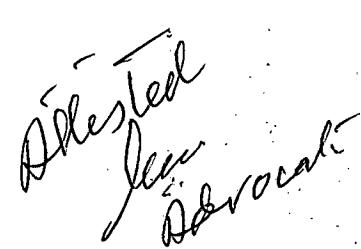

(K.P. Abraham)
Superintending Engineer
Assam Central Circle-I
CPWD, Guwahati-781 021

Advance Copy to: -

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-11 alongwith a copy of the above said representation with a request for favourable consideration please. Encl: As stated (Speed Post).


SUPERINTENDING ENGINEER
O/C


Anurag


Anurag
Advocate

ANNEXURE - 10

P- (26) 3

No:1/3/2000-Admn
Government of India
Office of the Chief Engineer(NEZ)
Central Public Works Department

Dated, Shillong the 21/3/2001

To

The Director General of works,
Central P.W.D.,Nimman Bhawan,
New Delhi - 110011.

Sub:-

posting & transfer in the grade of EE(c)-option for further posting on completion of tenure at present station - reg.

1. Sir,

Sir,
I am directed to refer to DG(W) Q.M. No: 28/3/2001-
EC.I (Vol-I) dtd: 1/2/2001 on the above subject and to send
herewith the option exercised by the following EE(C):

1^o Shri P.Chakma, EE/GCD, CPWD, Guwahati.
2^o Shri Anurag, EE(A), AGC-I, CPWD, Guwahati.
3^o Shri Nirmal Goel, EE(A), AGC-II, CPWD, Guwahati.

In the event of their requests being considered suitable substitute may please be posted and the incumbents will be relieved only when substitutes join.

yours faithfully,

Enclo:-as above

(JAMES VANLAHLIR)
UNDER SECY. TO GOVT. OF INDIA.

•Copy to:-

SE/ACC-I, CPWD, Ghy-21 } for information
SE/ACC-II, CPWD, Ghy-05 }

annuit

(JAMES VANLAERER)
INTER SECY. TO GOVT. OF INDIA.

Alleged
less
Advocate

P- (27)

ANNEXURE - 11

To
The Director General (Works)
CPWD, Nirman Bhawan,
New Delhi-1

[THROUGH PROPER CHANNEL]

Subject:- Posting and Transfer of EE(Civil) - further posting on completion of tenure at hard area.

Reference:- Your O.M.No 28/3/2001-EC.I(Vol.1) dt.1.2.01 and my representation dt.22.2.01.

Respected Sir,

With due regards, I beg to state that I have completed my tenure in North East on 17.3.2001 as per your O.M.No.29/1/97-EC.I dt.5.5.99. I have also represented for choice posting vide my above referred representation dt.22.2.01 in compliance of your above stated O.M. dt.1.2.01. Till date, I have not been transferred from my present posting in hard area. I therefore most humbly request you once again to consider my case sympathetically in light of my following hardships, to enable me to join at one of my choice place of postings before 31.5.01.

1. I have a son aged about 4 years. He is to be admitted in a good reputed school for the first time. My stay in Guwahati beyond 31.5.01 may not only make his admission in a good reputed school at my new place of posting almost impossible, but also result in a loss of a full academic year. Such loss of full academic year may cost him very hard in his career.
2. I met with an accident causing head injury in the near past, for which as an immediate measure 5(five) stitches were employed in my head. Doctors have suggested detailed investigation and close monitoring for quite some time. Under those circumstances I would definitely like to have all such investigations and monitoring at one place and that too where facilities and infrastructure are much better than here. Moreover, the climate of this place is not helping me either to recover fully from the intermittent pains.
3. My aging parents and in-laws who unfortunately are suffering from serious diseases are living alone & need to be looked after on a regular basis. Taking their regular care from such a distant place is almost impossible. Keeping them with me in the North Eastern climate does not help either. Moreover, I being placed at a far off & disturbed place, make them morally down too.

In light of the above, I most humbly request you to consider my case favourably and post me to one of the choice stations as mentioned in above referred representation dt.22.2.01 to enable me to join at my new place of posting before 31.5.01.

Thanking you,

anurag

*Abhay Lal
Jain
Advocate*

Yours faithfully
(ANURAG)
Executive Engineer (Admn.)
Assam Central Circle-1,
CPWD, Guwahati -21

ANNEXURE - 12

SPEED POST
Spl. Messenger

Government of India
Central Public Works Department

No. 8(3)/ACG-1/E-1/ 1118

dated: 24/5/2001

To
The Chief Engineer(NE/Z)
CPWD, Dhangketi
Shillong-3

Subject:- Posting and Transfer of EI/(Civil)- further posting on completion of tenure at hard area.

A self explanatory representation dt.15-5-2001 on the above subject addressed to DG(W), as received from Shri Anurag, E/E(Admn.) of this office, in duplicate is enclosed herewith

Shri Anurag has already completed the hard area tenure on 17-3-2001 and the hardships mentioned in the said representation are genuine. It is therefore recommended to kindly forward the representation with your favorable comments please. A suitable substitute may also please be got posted against him in event of his transfer.

Enclosure :- As above.

Superintending Engineer
Assam Central Circle-1
CPWD, Gauhati-781 021

Copy to :-

Shri Anurag, Executive Engineer (Admn), Assam Central Circle No-1,
CPWD, Guwahati-781 021

✓ 1. Shri Anurag, Executive Engineer
CPWD, Guwahati-781 021

2. p/15 No.15(770)/ACC-1/1-1.

Superintending Engineer

ann(m)

7112

H. N. M. - Establishment Section - G (D. M. Sarkar)

12

ANNEXURE - 13

P-29

No.28/3/2001-EC I
GOVT. OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

Nirman Bhawan, New Delhi
Dated the 31st May, 2001

OFFICE ORDER NO. 120/2001

President is pleased to appoint the following Assistant Engineers (Civil) as Executive Engineers (Civil) in the Central Engineering Service Group 'A' on a regular basis in the pay scale of Rs. 10,000-325-15200 with effect from the dates they assume the charge of the above post :-

SL. NO.	Name (S/Shri)	Present posting
1.	R.K. Kayastha	PWD Circle IV, New Delhi.
2.	G.S. Krishnan	N.C.D., Noida
3.	P.C. Govindan	S.Z.III, Bangalore

Above promotion is subject to the outcome of following Court cases:-

- i) CWP NO. 480/2000 (V.K. Jain Vs U.O.I) in Delhi High Court.
- ii) OAs NO. 2754/99, 176/2000 in the C.A.T., PB., New Delhi.
- iii) CWP NO. 91/2000 in Hon'ble High Court, Delhi, etc.

Director General of Works, Central P.W.D., is also pleased to order the following posting and transfers in the grade of Executive Engineer(Civil) with immediate effect in public interest, except in the case of officers mentioned below at Sl. No.14,23,33, and 56 (who are not entitled for TA/DA and joining time) as under:-

SL.NO.	NAME(S/Shri)	FROM	TO	VICE
1.	R.K. Kashyap	EE(P&A)DCC V New Delhi	EE(P&A) BFC II Jaisalmer	R.K. Rastogi already trfd.
2.	H.S. Cheema	PWD 19, N.Del.	EE(P) IBBR M.Z. Siliguri	M.L. Rastogi already trfd.
3.	G.K. Sharma	NCD III Nagpur	PWD 19, N.D	H.S. Cheema
4.	M.M.K. Bajaj	EE(Trg.) R.K. Puram, N.Delhi	EE(P&A)NZ -III Jaipur	Existing vacancy
5.	R.R. Verma	Nizamuddin Bridge Pjt., PWD, N.Del.	EE(MIS)(NZ) I, Chandigarh	Prem Pal Singh already trfd.

Omur M.

Alles Feid
Law
Advocate

6005084

6. A.K. Bawa	L Divn., N.Delhi	EE(P)(NZ)-I	Anupam Aggarwal
7. Anupam Aggarwal	EE(P)(NZ)-I Chandigarh	I Divn., N.Del.	Mumtaz Ahmad
8. Mumtaz Ahmad	I Divn. N.Delhi	EE(Val.) Agra	Existing vacancy
9. L.K. Bhargewa	EE(Val) Jaipur	PWD 20,N.D	Pradeep Gupta already trfd.
10. Bijoy Kant	EE (Geo-Tech) TAD Cell, N.Delhi	EEBCD, Baroda	N.M. George
11. N.M. George	BCD Baroda	EE(MIS)CZ Bhopal	Existing vacancy.
12. Ramesh Chandra	JCD Jabalpur	ACD Agra	S.C. Rabha
13. S.C. Rabha	ACD Agra	EE(P&A)ACC Agra	P.S. Bassi
14. P.S. Bassi	EE(P&A)ACC Agra (without TA/DA/Joining Time)	EE. (Geo Tech) CS,N.Delhi	Mohd. Shageer
15. P.K. Dixit	CDO, N.Delhi	ICD I, Indore	P.R. Patil
16. P.R. Patil	ICD.I, Indore	NCD.III Nagpur	G.K. Sharma
17. Prem Mohan	EE(P) PWD Cir. 8 New Delhi	MCD II Murshidabad	Amar Singh
18. Amar Singh	MCD II Murshidabad	EE(P) PWD Cir.8, New Del.	Prem Mohan
19. Plyush Chakma	GCD Guwahati	EE(P)WZII Nagpur	Existing vacancy
20. Manohar Lal	PWD 25, N.Del	NAA Pjt. Division Guwahati	D.J. Mondal
21. D.J. Mondal	NAA Pjt. Dr. Guwahati	PWD 25 N. Delhi	Manohar Lal
22. D.K. Chowdhary	EE(Val) Cal.	EE(P)(EZ)-I Calcutta	Existing vacancy

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- 3 -

23. A.K. Das EE(MIS)(NZ)-II EE(Val.) D.K. Chowdhary
Lucknow Calcutta
(without TA/DA/Joining Time)

26. D.C. Mallick MCD VI Mumbai EE(P),WZ.I Existing vacancy Mumbai

28. R. Selvaraju **EE(P)WZI** **MCD VI** **D.C. Mallick**
Mumbai **Mumbai**

31. Permanand EE(Val) PWD Dn.IV K.S.Sandhu
Ahmedabad New Delhi

32. B.K. Khare U/P EE(P&A) EE(Val.) Bhopal Existing
JCC Jaipur vacancy

(Orders dated 13-10-2000, posting Shri Khare to Jaipur are cancelled.)

✓ 33. Devender Gupta EE(P&A) DCC Dehradun EE, Yamuna River Front Development Project. Newly created post

(Without TA/DA/Joining time)

35. LS. Rana U/P Yamuna River JCD Manjit Singh
Front Dev. Pjt. Jallandhar already trfd.
New Delhi.

(Orders dated 25th April, 2001 in r/o Shri L.S. Rana are cancelled.)

Amul (m)

36. Harnam Singh LCD Ludhiana EE(A) JCC Jallandhar Post to be diverted for the newly created SSS-NIRE Project.

(Orders dated 27-4-2000, posting Shri Harnam Singh to PWD Da.I , New Delhi are cancelled.)

37. S.R. Gupta EE(A),JCC, Jallandhar EE(P),JCC Jallandhar Arjan Deo retd.

38. Nirmal Singh U/P EE(P) (NZ)-I Chandigarh LCD Ludhiana Harnam Singh already trfd.

(Orders dated 22-12-2000, posting Shri Nirmal Singh to Chandigarh are cancelled.)

39. K.S. Sandhu PWD DN. IV , New Delhi EE(P) NZ-I Chandigarh Existing vacancy

40. T.J. Nihalani EE(P) PWD Cir.II, New Delhi EE(Val.) Jallandhar Existing vacancy

41. Anurag EE(A) ACC.I Guwahati EE, CDO N.Delhi P.K.Dixit

42. Mohd. Shageer EE Geo Tech CS, N.Delhi Vigyan Bhawan S.K. Sharma Divn. proceeding on study leave.

43. R.K. Kayastha AE(C) PWD Cir.IV On promotion MCD Shillong Rajiv Kumar proceeding on deputation.

44. G.S. Krishnan AE(C)(P) NCD Noida On promotion AC Dn. Port Blair. V. Ramakrishnan

45. P.C. Govindan AE(C)(P)SZ.III B'llore On promotion AA Divn. Guwahati Hari Singh already trfd

46. V. Ramakrishnan ACD Port Blair EE(AA) Chennai P. Natarajan retd. May 2001

47. A.V. Kujur U/P AA Dn. Guwahati IBBR M. Dn. Agartala C.K. Jati

(orders dated 27.4.2000 of Shri Kujur are cancelled)

48. C.K.Jati IBBR M. Dn. EE(AA) Cal. A.K. Paul retd. May 2001

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- 5 -

49. A.K. Paul	IBBR M.Ds. Silchar	EE(P&A) CCC-I Cal.	Existing vacancy
50. N.M. George	BCD Baroda	EE(MIS) CZ Bhopal	K.S. Wahane already trfd.
51. L. Dhar	EE(Val.) Guwahati	EE(Trg.) R K Puram, ND	M.M.K.Bajaj
52. Rakesh Pant	BF Dn. V, Barmer	EE(P)BFZ New Delhi	H.L. Maurya retg. June 2001
53. J.J.R. Meena	U/P BFDII Bhuj	BFD V, Barmer	Rakesh Pant

(Orders dated 28.8.2000 of Shri J.J.R. Meena are cancelled)

54. Gajai Singh	DCC XII, New Del.	EE(P&A) DCC 7 N.Del.	S.P. Palanisamy
55. S.P. Palanisamy	U/P EE(P&A) DCC 7, N.Del.	EE(P) SZ.I Bangalore	M. Arumugam already trfd.
56. Manoj Talreja	EE(Val.), Rohtak	EE(P) DCC XII	Gajai Singh
		New Delhi	
(without TA/DA/Joining Time)			
57. N.K. Aggarwal	SPGP IV, N.D.	EE(Val.) Rohtak	Manoj Talreja
58. Nirmal Goel	EE(P&A) ACC.II Guwahati	EE, CD.IV New Delhi	K.R. Singh
59. K.R. Singh	EE C.D. IV, N.Del.	EE(Val.) Del.	R.S. Puri retd.
60. Nagendra Prasad	M.C.D.I Imphal	CDO New Delhi	Shailender Sharma already trfd.
61. Pawan Kumar	EE(P) NEZ Shillong	EE(P) Dhaula Kuan Flyover Pjt. PWD, N.D	Shishir Bansal
62. Shishir Bansal	EE(P) Dhaula Kuan Flyover Pjt. PWD, N.D	EE, GCD Guwahati	P. Chakma
63. Tarkeshwar Tiwari	PWD 14, N.Del.	MCD.I Imphal	Nagendra Prasad

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- 6 -

64. S.R. Kinra	CDO, N.Del.	JCD, Jabalpur	Ramesh Chandra
65. H.G. Goswami	MCD.I Malda	EE(P) PWD Zone.IV, N.D	A.K. Sharma
66. A.K. Sharma	EE(P) PWD Zone.IV, N.Del.	MCD I Malda	H.G. Goswami
67. U. Yerrappa	EE(P)(WZ)-II Nagpur	EE(Val.) Hyd.	Existing vacancy
68. B.M. Khateek	EE(MIS)(NDZ).II New Delhi	EE(P&WA), Dir.(P&WA) New Delhi.	B.N. Gupta retd.
69. Anant Kumar	EE, SPMP, N.D. on closure of Project	PWD XI	Existing vacancy

Above officers are requested to join above posting and send one copy of TR I Form to EC I and EC II Sections of this Directorate. They should also send a certificate of having written their self-appraisal and confidential reports of the staff working under them.

.....
(J.L. CHUGH)
DY. SECRETARY(ADMN.)

Copy to:

1. All P&AOs of CPWD, P&AO XII, PWD, Govt. of Delhi.
2. Principal Secretary, PWD, Govt. of Delhi
3. All ADGs in CPWD.
4. E-in-C, PWD.
5. All Chief Engineers (Civil) in CPWD/PWD/Income Tax Deptt. etc.
6. All SEs (Civil), CPWD/PWD/Income Tax Deptt.
7. Persons concerned.
8. Chief Engineer (Vig.), CPWD, New Delhi. In DGW
9. PPS to DG(W), CPWD, N.Delhi./PS to DDG(W)/PAs to all Directors
10. President, CES Class I (DR) Association, Nirman Bhawan, Room No.215, 'A' Wing New Delhi.
11. President, CE&MES Class I (DR) Association, Vidyut Bhawan, New Delhi.
12. EC II Section, General Section, EC.III Section, Cash Section, ECIV Section, C.R Cell, Hindi Shakha, O/o. DG(W), CPWD, Nirman Bhawan, New Delhi.

.....
(B.R. BABBAR)
DY. DIRECTOR (EC I)

.....

.....
Accepted
by personal

ANNEXURE-14

P- 35

No. 20014/3/83-E.IV
Government of India
Ministry of Finance
Department of Expenditure

Now Delhi, the 14th December, 1983.

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 and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government has appointed a Committee under the Chairmanship of Secretary, Department of Personnel & 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 service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

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

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Records.

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by
Govt. of India*

2. All transfers should be carefully planned within reasonable space of time. To avoid dislocation of work, a large number of officials of one office are not transferred out simultaneously. As far as possible the transfers should take effect after the end of the financial year/academic year. Transfers during the rest of the year should be ordered only to the extent it is absolutely necessary from administrative point of view and on account of transfer/closure/opening of the Divisions/Sub-Divisions and retirement/death/resignation of Officers.

3. With the above in view the transfer rules have been prescribed for different categories of officers and staff of the Department. The salient features of these rules as applicable to various categories of officials in different regions are given below.

Gazetted Engineering Services

4. Transfers and posting of Chief Engineers are ordered by the Ministry of Urban Development according to requirements of the administration.

5. Superintending Engineers are considered for transfer after they have completed 3-4 years at one station. The transfer and posting of Superintending Engineers are ordered by the Director General of Works.

6. The transfer of Executive Engineers also is ordered by the Director General of Works and that of Assistant Executive Engineers and Assistant Engineers, by Director of Administration by virtue of an internal delegation of powers on the basis of the recommendation of the Posting/Transfer Committee. The constitution of such committee is given at the end of this section. A tenure of 3-4 years is normally observed. The transfer of Assistant Engineers within the Zone may however be ordered by the Chief Engineers of respective Zone provided the transfer does not involve change of station. The transfer of Assistant Directors of Horticulture within Delhi will be ordered by the Director of Horticulture. Inter-station transfers of Assistant Director of Horticulture and transfers of Dy. Director of Horticulture shall be ordered by DG(W).

7. While deciding the transfers, several factors, viz. Tenure Transfer Rules, Hard area posting Zonal requirements, Deputation policy of the Department,

judicious balance between the needs of the Department and personal difficulties of the individual officers etc. are taken into account. The normal tenure of stay of the officers at a particular station is 3-4 years (except in difficult areas where it is 3 years). This period may be increased by the Director General of Works in exceptional cases, in the exigencies of public service. The transfers after completion of tenure are considered in the light of the following:—

- (a) In the case of Assistant Engineers the tenure of stay in Delhi can be extended up to 6 years.
- (b) In case of Deputy Directors and Assistant Directors in Horticulture Directorate, the transfers will be made from Divisions/Sub-Divisions to Divisions/Sub-Divisions basis in rotation in Delhi.
- (c) The normal tenure in hard areas is three years. However in accordance with the G.I.M.F. O.M. No. 20014/3/83 E. IV dated 14-12-83 (as amended from time to time) the tenure in North-Eastern region shall be 2 years for officers with more than 10 years service and 3 years for those with less than 10 years service. These instructions cover the states of Assam, Meghalaya, Manipur, Nagaland, Arunachal Pradesh and Tripura and the Union Territories of Mizoram and Andaman. The tenure in I.B.B. Zone will be two years and choice posting will be given to the officers on completion of tenure posting.
- (d) The transfer of an officer from one post to another within the same station, whether on promotion or otherwise, shall not have the effect of debarring the application of the tenure transfer rule.
- (e) Where an Officer is transferred from a station after having remained there for a period of four or more years, he shall not again be transferred to the same station except after the lapse of a period of not less than four years from the date of his transfer from that station.
- (f) The period of leave availed of by an Officer shall be reckoned as duty rendered at the station from which he proceeded on leave

anu(m)

Attest
Advocate
Mr. Advocate

- (g) The period spent on deputation in any particular station will be treated as period of stay at that station.
- (h) Ghaziabad and Faridabad are not regarded as separate stations for tenure transfer rules and those who have completed combined terms of four years in the Delhi Complex comprising of Delhi, Ghaziabad and Faridabad, shall be deemed to have completed the tenure of four years in Delhi. Manesar is treated as separate station for tenure transfer rules.
- (i) The Officers in the grade of A.Es and above and equivalent who have already completed 55 years of age are not generally posted to hard areas.
- (j) The Officers who are due to retire on superannuation within two years are not ordinarily disturbed from their existing stations of posting unless they themselves want a change near their home town.
- (k) The period spent on foreign assignment is treated as stay on the station from where he proceeded on such assignment.

Note: (i) and (j) will not apply when administrative exigencies make transfer necessary.

Junior Engineer

8. The transfers of Junior Engineers will be ordered by the Superintending Engineers (Co-ordination) of the respective Regions.

9. Transfers within a Circle other than those on tenure basis will be ordered by the Superintending Engineers of the Circle concerned. Similarly, those within a Division may be ordered by the Executive Engineer concerned. Where transfers involve change of circle at Delhi, Superintending Engineers (Coordination) should be consulted before issue of the orders.

10. The following guiding principles will be observed by the Superintending Engineers (Coordination) in effecting transfers of Junior Engineers:—

- (a) The normal period of continuous stay of Junior Engineers shall be 5 years at all stations, unless a different period of normal stay is specifically prescribed by the Director General of Works in respect of any particu-

lar area or Division etc. The period of stay may be reduced by one year in the case of Officers posted to hard areas.

- (b) The period of stay at a station, when period spent on deputation or on leave at any station beyond the usual period of stay is involved, shall not exceed a maximum of period of 10 years. However, it shall also be ensured that they do not serve in any particular Division or group (viz. Planning, Maintenance or Construction) for more than five years.
- (c) The period spent on deputation or on leave at any particular station will be treated as a period of stay at the station from which he proceeded on deputation/leave. The stay in Nepal will be treated as stay at the station from which the official proceeded to Nepal.
- (d) The Superintending Engineers (Coordination) will intimate the Circle in which any particular Junior Engineer is serving, two months in advance of the expiry of the normal tenure that the Junior Engineer concerned is due for transfer on a particular date. Normally the date lines will be adhered to except for marginal adjustment upto one month on either side.
- (e) Superintending Engineer (Coordination) may effect transfers upto six months before completion of the period of normal stay at any station, if the transfer becomes necessary due to:
 - (i) opening of new Circles/Division; and
 - (ii) repatriation of Junior Officers from deputation in large numbers. In all other cases, the permission of the Director General of Works will be necessary for relaxing the normal period of stay.
- (f) Transfers of Junior Engineers from one Region to another may be effected with the approval of D.G.(W) if the two Superintending Engineers (Coordination) agree to such transfers.

ANNEXURE - 16

P- (38)

To

The Director General of Works
CPWD, Nirman Bhawan
New Delhi-110 011.

(Through Proper Channel)

Subject:-

Posting and Transfer of EE(CIVIL)- on completion of tenure at hard area.

Reference:-

- (i) Your Office order No.120/2001 issued vide no.28/3/2000-EC.I dt.31-5-2001 & O.M. Nos.28/3/2001-EC.I(Vol.I) dt.1-2-2001 & No.29/1/97-EC.I dt.5-5-99.
- (ii) MoF, DoE, O.M. No.20014/3/83-E.IV dt.14-12-83 & CPWD Manual Vol.I, 1992 Edition, Section 8, para7 at Page-73-74.
- (iii) My representations dt.22-2-2001(Copy enclosed) forwarded vide CE(NEZ) letter no.1/3/2000-Admn. dt.2-3-2001 & dt.15-5-01 forwarded by SE/ACC-I to CE(NEZ) vide letter no.8(3)/ACC-I/E-I/1118 dt.24-5-2001(Copy enclosed).

Respected Sir,

With highest regards, I beg to draw your kind attention to the above referred office order dt.31-5-01. As indicated at Sl.No.41 of the order, I have been transferred from Guwahati to New Delhi. **New Delhi is not among the nine choice stations given in my above said representation dt.22-5-2001** whereas I am entitled for posting to a station of my choice as per **Presidential orders issued vide O.M. dt.14-12-1983**. Also I am entitled for choice posting as per **CPWD manual Vol.I 1992 Page-73** on completion of tenure in hard area. I am feeling deeply dejected, frustrated and shocked seeing that the post of EE(P&A) at Dehradun has been **kept vacant despite Dehradun being among the first three stations of my choice**. Besides I request you to kindly consider the following facts too.

1. The post of EE(Val) Rohtak has been filled up by a person posted from **Delhi despite Rohtak being my choice station at Sl. No.8 of representation dt.22-5-2001**.
2. Like any son of the Indian soil, I intend to keep my ailing old parents with me and look after them properly. Keeping them with me in North-East/Polluted Delhi environment will mean nothing but taking away a few years from their lives. I have already lost my grandmother after my posting orders to North East and I still curse myself for not being with her while she was calling me taking her last breaths.
3. Last time when I was posted to North East, I personally expressed to the then concerned senior officials, my hardships and inability to go to such a far off place at that point of time. All the officials motivated me for having a life time experience in North East and said that I will be rewarded with choice posting on completion of my tenure. I have already completed my tenure on 18-3-2001 and **despite giving 9(Nine) choice stations**, I am posted to polluted and crowded Delhi where my parents and In-Laws do not like to even enter due to health problems.

In light of the above and my representations dt.22-2-2001 and 15-5-2001. I once again request with folded hands to kindly issue the necessary modified transfer orders at an earliest please. Sir, you are the Head of the CPWD family and every member of the family with due regards looks toward you for kindness and justice.

Thanking you, with best regards,

8.6.2001

Enclosure :- As stated.

Yours faithfully,

anurag

(ANURAG)
Executive Engineer (Admn)
Assam Central Circle No-I
CPWD, Guwahati-781 021

Advance copy for favour of kind information and necessary action to :-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-11 (SPEED POST & copy by FAX 011-3019099)
2. The ADG(S&P), CPWD, Nirman Bhawan, New Delhi-11 (SPEED POST & copy by FAX 011-3019099)
3. Sh. Krishna Kant, President, CES Class-I(DR)Association/CE(NDZI), CPWD, 216-A, Nirman Bhawan, New Delhi-11 (SPEED POST & copy by FAX 011-3018355)

Adopted by Advocate anurag 8/6/2001
(ANURAG)

1- (39)

ANNEXURE - 17

Speed Post

Government of India Central Public Works Department

No. 8(3)/ACC-I/E-I/ 1249

dtd. 12-6-2001

To

✓ The Chief Engineer(NEZ)
CPWD, Dhankheti
Shillong-3

Subject :- Forwarding of representation of Shri Anurag, EE(Admn.) against Transfer order on completion of hard area tenure.

Kindly find enclosed herewith a self explanatory representation (in triplicate) on the above subject for onward transmission to DG(W). Shri Anurag has been posted to New Delhi which is not the place among his nine choices indicated in representation dt.22-2-01. The hardships mentioned in the representation are genuine and Shri Anurag is deserving for choice posting as per Presidential order issued vide O.M. dt.14-12-83 and CPWD Manual Vol.I provisions (Copies enclosed).

It is recommended to forward the representation to DG(W) stating the rules position and his hardships with your favorable comments please.

Enclosure :- As above.

Ans 1249
Superintending Engineer
Assam Central Circle-1
CPWD, Guwahati-21

Ans 1249

*Ans 1249
Ans 1249
Ans 1249
Ans 1249*

ANNEXURE-18

P-46 SV

No.1/3/2000-Admn.
Government of India.
Office of Chief Engineer(NEZ),
Central Public Works Department
Dhankheti, Cleve Colony,
Shillong-03.

Dated: 19/6/2001

To:

The Director General(W),
Central Public Works Deptt.,
Nirman Bhawan,
New Delhi-110 011.

Subject:- Representation for transfer and posting in respect
of Shri Anurag, SE(P), ACC-I, choice of station -
Regarding.

Sir,

I am directed to send herewith the representation
of Shri Anurag, Suptdg, Engineer(P), Assam Central Circle-I,
CPWD, Guwahati on the above subject with a request to kindly
post him as per his choice of station instead of New Delhi
as requested by him. The hardships mentioned in his
representation are genuine and he deserves for choice posting
as per rules.

In the event of his request being granted suitable
substitute may kindly be posted.

Encl:- As above.

Yours faithfully,

(James Vanialhliir)
Dy. Director of Admn.

Copy to:

The Suptdg. Engineer, Assam Central Circle-I, CPWD, Ghy.
for information.

(James Vanialhliir)
Dy. Director of Admn.

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Alfred
Advocate

ANNEXURE - 19

P-41 67

MR. 1/2/2001-ADAM,
Government of India
Office of Chief Engineer (N&R)
Central Public Works Department
Bandra (E), Gore Colony,
Mumbai-40003. Dated 21/6/2001

Dated 21/6/2001

~~CONFIDENTIAL~~

Subject:- Representation re. transfer & posting in respect
of Shri Anand, M.I.E.

The undersigned is directed to refer to the
letter of even no. dated 19.6.2001 on the above
subject and to say that the designation of Shri Anand
Engineer has been written as M.I.E., Asstt Central Circle
eventually which may be read as M.I.E., ACC-I, CPWD.

✓ 26(60)
(James Vanithalil)
Dy. Director of Admin.

To,
The Director Genl. of Works,
Central P.W.D.
Nirman Bhawan,
New Delhi-110011.

Copies:

1. The Asstt. Engineer, ACC-I, CPWD, Government for
information.

✓ 26(60)
(James Vanithalil)
Dy. Director of Admin.

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Alleged
Advocate

ANNEXURE - 20

P- (42)

No. 23/12/98-EC.I
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

New Delhi, dated, the 10/12/1998.

OFFICE MEMORANDUM

Subject:-Implementation of Transfer Orders of Executive Engineers(Civil & Elect.)

.....

It has been observed that, in quite a large number of cases, Executive Engineers(Civil & Elect.), who are under orders of transfer are not relieved by their respective controlling officers for quite a long time, resulting in a long delay in implementation of transfer orders issued by this Directorate. This defeats the purpose of transfer orders and adversely affect the works, in the various offices of C.P.W.D.

Director General of Works has taken a serious view of the non-implementation of transfer/posting orders. It has been, therefore, decided that, all the Executive Engineers(Civil & Elect.), who are under order of transfer, are to be relieved by their Controlling Officers, within a period of maximum 30 days from the date of issue of orders. In cases, where no substitute is posted, the officer under transfer be relieved by making dual charge arrangements.

In some cases, it is noticed that, after relief from their respective offices, Executive Engineers are not assuming the charge of the new posts and remain on long leave. Therefore, Controlling Officers may ensure that, no leave is sanctioned at the time of their relief.

It has been further decided that, officers who are not relieved within 30 days of date of issue of orders, will automatically stand relieved after expiry of 30 days and will not be eligible to draw pay and allowances from their present office, unless their transfer orders are cancelled/modified or further instructions are given from Central Office.

All ADGS/CEs/SEs are advised to ensure that, the above mentioned instructions are followed in toto in their respective Regions/Zones/Circles.

✓
(SURENDER PAUL)
DY.DIRECTOR(TRAINING)

✓
All Additional Directors General.
All Chief Engineers(Civil & Elect.)
All Superintending Engineers(Civil & Elect.)
All Executive Engineers(Civil & Elect.)

By to:-
PPS to DG(W)/RS to DDG(W), New Delhi.
PPAs to Director(Admin.), DW(P&W), DW(S&D), DW(PM), FO to DG(W), DDA, I, New Delhi.
Section Officer, EC.III Section, w.r.t. File No.28/18(28)98/EC.III,
Section Officer, EC.II Section.

✓
(U.K. SINHA)
SECTION OFFICER

✓
CWL/M

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✓
S. K. Sinha
Advocate

5.00/152(6)

P-43

ANNEXURE-21

No.23/6/2001-EC.I
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

Nirman Bhavan, New Delhi-110011
Dated the 12th April, 2001
OFFICE MEMORANDUM

Subject:- Compliance of transfer orders issued by Directorate General of Works, C.P.W.D.

It is seen that transfer orders issued by this Directorate are not complied promptly due to one reason or other. Many a times a representation is forwarded by Controlling Officer and under this plea the officer is not relieved.

The practice of not relieving the officers, pending decision on the representations and withholding their transfer is viewed seriously and competent authority has decided that all officers under transfer must be relieved forthwith. Their representation if any will be considered only after they join new place of posting.

It is also decided that officer under transfer should not be sanctioned leave preparatory to join new posting.

It will be the responsibility of respective Controlling Officers to adhere to above guidelines


(J.L. CHUGH)
DY.SECRETARY(ADMN.)

To

1. All Additional Directors General of CPWD/Engineer-in-Chief, PWD.
2. All Chief Engineers(Civil) &(Elect.), including PWD, Appropriate Authority/ Valuation/Ministry of Environment & Forests etc.(The above guidelines are to be Circulated to all lower formations for strict compliance.)

P. Circulate

24/4

D.Y.

ans(m)

we may wish about
the release of the P. Chakraborty
P.T.O. on the 12th April 2001

114

Revised
Ans.
Advocate

ANNEXURE- 22

P- (44) 98

To
The Superintending Engineer
Assam Central Circle-1
CPWD, Guwahati-781 021

Subject: Delay in Relieving of Shri Anurag, EE(Admn.)

Respected Sir,

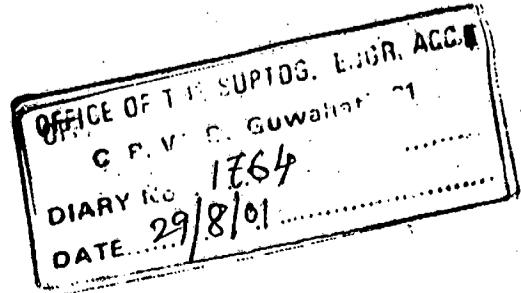
In the above noted subject, it is to say with due regards that I have been transferred to New Delhi vide DG(W) office order no.120/2001 issued vide no.28/3/2000-EC.I dt.31-5-01 but have not been relieved so far despite my repeated requests to you and some inescapable personal and domestic problems. The following facts although explained to you verbally several times are brought on record for your kind notice, and consideration please.

(1) Tenure of posting in the North Eastern Region is two years as per the Presidential orders dt.14-12-83 and the DG(W)'s O.M. dt.5-5-99. I have already completed the prescribed tenure on 17-3-99 and my non-relieving even after almost 6 months of completion of tenure is in clear violation of the aforesaid orders of President as well as DG(W) and particularly when I have already been transferred vide order dt.31-5-2001 issued by the highest authority of CPWD i.e., DG(W).

(2) As per the standing orders of DG(W) O.M. No.23/12/98-EC.I dt.10-12-98 (Copy enclosed) "It has been decided that, officers who are not relieved within 30 days of date of issue of orders, will automatically stand relieved after expiry of 30 days and will not be eligible to draw pay and allowances from their present office unless their transfer orders are cancelled/modified or further instructions given from Central Office."

It has further been clarified by the DG(W) in his same order that "In cases where no substitute is posted, the officer under transfer may be relieved by making dual charge arrangement."

(3) As per the recent order of DG(W)'s O.M. No.23/6/2001-EC.I dt.12-4-01(Copy enclosed), "The practices of not relieving the officers pending decision on the representations and withholding their transfer is viewed seriously and competent authority has decided that all officers under transfer must be relieved forthwith. Their representation if any will be considered only after they join new place of posting. It will be the responsibility of respective controlling officers to adhere to above guidelines."



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Pls. check
Advocate

(4) In light of the rules position stated at Sl.No.1, 2 and 3, not only I have been forced to stay in the hard area despite completing my tenure and despite issuance of the transfer order by the highest authority of CPWD but also denying me justice on my representation against my transfer order to New Delhi which again is not in accordance with the presidential order dt.14-12-83 and transfer rules laid down in CPWD manual Vol.1.

(5) In light of the facts stated above, there should not be any further delay in my relieving. Besides it is worthwhile to mention here that most of the circles in CPWD are equipped with one Executive Engineer in circle office who looks after the administrative as well as planning works. This office has been provided with two EEs i.e., EE(P) and EE(A) and in case of transfer of one of them without substitute, the other one can very well look after his charge like most of the circles in CPWD which are equipped with only one EE at Circle Office. Luckily the present EE(P) is a very experienced EE as well. Moreover this office is having a history of running the post of EE(HQ) with dual charge arrangements. From 24-8-92 to 4-4-94 i.e., for almost two years, the post of EE(HQ) was held by EE(P) under dual charge. This was the period when there was no Circle-II and this circle was having the jurisdiction what Circle-I & Circle-II combined are having now. Again when I joined this office on 6-4-1999, the post was held by EE(P) under dual charge since 24-8-97 i.e., again for almost two continuous years. Even the post of OS was under dual charge arrangement from 1-1-93 to 8-9-95 and again from 8-5-97 to 12-8-98. This gives an indication that Sh. S.R.Jaurkar, EE(HQ) was relieved without substitute on 29-8-97 when there was no regular Office Superintendent even. The posts of EE(HQ) and OS both were under dual charge arrangement from 1-1-93 to 4-4-94. The then SEs were kind enough to look after the welfare of their employees and I most humbly request you for a similar act of kindness Sir.

(6) This circle could run well from 24-8-97 to 6-4-99 without having a regular EE(A) and with heavy shortages of all categories of staff. It is not understood as to how it is difficult now when we are having full strength of AEs(P) [As one AE(P) is likely to join in a week's time], full strength of JEs, 5(five) excess Draftsmen, one excess UDC and one excess LDC. Even the DD(H) may be assigned the charge of EE(A) for following reasons.

(A) Not much knowledge of Civil Engineering is involved in disposing off the duties of EE(A).

Ans (B) Services of DD(H) can definitely be called as under utilized until he is given the DDO power/charge of a full-fledged division.

(C) This can be definitely done particularly when the duty of DD(H) has been disposed off by EE, GCD for full one year i.e., a Civil Engineer having no formal knowledge of Horticulture disposing off the duties of a Horticulturist.

(7) Even very recently, Sh. Nirmal Goel, EE(P&A), ACC-II, Guwahati who was also posted without substitute to New Delhi vide DG(W)'s same order dt.31-5-01 has been relieved by his SE by giving charge of EE(P&A) to one of his field Executive Engineers. Once the work of rplanning as well as administration can be looked after by a field Executive Engineer in an another Guwahati based Circle, Can the work of only the administrative wing of this circle be looked after by EE(P) of this circle, who incidentally happens to be the most experienced and senior most EE of the entire North Eastern Region. Your view that I can't be relieved by giving my charge to EE(P) or any other EE under this circle has given me a lot of pain.

(8) You have been kind enough in relieving the Assistant Labour Welfare commissioner posted in this circle on 22-5-01 even without waiting for his substitute to join and even without making any dual charge arrangement then how am I wrong to expect the same kindness for me too but painfully, it has not happened. The duties and responsibilities of ALWC are mush more sensitive in nature than that of EE(A). ALWC acts as a watchdog of the labourers interests under CPWD safety code, CPWD Contractor's Labour Regulations etc. and ensures fulfillment of statutory and other obligations by the department towards Contractor's labour. EEs can not release the Contractor's security deposits in absence of Labour Clearance Certificate issued from ALWC and non issuance of the same may lead to legal complications and even loss to the Govt. in future. On the contrary, the duties of EE(A) are the same as used to be of the EA to SE in the past and definitely not as sensitive as that of an ALWC.

(9) In case it is felt that the charge of EE(A) can not be given to EE(P) or some other EE/DD(H) under this circle, it can be considered to be given to one of the two AEs(P) posted in circle office who are already taking the scale of EE under the ACP scheme. It is pertinent to mention here that this circle has been able to manage with only two AEs(P) since long and now we are having four AEs(P) and one is likely to join in a week's time.

(10) In light of my representations de.15-5-01 and dt.8-6-2001, my any further stay in Guwahati may cause me following permanent irrecoverable damages.

(A) My only son who has already completed 4 years of age may not only be denied admission in a good reputed school at my new place of posting but may also lose a full academic career.

(B) the head injury I met with, may aggravate and may result in a serious threat to my life.

anurag

(C) My aging parents and in laws suffering from serious diseases are all demoralized, frustrated and deeply aggrieved with my forceful stay in Guwahati and if any of them meet with a heart attack due to all this, whom should they blame.

Besides as you know that I had to go to my parents by flight due to some emergent circumstances created there and such circumstances are still prevailing there. In this hour of crisis, I should be alongside my parents but not able to do so due to my forced prolonged stay in such a far off place.

(11) As I have not been relieved within 30 days of issue of transfer order dt.31-5-2001, I was forced to draw my salary of July 2001 despite being not authorized to do so. It is therefore requested to kindly accord your ex-post facto approval on the same and authorize me to draw my salary of August 2001 in suppression of DG(W)'s O.M. dt.10-12-98.

(12) In light of the above, I request you once again with folded hands to kindly relieve me immediately and sanction the Transfer advance as below :-

One month basic pay	:-	Rs.11,300/-
Transportation of personal effect (By Road)	:-	Rs.19,083/-
Transportation of Vehicle	:-	Rs.15,000/-
Rail Fare of Self & Family	:-	Rs.6,320/-
		Rs.51,703/-
	@ 90% =	Rs.46,533/-

(13) As you know Sir that I have already requested the CE(NEZ) in your presence and he was kind enough to say that he does not have any objections on my relieving if you kindly do so. The impression, I have gathered from you as well as the CE(NEZ) that both of you have been kind enough to be convinced with the hardships faced by me with my prolonged stay in Guwahati. More over you have been kind enough to agree with me that I have not been given the choice posting as per rules and my non-relieving from Sir that I have not been given the choice posting even now. Guwahati is coming in the way of getting the choice posting even now.

(14) My wife is cursing me every day and passing derogatory remarks by saying that once a field Executive Engineer like Sh. Rajeev Kumar can get relieved even before completion of 2 years tenure and an EE(A&A) (like Shri Nirmal Choudhury) who definitely has more duties to dispose off than an EE(A) can get relieved, "why not you, Are not you weak or a poor scapegoat".

When she says so I find it very difficult to convince her and thus I am losing confidence and her respect every day.

I hope, you would definitely not like to spoil my married life by delaying my relieving from Guwahati any more. Also you would definitely not like to let any mishap happen with my parents or in-laws by retaining me any further in such a distant place from them.

(15) Despite (i) the rules position explained above (ii) I being at risk of aggravating my head injury (iii) my son being at risk of loosing one academic year (iv) my parents and in-laws at risk of loosing their health to irrecoverable dimensions (v) my married life being at stake, if you still not become sympathetic and kind enough to relieve me by 10-9-2001, I may kindly be treated as automatically relieved on 11-9-2001 in compliance of DG(W)'s above referred O.M. dt.10-12-98. Although I was authorized to claim this automatic relief earlier also yet I did not claim it as I did not like to displease my controlling officer. I hope and pray to kindly realize my problems and not to get annoyed and kindly don't take this claim as a challenge to your authority as in the event of getting an unfavorable decision from you by 10-9-2001, I am left with absolutely no other option but the said one to avoid the irrecoverable losses to me/my family.

(16) Besides if you consider it appropriate then kindly arrange me an interview with the DG(W) in New Delhi before 10-9-2001 to personally explain the case to him and permit me to meet the DG(W) on Government expanses as I should not be penalized with the expanses related to my visit to New Delhi in this regard for no fault of mine. I have already spent a lot of money on making visits/calls to my parents and in laws since June 2001 and I could have very well saved all this money, had I been relieved earlier as per rules.

Having said so, I'm still very optimistic about your generosity and kindness and strongly hope that a favorable decision will soon be heard from you to enable me to get rid of my hardships.

Thanking you, with best regards from the core of my heart.

Enclosure :- As Above.

Yours faithfully,

Anurag Garg
 (Anurag Garg)
 Executive Engineer (Admn)
 Assam Central Circle No-I
 CPWD, Guwahati-781 021

ANNEXURE-23

P- (49) v

Dy. No.1764 dtd.29-8-01

Subject:- Delay in Relieving of Shri Anurag, EE(Admn.)

Shri Anurag, EE(Admn.) has submitted a representation requesting to be relieved immediately. He has indicated and has enclosed two office orders of DG(W) dt.10-12-98 and 12-4-2001 respectively. As per these DG(W)'s order an EE on transfer must be relieved within one month of transfer and if not relieved, stands relieved automatically after one month.

As the rules position does not allow to retain him any further and he is facing some acute hardships, if approved he may be relieved at an earliest by giving the charge of EE(A) to either EE(P) or DD(H) and preferably EE(P) under dual charge arrangements. The exact date of relief may kindly be decided by the SE.

Besides, he may be allowed the drawal of salary of 8/01 and ex-post facto approval on drawal of Salary of 7/01.

Put up for perusal/further order please.

OS/EE(A)/SE Approval for drawal of salary till 8/01
10/08/2001 is relieved is accorded.

RECA).

Although SE is not competent to convey the approval as above in supersession of the DG(W)'s order dt 10.12.98, yet taking the word of controlling officer as final, do the needful as desired by SE above.

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Cashier/OS

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Jan
Advocate

anurag

ANNEXURE-24

LONGEST STAYEE LIST OF EXECUTIVE ENGINEER(CIVIL)
(2001 - 2002)

SNo.	Name(S/Shrl)	D.O.B.	Present Unit	Date from which posted in the Unit	Date from which posted in the station continuously
<u>(POSTED IN DELHI)</u>					
1.	A.P. Jugran(1634)	01-05-42	EO to PWDZ.II	24-09-98	31-12-79
2.	P.C.Srivastava(534)	12-12-41	EE(App.Authority)	15-07-97	19-03-81
3.	R.P.Yaduvendra(1587)	12-07-42	EE,PWD Dn.XXI	01/99	01-11-84
4.	N.K.Narang(1659)	02-06-42	Safdarjung Hosp. Dn.	24-09-98	03-12-86
5.	R.K.Kashyap(1775)	05-07-56	EE(P&A),DCC.V	05-07-2000	19-05-87
6.	S.K.Verma(1418)	11-05-43	'R' Division	19-06-2000	21-09-87
7.	B.B.L.Gupta(1744)	23-04-42	"U" Division	04-11-99	05-10-87
8.	Rajesh Kumar(1748)	04-05-57	President's Est. Dn.	27-11-99	01-07-88
9.	M.M.L.Jain(1740)	08-09-44	EE(Tdg.),Ghatkopar	11-09-2000	06-10-88
10.	P.K.Sen(505)	09-10-42	EE(Manual),CSQ	14-10-98	21-08-67
11.	R.Kanaklak(1703)	25-01-42	EE(P&A), DCC.IX	15-07-2000	26-02-90
12.	R.B.Gupta(1343)	08-06-42	EE(MS), CDZ	17-07-98	01-10-90
13.	S.C.Saxena(1676)	01-02-43	EE(P),PWD Cn.III	13-04-98	12-11-90
14.	H.K.Avera(74)	21-02-42	EE, TAD Cell	04-11-99	10-04-91
15.	Virender Singh(1373)	15-12-43	HUDCO Prjt.Dn.I	31-07-97	27-06-91
16.	S.K.Mital(1679)	01-11-41	EE(P),PWD Zone.I	01-12-98	05-08-91
17.	D.M.Maurya(1221)	06-09-41	EE(P&A),DCC.VIII	06-05-98	29-11-91
18.	O.P.Lal(1340)	10-02-42	EE(PM),UDG(W)	20-12-95 contd.)	01-01-92

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19.	D.S.Sangwan(1433)	03-02-56	Parl. Works Div.III	23-06-98	24-01-92
20.	Vivek Beraik(1473)	01-07-58	MoDector(P&I), PWD	06/99	16-02-92
21.	J.K.Singh(1112)	01-09-41	EE(S&S),CSQ	14-06-2000	01-04-92
22.	Baljeet Singh(1440)	01-10-58	EE, SPG Project	23-12-95	01-04-42
23.	H.S. Cheema(1647)	04-04-55	PWD Divn.XIX	10/98	22-06-92
24.	M.M.K.Bajaj(1065)	05-05-47	EE(Trg.),R.K.Puram	14-01-99	02-07-92
25.	R.R. Verma(1661)	15-07-56	Nizamuddin Bridge Project, PWD	24-09-98	10-08-92
26.	Rajesh Mittal(838)	04-04-61	EE(S&S), CSQ	07-11-2000	12-03-92
27.	Rajiv Singh(1226)	05-08-64	EE, S.J.Flyover, PWD		14-03-92
28.	A.K.Bawa(1642)	12-04-57	EE, 'L' Division	24-09-98	19-09-92
29.	V.K.Seth(1138)	04-10-44	EE(Plg.), ADG(B)	08-11-99	10/92
30.	G.S.Likhari(325)	8-12-41	EE(Contracts),CSQ	16-05-2000	12-10-92
31.	Bijoy Kant(116)	07-01-45	EE(Geo-Tech), TAD Cell	24-08-2000	19-10-92
32.	R.K.Govil(1121)	02-11-42	EE(Trg.), New Delhi	19-07-96	02-12-92
33.	Ravi Mathur(836)	28-11-55	EE(CS).II	14-12-92	14-12-92
34.	S.K.Sharma(1515)	27-08-66	Vigyan Bhavan Divn.	11-07-97	29-12-92
35.	Prem Mohan(1499)	15-09-67	EE(P),PWD Cir.VIII		05-01-93
36.	Gunsagar Jain(1495)	17-11-68	PWD Divn.XV	03-10-97	12-01-93
37.	Manohar Lak(1317)	03-10-66	PWD Divn. XXV	22-07-97	23-02-93
38.	P.K.Dixit(1503)	15-06-65	C.D.O.	14-07-97	22-03-93
39.	Jitender Kumar(1493)	01-09-66	EE.III,PLP	11-07-97	12-04-93 (...contd.)

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40.	D.K.Mande(1577)	11-10-48	Greater Noida Pjt.Dn.24-04-98	10-05-93	
41.	A S S Khurana(104)	23-10-59	EE/Plg.1BFZ	22-06-94	01-05-93
42.	Mumtaz Ahmed(1497)	07-11-65	'T' Division	24-07-97	02-07-93
43.	P.C. Gupta(1402)	11-03-45	EE(P&A),President Estate Circie.	30-11-99	05-07-93
44.	V.K.Nair(390)	14-03-11	EE(G.S),NDL.IV	16-12-99	20-08-93
45.	G.C.Wahi(621)	01-01-42	EO to CE,PWDZ.I	28-02-97	01-05-93
46.	Umesh Bansal(1525)	01-07-68	Central Sectt. Divn.	16-04-98	07-02-94
47.	D.K.Gupta(1529)	30-04-59	PWD Divn.II	15-04-98	07-12-94
48.	Vinayak Rai(1533)	11-01-71	Parl. Works Dn.IV	16-04-98	07-12-94
49.	Tarkeshwar Tiwari (1535)	01-01-65	PWD Divn. XIV	15-04-98	07-12-94
50.	S.R. Kirta(1034)	05-02-63	C.D.O.	03-10-96	12-06-94
51.	Shishir Bansal(1224)	27-08-64	EE(P),Dhoulia Kuan Project, FWD	06/99	13-04-94
52.	P.K.Agarwal(649)	22-07-59	EE(Plg.),NDL.I	16-07-99	19-04-94
53.	A.K.Sharma(1225)	01-10-61	EE(P),PWDZ.IV		13-05-94
54.	Tula Ram(1234)	08-11-44	EE, BFDn.II	30-04-98	11-08-94
55.	Danhan Singh(1362)	20-04-44	PWD Divn.VI		31-08-94
56.	N.K.Agarwal(1078)	03-08-45	EE,Divn.IV,SPGP	18-11-96	23-09-94
57.	K.L.Malhotra(1138)	15-09-44	EE, PWD Divn.29	12-03-97	30-07-94
58.	Om Prakash(1218)	03-04-43	EE(Plg.),NDL.IV	14-05-98	09-12-94
59.	R.Bhattacharjee(1654)	01-02-47	U.P. EE, 'D'Divn.		24-12-94
60.	Shailendra Sharma(818)	31-05-63	EE, FCDn.I, Faridabad	05/2000	05-01-95
61.	A.P.Gupta(167)	15-01-45	PWD Divn.27	12-10-2000	03-04-95

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62.	P.V.Chopra(129)	07-06-42	EE(P),PWD Cir.IV	07-12-98	01-05-95
63.	C.B.Upadhyay(1723)	21-10-65	EE(P),CE(P&P)	21-06-99	01-05-95
64.	Shailendra Singh(1727)	01-04-71	'M' Division	22-06-99	01-05-95
65.	S.K.Roy(916)	01-06-59	Players' Bldg.Pjt, P.W.D.	30-04-98	23-06-95
66.	Vijay Kumar(1731)	01-08-70	Constn. Dn.II	09-06-2000	26-06-95
67.	Dhiraj Kumar(1052)	14-09-63	EE(Pig.),PWD Z.I	11-05-2000	25-06-95
68.	C.P.S.Vimal(1162)	31-12-49	EE, PWD Cir.V	07/00	31-06-95
69.	B.M.Khateek(814)	06-04-58	UT EE(P), NDZ.II		11-07-95
70.	U.C.Mishra(851)	01-07-59	Parl. Works Divn.I	14-07-99	11-07-95
71.	P.P.Singh(1263)	14-10-49	'A' Division	07-06-97	05-08-95
72.	Ram Kishore(1146)	08-10-42	PWD Divn.X	17-09-97	04-09-95
73.	Sham Lal(1117)	19-08-50	EE(QA), CSQ	02-11-98	16-09-95
74.	P.Gopalakrishnan (1756)	01-09-44	C. D. O.	01-05-2000	25-09-95
75.	S.L.S.Yadav(1641)	10-12-54	EE,PWD Dn.31	24-09-98	09-10-95
76.	T.R.Khemka(1457)	28-06-42	EE(P&A),DCC.XI	24-04-98	14-12-95
77.	A.S.Negi(1089)	01-07-49	'S' Division	01-01-96	01-01-96
78.	Vasu Dev(612)	03-09-42	EE(App. Authority)	21-11-2000	04-01-96
79.	B.B.Popli(409)	19-09-51	EE(P), PWD Z.III	11-01-96	31-01-96
80.	R.K.Shammi(1045)	20-05-59	EE, P.L.P.	15-11-2000	17-01-96
81.	A.K.Gupta(1150)	24-12-64	EE(Vigilance)	11-02-2000	22-01-96
82.	B.L.Sharma(540)	01-01-42	EE(P), PWD Zone.II	07/99	01-02-96 (...contd.)

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85.	Yashpal Singh(1202)	12-04-45	EE Division	03-01-2001	19-02-96
86.	V.K.Khullar(271)	21-11-42	EE(Valuation).IV	22-09-2000	25-02-96
85.	Krishan Kumar(1041)	14-04-42	EE(P),PWDZ.IV	18-03-96	18-03-96
86.	Randhir Singh(1257)	01-01-42	EE(P), DCE PjLPWD	09-10-2000	31-03-96
87.	Apurb Anand(1789)	05-06-99	EE(P) U-Tech Prjt, PWD 31-08-2000	02-04-96	
88.	V.P.Singh(1790)	17-12-68	S.J.Hosp.Pjkt. Divn.	31-08-2000	02-04-96
89.	Chet Ram(1692)	22-04-55	U/P PWD Divn. VII		02-04-96
90.	Upkar Singh(1220)	01-10-42	PWD Divn. XVII	12-04-96	12-04-96
91.	S.S.Nirmal(1164)	03-01-43	EE(P), PWD Cir.VI	05/99	14-05-96
92.	Mohan Lal(1797)	12-07-67	U/P S.S.K. Hosp. Dn.		17-05-96
93.	T.J.Nihalani(1601)	01-05-47	EO to CE.III, PWD	17-05-99	14-06-96
94.	K.S.Sandhu(1458)	04-12-55	EE, PWD Dn.IV		11/2000 03-07-96
95.	M.K.Tilak(1151)	24-09-64	EE(Vigilance)	13-09-2000	12-07-96
96.	N.K.Garg(1086)	09-05-65	EE, PWD Divn.V	21-07-97	12-07-96
97.	Pradeep Garg(1786)	13-06-69	EE.II, PBF Prjt., PWD	30-08-2000	15-07-96
98.	B.D.Bansal(1662)	01-11-55	EE(P), SPG Project.	01-07-99	18-07-96
99.	V.K.Mehra(1737)	31-07-52	HUDCO Prjt. Divn.II	04-11-99	25-07-96
100.	A.K.Pathak(808)	20-01-57	EE(Trg.), Ghaziabad	26-07-96	26-07-96
101.	Devendra Prakash (1793)	29-10-67	Constrn. Divn.XV	29-08-2000	01-08-96
102.	S.K.Nafarla(1776)	03-03-54	FC Un.II, Faridabad	31-08-2000	09-09-96
103.	C.N.Suresh(1785)	21-03-71	PWD Divn.XXII	16-10-2000	09-09-96
104.	Anant Kumar(1016)	30-06-63	EE, SPM Project	10-12-99	12-09-96
105.	N.P.Kukreti(1635)	01-04-55	Delhi Avn. Division	23-10-2000	22-09-96

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Officer	Start Date	End Date
DCEP Dn, P.W.D.	23-09-96	23-09-96
EE, Gen-Tech(CS)	22-09-2000	01-10-96
Dr. & M.L.H. Divn.	01-11-96	01-11-96
"K" Division	07-07-98	11/96
EE, PWD Pwz, PWD	12-07-98	13-12-96
OA, E&P, PWD (cont)		04/97
1/P BR(P&A) DCC.X	11-07-2000	24-04-97
EE(P), PWD Zone III	23-06-97	23-06-97
EE(P), SPG Ctr II	01-07-97	01-07-97
G'Dm, Ghatshabed	24-09-98	01-07-97
PWD Divn XIII	02-07-97	02-07-97
EE, PWD Zone I	01-08-97	01-08-97
Magazine		02-03-97
MT Accm		02-03-97
Playground Shop		01-05-97
Engg. Store	03-97	04-08-97
Phase-I(A)	07-91	
AMA Type I (Pt A)		
SM Barrack	07-95	
Storage		
Cook House		
FBsce I (B)	10-44	
FCO Accm		
KC Club	07-90	
Magazine		
MT Accm	04-94	
Playground Shop		
Engg. Store	03-97	
Phase-I(B)	01-59	
Recreation Centre		
Durbai Hall & Drill Site		
Regimental School	10-98	
Children School		
Phase-II (A)	03-01-92	
Type-I (Pt A)		
Type-II (Pt D)		
Admn. Block		
Sand Model		
(XG Koto)		
Phase-II (B)	04-93	
Single Office Accm		
Officers Club		
AMA T-IV T R H S H		
AMA Type V		
Phase-II	05-93	
Admn. Block	01-94	
Common Blocks		
FOR: SUPTD		

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DATE	START	RECEIVER
05-DEC	13:46	0371220669

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Jas.
Advocate*

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ORDER

G.L. Sanglyine, Admin. member.

The applicant is a SE in the Central Public Works Department (CPWD for short) and is working in Indo-Bangladesh Border Roads (Maintenance) Circle, Mailgram, Mela Road, Silchar. He was posted in the N.E. Region on 20-11-97 from outside the NE Region. He claims the benefit of the O.M. No.20014/3/83-DIV dt.14-12-83, Annexure-1, and O.M. No.29/1/97-ECI dt.10-12-97, Annexure-2, for a posting to a place of his choice outside the NE Region. He had submitted a representation dt.11-1-99 which was forwarded by Annexure-3. There was no reply from the respondents and, therefore, he has submitted this application. Mr. A. Debroy, learned CGSC submits that the applicant had not completed two years in the NE Region as on the date of his representation dt.11-1-99. Further he submits that the respondents will consider the prayer of the applicant on completion of his tenure.

2. Heard counsel of both sides. The applicant has now completed the prescribed tenure of two years. In view of this fact and the submission of the learned counsel for the respondents, I dispose of this application with a direction to the applicant to submit a fresh representation to the competent authority within one month from today claiming the benefits and facilities provided for posting to a place of his choice. On receipt of such representation, the respondents shall consider the case of the applicant on merit and communicate to him an order within one month from the date of receipt of the representation.

3. The application is disposed of No order as to costs.

-Sd-
G.L. Sanglyine
(Administrative Member)

Attested
by Advocate

ANNEXURE-26

P- 57

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No.28/2/2000-EC-I(Vol. I)
 Government of India
 Directorate General of Works
 Central Public Works Department
 Nirman Bhawan, New Delhi.

Dated :10th April, 2000.

OFFICE ORDER No.50 OF 2000

Director General (Works), C.P.W.D., is pleased to decide the following Postings and Transfers in the grade of Superintending Engineers (Civil) with immediate effect in the public interest except the transfer of Shri H.L.Padmanabhan at Sl.No.16.

<u>Sl.No.</u>	<u>Name (S/Shri)</u>	<u>From</u>	<u>To</u>
1.	N.L. Singh	On return from IIPA Training	SE, DCCC IV New Delhi vice Shri N.K. Sinha trfd.
2.	N.K. Sinha	SE, DCCC IV New Delhi	SE(Adm.),IBBZ, Siliguri vice Shri D.S. Kapur trfd.
3.	D.S. Kapur	SE(Adm.),IBBZ, Siliguri	SE, JCC, Jullandhar vice Shri M.S. Saluja trfd.
4.	M.S. Saluja	SE, JCC, Jullandhar	SE, PWD Circle-II, New Delhi vice Shri Niranjan Singh trfd.
5.	Niranjan Singh	SE, PWD Circle-II, New Delhi	SE/SE(A), IBB(MZ), Siliguri vice Shri Mukund Joshi trfd.
6.	Mukund Joshi	SE/SE(A), IBB(MZ), Siliguri	SE, PWD Circle- VII, New Delhi vice Shri J.J. Lal trfd.
7.	J.J. Lal	SE, PWD Circle- VII, New Delhi	SE (P&A), Lucknow against vacant post.
8.	M.C.R. Pareva	On return from deputation MRTC	Shri, SCMC, Srinagar vice Shri M.C.R. Pareva trfd.

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9.	S.A. Khan	SE, SCMC, Silchar	SE, ACC, Allahabad vice Shri B.B. Gupta trfd.
10.	B.B. Gupta	SE, ACC, Allahabad	SE, PCC, Pune vice Shri R. Krishnamurthy trfd.
11.	R. Krishnamurthy	SE, PCC, Pune	SE, Trivandrum vice Shri V. Ramakrishnan trfd.
12.	V. Ramakrishnan	SE, Trivandrum	SE(A), Chennai vice Shri K. Balakrishnan trfd.
13.	K. Balakrishnan	SE(A), Chennai	SE CC II Chennai vice Shri V. Subramanian trfd.
14.	V. Subramanian	SE CC II Chennai	SE(A), NEZ, Shillong vice Shri S.P. Singh trfd.
15.	S.P. Singh	SE(A), NEZ, Shillong	SE, MCC, Mysore vice Shri H.L. Padmanabhan trfd.
16.	H.L. Padmanabhan (No TA/DA/Joining Time etc.)	SE, MCC, Mysore	SE, TLC&QA, Mumbai against vacant Post
17.	P.K. Mathur	SE C&M, CSQ, New Delhi	SE, DCC-I, Delhi vice Shri R.P. Bhardwaj trfd.
18.	R.P. Bhardwaj	SE, DCC-I, Delhi	SE (P&A), WZ-I, Mumbai vice Shri V.K. Ghumre trfd.
19.	V.K. Ghumre	SE (P&A), WZ-I, Mumbai	SE (Val), Mumbai vice Shri Rajeev Kumar trfd.
20.	Rajeev Kumar	SE (Val), Mumbai	SE, MCC, Mumbai vice Shri S. Jethwani trfd.
21.	S. Jethwani	SE, MCC, Mumbai	SE (Plg.), PWD, Delhi against newly created post for DHARLA KUAN flyover.
22.	A. Manickavasagam	On return from deputation KPHCC, Trivandrum.	MCC, Murshidabad against vacant post

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23.	Trilok Chandra	SE, SCC, Siliguri	SE(Trg.) III, Ghaziabad vice Shri Narendra Kumar trfd.
24.	Narender Kumar	SE (Trg.) III Ghaziabad	SE(Trg.) I, Ghaziabad vice Shri S. Baliga proceeding on deputation.
25.	B.B. Dhar	SE(P&A), NZ-I Chandigarh	SE, CCC, Chandigarh vice Shri S.M. Amrit trfd.
26.	S.M. Amrit	SE, CCC, Chandigarh	SE(P&A), NZ-I Chandigarh vice Shri B.B. Dhar trfd.
27.	R.C. Gupta	SE, TLC, Delhi	SE (S&S), Delhi vice Shri Surinder Kumar trfd.
28.	Surinder Kumar	SE(S&S), Delhi	SE, TLC, Delhi vice Shri R.C. Gupta trfd.
29.	Suresh Kumar	SE-II, SPG, Delhi	SE, BCC, Bikaner against newly created post

Officers are requested to join their unit of posting and send one copy of TR-I form to the Section Officers, EC-I Section and EC-II Section separately, giving reference to these Orders. They should also send certificates of having written their self appraisal and the C.Rs. in respect of the officers working under them in the prescribed proforma.

Mhuma
(MAHENDRA KUMAR)
DY. DIRECTOR OF ADMN.-I

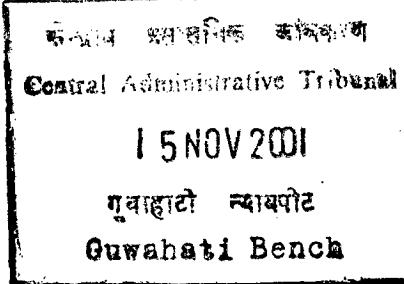
Copy to:

1. All Pay and Accounts Officer, CPWD.
2. Pay & Accounts Officer, PWDXII, Govt. of Delhi, New Delhi.
3. Secretary, PWD, Delhi Admn., New Delhi.
4. Engineer-in-Chief, PWD, Govt. of Delhi, New Delhi.
5. All Chief Engineers (Civil), CPWD/PWD/I.T Dep'tt./M/O E&F etc.
6. All SEs(Civil) CPWD/PWD/I.T Dep'tt/M/o E&F etc.
7. All Officers Concerned.
8. PS to UDM/PS to MOS(UD), New Delhi.
9. PPS to DG(W)/PS to all ADGs/PS to DDG(W)PA to
DA/Dir.(P&WA)/DW(S&D)/DW(PM)/DDA-I/II/III/T
10. Section Officers, EC-II /General Section/Cash Section.
11. Notice Board/Stock File/CR Cell/Hindi Shakha for Hindi version.
12. All recognised Associations.

Bk-3
Bk-3

(Anil Uniyal)
DD, EC-I

Amul
Bhested
Jee
Advocate



S. K. Roy
S. K. Roy
Add. Central Govt.
Standing Counsel
15/11/2001

In the Central Administrative Tribunal
Guwahati Bench :: Guwahati

OA No. 389/2001

Shri Anurag

..... Applicant

-Versus-

Union of India and others.

..... Respondents.

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENT NO. 1, 2, 3 & 4.

I, S.K. Roy, working as Superintending Engineer, Assam Central Circle-I, Central Public Works Department, Guwahati under Chief Engineer(NEZ), CPWD, Shillong of the Directorate General of works, CPWD, under Ministry of Urban development and Poverty Alleviation, New Delhi, do hereby solemnly state and affirm as under :-

1. That the deponent is Superintending Engineer, in the Directorate General of works, CPWD, under Ministry of Urban development and Poverty Alleviation, New Delhi and is Respondent at S. No.4 and has been authorized to file this written statement on behalf of the Respondents. Deponent is also fully acquainted with the facts of the case. As such the deponent is competent to file this written statement for and on behalf of all the Respondents.
2. That the deponent has read and understood the contents of the application filed by the applicant.
3. That the averments of the applicant, in the aforesaid Application which are not specifically admitted, are denied.

S. K. Roy

4. That the respondents crave leave to submit the following preliminary objections and brief facts of the case before submitting their parawise reply to the Application.

- (i) That the applicant is a Group A office of the Govt. of India with all India transfer liability to serve in public interest. The impugned transfer order dated 31-5-2001 is a general transfer order in the grade of Executive Engineer(Civil) issued by the respondent in respect of 69 officers including the applicant; in exercise of their powers to transfer the personnel working under them in public interest and the same is not liable to judicial intervention.
- (ii) The transfer being an administrative order inflicting no punishment or bringing any civil consequences is not amenable to the jurisdiction of this Hon'ble Tribunal as contemplated under section 19 of the Administrative Tribunals Act, 1987.
- (iii) Transfer being an incident of service is not to be interfered with by the Courts unless it is shown to be clearly arbitrary (Shri A.K.Ray Vs. UOI and State of Orissa and Ors. J.T. 1995(7) SC 467).
- (iv) Interference by Judicial Review in matters of transfer and posting is justified only in cases of malafides or infraction of any professed norms or principles and where career prospects remains unaffected and no detriment is caused to the concerned Govt. employee, challenged to the transfer must be eschewed. (Shri N.K.Singh Vs. UOI & Ors.) (1994) 6 SSC 98).

5. That as regards the contents of paragraph 1 of the original application, this deponent respectfully states that the impugned transfer order dated 31-5-2001 is a matter of record. It has been ordered by the competent authority i.e., the respondent No.2 after careful consideration, in public interest in exercise of his powers to make rotational transfers of the

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officers working under him at the end of the each financial year. Hence averments are denied.

6. That as regards the contents of paragraph 2 of the original application, this deponent respectfully states that jurisdiction of this Hon'ble Tribunal is not disputed and the deponent does not make any comments.

7. That as regards the contents of paragraph 3 of the original application, this deponent respectfully states that this is a mater for arguments.

8. That as regards the contents of paragraph 4.1, 4.2, 4.3 & 4.4 of the original application, this deponent respectfully states that the contents of these paras are maters of record and therefore need no reply.

9. That as regards the contents of paragraph 4.5 of the original application, this deponent respectfully states that the OM dated 18-2-2000, whereby a list of EE(Civil) who had either become due for transfer or would have become due for transfer during 2000-2001 was circulated for inviting their options for consideration of their future postings is a matter of record. The applicant who was posted in North Eastern Region w.e.f. 18-3-99, was not due for transfer during 2000-2001 and therefore his name was not included in the list circulated vide OM dated 18-2-2000. Hence averments are denied.

10. That as regards the contents of paragraph 4.6 of the original application, this deponent respectfully states that the contentions of the applicant in this para are wrong and denied in view of submission made in the preceeding para.

11. That as regards the contents of paragraph 4.7 of the original application, this deponent respectfully states that the O.M. dated 1.2.2001, is a matter of record. This was issued interalia to all Chief Engineers(Civil) of CPWD which include CE(NEZ) under whom the applicant was posted and therefore it is strongly denied that the respondent no.2 did not ensure its delivery and that there was an attempt on their part to deprive the applicant from his legitimate rights of exercising his options for posting after completing his tenure in hard area.

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12 That as regards the contents of paragraph 4.8 of the original application, this deponent respectfully states that the contents of this para are matter of records. However averments alleging that the respondents tried to deprive the applicant from his legitimate right of exercising his options for posting after completing of his tenure in hard area are baseless and strongly denied.

13 That as regards the contents of paragraph 4.9 of the original application, this deponent respectfully states that the contents of this para are matters of record. It is however submitted that the representation dated 22.2.2001, of the applicant was duly considered by the Respondent No.2 along with the cases of other EE(Civil) and he was transferred from Assam Central Circle-I, Guwahati to the office of CE(CDO), New Delhi vide the impugned office order dated 31-5-2001, vide Shri P.K.Dixit transferred to Indore. Shri Dixit has been relieved from CDO and has joined at Indore on 19-6-2001. The transfer order dated 31-5-2001 was issued in public interest considering all relevant factors including options exercised by the applicant. Applicant's interest do not suffer with his posting at Delhi. In fact his posting to New Delhi is most suitable in view of his representation dated 15-5-2001. Incidentally none of the stations indicated by him for posting are as close as Delhi from his home town Meerut. This posting meets all the requirements of the applicant brought out in his representations. Moreover, he has not given any valid reason against his posting in Delhi in any of his representation or in this application. Hence averments are denied.

14. That as regards the contents of paragraph 4.10 of the original application, this deponent respectfully states that the deponent does not make any comments in view of submissions made in the proceeding para.

15. That as regards the contents of paragraph 4.11 of the original application, this deponent respectfully states that the Ministry of Finance O.M. dated 14-12-1983, regarding allowances and facilities for civilian employees of the Central Government serving in the states of North Eastern Region is a matter of record. The OM stipulates that officers on completion of their tenure in such areas may be considered for posting to a station of their choice as far as possible. The words 'as far as possible' connotes that discretion of transferring authority has not been fettered because there may

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be circumstances for which the transferring authority for exigency of service and for interests of administration, order transfer of an officer to a place other than opted by him. The transfer posting guide lines as mentioned in Central Public Works Department manual Vol.I are for general guidance only and are not to be quoted as authority. In matters of transfer and posting in the grade of Executive Engineer, DGW, CPWD that is, the respondent no.2, is the competent authority and the applicant can not be allowed to substitute his judgment on the decision of the competent authority. Hence averments are denied.

16. That as regards the contents of paragraph 4.12 of the original application, this deponent respectfully states that in CPWD transfer and postings in the grade of EE are made by DG(W), who is Respondent No.2, in public interest considering all the relevant factors including the options of the individual officers. Options are invited from officers who have completed the required length of posting at a particular station to indicate their choice of posting but there is no commitment on the part of the respondents to post them as per their choice. While deciding transfers, several factors including availability of vacancy, length of posting at a particular station, hard area posting, zonal requirements, needs of the department and personal difficulties of the individual officers are taken into consideration. In matters of transfer and posting the applicant has no right to be posted at station of his choice. Hence averments are denied.

17. That as regards the contents of paragraph 4.13 of the original application, this deponent respectfully states that the contents of this para except which are matter of record are wrong and denied. The representation dated 8-6-2001 of the applicant was carefully considered by the Respondent No.2 but his request for change of his posting as per his choice stations instead of New Delhi as already ordered vide office order dated 31-5-2001, was not agreed to and he was informed accordingly vide letter no.28/3/2001-EC.I(Vol.II) dated 19-9-2001

An attested photocopy of the aforesaid letter dt.19-9-2001 is hereby annexed and marked as Annexure R-1.

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18. That as regards the contents of paragraph 4.14 of the original application, this deponent respectfully states that the contents of this para are wrong and denied in view of submission made in the preceding para.

19. That as regards the contents of paragraph 4.15 of the original application, this deponent respectfully states that the instructions issued by the office of Respondent no.2 vide OM dated 10-12-98 and 12-4-01 are matters of record. In reply it is that the applicant himself is not interested in getting relieved but had been maintaining a façade for getting relieved as is evident from his representations against his transfer and the interim relief prayed in his present application.

20. That as regards the contents of paragraph 4.16 of the original application, this deponent respectfully states that the allegations made by the applicant in this para against Respondents Nos.3 & 4 are wrong and without any basis and hence denied. The applicant himself is to be blamed for his not getting relieved from his present posting in Guwahati as he has been consistently trying to avoid his transfer to New Delhi which was made vide impugned order dated 31-5-2001, by making various representations to the office of the Respondent No.2 through the Respondents Nos. 3 & 4. Moreover, as an interim relief he himself has prayed this Hon'ble Tribunal to stay the operation of the impugned transfer order dated 31-5-2001, in so far he is concerned till disposal of the present OA.

21. That as regards the contents of paragraph 4.17 of the original application, this deponent respectfully states that the contents of this para are wrong and denied. In reply to this para it is submitted that transfer and posting is an incidence of service in respect of the applicant, who is a Group A officer with all India transfer liability. The transfer and posting of the applicant has been made by the competent authority taking into consideration several administrative factors including the options/representations of the individual officers concerned. The applicant cannot sit in judgement over the wisdom of the competent authority in the matters related to his transfer and posting which is made in public interest in the exigency of administration. Filling or non filling of a post in a particular station depends on a number of factors and a decision in this regard is to be taken by the competent authority which in the case of applicant is respondent No.2. The applicant cannot claim as a matter of right a posting

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of his choice. The provisions regarding posting and transfer mentioned in the CPWD Manual Vol.I are not statutory and are simply for general guidance and not to be quoted as an authority.

22. That as regards the contents of paragraph 4.18 of the original application, this deponent respectfully states that in view of the submission made in reply to the preceding para, the contentions of the applicant in this para are absolutely wrong and hence denied. The request of the applicant for his choice posting was considered by the respondents taking into account all relevant facts but it could not be acceded to on account of administrative exigency and in the interests of the works in the department. The administrative exigencies and public interest had to be balanced with the personal problems and individual difficulties while deciding transfer and posting of applicant who is a Group A officer with all India service liability to serve in public interests. The applicant has not brought out any personal problems which could interfere with the public interest.

23. That as regards the contents of paragraph 4.19 of the original application, this deponent respectfully states that the contentions of the applicant in this para are baseless allegations against the respondents which are strongly denied.

24. That as regards the contents of paragraph 4.20 of the original application, this deponent respectfully states that the contents of this para are wrong and denied. The impugned transfer order dated 31-5-2001 is a matter of record. It has been ordered by the competent authority i.e., the respondent no.2 after careful consideration, in public interest in exercise of his powers to make rotational transfer of the officers working under him at the end of the each financial year.

25. That as regards the contents of paragraph 4.21 of the original application, this deponent respectfully states that the contents of this para are wrong and denied. The applicant himself is to be blamed for creating hurdles in his getting relieved from his posting at Guwahati as he has consistently tried to avoid his transfer to New Delhi made vide impugned order dated 31-5-2001, by making various representations to the office of Respondent No.2 through the Respondents Nos. 3 and 4. Moreover, as an

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interim relief he has himself prayed this Hon'ble Tribunal to stay the operation of the impugned transfer order dated 31-5-2001, in so far he is concerned till disposal of the present OA.

26. That as regards the contents of paragraph 4.22 of the original application, this deponent respectfully states that the applicant is a Group 'A' officer of the Government of India with all India transfer liability to serve in public interest. The impugned transfer order dated 31-5-2001 is a general transfer order in the grade of Executive Engineer(Civil) issued by the respondent in respect of 69 officers including the applicant, in exercise of their powers to transfer the personal working under them in public interest. The transfer being an administrative order inflicting no punishment or bringing any civil consequence, is not amenable to the jurisdiction of this Hon'ble Tribunal as contemplated under section 19 of the Administrative Tribunal Act, 1987.

27. That as regards the contents of paragraph 4.23 of the original application, this deponent respectfully states that the deponent does not make any comments in view of submissions made in the preceding paras.

28. That as regards the contents of paragraph 5.1 to 5.7 of the original application, this deponent respectfully states that in view of the submission made above, and the legal position mentioned therein, none of the grounds from paras 5.1 to 5.7 are maintainable under the law and the present OA is liable to be dismissed being devoid of any merit. The citations made in this para do not help and advance the claim of the applicant and are misconceived and misplaced in the present context.

29. That as regards the contents of paragraph 1 of the original application, this deponent respectfully states that the deponent does not make any comments in view of submission made in the preceding paras.

30. That as regards the contents of paragraph 1 of the original application, this deponent respectfully states that the deponent does not make any comments for want of knowledge.

Deputy

31. That as regards the contents of paragraph 8 & 9 of the original application, this deponent respectfully states that in view of the factual position stated and parawise replies furnished herein above with legal submissions made therein, none of the relief including the interim relief prayed for by the applicant is legally admissible to him. The present OA being devoid of any merit is liable to be dismissed with costs in favour of the respondents.

It is therefore prayed that your lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall further be pleased to vacate/cancel the interim order dt.25-9-2001 and dismiss the original application of Shri Anurag with cost in favour of the respondents and/or pass such further or other order that your lordships may deem fit and proper.

32. That as regards the contents of paragraph 10, 11 and 12 of the original application, this deponent respectfully states that these paras need no reply being formal in nature.



D E P O N E N T

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VERIFICATION

I, S.K. Roy, working as Superintending Engineer, Assam Central Circle-I, Central Public Works Department, Guwahati-21, Assam, do hereby solemnly affirm and state that the statements made in this written statement are based upon the information gathered from official records and the information received from concerned officers and are believed to be true. Nothing material has been concealed therefrom.

And I verify and sign this verification on this the 12.... day of November, 2001.

D E P O N E N T

No.28/3/2001-EC.I(Vol.II)
 GOVERNMENT OF INDIA
 DIRECTORATE GENERAL OF WORKS
 CENTRAL PUBLIC WORKS DEPARTMENT

Nirman Bhavan, New Delhi-11
 Dated the 19th Sept., 2001.

To

Shri Anurag,
 Executive Engineer(Admn.),
 Assam Central Circle.I,
 C.P.W.D., Bamuni Maidan,
 Guwahati-781021

Sub:- Representation of Shri Anurag, Executive Engineer(Civil) for change of posting
 Ref:- O/o CE(NEZ)'s letter No.1/3/2000-Admn. Dated 19-06-2001. ✓

Sir,

I am directed to say that your request for change of posting has been considered and rejected by Director General(Works). You are, therefore, directed to join as Executive Engineer(CDO), New Delhi, as per order dated 31-05-2001, immediately.

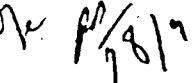
Yours faithfully,

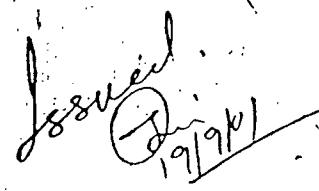

 (B.B. BABBAR)
 DY.DIRECTOR(EC.I) Copy

to:-

1. Chief Engineer(North Eastern Zone), CPWD, Cleve's Colony, Dhankheti, Shillong
 793003, Assam Central Circle, CPWD, Bamuni Maidan, Guwahati-781021
 2. Chief Engineer, CDO, CPWD, Nirman Bhavan, New Delhi.


 DY.DIRECTOR(EC.I)


 Dated 19/9/01


 Issued 19/9/01
 Attested
 A.K.C.B.