

0/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Dismissal date-22/01/02

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R.A/C.P No....59/2001....

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3. Judgment & Order dtd.....Received from H.C/Supreme Court
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SECTION OFFICER (Judl.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

410/2001

Applicant (S)

T. J. Singh

Respondant (S)

U.O. I am

Advocate for the Applicant:

M. Bimal Sharma

Advocate for the Respondant:

Case

Notes of the Registry

Date

Order of the Tribunal

This application is in form
but not in time Condonation
Petition is filed not filed vide
M. P. No. X. C. F.
for Rs. 5. de. de.
IPO/BD. 26381146
Dated 5.10.2001

Dy. Registrar

MS
5/10/07

Notice prepared and sent
to D/s for issuing the same
by Regd ALA.

MS
10/10/07

DINo 3901 to 3903.

Dtd 11/10/07

① Service report were still
awaited.

MS
22.11.01

8.10.01 Present : Hon'ble Mr. Justice D.N.Chowdhury,
Vice-Chairman.
Hon'ble Mr. K.K.Sharma, Member (A).

Issue notice as to why the application
shall not be admitted. Notice returnable by
four weeks. List on 23.11.2001 for further
orders.

Heard Mr. M. Bimal Sharma, learned
counsel for the applicant on the interim
prayer.

Issue notice as to why the interim
prayer shall not be granted suspending the
order dated 6.9.2001 relating to the transfer
of the applicant - T. K. J. Singh from Manipur
SSA to Mizoram SSA. Returnable by four weeks.
Mr. A.K.Choudhury, learned Addl.C.G.S.C.
accepts notice on behalf of the respondents.
List on 23.11.2001 for further orders.
Meanwhile the operation of the impugned order
dated 6.9.2001 shall remain suspended
concerning the applicant - T.K.J.Singh.

MS
Member

Vice-Chairman

23.11.01

Written statement has been filed. The application is admitted and posted for hearing on 14.12.01 as agreed by the parties. The applicant may file rejoinder if any within 2 weeks.


Vice-Chairman

1m

14.12.01

The learned counsel for the applicant informs that the applicant has since been promoted and he has sought instructions from the applicant and he wants to short adjournment. List on 18.1.01 for hearing.

27-11-2001

W/s Submitted

to the Respondent No. 1, 2 and 3



1m


Member

18.1.02

Mr. M. B. Sharma learned counsel for the applicant has produced a copy of the order dated 4.11.2001 under which the applicant has been transferred on promotion and he also submits that in view of the promotion order dated 4.11.2001 he does not want to press the application and he wants to withdraw the application. Accordingly, it is dismissed on withdrawal.

2 application

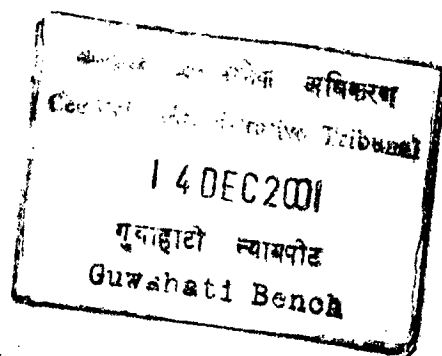
1m



Member

*Recd copy
AK Choudhary
Addl CgSC
13/2/02*

19.2.2002

Copy of the order has been sent to the office for seeing the same to the applicant by post.



Presented on 14.12.2001
by: 
(M. Binod Sharma)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI :

O.A. No. 410 of 2001

T. Joykumar Singh

... Applicant

-Vrs.-

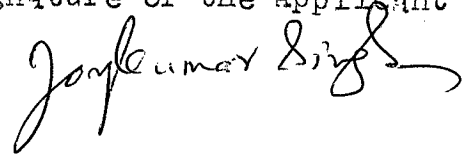
The Union of India
and others

... Respondents

I N D E X

Sl.No.	Description of documents relied upon	Page No.
1.	Application (Rejoinder)	1 - 3
2.	Affidavit	4 - -
3.	Annexure A/14 (Transfer order dated 16-5-2000)	5 - 7
4.	Annexure A/15 (Released order dated 3-7-96)	8 - -
5.	Annexures A/16, A/17 and A/18 (Release orders dt. 5-10-01, 1-10-01 and 12-11-01 res- pectively)	9 - 11

Signature of the Applicant



Presented on 14-12-01
by:-
(M. Bimal Sharma)
ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI :

O.A. NO. 410 of 2001

IN THE MATTER OF -

Shri Takhellambam Joykumar Singh

-Versus- APPLICANT

The Union of India and
2 others

.... RESPONDENTS

In the matter of Rejoinder on behalf
of the Applicant against the Written
Statement of the Respondents No. 1, 2
3 dated 23-11-2001 :

MOST RESPECTFULLY SHEWETH :

1. That with reference to the Written Statement of the Respondents, the Applicant denies all the allegations and statements made by the Respondents in their Joint Written statement except those the Applicant specifically admits :
2. That with reference to paragraph No. 11 of the Written statement in respect of the lady officials regarding transfer, the applicant humbly submits that there is no such follow up rules in the Department as one Smt. Erenita Devi Yaikhom of Manipur Division/SSA Imphal was transferred from Imphal to Dimapur vide order No. 1(80)99/CE-NEZ/GH/2984

... dated

Joykumar Singh

6

--:(12):-

Dated 16th May, 2000 of the Chief Engineer (C), Telecom Civil Guwahati and as such the allegations and submissions made under paragraph No. 11 is nothing but a plea for rejecting the petition/application of the applicant by any means or for defrauding the claim of the Applicant.

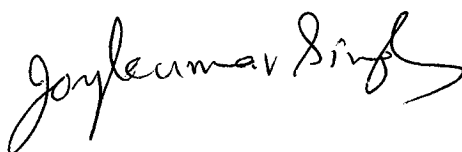
Annexure A/ 14 is the copy of the order dated ~~16~~ 16-5-2000 showing the name at Sl. No. 19.

3. That with reference to paragraph No. 16 of the written statement of the respondents regarding one Shri Samarendra Singh stating that Shri Samarendra Singh who filed O.A. No. 184 was still in the strength of the S.S.A. on the date of filing of the OA. In this connection it is submitted that as per Annexure A/11 to the application it clearly shows that the OA filed on 29-8-96 and stay order passed on the same day dated 29-8-96. But Shri Samarendra Singh was relieved on 3rd July, 1996 which after staying/suspending the transfer order. The respondents deserved to be punished for their false submissions.

Annexure A/15 is the copy of release order dated 3-7-200.

4. That in regards to paragraph No. 16 of the Written statement that the applicant had been released on 26-09-01 (Annexure R/4), it is humbly submitted that the Annexure R/4 is a manufactured document. The applicant attended his Office till 26-09-01 and from 27-09-01 he took leave on Medical ground. It never issued to the applicant even at his residence. It is humbly submitted that the normal rule for a transfer is that; first the authority will ask for hand over the charges

... than release



OK

-:(3):-

than release order will be issued and thereafter struck-off order follows. However, as per Annexure R/4 the applicant was struck off without released order that too without handing over of the charges as such it is purely a mala-fide act on the part of the respondents in order to defrauding the claim of the applicant. This order of struck-off is unknown to the service rules.

5. That it is humbly submitted that the relievers ~~Shri~~ (a) Shri Ph. Mocha Singh, (b) Shri N. Nabakumar Singh and (c) Shri N. Baleshwar Singh appearing at Sl. Nos. 1, 5 and 9 respective at Annexure A/6 (impugned order) released only on 5-10-2001(w.e.f. 08-10-2001), 01-10-2001 and 12-11-2001 after completing formalities. However, in the case of the applicant, Annexure R/4 never mentioned about release order and as such it is made with mala-fide intention. One Shri Manikumar Khaidem, the reliever appearing at page Sl.No. 7 of the Annexure A/6 has not yet been released till date, hence, the Respondents' act are purely a mala-fide ones.

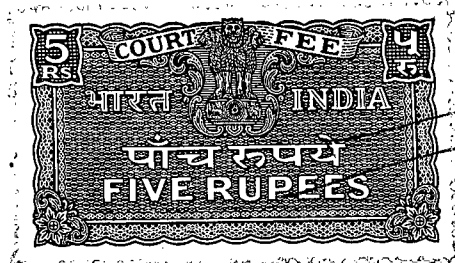
Annexures A/16, A/17 and A/18
are the released order copies
dt. 5-10-01, 1-10-01 and 12-11-01
respectively.

Signature of the Applicant

Jaykumar Singh

.... AFFIDAVIT

Jaykumar Singh



-(4):-

A F F I D A V I T

I, Shri Takhellambam Joykumar Singh, aged about 39 yrs, son of late T. Gourchand Singh, occupation employee of Bharat Sanchar Nigam Ltd., Department of Telecommunication, resident of Top Awang Leikai, P.S. Porompat, Imphal East District, Manipur, do hereby solemnly affirm and say as follows :

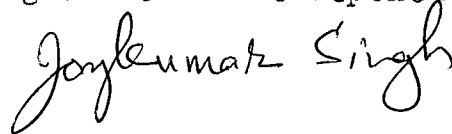
1. That I am the applicant in the accompanying petition and as such I am fully acquainted myself with the facts of the case. This is true to my knowledge.
2. That the statements in paragraph Nos. 1 to 5 except the legal points of the accompanying petition are true to my knowledge and true to the records and the legal points are my humble submissions. The Annexure A/14 to 18 are from my personal records and official records received in my official capacity and also from official records. This is true to my knowledge.

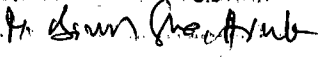
Verified that the contents of para No. 1 and 2 above are true to my knowledge and belief and humble submissions.

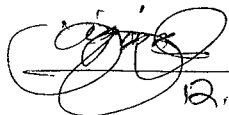
Imphal, the
12th December, 2001.

By : 
Advocate.

Signature of the deponent



Solemnly affirmed before me on...
12-12-01 at 11.2 a.m.
in the court premises by the declarant who
is identified by... 
The...
true to my knowledge and belief and humble submissions.


12.12.01.
Oath Commissioner,
Manipur

**GOVT OF INDIA
DEPARTMENT OF TELECOM SERVICES
(CIVIL WING)
O/O THE CHIEF ENGINEER (CIVIL), TELECOM CIVIL ASSAM ZONE,
ULUBARI, GUWAHATI**

No. 1 (80) 99 / CE-NEZ / GH / 2984

Dated 16th May, 2000

ORDER

Following transfer orders in the grade of Junior Engineer (Civil) working under Telecom Civil Assam and NE Zones are hereby ordered in public interest with immediate effect :

SN	OFFICER	Present Posting at / under	Transferred to under / at	Remarks
1	Shri P K Goswami	AE(C), TCSD I Itanagar	AE(C), TCSD Dharmnagar	Vice Shri S K Chakraborty Transferred
2	Shri Krishendu Sarkar	AE(C), TCSD Bongaigaon	AE(C), TCSD 5 Guwahati	Against Existing vacancy
3	Ananda Ram Boro	AE(C), TCSD 2 Guwahati	AE(C), TCSD Bongaigaon	Vice Shri Krishendu Sarkar Transferred
4	Shri N L Shill	AE(C), TCSD Dibrugarh	AE(C), TCSD 2 Nagaon	Against Existing vacancy This is in partial modification of Transfer order No. 1(80)94/CE- NEZ/GH/345 dtd 19-3-99
5	Shri Swapan K Baruah	AE(C), TCSD North Lakhimpur	AE(C), TCSD (Assam) Tinsukia	Against Existing vacancy
6	Shri Bishnu Pada Adhikari	EE(C), TCD 2 (NER) Silchar	AE(C), TCSD 1 (Store) Guwahati	In Telecom Civil Store Vice Shri A S Purkayastha Transferred
7	Shri S K Chakraborty	AE(C), TCSD Dharmnagar	AE(C), TCSD North Lakhimpur	Vice Shri Swapan K Baruah Transferred
8	Shri Nikhil Ch Deb	EE(C), TCD 1 (NER) Silchar	AE(C), TCSD 2 Itanagar	Vice Shri Samir Das Transferred
9	Shri Tamesh Rn Choudhury	AE(C), TCSD NER Tejpur	AE(C), TCSD Assam Tejpur	Against Existing vacancy

212
25/5/2000

1/1/00
16/5/2000

A.O.
R. Baruah

Joydip Kumar S. S. S.

-6-

Shri Girdhar C

10

11	Smt S Parveen Laskar	EE(C), TCD Shillong	AE(C), TCSD 2 Shillong	Vice Shri Tapash Shankar Dey Transferred
12	Shri Ranadhir Dey	AE(C), TCSD 1 Agartala	AE(C), TCSD NER Tejpur	Vice Shri Tamesh Ru Choudhary Transferred
13	Shri Shyamal Bhowmick	AE(C), TCSD Dharamnagar	AE(C), TCSD NER Silchar	Vice Shri Mihir Bhattacharjee
14	Shri Bhaskar Purkayastha	AE(C), TCSD Aizwal	AE(C), TCSD (NER) Silchar	Vice Shri N L Choudhary transferred
15	Shri N L Choudhary	AE(C), TCSD (NER) Silchar	AE(C), TCSD Lunglei	Vice Shri K Senatomba Singh transferred
16	Shri Debashish Dutta	EE(C), TCD Dimapur	AE(C), TCSD 2 Dimapur	Vice Shri Bijoy Dey transferred
17	Shri Bijoy Dey	AE(C), TCSD 2 Dimapur	AE(C), TCSD 1 Shillong	Vice Shri Rajeshwar Biswas transferred
18	Shri Rajeshwar Biswas	AE(C), TCSD 1 Shillong	AE(C), TCSD Karimganj	Against Existing vacancy
19	Shri K Senatomba Singh	AE(C), TCSD Lunglei	AE(C), TCSD 1 Imphal	Vice Smt Premita Devi Yaikhom transferred This is in partial modification of Transfer order No. 1(80)94/CE-NEZ/OH/345 dtd 19-3-99
20	Smt Premita Devi Yaikhom	AE(C), TCSD 1 Imphal	AE(C), TCSD 1 Dimapur	Against Existing vacancy
21	Shri A S Purkayastha	AE(C), TCSD 1 Guwahati	EE(C), TCD Tejpur	Against Existing vacancy
22	Shri Tapash Shankar Dey	AE(C), TCSD 2 Shillong	AE(C), TCSD 4 Guwahati	Against Existing vacancy
23	Shri Md. Babul Hussain	AE(C), TCSD 1 Jorhat	AE(C), TCSD 1 (Store) Jorhat	In Telecom Civil Store
24	Shri S Das Purkayastha	SE(C), TCC Guwahati	AD(Bldg), O/O CGMT Assam Guwahati	Against Existing vacancy

Maikis
16/3/2000

Jyotirmay Singh

-7-

24	Shri Girish Ch Das	AE(C), TCSD 1 Guwahati	AE(C), TCSD 1 Nagaon	Against Existing vacancy in partial modification of Transfer order No. 1(80) 94 / CE-NEZ/GII/345 dtd 19-3-99
25	Shri Ritwik Bhattacharjee	EE(C), TCD Itanagar	AE(C), TCSD 1 Itanagar	Against Existing vacancy
26	Shri Mihir Bhattacharjee	AE(C), TCSD (NER) Silchar	AE(C), TCSD (NER Store) Silchar	In Telecom Civil Store
27	Shri Samir Das	AE(C), TCSD 2 Itanagar	AE(C), TCSD 2 Guwahati	Vice Shri Anand Ram Boro Transferred
28	Shri Pradip Kumar Das	AE(C), TCSD 1 (Assam), Silchar	AE(C), TCSD 2 Assam Silchar	Against Existing vacancy
29	Smt Purnima Nath Das	SE(C), TCC Shillong	AE(C), TCSD 2 Store Shillong	Against Existing vacancy in Telecom Civil Store

The Executive Engineers / Assistant Engineers shall relieve the transferred officials within 1 month without waiting for arrival of the substitute and report compliance of these transfer orders. No transferred official should be granted any kind of leave before their release and joining at new place of posting. The handing/taking over of charge, registers and other records should be carried out properly and necessary charge reports should be furnished to all concerned.

H.R. DAS
Chief Engineer(C)
Telecom Civil Guwahati
Copy to

1. The Officials concerned.
2. CGMT's Telecom Circle Guwahati / Shillong
3. CE(C), Telecom Civil Shillong.
4. Superintending Engineer TCC Guwahati / Jorhat / Shillong / Silchar
5. S.S.W. (C) Shillong / Guwahati
6. Concerned Executive Engineers(C) under Assam and NE Zone *Simpur*
7. CAO O/O CE(C), Guwahati
8. AO(TA), O/O CGMT Guwahati / Shillong

Guard File

Shrik
A. S. W. (Admin)
O/O CE(C), Telecom Civil Guwahati

Jeewanar Singh

-8-

12

GOVERNMENT OF INDIA
DEPARTMENT OF TELE COMMUNICATIONS
OFFICE OF THE SR.S.D.E. TELEGRAPHS, IMPHAL: 795001.

No.E-13/IPT/96-97/12 Dtd, the 8th July 1996.

Subj:- Release Order. ANNEXURE A/ 15

In pursuance of TDM, Imphal letter No.
EST/JTO/TFR/96-97/39 dt 10/6/96, Shri H. Samarendra
Singh, JTO is hereby released from the strength of
this sub-division with immediate effect with
order to report for duty under TDM, Dimapur.

Necessary TA/Di may be applied if required.

(K. A. Singh)
Sr.SDE Telegraphs, Imphal.

Copy to:-

1. The TDM, Imphal. 0 for kind
2. The TDM, Dimapur. 0 information
3. The A.C.(Cash) o/o TDM, Imphal. 0 & necessary
4. The official concerned. He is requested to hand 0 action.
5. The JTO, Churachandpur to take over the
charge of JTO/Loktak in addition to his
normal charge temporarily. without any
extra remuneration.

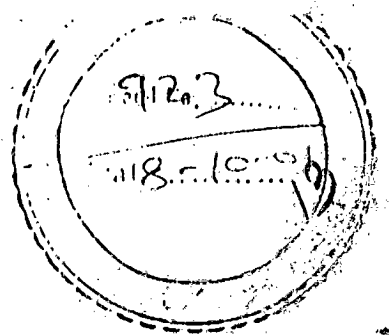
(K. A. Singh)
Sr.SDE, Telegraphs, Imphal.

.. ..

Jylenmar Singh

-9-

BHARAT SANCHAR NIGAM LTD
(A Govt. of India Enterprises)
O/o The D. E. External, Imphal



No. E-29 (A)/01-02/5

ANNEXURE A / 16 Dated at Imphal 05.10.2001

In pursuance of The General Manager Telecom District, Imphal letter no. EST-2/JTO/TFR Dtd. 18.09.01 vide CGMT, Shillong order No. STB/ES-3/Tenure/XII Dt. 06-09-01, the following JTO. working under DE (External) is hereby released and struck off on the F/N of 08-10-2001 with instruction to report for duty to the SSA noted against his name with immediate effect.

<u>Sl. No.</u>	<u>Name of JTO</u>	<u>Posted & transferred to</u>
1.	Shri Ph. Mocha Singh JTO	Mizoram SSA

The official may apply TADA if required.

D.E. (Extl)
O/o General Manager Telecom District
Imphal, Manipur

Copy to:-

1. The Chief General Manager Telecom
N.E. Circle No. 1, Shillong
2. The General Manager Telecom District Aizal,
Mizo Ram.
3. The General Manager Telecom District, Imphal
4. The DGMT, Imphal
5. Shri S. Guha SDOP (South), Imphal for info. and n/a.
6. The A.O. (cash), Imphal O/o the GMTD, Imphal
7. Shri S. Surjit Singh JTO (S/C). He is to take over the charge of JTO (S/W) in addition to his normal charge without any extra remuneration temporarily.
8. The Official concerned.

D.E. (Extl)
O/o the General Manager Telecom
District, Imphal.



—10—
BHARAT SANCHAR NIGAM LTD
(A Govt. of India Enterprises)
O/o The D. E. External, Imphal

ANNEXURE A/ 17

No. E-29 (A)/01-02/4

Dated at Imphal, 01.10.01

In pursuance of DE (P&A) O/o the General Manager Telecom District, Imphal letter no. EST-2/JTO/TFR Dtd. 18.09.01 vide CGMT, Shillong order No. STB/ES-3/Tenure/XII dtd. 06.09 01, the following JTO working under DE (External) is hereby ~~transferred~~ today i.e. A/N of 01.10.01 with instruction to report to the SSA ~~noted~~ his name with immediate effect.

<u>Sl. No.</u>	<u>Name of JTO</u>	<u>Posted & transferred to</u>
1.	N. Nabakumar Singh, JTO (RLU)	Nagaland SSA

The official may apply TA/DA if required.

D.E. (Extl)
O/o General Manager Telecom
District, Imphal

Copy to:-


1. The Chief General Manager Telecom, Shillong, N.E. Circle (I) for kind information.
2. The General Manager Telecom, Imphal.
3. The General Manager Telecom, Dimapur, Nagaland.
4. The DGM, O/o GMT/ Imphal.
5. The SDE (KH-LPK), for information and necessary action.
6. The Accounts Officer (Cash), O/o GMT/ Imphal.
7. Official concerned.

Sr. Asst. Cash

W. J.
5/10

201
D.E. (Extl) 01/10/01
O/o General Manager Telecom
District, Imphal

Jay Kumar Singh

 BSNL	<p align="center"> BHARAT SANCHAR NIGAM LIMITED (A Govt. of India Enterprise) OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT, MANIPUR SSA IMPHAL-795001 </p>
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No.E-13/AEP/IP/2001-02

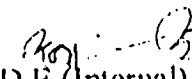
Dated at Imphal
12th Nov, 2001

RELEASE ORDER

In pursuance of the GMTD/IP order No. EST-2/JTO/TRF dt. 18/09/01 and vide CGMT, Shillong order No. STB/ES-3/Tenure/XII dated 06/09/2001 the following J.T.O. working under Manipur SSA is hereby released and struck off on the A/N of 12th Nov, 2001 with instruction to report to the SSA noted against him with immediate effect. He may hand over necessary charge report to Th. Sharatchand Meetei.

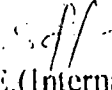
Sl.	Name Of J.T.O	Name of SSA
1.	N. Baleshwor Singh J.T.O(E-10B), Imphal	Nagaland SSA

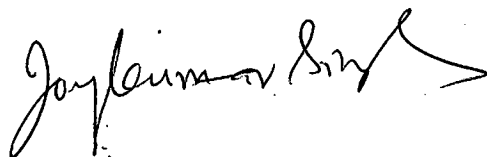
Necessary TA/DA may be applied if required

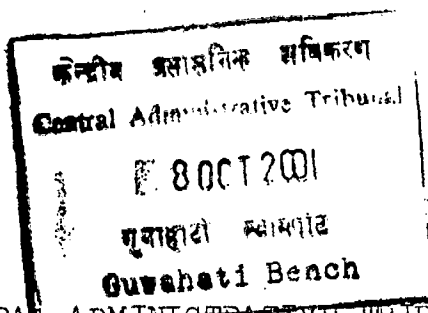

 D.E.(Internal)
 O/o GMTD/IP

Copy to:-


1. The CGMT, NE Circle-I, Shillong
2. The CGMT, NE Circle-II, Telecom Circle Dimapur
3. The CGMT, Mizoram/Nagaland
4. CAO O/o the GMT, Shillong/Mizoram/Nagaland
5. The AO(P&A), O/o CGMT, Shillong
- ✓ 6. The AO(cash), O/o GMT, IP
7. DE(Extt)/Rural/ P&A, IP
8. SDE(Int-I), for n/a please
- ✓ 9. Personal copy
10. P/F
11. O/C


 D.E.(Internal)
 O/o GMTD/IP





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI :

Presented on 8/10/01
by: 
(M. Bimal Sharma)
ADVOCATE

GUWAHATI CASE O.A. NO. 410 OF 2001

T. Joykumar Singh, Applicant

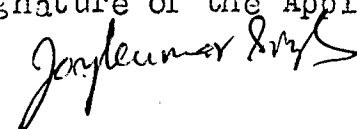
Vrs.

The Union of India and ors Respondents

I N D E X

Sl.No.	Description of documents relied upon	Page No.
1.	Application	1 - 13
2.	Affidavit	14 - -
3.	Annexure A/1 (Posting with joining report order dt. 25-7-91)	15 - -
4.	Annexure A/2 (Transfer order dt. 29-1-98)	16 - -
5.	Annexure A/3 (Release order dt. 22-6-98)	17 - -
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By : 
Advocate

Signature of the Applicant


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

GUWAHATI CASE O.A. NO. OF 2001

IN THE MATTER OF -

Application under section 19 of
the Administrative Tribunal Act,
1985 read with Rule 4 of the
Central Administrative (Procedure)
Rules, 1987.

AND

IN THE MATTER OF -


Shri Takhellambam Joykumar Singh,
Junior Telecom Officer (Planning),
Office of the General Manager Telecom
District, Manipur, Imphal - 795 001,
Bharat Sanchar Nigam Ltd.

..... APPLICANT

-Versus-

1. The Union of India,
represented by the Secretary,
Ministry of Communications,
Govt. of India, New Delhi - 110 001.
2. Asstt. General Manager (Admn),
Office of the Chief General Manager,
N.E. Telecom Circle-I, Shillong, 793001
Bharat Sanchar Nigam Ltd.,

.... 3. Divi-

Presented on 8/10/09
by: 
(M. Binod Sharma)
ADVOCATE



8

-:(2):-

3. Divisional Engineer (P & A),
Office of the General Manager
Telecom District, Imphal - 795 001,
Bharat Sanchar Nigam Ltd.

..... RESPONDENTS

IN THE MATTER OF an application on
behalf of the applicant for redressal
of his grievance or for quashing Order
No. STB/ES-3/Tenure/XII, dated at
Shillong, the 6th Sept. 2001 (Annexure
A/6) and Order No. EST-2/JTO/TFR,
Dtd. at Imphal, 19/09/01 (Annexure A/7)

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

- (i) Name of the applicant : Shri T.K. Joykumar Singh
- (ii) Name of Father : late T. Gourghand Singh
- (iii) Designation and particulars of office (name and station) in which employed before ceasing to be in service : Junior Telecom Officer (Planning) Imphal, Deptt. of Telecommunication, Bharat Sanchar Ltd.,
- (iv) Office Address : Office of the General Manager Telecom District, Imphal - 795 001, Bharat Sanchar Nigam Ltd.
- (v) Address for service : The above address described in item No. 1(iv) OR at T. Joykumar Singh, Top Awang Leikai, P.S. Porompat, Imphal East District, Manipur.

..... 2. PARTICULARS

Je Singh

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2. PARTICULARS OF RESPONDENTS :

- (a) The Union of India, represented by
the Secretary, Ministry of Communications,
Govt. of India, New Delhi - 110 001.
- (b) Asstt. General Manager (Admn),
Bharat Sanchar Nigam Ltd., Office of the
Chief General Manager, N.E. Telecom Circle-I,
Shillong - 793 001.
- (c) Divisional Engineer (P & A),
Bharat Sanchar Nigam Ltd., Office of the
General Manager Telecom District, Imphal
- 795 001..

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

The application is against the
following orders :

- i) Order No. : (1) NO.STB/ES-3/Tenure/XII, and
(2) NO.EST-2/JTO/TFR.
- ii) Dates : Shillong, the 6th Sept. 2001 &
Imphal, the 18-09-01 respectively
- iii) Passed : Asstt. General Manager (Admn)
(Respondent No. 2) and
Divisional Engineer (P&A)
(Respondent No. 3) respectively
- iv) Subject in brief : Transfer the applicant holding
the post of Junior Telecom
Officer (Planning), Imphal,
Office of the General Manager
Telecom District Imphal (Manipur
Division) to Mizoram Division.

4. That the applicant declares that the subject

.... matter of the

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matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. That the applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE ::

The facts of the case are given
below :

(1) That the applicant is a permanent resident of Top Awang Leikai, Imphal East District, Manipur and he has passed Bachelor of Engineering (Electrical). The applicant was redruited in the Department of Telecommunication in the year 1989 from C/o Shillong and joined the Department on 3-12-1990. After completion of the training, the applicant joined as J.T.O. (Junior Telecom Officer) on 25-7-1991 at the Office of the TDM/Dimapur (Nagaland State).

Annexure A/1 is the copy of the posting order showing joining report dated 25-7-1991, showing the name of the applicant at Sl. No. 2.

(2) That after serving about 5/6 years at Dimapur, the applicant requested the telecom authorities to transfer at Imphal on compassionate ground to stay with his family members. After many reminders and pressing request, the Asstt. General Manager (A) for Chief General Manager, Telecom N.E. Circle, Shillong had been pleased to transfer applicant from Dimapur to Imphal vide order No. STB/Request Transfer/JTOs, dated at Shillong the, 29-1-1998 with a direction that the applicant should be relieved to the

....New Unit

J. S. Singh

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New Unit only after 31st March, 1998. Accordingly the D.E. Dimapur relieved the applicant only on 22-6-1998 vide No. E-13/PT-VI/27.

Annexure A/2 is the copy of the transfer order dt. 29-1-98; and

Annexure A/3 is the copy of the released order dt. 22-6-98.

(3) That the applicant joined as JTO at Imphal on 1-7-98 and the applicant has been in the Office of the TDM/Imphal in many sections like JTO/MARR, JTO/MIS and JTO/Planning etc. and even in charges of SDE in many sections.

(4) That the Director Telecom (S), NE Circle, Shillong vide his two orders/directives viz., (i) NO.STBX-84/Rlgs, dated Shillong, the 3-11-76 which known as 'Rulings', made the procedure in connection with the transfer of officials within the division from tenure stations such as :

"The substitutes against such officials would be from the officials having longest stay in the division. While calculating the stay in the division, the period of service in a tenure station in the division should not be counted."

Annexure A/4 is the copy of the Rulings dt. 26-7-76; and

Annexure A/4(1) is the copy of the Rulings dt. 3-11-76.

(5) That the Department proposed for transfer of JTOs. under N.E. Circle who are working at different divisions. For this proposal seniority list were called for from the Divisions under the North East Circle. The S.D.E.(Admn), office of the General Manager Telecom District, Imphal vide his letter No. EST/JTO-2/Transfer/72, Dtd. 6-9-2001 submitted the list of seniority. In the

... said list

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said list the name of the applicant appears at Sl. No. 15. The JTOs should be counted from Sl.No. 6 and as such the applicant is at 10th number amongst the JTOs.

Annexure A/5 is the seniority list given on dt. 6-9-2001 showing the name of the applicant at Sl.No. 15.

(6) That under the order of the Respondent No. 2 vide No. STB/ES/Tenure/XII Dated at Shillong, the 6th September, 2001, 25(twentyfive) JTOs who have been serving in different divisions under the N.E. Circle have been transfer to different divisions. The name of the applicant is shown as the reliever of one Shri O.J. Singh appearing at Sl.No. 10 who is working as JTO at Mizoram Division and as a result the applicant has been transferred at Mizoram. As a follow of action, the Respondent No. 3 issued another order Dtd. at Imphal, 18/09/01 under No. EST-2/JTO/TFR stating that as per the order stated above the JTOs working under Manipur SSA (Secondary Switching Area) are hereby transferred and posted to the SSA's noted against them with immediate effect.

Annexure A/6 is the copy of the order dt. 6-9-01; and

Annexure A/7 is the copy of the order dt. 18-9-01.

(7) That the present transfer order at Annexure A/6 is violative the order at Annexure A/4 to the extend that, the reliever of the tenure transfer of JTOs should be relieved by the longest stay JTO in the Division. For those JTOs like at Sl. No. 3, 6 and 12, it is clearly stated at Annexure A/6 that "Ist, 2nd and 3rd station senior-most

.... JTOs

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JTOs of Tripura SSA are transferred to Mizoram against Sl. No. 3, 6 and 12 as indicated above." However, in the case of the Applicant even though there are two senior JTOs appearing at Sl. No. 10 and 11 viz., Ireni Mungrei and A. Renubala Devi respectively, the impugned order at Annexure A/6 has been issued by name in violation of the norms and directives and as such the transfer order is purely a mala-fide one and as a result it affects the applicant's position of right to stay at Imphal till his turn comes. Had the respondent follow the norms and directives at Annexure A/4, the applicant would have not been affected by the impugned order at Annexure A/6 on transfer as a reliever of the transferee. In the earlier cases, in the event of any transfer, the longest and seniormost JTOs of the division were the relievers. But ~~the~~ in the present case it is directed to the applicant to accomodate some one and it amounts a punishment without fault and without any enquiry whatsoever.

8. That if the transfer is affected involving the movement of the applicant, the School child of the applicant will be effected as the applicant has to go along with his family members as the posting place is a far away area and as such the family members of the applicant have to go along with the applicant.

Annexure A/8 is the copy of the
reading certificate of the child of
the applicant issued on 29-9-01.

9. That because of this problem the P & T Manual Volume IV, Para 37-A specifically described that :

...."37-A. Transfers

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"37-A. Transfer should generally be made in April of each year so that education of school children of the staff is not dislocated. In emergent cases or cases of promotion this restriction will naturally not operate."

It is humbly submitted that neither of the two cases is are applicable in the present case because the transfer order is not a promotion. In this respect the Hon'ble Supreme Court observed which was reported in AIR 1986 Supreme Court 1955 that :

"5. It is doubt true that if the power of transfer is abused, the exercise of power is vitiated. But it is thing to say that an order of transfer which is not made in public interest but for collateral purposes and an altogether different thing to say that such an order per se made in the exigencies of service, express or implied to the disadvantage of the concerned Government Servant."

"The Government is the best judge to decide how to distribute and utilize the services of its employees. However, this power must be exercised honestly, be bona-fide and reasonably. It should be exercised in public interest. If the exercised of power is based on extraneous considerations or for achieving an alien purpose or an oblique motive it would amount to mala-fide and colourable exercise or power. Frequent transfers, without sufficient reasons to justify such transfers cannot but be held as mala-fide. A transfer is mala-fide when it is made not for professed purpose, such as in normal course or in public or administrative interest or in the exigencies of service but for other purpose than is to accomodate another person for undisclosed reasons. It is the basic principle of rule of law and good administration, that even administrative action should be just and fair."

.... "6. One cannot

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"6. One cannot but deprecate that frequent, unschedule and unreasonable transfer can uproot a family cause irreparable harm to a Government servant and drive him to desperation. It disrupts the education of his children and leads to numerous other complications and problems and result in hardship and demoralisation. It therefore follows that the policy of transfer should be reasonable and fair and should apply to everybody equally."

(10). That it is submitted that the order is arbitrary and does not follow reasonable and fair and cannot apply equally to everybody inasmuch the transfer do not effect the two senior JTOs as stated above. It is done on the arbitrary act of the Respondents and it is just a punishment without any fault of the applicant.

(11). That it is submitted that the executive instructions/ Rulings like Annexure A/4 and Annexure A/4(1) and the submissions in paragraph No; 9 is/are a law vide Shanti Kumar Ganguli V. State of Tripura, Reported in (1982) 1 Gauhati Law Reports at page 211.

(12). That it is submitted that the department had so far been following the mode of transfer and reliever as per the rulings at Annexure A/4 and Annexure A/4(1). The instances may be stated that one transferring the JTOs the relievers are the longest stay JTOs in the division vide Order No. STB-ES-3/Tenure/XI/I, dt. Shillong the 14th June, 1998 and bearing No. STB/ES-3/Tenure/XI, dt. Shillong, the 25-8-95.

Annexure A/9 is the copy of the order dt. 14-6-98; and

Annexure A/10 is the copy of the order dt. 25-8-95.

(13). That in the case of Annexure A/10, the authorities at Manipur Division (TDM/Imphal) released on Shri M. Samarendra Singh who was not the longest stay JTO at

..... Manipur Division

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Manipur Division was released and affected. Shri Samarendra preferred a case before this Hon'ble Tribunal which registered as Tribunal O.A. No. No. 184 of 1996 and this Hon'ble Tribunal passed an order dated 29-8-96 to the extend that the reliever Shri M. Samarendra Singh of Manipur Division of the transferee one Rashid Ahamed of Nagaland Division is not the longest stay JTO of Imphal Division and as such passed the interim order that the impugned order kept abeyance till the final disposal of the O.A. The said O.A. also finally disposed off in favour of the applicant of that case later on.

Annexure A/11 is the copy of the said interim order dt. 29-8-96.

(14) That the applicant submitted a representation to the Respondent No. 2 through proper channel on 18-9-01 requesting for review of the transfer order mainly on the ground that the turn of the applicant is not yet ripe and there are two JTOs senior to him namely Ireni Mungrei and A. Renubala Devi etc. The representation was forwarded by the S.D.E.(Admn) to the Respondent No. 1 on 20-9-2001 vide forwarding letter No. EST-2/JTO/TFR/75. The Respondent failed to disposed off the representation. So far the applicant has not yet handed over the charges assigned to him and as such Status-Quo of the applicant is necessary to maintain.

Annexure A/12 is the copy of the forwarding letter dt. 20-9-2001 along with the representation.

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~~(15) xxxxx That xxxxx being xxxxx by the xxxxx at xxxxx~~

(15) That the applicant has been suffering from High Blood pressure and internal IIInd degree piles which may

... cause immediate

f. S. M.

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cause immediate operation desiring blood as it develop without warning in changing climate etc. and as such the applicant is require to stay at a place near his home town.

Annexure A/13 is the copies of Medical documents and certificates.

(16) That being aggrieved by the order at Annexure A/6 and A/7 aforesaid, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

(17) That the applicant declares that he has availed of all the remedies available to him under the relevant service rules.

The applicant declares that he has no other remedy except the one applied for herein.

8. That the applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other ~~other~~ authority or any other Bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them, except the present one.

9. That in view of the facts mentioned in para 6 above the applicant prays for following relief(s) :-

- (a) to admit the application;
- (b) to call for the records;
- (c) to issue notice on the respondents why the transfer order at Annexures A/6 and A/7 should not be set aside by this Hon'ble Tribunal;

.... (d) upon

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- (d) upon hearing the parties to set aside the impugned order (Annexures A/6 and A/7) on amongst other grounds given below; and
- (e) cost of the application or case.

G R O U N D S

- (I) FOR THAT transfer of the applicant to a distance place who is a low paid employee the power seems to be meant to be sparingly exercised under some compelling exigencies of particular situation and not as a matter of routine. If it were literally exercised, it will create tremendous problems and difficulties in the way of the applicant who is getting small pay;
- (II) FOR THAT transfer of the applicant cannot be said route and bona-fide but only colourable exercise;
- (III) FOR THAT the transfer order is passed with extraneous purposes in the garb of ostensible purpose of public interest;
- (IV) FOR THAT transfer affects to a lowly paid employee and also without his consent and mala-fide intentions;
- (V) FOR THAT transfer order is arbitrary, male-fide and passed with ulterior motive against the directives or rulings Annexure A/4 and A/4(1) and also without any reasonable excuse and it cannot be treated equally;
- (VI) FOR THAT there are still two longest stay and senior JTOs. above the applicant;
- (VII) FOR THAT IF THE APPLICANT is to proceed on transfer to a remote place like Mizoram, he can proceed with his family and his school going child will be dislocated and there shall be irreparable loss;
- (VIII) FOR THAT if the transfer is affected, the health problem of the applicant shall be deteriorated.

Dimapur
Guphal

25.7.91
1.7.98

(25) Manipur to Mizoram

[Handwritten signature]

....10...That pending

10. That pending final decision of the application, the applicant seeks issue of the following interim order :
TO STAY the operation of the order at Annexure A/6 and A/7 with a direction to maintain STATUS QUO and if the operation of the impugned order is not stayed as prayed for the applicant shall suffer an irreparable loss which cannot be adequately compensated in money.

11. That the applicant is enclosing an Indian Postal Order of Rs. 50/- (Rupees fifty) only with this application under Rule 7 of the Central Administrative Tribunal (Procedure) Rules, 1987, issued by the Post Office in favour of the Registrar/Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati payable at the post office at Guwahati.

Signature of the applicant

Joykumar Singh

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

I, Shri Takhellambam Joykumar Singh, aged about 39 years, son of late T. Gourchand Singh, working as JTO in the Office of the GMT/Manipur Division, do hereby verify that the contents of para No. 1 to 8 and 11 are true to my personal knowledge as well as from records and para No. 9 and 10 are believe to be true on legal advice and that I have not suppressed any material fact.

Dated, 5-10-2001

Place : Imphal

Drafted and settled by

[Signature]
Advocate

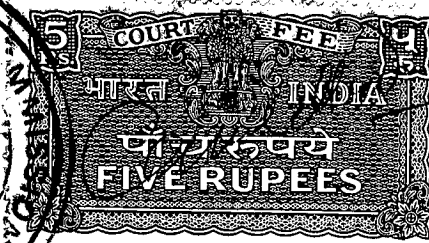
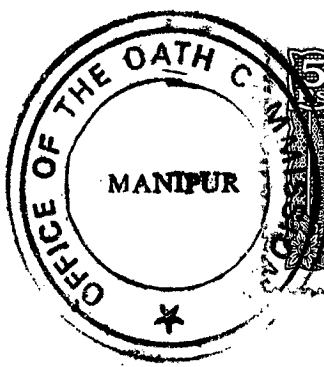
Signature of the applicant

Joykumar Singh

To

The registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

[Signature]



Joseph
5.10.2001

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-(14):-

A F F I D A V I T

I, Shri Takhellambam Joykumar Singh, aged about 39 years, son of late T. Gourchand Singh, occupation employee of Bharat Sanchar Nigam Ltd., Department of Telecommunication, resident of Top Awang Leikai, P.S. Porompat, Imphal East District, Manipur, do hereby solemnly affirm and say as follows:

1. That I am the applicant in the accompanying petition and as such I am fully acquainted myself with the facts of the case. This is true to my knowledge.
2. That the statements in paragraph Nos. 1 to except the legal points of the accompanying petition are true to my knowledge and true to the records and the legal points are my humble submissions. The Annexures A/1 to A/ are from my personnel records and official records received in my official capacity and also from official records. This is true to my knowledge.

Verified that the contents of para No.1 and 2 above are true to my knowledge and believe and humble submissions.

Imphal, the
5th October, 2001

Signature of the deponent

Joykumar Singh

Identified by :

M. B. Singh
Advocate

By :
[Signature]
Advocate

solemnly affirm before me on... 5.10.2001
at... 11 AM... at the... premises
by the Deponent who is identified
by H. B. Singh, Advocate.
The Deponent seems to understand
the contents fully well on the
being read over and explained to him.

Joseph
5.10.2001
Oath Commissioner
Manipur

- 15 -

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ANNEXURE A1

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE TELECOM DISTRICT MANAGER NAGALAND

- DIMAPUR.797112. -

Memo No. E-13/PT-V/49

Dated. 25-7-1991.

Consequent upon joining of new JTO's on 25.7.91 F.N. , the following place of posting is hereby issued.

1. Sri. S.Dhanabir Singh is hereby posted to Kohima under S.D.O.Phones Kohima vice Sri. M.B.Paul JTO Kohima transferred under TDM/Shillong.

2. Sri. T.K. Roy Kumar Singh is hereby posted as JTO cable and store at Dimapur under S.D.O.T/Dimapur.

3. Sri. Kenneth Singh Chingakham is hereby posted to Kohima under SDOPhones Kohima vice Sri. Shyamal Dutta JTO transferred under TDM/Agartala.

4. Sri. Manikumar Khaidem is hereby posted to Wokha under S.D.O.Phones Kohima vice Sri. Niranjan Das JTO Kohima transferred under TDM/Agartala.

5. Sri. Ph. Mocha Singh is hereby posted at Phek under SDOP/Kohima vice Sri. Susanta Sen JTO/Kohima (Now under deputation to Phek) transferred under TDM/ Shillong.

This is in pursuance of Chief G.M.T/Shillong letter No. STB/ES-3/Tenure/X dtd 8.7.91 and STB-I/JTO-TRG-POSTG/196 dtd 4.7.91.

The new JTO's will report to their respective station immediately.

D. N. Pathan
Telecom District Manager
Nagaland Dimapur.797112.

copy TO:-

1. Sri. U.B.Choudhury, A.G.M.Telecom(A) O/O The Chief G.M.Telecom Shillong.793001 for kind information and N/A.

2. The S.D.O.Telegraphs Dimapur

3. The S.D.O.Phones Kohima for information and N/A.

4. The JAO(CASH) O/O The TDM/Dimapur.

5 to 13. officials concerned.

14 to 22 Personal File of the officials in staff section of this office.

23. Office copy.

Telecom District Manager
Nagaland.Dimapur.797112.

TRUE COPY

[Signature]
Advocate

[Signature]

-16- b2
 DEPARTMENT OF TELECOMMUNICATIONS ANNEXURE A/2
 OFFICE OF THE CHIEF GENERAL MANAGER N.E TELECOM CIRCLE
 SHILLONG-793001.

No. STB/Request Transfer/JTOs

Dated at Shillong the, 29-1-98

ORDER

The following transfer orders in the cadre of JTOs are issued.

<u>Sl. No.</u>	<u>Name</u>	<u>Present Unit of working as JTO</u>	<u>New place of posting as JTO on transfer</u>
1.	Shri Tapan Kumar Dutta.	TDM/Dimapur	TDM/Aizawl.
2.	Shri T.K Joy Kumar Singh.	TDM/Dimapur	TDM/Imphal.

The above JTOs are to be relieved to new Units only after 31st March 1998.

Necessary charge report may be sent to all concerned.

(G.N Chyne)
 Asstt. General Manager (A)
 for Chief General Manager Telecom.
 N.E Circle Shillong-793001

Copy to :-

1. TDM/Dimapur- You are requested to ensure that the officials are relieved only after 31/3/98. Since the transfer in respect of Shri T.K Joy Kumar Singh is on his own request no TA/DA joining time is admissible.

✓ 2. TDM/Aizawl. Imphal

3. Officials concerned. Shri T.K. Joy K. Singh, JTO (MIS) o/o TDM Dimapur

4. Sr. A.O(TA) C.O/Shillong.

5. Circle Secretary, JTOA(I), N.E Circle Branch, MIS (Section) % the TDM/Shillong.

6. Spare.

TRUE COPY

Advocate

For Chief General Manager Telecom.
 N.E Circle Shillong,

O/O THE TELECOM DISTRICT MANAGER, NAGALAND

DIMAPUR.797112.

No. E-13/PT-VI/27

Dated 22-6-1998.

In pursuance of CGMT/Shillong Memo No. STB/ Request-Transfer/JTO's dated Shillong 29-1-1998, the TDM/Nagaland Dimapur is pleased to issue the following transfer order in the cadre of J.T.O.

SL No.	Name	Present unit of working as JTO.	New Place of posting as JTO on transfer.
1.	Sri. T.K.Joy Kumar Singh	O/O The TDM/ NLD At Dimapur.	TDM/Imphal.
	JTO(MIS) O/O The TDM/Dimapur.		
2.	Sri. B.Gogoi	Dimapur under SDE(Grp) Dimapur.	J.T.O.(MIS) O/O TDM,NLD DMP.
	JTO(Grp) Dimapur.		

Since the transfer of the official at SL.I(Sri. T.K. Joy Kumar Singh) is in his own request no TA/DA and joining time is admissible.

Sri. Singh is hereby struck off on the A/H of 30-6-1998.

(Signature)
22/6/98
D.E.(SBP)

O/O The Telecom District Manager

Nagaland.Dimapur.797112.

Copy to:-

1. The A.G.M.(A) O/O The CGMT/Shillong-793001.
2. The Telecom District Manager, Imphal,(Manipur.)
3. The SDE(PLG) O/O The TDM/Dimapur. / SDE(Grp) Dimapur.
4. The SDE(Construction) -do-
5. The C.A.O. -do-
6. The Accounts officer -do-
7. Sri. T.K.Joy Kumar, JTO(MIS) O/O The TDM/Dimapur. He is requested to submit his current C/R to the SDE(PLG).
8. Sri. B.Gogoi, JTO(Group) Dimapur. He is directed to take over the charge of JTO(MIS) from Sri. Singh. on 30.6.98 and also he ~~will~~ look after Estimates when ever required by SDE(PLG). Sri. Gogoi should attend to Chumukedima works also as and when required by SDE(GRP) Dimapur.

REC-9

9-10 P/File of the official.11. P.A. To TDM/Dimapur-

12. Pay Bill section of this office.

13 cc

(Signature)
22/6/98
D.E.(SBP)

O/O The Telecom District Manager
Nagaland.Dimapur.797112.

TRUE COPY

(Signature)
Advocate

ANNEXURE A/4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE GENERAL MANAGER: N.E. TELECOMMUNICATIONS CIRCLE.
SHILLONG-793001.

No. STBX-84/Rlgs

Dt. Shillong, the 25/7/76.

In continuation of this office order No. STBX/84/Rlgs dt. 13.4.76, regarding tenure station in this circle, the following procedure should be followed in connection with the transfer of officials within the division from tenure station.

Officials desirous of transfer within the division on completion of their prescribed stay at a tenure station should indicate the names of places of their choice in order of preference to the respective heads of divisions.

The substitutes against such officials would be from the officials having the longest stay in the division. While calculating the stay in the division, the period of service in a tenure station in the division, should not be counted.

Sd/-
(A.N. Prasad)
Director of Telecom. (S)
N.E. Circle, Shillong.

- 2 -

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Advocate

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Copy to:

All D.E.s In N.E.Circle.

S.S.Ts in N.E.Circle.

ADTT/C.O.Shillong.

All Shares, Staff Section C.O.Shillong.

CS, CTO, - Garhoh.

for guidance.

(B.Bhattacharjee)
Asstt. Director Telecom. (S&E)
For General Manager: N.E. Telecom.
Circle, Shillong.

TRUE COPY

Advocate

gkmt

ANNEXURE A/4(1)

ST/55 Rr
2343

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE GENERAL MANAGER : N.E. TELECOMMUNICATIONS : CIRCLE.
SHILLONG-793001.

No. STBX-84/Rlgs

Dt. Shillong, the 3-11-76.

It has been decided that officials seeking transfer out of the present division on completion of their prescribed stay at a tenure station should indicate names of 3 (three) divisions in order of preference.

2) While every efforts will be made to post them in the places of their choice, they will be liable to be posted elsewhere in the exigency of service.

3) The substitute against such transfers would be from the officials having longest stay in the division where they are transferred. While calculating the stay in the division in respect of the substitute the period of service, if any, in a tenure station in his present division should not be counted.

Copy sent to
SP. C. T. 97.

(A.N. Prasad)
Director of Telecom. (S)
N.E. Telecom. Circle, Shillong.

-2/-

TRUE COPY

Advocate

John

2 =

Y for information and necessary action to:-

1. All D. Es N.E. Telecom. Circle. They are requested to kindly
2. All S.T.T -do- bring the contents of para. 1 and 2
3. CS. CTO Gauhati. of this letter to the notice of all concerned.
4. ADTT C.O. SH.
5. CAO. C.O. SH.
6. All shares, STAFF Sec. Shillong.

(B. Phattacherjee)
Asstt. Director Telecom. (S&E)
For G.M. N.E. Telecom. Circle, Shillong.

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[Signature]
Advocate

[Signature]

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-22-

Bharat Sanchar Nigam Ltd. ~~ANNEXURE A~~
Office of the General Manager Telecom Dist.
Imphal- 795001

No. EST/JTO-2/Transfer/72 Dtd. 6. 9. 2001

To

ANNEXURE A/5
The Asst. General Manager (A)
O/o Chief General Manager,
R. E. Telecom Circle, - I
Shillong- 795001

Sub: Seniority list of JTOs in Manipur SSA.

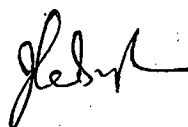
Please find enclosed herewith the seniority
list of JTOs in Manipur SSA for transfer and posting
purposes. (Tenuve) for taking further necessary action

521 51910
SDE (Admn.)
O/o General Manager Telecom
District, Imphal.

q. e. e. e.

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Advocate



23

JTO	Present Stn. where posted	Date from which wkg in present station	Whether present stn. is tenure	Whether any deptl. Qtr. provided in present stn.	Name of the stn. from where posted in present stn. stn.	Whether earlier served in any tenure station Name of Stn. Period with date
1	2	3	4	5	6	7
1. P. Brajabidnu Singh	Oitg. SDE Senapati	2.3.83	Yes	No	AE (Phones) SH	AE (P) SH 31.8.82 to 1.3.83
2. M. Samarendra Singh	Oitg. SDE Thoubal	28.10.65	Yes	No	No	No
3. M. Deba Singh	Oitg. CO	29.1.90	Yes	No	No	No
4. M. Humeshwar Singh	Oitg. SDE MAH/JP	4.8.50	Yes	No	No	No
5. Kenneth Chingakhom	Oitg. SDE/H & CG	15.12.92	Yes	No	Kohima NLD SSA	Kohima NLD SSA 25.7.91 to 4.12.92
6. H. Bijoy Singh	JTO (I/D) Imphal	10.3.93	Yes	No	No	No
7. N. Babakumar Singh	JTO ALU Khumarlampak	10.3.93	Yes	No	No	No
8. Ph. Mocha Singh	JTO S/West	2.9.93	Yes	No	NLD SSA	NLD SSA 25.7.91 to 2.9.93
9. Muni Kumar Khaideh	JTO North	15.5.94	Yes	No	NLD SSA	NLD SSA 25.7.91 to 14.5.94
10. Ireni Mungrei	JTO Ukhrul	2.5.95	Yes	No	No	No
11. A. Renubala Devi	JTO (Store)	2.5.95	Yes	No	No	No
12. N. Baleshwar Singh	JTO E-10B	2.5.95	Yes	No	No	No
13. N. Nando Singh	JTO (P/P)	2.5.95	Yes	No	No	No
14. Md. Rashid Ahmed	JTO E-10B	26.8.97	Yes	No	NLD SSA	NLD SSA 10.3.93 to 18.8.97
15. T. K. Joy Kumar Singh	JTO MARR	1.7.98	Yes	No	NLD SSA	NLD SSA 25.7.91 to 30.6.98

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Contd.....P/2

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Advocate

16.	A. Manitoombi Devi	JTO (MIS)	9.7.98	Yes	No	No	No
17.	A. Jasobanta Singh	JTO/IP	19.8.98	Yes	No	NLD SSA	NLD SSA 20.9.96 to 18.8.98
18.	L. Ranjit Singh	JTO VIP	2.11.98	Yes	No	NLD SSA	NLD SSA 7.5.93 to 21.12.94 31.12.93 to 30.10.98
19.	M. Asha Devi	JTO E-10B	7.12.98	Yes	No	No	No No
20.	Y. Joy Chandra Singh	JTO CCP	7.12.98	Yes	No	NLD SSA	NLD SSA 2.3.96 to 6.12.98
21.	L. Sashi Kanta Singh	JTO Instn.	1.1.99	Yes	No	NLD SSA	NLD SSA 4.4.94 to 30.12.98
22.	S. Kumar Singh	JTO TBL	19.6.99	Yes	No	T/F GH	T/F GH 12.2.97 to 18.6.99
23.	KH. Ksh. Ingocha Singh	JTO/TMG	3.1.2000	Yes	No	NLD SSA	NLD SSA 13.12.92 to 31.12.99
24.	S. Surjit Singh	JTO(S/Central)	22.6.2000	Yes	No	Mizoram SSA	Mizoram 18.12.98 to 16.6.00
25.	L. Ibomcha Singh	JTO SNP	6.7.2000	Yes	No	"	" 18.12.98 to 30.6.00
26.	L. Roben Singh	JTO (HQ)	6.7.2000	Yes	No	NLD SSA	NLD SSA 14.12.98 to 30.6.00
27.	H. Khogen	JTO (RLU) LPL	6.7.2000	Yes	No	Mizoram SSA	Mizoram 14.12.98 to 29.6.00
28.	N. Meghachandra Singh	JTO Moreh	17.7.2000	Yes	No	Mizoram SSA	Mizoram 17.12.98 to 7.7.2000
29.	Priyo Kumar Singh	JTO (Instl)	24.7.2000	Yes	No	NLD SSA	NLD SSA 18.11.98 to 14.7.00
30.	Ksh. Surjit Singh	JTO BNP	24.7.2000	Yes	No	"	" 16.12.98 to 14.7.00
31.	M. Birendra Singh	JTO KL RLU	5.9.2000	Yes	No	NLD SSA	NLD SSA 14.12.98 to 31.8.00
32.	M. Rameshwar Singh	JTO (S/E)	11.12.2000	Yes	No	No	No No
33.	Sanatomba Sharma	JTO/(RLU) LPL	11.12.2000	Yes	No	No	No No

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[Signature]
Advocate

[Signature]
Verified with
Section Supervisor (Est.)
U.O. THE GENERAL MANAGER TELECOM
6/3-

[Signature]
S.D.E. (Admn.)
5/19/01
S.D.E. THE GENERAL MANAGER T.I.
Imphal

BHARAT SANCHAR NIGAM LIMITED
(A Govt of India Enterprise)
OFFICE OF THE CHIEF GENERAL MANAGER,
NORTH EAST-I CIRCLE, SHILLONG - 793001.


NO STB/ES-3/Tenure/XII

Dated at Shillong, the 6th Sept. 2001.

The following JTOs are hereby transferred to the SSAs/Units as mentioned against their names.

Sl. No.	Name of the JTO	Present unit of posting	Posted on transfer
1.	A. Kumar Singh	Mizoram SSA	Manipur SSA vice Ph. Mocha Singh, JTO
2.	N. Chakraborty	Arunachal Pradesh SSA	Tripura SSA
3.	Prabir Paul	Mizoram SSA	Tripura SSA vice 1 st station seniority
4.	K.R. Singh	Nagaland SSA	Manipur SSA, vice H. Bijoy Singh
5.	Chandrakant Lamabam	Nagaland SSA	Manipur SSA, vice N. Nabakumar Singh
6.	B.R. Paul	Mizoram SSA	Tripura SSA, vice 2 nd station seniority
7.	S.D. Singh	Mizoram SSA	Manipur SSA, vice Mani Kumar Khaidem
8.	S.I. Singh	Mizoram SSA	Manipur SSA, vice Md. Rashid Ahmed
9.	C. Jitin Singh	Nagaland SSA	Tripura SSA, vice N. Baleshwar Singh
10.	O.J. Singh	Mizoram SSA	Manipur SSA vice T.K. Joy Kumar Singh
11.	M.A. Hakim	Mizoram SSA	Manipur SSA vice A. Jasobanta Singh
12.	B.C Paul	Mizoram SSA	Tripura SSA vice 3 rd station seniority
13.	Th. Sharatchand Meetei	Nagaland SSA	Manipur SSA vice N. Nando Singh
14.	Ph. Mocha Singh	Manipur SSA	Mizoram SSA
15.	H. Bijoy Singh	Manipur SSA	Nagaland SSA
16.	N. Nabakumar Singh	Manipur SSA	Nagaland SSA
17.	Mani kumar Khaidem	Manipur SSA	Mizoram SSA
18.	Md. Rashid Ahmed	Manipur SSA	Mizoram SSA
19.	N. Baleshwar Singh	Manipur SSA	Nagaland SSA
20.	T. K. Joy Kumar Singh	Manipur SSA	Mizoram SSA
21.	A. Jasobanta Singh	Manipur SSA	Mizoram SSA
22.	N. Nando Singh	Manipur SSA	Nagaland SSA

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Sl. No.	Name of the JTO	Present unit of posting	Posted on transfer
23.	Shyamlal Dutta	Tripura SSA	Mizoram SSA
24.	Utpal Lodh	Tripura SSA	Mizoram SSA
25.	Bikash Sarkar	Tripura SSA	Mizoram SSA

The 1st, 2nd, 3rd station senior most JTOs of Tripura SSA are transferred to Mizoram against Sl. No. 3, 6 and 12 as indicated above.

JTOs from Manipur and Tripura SSA s are to be released first to relieve JTOs in tenure stations.

Copy to the release order may be sent to this office for record.

(G.N.CHYNE)


Asstt. General Manager (Admn),
O/o the Chief General Manager,
N.E. Telecom Circle-I, Shillong.

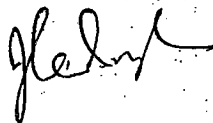
Copy to :-

1. The CGMT. NE - II, Telecom Circle, Dimapur for information.
2. The GMTD Agartala/Aizawl/Imphal for information and necessary action.
3. The CAO. O/o GMTD Agartala/Aizawl/Imphal/Itanagar
4. The A.O. (A&P). Circle office, Shillong.
5. The V.O./C.O. Shillong.
6. The President JTOA(I) E - 10B Shillong
7. The GMTD/Arunachal Pradesh.

(G.N.CHYNE)

Asstt. General Manager (Admn),
O/o the Chief General Manager,
N.E. Telecom Circle-I, Shillong.

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Advocate



No. EST-2/JTO/TFR

Dtd. at Imphal, 18/09/01

In pursuance of CGMT, Shillong order No. STB/EE-3/Tenure/KII dated 06.09.2001 the following JTOs working under Manipur SSA are hereby transferred and posted to the SSA's noted against them with immediate effect.

Sl. No.	Name of JTO's	Posted on transfer to
1.	Sri Ph. Mocha Singh, JTO (S)	Mizoram SSA vice A. Kumar Singh, JTO
2.	Sri H. Bijoy Singh, JTO (I/D)	Nagaland SSA vice K.R. Singh, JTO
3.	Sri N. Nabakumar Singh JTO (RLU)	Nagaland SSA vice Chandrakant Lamabam, JTO
4.	Sri Mani Kumar Khaidem, JTO (R/E)	Mizoram SSA vice S.D. Singh, JTO
5.	Mr. Rashid Ahmed, JTO E-10B	Mizoram SSA vice S.I. Singh, JTO
6.	Sri N. Baleshwar Singh JTO E-10B	Nagaland SSA vice C. Jiten Singh, JTO
7.	Sri T.K. Joy Kumar Singh JTO (Plg)	Mizoram SSA vice O.J. Singh, JTO
8.	Sri A. Jacobanta Singh, JTO/Senapati	Mizoram SSA vice Mr. A. Hakim, JTO
9.	Sri N. Nando Singh, JTO (Power Plant)	Nagaland SSA vice Th. Saratchand Meetei, JTO

Necessary TA/DA may be applied if required.

D. E. (PSA)

O/o General Manager Telecom
District, Imphal

Copy to:-

1. The CGMT, IE Circle-1, Shillong.
 2. The CGMT, IE Circle-II, Dimapur.
 3. The MTD, Aizawl/Dimapur
 4. The CRO O/o the MTD, Aizawl/Dimapur/Imphal
 5. The A.O. (ASP), O/o CGMT, Shillong.
 6. The A.O. (C&H), Imphal
 7. The (Intl)/(Intl)/Rural/(PSA), Imphal. They are requested to release the officers well in time.
- Officers Concerned (.)

1. 1/8
10. 3/3

D. E. (PSA)

O/o General Manager Telecom
District, Imphal

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[Signature]
Advocate

[Signature]

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44

OFFICE OF THE HEAD MASTER
THE RISING HIGH SCHOOL, TOP MAYAI LEIKAI,
IMPHAL-EAST.

ANNEXURE A/8

READING CERTIFICATE

Certified that Baby T. Diana Devi D/O Shri Takhellambam Joykumar S ingh of Top Awang Leikai, Imphal East is a bonafied pupil of this school. She is now reading in class Nursery B.

Her date of birth is, according to admission Register is 25/05/1997 (May twentyfive, Nineteen hundred ninetyseven).

(L. Manihar Singh)
29/9/01

Head Master,

The Rising High School, Top Mayai Leikai,
Imphal-East.

**The Rising High School
Top Mayai Leikai, Imphal-E.**

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[Signature]
Advocate

[Signature]

(14) *E* -29- SDE/ANIS
12/6

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE
SHILLONG - 793 001

ANNEXURE A/9

No. STTL/LS-3/Tenure/XI/L

Dated at Shillong the 4th June 1998

The following orders of posting and transfer are issued in the cadre of JTO with immediate effect.

1. Sri S. Patgiri, JTO under TDM, Itanagar is transferred and posted under TDM, Shillong vice Sri P. Dhekkial transferred.
2. Sri Promod Dhekkial JTO under TDM, Shillong is transferred and posted under TDM, Itanagar vice Sri S. Patgiri transferred.
3. Sri Brief Lee Lyngkhai JTO under TDM, Aizawl is transferred and posted under TDM, Shillong vice Sri Daimari JTO under TDM, Shillong transferred. This is in partial modification of this office memo of even No. Dated 29.10.97.
4. Sri S. Daimari JTO under TDM, Shillong is transferred and posted under TDM, Aizawl vice Sri Brief Lee Lyngkhai transferred under TDM, Shillong.
5. Sri Subash Paul JTO under TDM, Aizawl is transferred and posted under TDM, Shillong vice Sri U.K. Endow JTO transferred.
6. Sri U.K. Endow JTO under TDM, Shillong is transferred and posted under TDM, Aizawl vice Sri Subash Paul Transferred.
7. Sri L. Sashikanta Singh JTO under TDM, Dimapur is transferred and posted under TDM, Imphal vice the first longest stay JTO under TDM, Imphal transferred.
8. The first longest stay JTO under TDM, Imphal is transferred and posted under TDM, Dimapur vice Sri L. Sashikanta Singh transferred.
9. Sri Ayeckpam Jaso Banta Singh JTO under TDM, Dimapur is transferred and posted under TDM, Imphal vice the second longest stay JTO under TDM, Imphal transferred.
10. The second longest stay JTO under TDM, Imphal is transferred and posted under TDM, Dimapur vice Sri Ayeckpam Jasobanta Singh transferred.

Contd...2-

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Advocate

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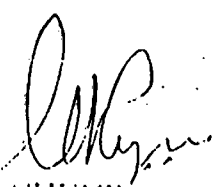
11. Sri Rabindra Bhattacharya JTO under TDM, Itanagar is transferred and posted under TDM, Shillong vice Sri Ratan Chandra Paul JTO transferred under TDM, Itanagar.
12. Sri Ratan Chandra Paul JTO under TDM, Shillong is transferred and posted as JTO under TDM, Itanagar vice Sri Rabindra Bhattacharya JTO transferred under TDM, Shillong.
13. Sri R.K. Baruah JTO under TDM, Aizawl is transferred and posted as JTO under TDM, Itanagar vice the first longest stay JTO under TDM, Itanagar transferred under TDM, Aizawl.
14. The first longest stay JTO under TDM, Itanagar is transferred and posted under TDM, Aizawl vice Sri R.K. Baruah JTO transferred.
15. Sri A. Purkayastha JTO under TDM, Aizawl is transferred and posted under TDM, Shillong vice Sri A. Bhattacharjee JTO transferred.
16. Sri A. Bhattacharjee JTO under TDM, Shillong is transferred and posted under TDM, Aizawl vice Sri A. Purkayastha JTO transferred.
17. Sri R.K. Das JTO under TDM, Aizawl is transferred and posted under DE, CTSID, Guwahati vice Shri Abdul Munyem promoted to TES Group "B" on local officiating arrangement.
18. Sri P.S. Bhattacharya JTO under TDM, Aizawl is transferred under TDM, Agartala vice Sri Kishore Ranjan Dey JTO transferred.
19. Sri Kishore Ranjan Dey JTO under TDM, Agartala is transferred and posted under TDM, Aizawl vice Sri P.S. Bhattacharya JTO transferred.

Official from non tenure stations should be relieved first. Tenure station officials will be relieved on joining of this reliever.

Copy of release order may be sent to this office for record.


TRUE COPY


Advocate



(G.N. CHYNI)
Asstt. General Manager (Admin)
For Chief General Manager
N.E. Telecom Circle, Shillong-1

(3)

Copy for information and necessary action to :-

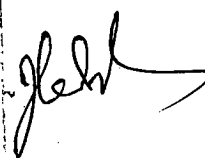
1. TDM- Shillong/Agartala/Imphal/Dimapur/Itanagar.
2. TDM-Aizawl. He is requested to relieve Sri R.K. Das JTO for CTSD Guwahati immediately
3. DE, CTSD (NE), Begbaruah Road, Guwahati.
4. CAO, o/o TDM- Shillong/Agartala/Imphal/Dimapur/Itanagar
5. Circle Secretary, JTOA I, N.E. Circle, Shillong.

(G.N. CHYME)

Asstt. General Manager (Admin)
For Chief General Manager
N.E. Telecom Circle, Shillong-I

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Advocate



DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM,
N.E. CIRCLE, SHILONG-793001.

No. STB/ES-3/Tenure/XI,

Dated at Shillong the 25/8/95

The chief General manager N.E. Telecom Circle Shillong is pleased to issue the following order of transfer and posting in the cadre of Jr. Telecom officers to have immediate effect :

1. Shri B.C. Paul JTO/Kohima is now transferred and posted under TDM/Agartala Vice first Longest stay at the station who stands transferred and Posted to Kohima..
2. Shri M.R. Dutta JTO/Aizawl is now transferred and posted under TDM/Agartala Vice Second Longest stay JTO at the station who stands transferred and posted to Aizawl.
3. Shri B.C. Das JTO/Saiha is now transferred and posted under TDM/Agartala Vice third Longest stay JTO at the station who stands transferred and posted to Saiha.
4. Shri B.B. Malakar JTO/Zunheboto is now transferred and posted under TDM/Agartala Vice fourth Longest stay JTO at the station who stands transferred and posted Zunheboto.
5. Shri D.K. Deb. JTO/Kohima is now transferred and posted under TDM/Agartala Vice fifth Longest stay JTO at the station who stands transferred and posted to Kohima.
6. Shri N.N. Mazundar JTO/Kohima is now transferred and posted under TDM/Agartala Vice sixth Longest stay JTO at the station who stands transferred and posted to Kohima.
7. Shri Rashid Ahmed Shah JTO/Wokha is now transferred and posted under TDM/Imphal Vice first Longest JTO at the station who stands transferred and posted to Wokha.
8. Shri A.K. Sen JTO/Aizawl is now transferred and posted under TDM/Itanagar Vice first Longest stay JTO at the station who stands transferred and posted to Aizawl.
9. Shri D. Laskar JTO/Tura is now transferred and posted under TDM/Agartala. Substitute to be posted by TDM/Shillong.

Official from non-tenure station should move first.

The above named officials will be relieved on Joining
of their relievers.

Copy of release order may be send to this office
for records.


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Advocate

Copy to :-

- 1-6 TDM/AGT/AZL/DMP/IP/ITN/SH.
7. A.O. (T) C.O. Shillong
8. Circle Seceretary JTOA(I)
9. A.E. E-10B Shillong-793001.

Sd/-
(S.H. Majaw)
A.G.M.T.(Adm.)
for Chief General ManageTelecom.
N.E. Circle Shillong.


Sd/-
A.D. Telecom (HRD)
O/o. the CGMT, N.E. Circle
Shillong-793001

33-
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
....

OA No. 184/96

ANNEXURE A/11

Shri M.S. Singh
VS

Applicant(s)

Union of India and others

Respondent(s)

Mr M. B. Sharma

Advocates for the applicant(s)

Mr G. Sarma, Addl. C.G.S.C.

Advocates for the Respondent(s)

Office Notes

Date

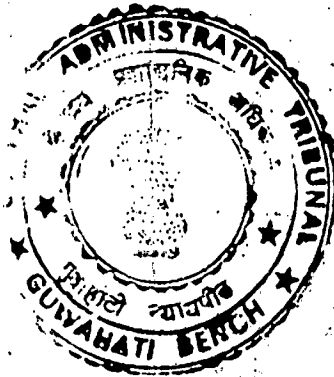
Courts' Orders

29.8.96

Learned. counsel Mr M. Bimal Sharma for the applicant. Mr G. Sarma, learned Addl. C.G.S.C. for the respondents.

Mr M.B. Sharma requests that this application may be taken up today unlisted as he has come from Imphal and the matter is of urgent nature. Considered his prayer and the same is allowed.

Mr M.B. Sharma moves this application on behalf of the applicant against his order of transfer order No. EST/JTO/TFR/96-97/39 dated 10.6.1996, Annexure-A/15. In O.A.No.113/96 the same order was impugned, but as the representation dated 14.6.1996 of the applicant had not been disposed of by the respondents that O.A. was disposed of with a direction to the respondents to dispose of the said representation within one month from the date of receipt of the order dated 2.7.1996 in that O.A. by respondent No.1. The respondent No.1 has since disposed of the representation dated 14.6.1996 vide his order No. STB/ES-3/TENURE/XI/265 dated 22.8.1996, Annexure-A/28, rejecting the prayer of the applicant on the ground that his transfer is justified as he being the longest stay JTO under TDM, Imphal in Manipur SSA. The applicant therefore, has submitted this instant

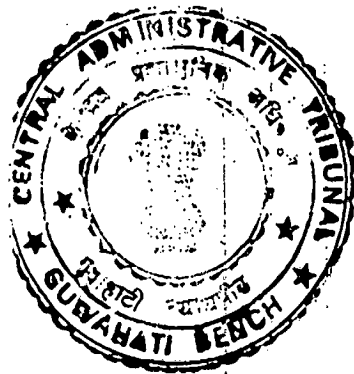


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Advocate

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29.8.96



application under Section 19 of the Administrative Tribunals Act, 1985. The contention of Mr M.B. Sharma is that the transfer of the applicant is based on malafide. In the transfer order dated 25.8.1995 his name was not included and Shri Rashid Ahmed Shah, JTO, Wakha was transferred and posted under TDMIP vice first longest JTO at the Station who stands transferred and posted to Wakha. The longest JTO in the station Imphal at the relevant time was one Shri P.B. Singh. The order was, however, not implemented because Shri P.B. Singh was due for his promotion and he was promoted on 22.3.1996. Had this order been implemented immediately Shri P.B. Singh would have gone on transfer to Wakha. The clarification dated 31.5.1996 states that Shri R.A. Shah was to be relieved by the longest stay JTO in Imphal. But the applicant was not in Imphal, but he was posted in Loktak at that time. According to him the applicant is the seniormost JTO in the Manipur Division and the transfer order dated 10.6.1996 was issued simply to deprive him of his promotion to one of the vacant posts of TES Gr.'B' in Manipur Division. Further, according to him, the malafide intention of the respondents is clear from the order dated 22.8.1996 above which had changed the situation from longest stay JTO in Imphal to longest stay JTO under TDM, Imphal.

The other contention of Mr M.B. Sharma is that the transfer order dated 10.6.1996 was made in violation of Rule 37(A) of P & T Manual, Vol.IV affecting the education of his children.

Heard Mr M.B. Sharma and perused the contents of the application and the reliefs sought. The application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List for written statement and further order on 10.10.96.

Shri M.B. Sharma submits for an interim order on the interim relief prayer prayed for in the application. Learned Addl. C.G.S.C., Mr G. Sarma, opposes the submission of Mr M.B. Sharma. However, having heard the learned counsel for the

contd-/.....

TRUE COPY

[Signature]
Advocate

29.8.96

parties and considering the nature of the relief sought in this application I am of the view that an interim order is to be issued. Accordingly it is directed that the respondents shall keep the operation of the impugned order dated 10.6.1996 in abeyance till disposal of this O.A. The respondents may, however, take steps for early disposal of the O.A. keeping in view that this is a matter of transfer.



Copy of the order may be furnished to the counsel for the parties.

Sd/- MEMBER (ADMN)

nk m

Certified to be true Copy
প্রমাণিত প্রতিলিপি

COURT OFFICER

সহকারী বিচারিক কর্মকর্তা
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক উদ্যোগ
Guwahati Bench, Guwahati-8
গুৱাহাটী ন্যায়ালয়, গুৱাহাটী-৪

TRUE COPY

[Signature]
Advocate

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52

Bharat Sanchar Nigam Ltd.
Office of the General Manager Telecom Dist.
Imphal- 795001

MS. EST-2/JTO/TFR/75

Dtd. at Imphal, 20.9.2001

To

The Chief General Manager
M.E. Telecom Circle,
Shillong- 793001

ANNEXURE A/12

Sub: Forwarding of representation.

Kindly find enclosed herewith a representation from Shri T. K. Joy Kumar Singh JTO (Plg) requesting for reviewing the transfer and posting order issued vide MS. STB/IS-3/Tenure/XII dtd. 6.9.2001 for favour of information and necessary action.

LB 1 20/9/01
(P. Benerjee)
SDE (Admin.)

O/o General Manager Telecom Dist.
Imphal- 795001.

TRUE COPY

[Signature]
Advocate

Div. Secy. (M) / Shillong.
Div. Secy. (M) / Manipur Branch

The Chief General Manager
North Eastern Telecom Circle,
Shillong- 793001

(Through Proper Channel)

Sub: Request for reviewing of JTOs tenure transfer
order No. STB/ES-3/Tenure/XII dated at
Shillong 6th Sept. 2001.

Respected Sir,

With due regard and respect, I beg to state the
following few lines for your kind consideration please.

That Sir, with reference to your office order No.
STB/ES-3/Tenure/XII dated at Shillong the 6th Sept. 2001,
my transfer order was issued at Sl. No. 10 and 20 of
the said order to Mizoram vice O.J. Singh, JTO, Mizoram.
But sir, as per station seniority of Manipur SSA is con-
cerned, my turn is not coming yet.

There is 2 (two) JTOs namely Ireni Mungrei and
A. Renubala Devi who joined in Manipur SSA as JTO on
2.5.95 (both) and I was joined here in Manipur on
1.7.98 after prolonged more than 7 years service as JTO
in Dimapur, Nagaland. They are also JTOs as like me.
Now their turn is coming and this is not my turn. Why
they cannot be served in other states? why transfer for
me instead of their turn? why I can sacrifice for them
after prolonged service as JTO in Nagaland. Very recently
I joined here in Manipur. Any way I can go when my turn
is coming. They also can transfer in other states as they
signed in the bond while entering in the department as
JTO.

That Sir, I am not violating my turn of station
seniority in transfer case, but I cannot accept such in-
justice transfer order in my case.

So, I therefore, request you kindly to review the
transfer order by using these two JTOs or other means which
can be applied. I hope, you will kindly consider my appeal.

That Sir, if any acceptable and justice is not
coming from your good office and instead if forced me to
go transfer like this way I am very sorry sir I may take
legal aid at last and very sorry for that.

But I hope you will kindly consider my case as I am
already served more than 7 years service in Dimapur, Nagaland
and very recently joined in Manipur and also this is not
to move.

With kind regard to your goodself.

Enclosures:

- 1) List of station seniority of JTOs in Manipur SSA
- 2) JTOs transfer order copy
3. STB/ES-3/Tenure/XII dated at Shillong 6th Sept. 2001

Yours faithfully,

(T.K.) Joykumar Singh
JTO (Plg)

I/C of S. D. E (Plg)
I/C of S. D. E. (Store)
O/o General Manager Telecom Dst.
Imphal- 795001.

Copy to:-

- (1) The GMT, Imphal, Manipur- for kind information and n/a and not to release me before settlement of the case.
- (2) The DGMT/Imphal- for kind information and n/a and not to release me before settlement of the case.
- (3) The Circle Secy. JTOA(1)/Shillong.
- (4) The Divisional Secy. JTOA(1) Manipur Branch

TRUE COPY

Advocate

*Submitted & received by
Mr. P. K. Nigam
Imphal (Manipur)*

11/7/24

40
20
Bleeding
tapped

1) Cap. Phosin (10)
1 lb 3 hr x 5 fr

2) Tab. Dicyamine (15)
1 lb 3 hr x 5 fr

3) Anovate out
apply 2 hr

4) Tab. Pilex (100)
2 lb 3 hr

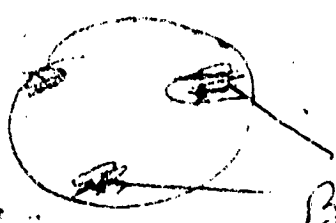
An:
Surgey
when you are
convinced
B.P. to check up
regularly

Heckman
11/7/24

Remind body

3/15/24

BP 150
90



Bleed

5) Sitz Bath
Two times

6) Faklu out
apply 2 hr

7) Tab. Pilex (100)
2 lb 3 hr

8) Tab. Enamide (50) (15)
1 lb. more

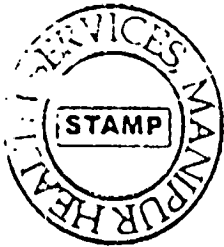
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3/15/24

Awaiting
Surgey

TRUE COPY

Advocate

HEALTH SERVICES. MANIPAL



O. P. D.

Control

No (Yearly) 9906 / 4/7/21
 Name of Patient: JK Jay Kumar
 Age 40 Sex M Religion H
 Address Top Army Lickni
 Diagnosis Internal Piles & Hypertension

History/Physical Examination	Treatment
<p>To show it may concern</p> <p>I am into certify that I have examined the patient / 40 yrs a resident of Top Army Lickni on 4.7.21 and 11.7.21 as S.O.D. RN (31) for his anal complaints (OPD 9906)</p> <p>He was found suffering from 'Internal Piles II° & III°'. He is also found to be suffering from 'Hypertension'. I had been treating him on conservative line for 'Internal piles'. However, specific treatment for piles is surgery. Therefore, any time there may be bleeding problem from the piles which may be an emergency surgically. Surgery is recommended. Hypertension is a most dangerous condition for health, recovery</p>	

HEALTH SERVICES, MANIPUR

COPYD (31)
26/9/01

O. P. D.

MEDICAL DEPT
MANIPUR
PHSC/D...
Book No.
Outdoor Patients
Coupon No. 0316
Ra. 1/-

D. Regn. No (Yearly) : 40351 ✓
Name of Patient : Jay Kumar Singh
Age : 40 yrs Sex : M Religion : H
Address : Top Amang Likrai
Diagnosis :

MEDICAL DEPT
MANIPUR
PHSC/D... 02556
Book No.
Outdoor Patients
Coupon No.
Ra. 20566

History/Physical Examination

Tre.

26/9/2011

Bluish Pils

BP 150 / 100

Bluish

1) Contin
Emadine 5g - (10)

1 lb mang

2) 1 lb. Zolam 0.25g - (10)

1 lb. budney (9 PM)

Like Ball 2 by

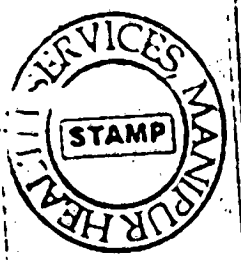
5) Cremofin 3 by hand an

3) 1 lb. Pils 2 lb. 3 PM to lunch

TRUE COPY
Advocate

26/9/2011 4) 1 lb. Dicyamine 1 lb. (2) 3 PM

HEALTH SERVICES. MANIPUR



(Contd) **D. P. D.**
Ref. No. 9906 / 4/7/241 + 40351 / 26/9/01

Age No (Yearly) : 9906 / 4/7/241 + 40351 / 26/9/01
Name of Patient : Mr. Joy Kumar
Sex : M Religion : H

Date : 26/9/2001
Referral from : Hypertension

History/Physical Examination

Treatment

To Whom it may Concern
It is to certify that I have examined
Mr. Joy Kumar / 40 yrs., a resident of Joy Arang
Lekhai on 26/9/2001. He has been found
to be suffering from "High Blood pressure"
and Internal Piles.
High blood pressure requires regular consult
ation with doctor for control. High blood
pressure is not a favourable condition
to his existing piles, as there may be
increased tendency of bleeding from the
piles. His advice for hypertension should
be strictly adhered to. Mental and Physical rest
is very essential for recovery.
26/9/2001

Dehishi
26/9/2001
Dr. S. F. Chisholm
General Surgeon
J. N. Hospital, Imphal
K. J. Somaiya Institute

TRUE COPY

[Signature]
Advocate

- 43- 59

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

O.A.No.410 of 2001

26 NOV 2001

Shri T.J.Singh.....Applicant.

Vs

Union of India & Ors.....Respondents.

Written statement filed by the respondents No.1,2 and 3,

The written statement of the respondents No.1,2 and 3 are as follows:-

1. That the copies of O.A.No.410 of 2001 herein after referred to as application have been served on the respondents and the respondents after going through the said application have understood the contents thereof.
2. That the statement made in the application save and except those are specifically admitted and denied by the respondents.
3. That it is submitted that the transfer and posting order for tenure station is based on policy decision. Implementation of the tenure transfer order is necessary for achieving various targeted works as well as for relieving the official, who has completed the tenure service. If the transfer order is stayed or kept in abeyance, the whole chain in the transfer order will be affected. As a result the official at tenure station will have to suffer even after completion of his tenure period and as a consequence no official will be willing to serve the tenure station and thereby the telephone service rendered to the public by the Department will also suffer. The North Eastern Telecom Circle is having a good number of tenure stations. As per Departmental rules officials working in the tenure stations are liable to be transferred on completion of tenure period of service. While transferring the official from the tenure station, the Department has to give reliever from other station. But if the reliever like the applicant, comes to this Hon'ble Tribunal and gets stay order, the result will be reflected on the official serving in the tenure station which is harmful to the interest of the service. The stay granted by this Hon'ble Tribunal is putting this administration in great dead-lock of day to day functioning as well as public will

suffer at large and for this count the stay order is liable to be vacated.

4. That with regard to the statement made in paragraph 4 and 5 of the application the respondents have nothing to comment.
5. That with regard to the statement made in paragraph 6(1) of the application the respondents beg to state that the declaration bond and condition of service in the appointment letter, indicates that JTOs are bound to be transferred to any place in the Circle or any part of India unless it is expressly ordered otherwise. The applicant is well aware of the service condition.
6. That with regard to the statement made in paragraph 6(2) of the application the respondents beg to state that the liability to serve in any part of N.E Telecom Circle and in special circumstances in any part of India is a condition of the service but his application for request transfer to Imphal was considered on compassionate ground on the reason mentioned in the transfer application.
7. That with regard to the statement made in paragraph 6(3) of the application the respondents beg to state that the assignment of duties to different types of work in the interest of service is a condition of service.
8. That with regard to the statement made in paragraph 6(4) of the application the respondents beg to state that it does not reflect anything in favour of the applicant. The Head of the Circle has selected some Tenure stations for various cadres of Post & Telecom staff in difficult places to maintain the Telecom Services. It has been decided by the Head of the Circle that the reliever to the tenure station should be released in advance so that there is no occasion for delay in relieving the Tenure Station staff. The Annexure A/4 mentioned in the application is related to the transfer within the Division i.e. now SSA. The Annexure A/4(1) in the application relates to the officials who has completed stay at Tenure Station. Order dated 17.7.79 is annexed here as R1).
9. That with regard to the statement made in paragraph 6(5) of the application the respondents beg to state that the list indicate the particulars in respect of JTOs posted at Manipur SSA.

10. That with regard to the statement made in paragraph 6(6) of the application the respondents beg to state that the Tenure Stations declared as per provisions in P & T letter No STB-X-84/Rlg dated the 4th Dec'1971 are difficult places and transfer to and from the Tenure station are issued after due consideration according to the norms, practices and maximum output expected to be achieved during the stay in the difficult stations.

11. That with regard to the statement made in paragraph 6(7) of the application the respondents beg to state that seniority was maintained at the time of issuing of transfer order. Sl.No.10 and 11 viz Irene Mungrei and A.Renubala Devi are two lady JTOs. For women JTOs it is to mention that the Ministry of Personal Public Grievances and Pensions have a 12 points minimum Agenda for women in Civil Services in consultation with experts and cadre controlling authorities where it has instructed to make special provisions for women in service in areas considered appropriate by the controlling authority. At the time of transfer to Tenure station the controlling authority has to see the impact of the transfer by looking into the practice of ensuring posting of husband and wife together or ensuring that the women in service stay with parents. Hence the controlling office at the time of tenure transfer order has not violated the norms and directives.
(Ministry of Personnel Public Grievances and pension letter No:- 400-72/2001-Pers I annexed here as R2)

12. That with regard to the statement made in paragraph 6(8) of the application the respondents beg to state that there is school facility there. The point raised by the applicant is not reflecting anything against his transfer order.

13. That with regard to the Paragraph 6(9) of the application the respondents beg to state that the applicant has not projected fully the implementation of the Rule 37(a) wherein it states that in emergent cases or cases of promotion this restriction will naturally not operate. In the instant case the officer from tenure station are to be transferred immediately on completion of their tenure as per the policy laid down in tenure transfer cases and the applicant has been transferred to release another JTO from a Tenure Station. He will also in turn be released after completion of tenure. In this respect it is to mention that the Hon'ble Supreme Court Judgement and order dated 22nd Sept 1992 in the case of UOI Vs N.P.Thomas. It states that "In our opinion, the Court should not interfere with a transfer order which is made in public interest and for administration reasons unless the transfer

orders are made in violation of any mandatory statutory rule or on the ground malafide.

The transfer order issued by the Competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instruction or orders, the courts ordinarily should not interfere with the order, instead effected party should approach the higher authority in the Department. If the courts continues to interfere with the day to day transfer orders issued by the government and its subordinate authority, there will be complete chaos in the administration which would not be conducive to public interest. (The judgement and order dated 22.9.1992 passed by Honourable Supreme Court annexed here as - R- 3).

14. That with regard to the statement made in paragraph 6(10) of the application, the respondents beg to state, that the transfer order is fair and as per norms and in the interest of service as per the service condition of JTO. Hence the allegation is not correct.

15. That with regard to the statement made in paragraph 6(11) and 6(12) of the application the respondents beg to state that the annexure mentioned in this paragraph is not applicable to the applicant as per the judgement and order dated 22nd Sept'1992 and more over the applicant never worked in any tenure station as applicable in P & T order dt. 4.12.71.

16. That with regard to the statement made in paragraph 6(13) of the application the respondents beg to state that the applicant was released from the strength of Manipur SSA on 28.09.2001 ie.before filing the O.A. in the Hon'ble Tribunal whereas Shri Samarendra Singh who filed the O.A.No.184 was still in the strength of the SSA on the date of filing of the OA but ultimately withdrawn the case by himself. Hence it is not applicable to the applicant.

17. That with regard to the statement made in paragraph 6(14) of the application the respondents beg to state that representation was disposed off and the applicant was released from the strength of Manipur SSA on 28.9.01. Hence the allegation is not correct.

18. That with regard to the statement made in paragraph 6(15) of the application the respondents beg to state that the applicant has never projected about his ailment in his representation dated 18.9.2001.

19. That with regard to the statement made in paragraph 6(16) of the application the respondents beg to state that the applicant has approached the Hon'ble Tribunal by suppressing the facts of the case and thus violated the conduct rules of the Department.
20. That with regard to the statement made in paragraph 6(17) of the application the respondents beg to state that the statement is not correct.
21. That with regard to the statement made in paragraph 8 of the application the respondents have nothing to comment.
22. That with regard to the statement made in paragraph 6 (9) (a) to (d) of the application regarding the relief sought for, the respondents beg to state that the applicant is not entitled to any of the relief sought for and as such the application is liable to be dismissed.
23. That with regard to the ground of relief sought for (I to VIII) the respondents beg to state that the applicant is not entitled to any relief sought for and hence the application is liable to be dismissed.
24. That with regard to the statement made in paragraph 6(10) of the application the respondents beg to state that the applicant was struck off from the strength of DE(P&A) w.e.f. 28/09.2001 vide order dated 26.09.2001. in pursuance of the order dated 6.9.2001. and order dated 18.9.2001. Hence by an order dated 8.10.2001 by the Tribunal giving direction to stay the operation of order dated 6.9.2001 and order dated 18.09.2001. does not arise and hence the application is liable to be dismissed. (Released order of Shri T.K. Joykumar Singh is annexed here as R4)
25. That with regard to the Paragraph 11 of this application the respondents have nothing to comment.
26. That the respondents submit that the applicant was struck off from the strength of the DE(P&A) O/o the GMTD, Imphal w.e.f 28.9.2001 A/N but the applicant has suppressed the fact and misled the Hon'ble Tribunal by giving false information and an interim order was passed by the Hon'ble Tribunal dated 8.10.2001 suspending the impugned order.

27. That the respondents submits that under the above mentioned circumstances the application is liable to be dismissed. 64
28. That the respondents submits that in fact there is no merit in this case and as such the application is liable to be dismissed.
29. That the respondents beg to state that the applicant has suppressed the fact and misled the Hon'ble Tribunal which resulted to the interim order dated 8.10.2001 passed by the Hon'ble Tribunal has placed the Department in an awkward position. It is submitted that the interim order passed in O.A.No.410/2001 on 8.10.2001 may be vacated or to pass other order/orders as your lordship deems fit and proper.

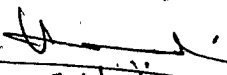
VERIFICATION

I, C. MURMU, vigilance officer, o/o The CEMT Shillong.

as authorized do hereby solemnly declare that the statements made above in the Petition

are true to my knowledge, belief and information and I sign the verification on this

.....21st..... day ofNov..... 2001.


21/11/01

DECLARANT

581
23/7
-8-
Indian Posts & Telegraphs Department

From: The General Manager,
North Eastern Telecom Circle,
Shillong-793001.

Annexure - R

To: 1. ALL DETA T & P) by name.
2. ALL SETS/STL (Gadmati)

No. G.P.O. 8/111

Dated Shillong, 17.7.79

Some of the union representatives brought to my notice instances of delay in the transfer of staff working in tenure stations to stations of their preference after completion of the tenure. I have also received complaints from some individuals in this regard.

The need for ensuring that the staff posted to tenure stations are brought to the stations of their preference immediately on completion of tenure period cannot be over-emphasised. All the Divisional officers should ensure that there is no delay in the transfer of tenure staff on completion of the tenure. In respect of Circle cadres the Divisional Officers concerned may please take up with the Circle office at least 4 months in advance for issue of transfer orders.

It may be ensured that transfer orders are issued 2 months in advance of the day of completion of tenure period. The reliever to the tenure station should be released 10 days in advance so that there is no occasion for delay in relieving the tenure station staff. Only in very exceptional cases the tenure staff need be released without the reliever joining. To ensure this procedure the tenure station staff may be advised to indicate preferences of station 4 months in advance of the date of completion of tenure.

All cases where the tenure staff are not relieved within a fortnight from the date of completion of his tenure at the latest, should be reported to the Circle office with full details specially indicating the reasons for not releasing in time. When any staff in a tenure station is not released within a period of one month of completion of his tenure the case should be brought to my personal notice demi-officially by the Divisional Engineers/S.T.T./S.S.T.T. concerned.

o/c
S.K. Roy
(S. K. Roy)
General Manager
N.E. Telecom Circle
Shillong

D.G.A.
AD(S)
Copy to:- 1. Shri R.K. Roy, AD(S)
2. Shri C. Nityanandam, A.D.T.T.)
for necessary action and followup.

Minimum Agenda for Women in Civil Services

Phase I:

S.No	Points of Action	Authorities
1.	Collection and collation of gender disaggregated data in all offices/institutions for all posts at all levels so that a clear picture about percentage of working women emerges. This needs to be done for the periods say 1991, 1995 and 2001, in order to understand the trends.	All Cadre Controlling Authorities
2.	Looking into the practice and not merely the provisions/rules, etc. of ensuring posting of husband and wife together. To build up a data base on the number of cases where this has not been possible.	Department of Personnel & Training / All Cadre Controlling Authorities
3.	Review of rules and regulations to identify lacuna/areas for improvement where they perpetrate gender bias/discrimination. Examining the need for making special provisions for women in service in areas considered appropriate by the cadre controlling authority. A specific Action Plan in this regard	Department of Personnel & Training/ All Cadre Controlling Authorities

Minimum Agenda for Women in Civil Services

Phase I:

S.No	Points of Action	Authorities
1.	Collection and collation of gender disaggregated data in all offices/institutions for all posts at all levels so that a clear picture about percentage of working women emerges. This needs to be done for the periods say 1991, 1995 and 2001, in order to understand the trends.	All Cadre Controlling Authorities
2.	Looking into the practice and not merely the provisions/rules, etc. of ensuring posting of husband and wife together. To build up a data base on the number of cases where this has not been possible.	Department of Personnel & Training / All Cadre Controlling Authorities
3.	Review of rules and regulations to identify lacuna/areas for improvement where they perpetrate gender bias/discrimination. Examining the need for making special provisions for women in service in areas considered appropriate by the cadre controlling authority. A specific Action Plan in this regard	Department of Personnel & Training/ All Cadre Controlling Authorities

	is needed to be put in place.	
4.	To publicise the avenues/fora for employment of women at various levels through media. To evaluate if such steps have been taken in the past and their impact if any on increased participation of women over a period of time. A specific Action Plan in this regard is needed to be put in place.	Department of Woman and Child Development
5.	To run Gender Sensitising Training Programmes at all levels (including CCAs), not merely restricted to officers, and to incorporate a module on gender issues in the training programmes run by the CCAs on a regular basis.	All Cadre Controlling Authorities/ Department of Personnel & Training (Training Division)
6.	Institute a Gender Awareness Week to be observed by all Ministries/Departments every year	Department of Woman and Child Development

Phase II:

7.	Setting up of Daycare Centres/ Creches for children of working women at all levels after discussions with them on various aspects like location, facilities to be made available, working hours of creches, need for contribution	Department of Personnel & Training / All Cadre Controlling Authorities
----	---	--

from parents, etc. It is also to be ensured that qualified/responsible workers run such Centres/Creches.

8. To remove the practice of disallowing privileges like HRA, HBA, LTC, etc. to individuals who may be married to other Government servants. While for most purposes, the Government treats officers individually, when it comes to privileges like these, family becomes a unit for the perks.

Department of Personnel & Training

9. Develop a comprehensive media plan through effective networking.

Department of Woman and Child Development

10. To formulate rules/regulations providing for mandatory adequate representation of women in all recruitment/promotion bodies commissions, committees, boards, etc.

Department of Personnel & Training

11. To make a special provision for one cadre change other than home cadre only to single women officers on account of marriage, irrespective of the service/employment of the spouse.

Department of Personnel & Training

12. To make reservation for women in services at all levels, as has been done by certain State

Department of Personnel & Training

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Annexure - R

CIVIL APPEAL NO. 3033 OF 1992
(Arising out of SLP (Civil) No. 17008 of 1991)

Union of India and Another

Appellant

Versus

N.P. Thomas

Respondent

J U D G M E N T

S. RATNAVEL PANDIAN, J

Leave granted.

This appeal is directed by the appellants, namely, Union of India and the Telecom Commission challenging the correctness of the judgment and order of the Central Administrative Tribunal, Ernakulam Bench dated 12.7.1991 made in O.A. No. 1058 of 1991.

The respondent herein is a Kerala based permanent employee in the Department of Telecommunications, Government of India. He was selected in 1972 and posted as Engineering Supervisor. On successful completion of training, he was appointed in that capacity on 30.3.1974. Subsequently, he was redesignated as Junior Telecom Officer (for short 'JTO') and allotted to the Kerala Circle. The next higher post for promotion was

7/
Telegraph Engineering Service Group 'B' (for
'TES') under the provisions of TES (Group B Post)
Recruitment Rules, 1981. The applicant passed the Depart-
mental Qualifying Examination in 1985 and became eligi-
ble for promotion to TES Group 'B' post but he was not
given the promotion because of stagnation in that post.
The Administration of the Department in 1991 upgraded
3200 posts of JTOs to TES Group 'B' after the approval
of DPC. The appellant No. 2 ordered the promotion of
3200 JTOs to TES Group 'B' posts on all India basis.
Out of these, more than 200 JTOs were borne on Kerala
Circle which, however, had only 118 posts of JTOs pro-
moted to TES Group 'B' allotted to it.

The respondent claimed that he was entitled to be
posted in Kerala Circle by including his name in the
above 118 posts. But he was allotted to Maharashtra
Circle though some of his juniors were allotted to
Kerala itself on promotion. He made a representation to
the Government but failed. Therefore, he filed O.A.
No.1058 of 1990 in the Central Administrative Tribunal,
Ernakulam praying for a direction to the Central Govern-
ment to re-allot him to Kerala Circle. It appears that
the appellants before the Tribunal undertook to consider
the claim of the applicant alongwith other similarly
situated persons taking into account the vacancies that
were existing as well as such those which might arise in
future within a period of one year. Having regard to
the facts and submissions made by the parties, the

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Tribunal quashed the impugned order of transfer of the respondent from Kerala Circle to any other circle and directed the appellants to consider posting the respondent in Group 'B' post in Kerala Circle itself within a period of one year from the order of the Tribunal and also passed certain other directions. On being aggrieved by the judgment and order of the Tribunal, the present appeal is preferred by the appellants.

According to the appellants, the Tribunal had exceeded its jurisdiction by interfering in the normal orders of transfer and posting on promotion of a Government servant and that the Tribunal was not justified in quashing the order of transfer especially when an Officer of Group 'B' to the Telecom Commission have got a liability for service all over India. In support of their contentions, two decisions were relied upon; those being (1) Union of India and Others Vs. H.N. Kirtania 1989 (3) SCC 447 and (2) Shilpi Bose (Mrs.) and Others Vs. State of Bihar and Others 1991 Supp, (2) SCC 659.

In H.N. Kirtania's case, it has been held that when the transfer order is legal and not vitiated by any unfairness and mala fide the Tribunal had no jurisdiction in issuing directions.

In Shilpi Bose's case, the Court observed thus:

"In our opinion, the courts should not interfere with a transfer order which is

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made in public interest and for administrative reasons, unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the Government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest."

In the present case, it cannot be said that the transfer order of the respondent transferring him out of Kerala Circle is violative of any statutory rule or that the transfer order suffers on the ground of mala fide. The submissions of the respondent that some of his juniors are retained by Kerala Circle and that his transfer is against the policy of the Government posting the husband and wife in the same station as far as possible cannot be countenanced since the respondent holding a transferable post has no vested right to remain in the Kerala Circle itself and cannot claim, as

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a matter of right, the posting in that Circle even on promotion.

Learned counsel for the appellants brought to our notice the order of the Government of India, Telecom Commission dated 20.4.1992 showing that the case of the respondent for modification of posting to Kerala Circle has been considered on compassionate grounds by giving due weightage and consideration to employment of spouse and other personal problems in such cases, but it is not possible to accommodate such Officer in Kerala Circle itself as several Officers who have completed their tenure postings are waiting for their postings in Kerala Telecom Circle.

For all the aforementioned reasons, we hold that the Tribunal was not justified in quashing the order of transfer of the respondent and accordingly we set aside the order of the Tribunal.

Before parting with this judgment, we, in the light of the observation made by the Tribunal reading that "the respondents 1 & 2 are prepared to consider the claims of the applicant along with other similarly situated persons taking into account the vacancies that are at present existing and such of those which may arise in future within a period of one year", would like to observe that the appellants herein, notwithstanding the allowance of this appeal, may consider the case of the respondent along with the case of the other similarly situated persons within a period of one year from

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today since there was an exparte interim stay dated 25.11.1991 of the order of the Tribunal and then the modified order dated 27.1.1992 directing status-quo instead of interim stay which orders, in our opinion, might have stood in the way of considering the case of the respondent along with others as agreed upon by the appellants before the Tribunal.

The appeal is allowed subject to the above observation.

(S. RATNAVEL PANDIAN)

(R.M. SAHAI)

New Delhi
September 22, 1992

OFFICE OF THE	
JUDICIAL OFFICER	
IN CHARGE	
COURT OF APPEALS	
AT NEW DELHI	
Date of application	
Date of notice	
Date of delivery of the order	
Date of delivery of the copy	

Deputy Officer

Secretary to the Court

12/10/92



BHARAT SANCHAR NIGAM LIMITED
OFFICE OF THE GENERAL MANAGER,
MANIPUR SSA, IMPHAL - 795 001

No. BH-2014/DE (P&A)/Gen/01-02/2

Dtd. at Imphal, 26.09.01

In pursuance of GMTD, Imphal, Manipur letter No. STB/ES-3/Tenure/XII dated 06.09.2001 Shri T.K. Joykumar Singh, JTO (Plg) working in planning Cell of this office are hereby transferred and posted under Mizoram SSA vice Shri O.J. Singh, JTO, Mizoram.

Shri T.K. Joykumar Singh, JTO. (Plg) looking as SDE (Plg) is hereby struck off from the strength of DE (P&A) w.e.f. 28.09.2001 A/N to report for further duties to GMTD, Aizawl, Mizoram. He will make over his complete charge of SDE (Plg) to Shri P. Banerjee, SDE (Admin), O o the GMTD, Imphal, Manipur.

Necessary TADA may be applied if required.
Charge report may be submitted to all concerned.

DE (P&A)

O o the General Manager Telecom
District, Imphal.

Copy for information:

1. The CGMT, NE Telecom Circle -I, Shillong.
2. The CGMT, NE Telecom Circle-II, Dimapur.
3. The General Manager Telecom District, Aizawl/Dimapur.
4. The Dy. General Manager Telecom, O o the GMTD, IP.
5. The Chief Account Officer, O o the GMTD, IP.
6. The Account Officer, O o the GMTD, IP.
7. Shri P. Banerjee, SDE (Admin), O o the GMTD, IP to take complete charge of SDE (Plg) Store etc.
8. Shri T.K. Joykumar Singh, JTO, for information and he is requested to make over his complete charge of (Plg) Store to SDE (Admin) in time.

DE (P&A)

O o the General Manager Telecom
District, Imphal.