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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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disposed date-25/10/2001

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R.A/C.P No...13/01

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SECTION OFFICER (Judl.)

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO.

417/2001

Applicant (s) Y. S. Narayana.

Respondent (s) CLOI 2018.

Advocate for the Applicant: Mr B.K. Sharma, J. Sharma, C.K. Nabi  
2 Miss U. Das.

Advocate for the Respondent:

CGSC.

Notes of the Registry	Date	Order of the Tribunal
	12.10.01	Present : Hon'ble Mr.K.K.Sharma, Administrative Member.
This is application in form C. F. for Rs. 50/- deposited vide IP/2001 No 64788512		Heard Mr.B.K.Sharma, learned Sr. counsel for the applicant Mrs.M.Das, learned counsel for the Govt. of Assam.
Dated 27/9/2001 By, Registrar		Judgment delivered in open Court at the admission stage. The application is disposed of as per order kept in separate sheets. No order as to costs.
3 copies filed only.		
	13/10/2001	
		bb

13/10/2001  
copy of the judgment  
has been sent to the  
office for issuing the  
same to the applicant  
as well as to the respondent  
within 15 days.

Y.S.

I C U Sharma

Member

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 417 of 2001.

Date of Decision 12.10.2001

Shri Y. Surya Narayana, IFS

Petitioner(s)

Mr. B.K. Sharma, Mr. S. Sarma,  
Mr. UK Nai & Ms. U. Das

Advocate for the  
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

Mrs. M. Das, Advocate, Govt. of Assam.

Advocate for the  
Respondent(s)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Admin. Member.

*U. Chakraborty*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.417 of 2001.

Date of Order : This the 12th Day of October, 2001.

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

Shri Y.Surya Narayana, IFS  
Divisional Forest Officer, Karimganj  
Division, Karimganj. . . . Applicant.

Mr.B.K.Sharma, Mr.S.Sarma, Mr.U.K.Nair &  
Ms.U.Das.

- Vs -

1. Union of India

Represented by the Secretary  
to the Government of India  
Ministry of Forest  
New Delhi.

2. The State of Assam

Represented by the Chief Secretary  
Dispur, Guwahati-6.

3. The Secretary to the Government  
of Assam, Department of Forest

Dispur, Guwahati-6.

4. Shri Amrit Kumar Das, presently

holding the post of DFO, Karimganj  
Division, Karimganj (under order  
of transfer to Northern Assam Circle  
Tezpur.

. . . Respondents.

By Mrs.M.Das, Advocate Govt. of Assam for  
Respondent No.2.

ORDER

K.K.SHARMA (MEMBER ADMN.) :

By this application under Section 19 of  
the Administrative Tribunals Act, 1985, the applicant  
has prayed for implementation of order dated 11.9.2001,  
whereby the applicant has been transferred and posted  
as Divisional Forest Officer, Karimganj Division,  
Karimganj with effect from the date of taking over  
the charge.

2. The applicant is an Indian Forest Service  
Officer and was holding the charge of D.F.O., Digboi.

*U C U Shal*

By order dated 11.9.2001 the applicant has been transferred as mentioned above. The applicant was relieved on 12.9.2001 by Sri Amal Chandra Sarma, who was posted as D.F.O, Digboi. The applicant has joined in his place of posting namely, Karimganj on 17.9.2001, but the charges had not yet been handed over to the applicant by Mr. A.K.Das, D.F.O, Karimganj, who is a member of State Forest Service. It has been stated that though Mr.Das is not an Indian Forest Service Officer he is holding a cadre post. Mr.A.K.Das had filed a petition before the Hon'ble Gauhati High Court which was numbered as WP(C) No. 6636/2001 and the Hon'ble High Court turned down the interim pray <sup>er</sup> of the applicant for stay of the order of transfer.

3. Mr.B.K.Sharma, learned senior counsel for the applicant has stated that the transfer order dated 11.9.2001 <sup>U</sup> have not been amended or cancelled so far. The respondent No.4 has refused to hand over the charge to the applicant. Mr.Sharma has referred to the Annexure 9 and 10 being as Office Memorandum dated 27th October, 1993 and 2nd July, 2001 issued by the Secretary to the Govt. of Assam, Personnel (A) Deptt. and Chief Secretary to the Govt. of Assam, wherein it has been emphasised that the process of handing over charges should be completed within 10 days of passing the transfer order. He has submitted that the action of the respondents in not handing over the charge is violative of the order of the Hon'ble High Court as well as the Office Memorandums dated 27th October, 1993 and 2<sup>nd</sup> July, 2001. The applicant has also made representations dated 29.9.2001 and 4.10.2001 (Annexure-7 and 8 to the application) to the Conservator

I C L Usha

Contd.. 3

of Forests, Southern Assam Circle, Silchar and Secretary Forest Deptt. Govt. of Assam, Dispur. It is stated that the applicant has not got any reply so far.

4. I have also heard Mrs. M.Qas, learned counsel appearing for the Government of Assam. She admitted that the transfer order dated 11.9.2001 has not been cancelled so far.

5. Having heard the counsel for the parties and gone <sup>through</sup> to the documents filed with the application it is clear that the applicant has been transferred from the post of D.F.O, Digboi to D.F.O, Karimganj Division, Karimganj. The applicant has already been relieved with the charge of D.F.O, Digboi on 12.9.2001 and <sup>has</sup> also reported at Karimganj Division on 17.9.2001. The applicant has followed the order passed in his case. There is no material produced before me to show that the applicant has no right to the post of D.F.O, Karimganj. The applicants representations have not been acted upon. In the circumstances, direction should be given to the respondent Nos. 2 & 3 to carry out the order dated 11.9.2001, so far as it relates to the applicant. Accordingly I direct the said respondents to carry out the said order within one week from the receipt of the order.

Considering the importance <sup>and urgency</sup> of the matter and as the parties have no objection, the matter is disposed of as the admission stage. No order as to costs.

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

केन्द्रीय प्रसासनिक अधिकार अधिकार  
Central Administrative Tribunal

11 OCT 2001

गुवाहाटी न्यायालय  
Guwahati Bench

THE 'CENTRAL ADMINISTRATIVE TRIBUNAL': GUWAHATI BENCH  
GUWAHATI

O.A. No. 417 of 2001

Shri Y. Surya Narayana

... Applicant

- Versus -

Union of India & Ors.

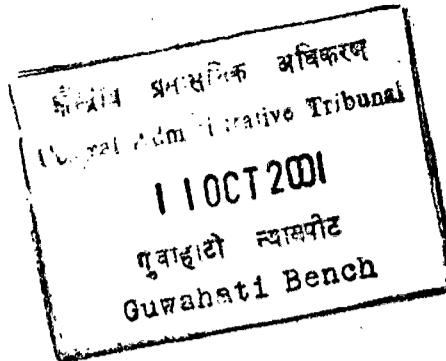
... Respondents

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Filed by : *Mohan Das.*

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. of 2001

## BETWEEN

Shri Y. Surya Narayana, IFS  
Divisional Forest Officer, Karimganj  
Division, Karimganj.

..... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Forest, New Delhi.
2. The State of Assam, represented by the Chief Secretary, Dispur, Guwahati-6.
3. The Secretary to the Government of Assam, Department of Forest, Dispur, Guwahati-6.
4. Shri Amrit Kumar Das, presently holding the post of DFO, Karimganj Division, Karimganj (under order of transfer to Northern Assam Circle, Tezpur.)

... Respondents

DETAILS OF APPLICATION

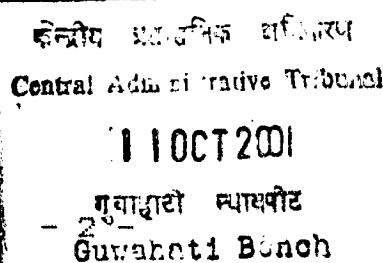
1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The OA is not directed against any particular order, but is directed against not taking the follow up action enabling the Applicant to take over charge of the post of DFO, Karimganj Division, Karimganj pursuant to transfer Notification dated 11.9.2001 and release of the Applicant from original place of posting at Digboi.

## 2. JURISDICTION OF THE TRIBUNAL

The Applicant declares that the subject matter of

Filed by  
the applicant through  
Elisha Das S.  
Advocate  
11/11/2001



the application is within the jurisdiction of this Hon'ble Tribunal.

**3. LIMITATION :**

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

**4. FACTS OF THE CASE :**

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That the Applicant is a direct recruit IFS Officer and is allocated to the Assam-Meghalaya Joint Cadre. Prior to the issuance of the transfer order in question, he was holding the post of DFO, Digboi Division, Digboi. By the transfer Notification in question dated 11.9.2001, he has been transferred from Digboi to Karimganj in place of the Respondent No. 4 Shri Amrit Kumar Das who has been transferred and posted as DCF attached to Conservator of Forest, Northern Assam Circle, Tezpur.

A copy of the transfer Notification dated 11.9.2001 is annexed as Annexure-1.

4.3 That pursuant to the said order of transfer in terms of which the transfer of the Applicant becomes effective with effect from the date of taking over charge vice Shri A.K. Das (Respondent No. 4), the

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गुवाहाटी न्यायालय  
Guwahati Bench

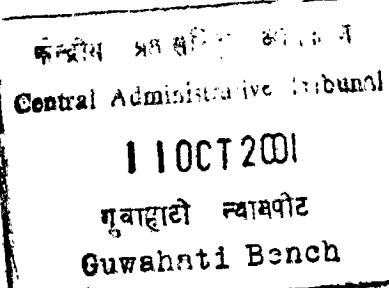
Applicant has joined at the transferred place of posting on 17.9.2001 by submitting his joining report. Prior to that the Applicant handed over his charge at Digboi to one Shri Amal Chandra Sarma, DFO who has been transferred to Digboi by an earlier Notification. The Applicant had to hand over charge to him on 12.9.2001 and on his release from Digboi, he sent a WT Message to the Respondent No. 4 referring to the transfer Notification making a request therein to intimate the convenient date of taking over and handing over of charge. Since nothing was intimated and the Applicant stood released from Digboi in the meantime, the Applicant moved to Karimganj and joined there submitting his joining report on 17.9.2001.

Copies of the charge report at Digboi dated 12.9.2001, WT Message dated 13.9.2001 and joining report dated 17.9.2001 are annexed as Annexure-2, 3 and 4 respectively.

4.4 That even after the said joining at Karimganj on 17.9.2001, the Applicant has not been handed over charge by the Respondent No. 4. In the meantime the Respondent No.4 moved the Hon'ble Gauhati High Court by filing a writ petition bearing No. WP(C) No. 6636/2001 making a grievance against his transfer from Karimganj to Tezpur. The Hon'ble Court after hearing the parties has been pleased to reject the prayer for interim order, by its order dated 17.9.2001. While doing so the Hon'ble Court has referred to an earlier order dated 31.3.2000 of the Division Bench concerning the

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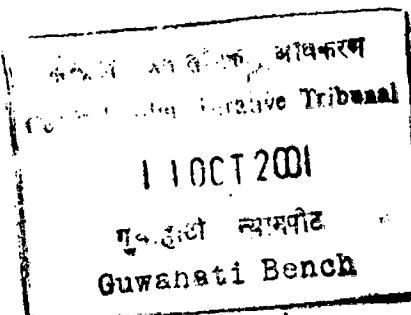
Respondent No. 4 and passed in Writ Appeal No. 131/2000. In the order the Hon'ble Court has also referred to the order dated 26.6.2001 passed in MC No. 144/2001 in OA No. 296/2000 (Jatindra Sarma & Ors. - vs- Union of India and Ors.) In the writ petition filed by the Respondent No. 4 it has been pointed out that a contempt notice has been issued by this Hon'ble Tribunal in CP No. 40/2001 wherein violation of the order dated 26.6.2001 passed in MC No. 144/2001 in OA No. 296/2000 has been alleged.

Copies of the orders dated 17.9.2001 and 31.3.2000 are annexed as Annexure-5 & 6 respectively.

4.5 That inspite of the said order dated 17.9.2001, neither the official Respondents nor the Respondent No. 4 have taken any steps enabling the Applicant to take over charge at Karimganj formally. Although he has joined at Karimganj on 17.9.2001, in absence of any handing over of charge by the Respondent No. 4, he has not been able to function and discharge his duties there. Making a grievance against such a position the Applicant has represented to the higher authorities including the Respondent No. 3, but the same has not yielded any result so far.

Copies of the representations dated 27.9.2001 and 4.10.2001 are annexed as Annexure-7 and 8 respectively.

4.6 That inspite of the aforesaid position and rejection of interim prayer, the Respondent No. 4 has



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not yet handed over charge to the Applicant and the official Respondents have also not done anything in the matter. In such a situation normally the Government issues order permitting the incumbent to take over charge unilaterally. However, in the instant case no such order has yet been passed. In this connection Office Memorandum dated 27.10.93 and 2.7.2001 may be referred to by which it has been emphasised that a Government servant must arrange to hand over charge within 10 (ten) days of receipt of the order of the transfer.

Copies of the Memorandums dated 27.10.93 and 2.7.2001 are annexed as Annexure-9 and 10 respectively.

4.7 That on an earlier occasion, the Respondent No. 4 had filed WP(C) No. 27/2000 making a grievance against cancellation/stay of his transfer to Karimganj. The said writ petition was dismissed by the learned Single Judge by order dated 16.3.2000 on the ground that in the meantime the incumbent at Karimganj namely Shri Nagen Das has been promoted to IFS and the said post being an IFS cadre post, the Applicant cannot be posted against the said post. Being aggrieved, the Applicant preferred writ appeal No. 131/2000 and the same was disposed of by an order dated 31.3.2000. By the said order, the Division Bench of the Hon'ble High Court while holding that since the Respondent No. 4 had already joined at Karimganj, that position need not be disturbed, also issued a direction to the State

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गुवाहाटी बैचापीट

Guwahati Bench

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Government to re-examine the matter in respect of the

Respondent No: 4/Applicant and the Respondent therein.

Till such time, it was ordered that the Respondent No.

4 be allowed to continue at Karimganj.

4.8. That it appears that neither in the OA No. 296/2000 including MC No. 144/2001 nor in the CP No. 40/2001, the Respondent No. 4. has mentioned about the said developments and passing of orders by the Hon'ble Gauhati High Court. As stated above, the Respondent No. 4 being aggrieved by his transfer from Karimganj to Tezpur vide Notification dated 11.9.2001, has approached the Hon'ble Gauhati High Court by filing WP(C) No. 6636/2001 making a prayer therein to set aside and quash the said Notification dated 11.9.2001. An interim prayer was also made and the same has been rejected.

4.9 That the Applicant states that the post of DFO, Karimganj Division is a cadre post and the Respondent No. 4 is not entitled to hold the post in terms of Rule 8 and 9 of the IFS (Cadre) Rules. This has also been so held by the Division Bench of the Hon'ble Gauhati High Court in terms of which the said Respondent No. 4 cannot continue in the post beyond three months. However, he has been allowed to continue there in violation of the Hon'ble Court's order. Now even after issuance of the transfer Notification and release of the Applicant from Digboi and joining at Karimganj, the Respondent No.4 is still being allowed to continue at Karimganj by the official Respondents without taking

JK

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Editorial Wing  
Gwalior Branch

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into consideration the orders of the Hon'ble Court.

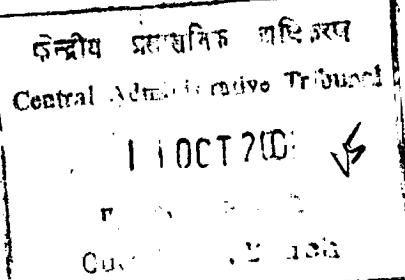
This is in clear violation of the said orders of the Hon'ble Court for which they are liable for contempt of court proceeding.

4.10 That the Appellant states that the transfer Notification has not been modified and/or cancelled.

There is also no change to the cadre Notification of 1995. However, there is a move to cancel the transfer Notification in favour of the Respondent No. 4 inspite of the aforesaid developments and orders of the Hon'ble Court. If the transfer Notification is allowed to be modified and/or modified by the official Respondents, retaining the Respondent No. 4 at Karimganj at the cost of the Applicant who is a cadre officer, same will be violative of the Cadre Rules and the orders of the Hon'ble Court. In such a situation an appropriate interim order is called for in the matter.

4.11 That the sequence of events as narrated above clearly establish the inaction on the part of the official Respondents for the reasons best known to them. It is most respectfully stated that neither the order dated 26.3.2001 passed in MC No. 144/2001 in OA No. 296/2000 nor the issuance of Contempt Notice by order dated 14.9.2001 in CP No. 40/2001 puts any impediment towards releasing the Respondent No. 4 enabling the Applicant to take over charge at Karimganj. The Applicant is now hanging and each days delay in taking over charge will seriously tell upon the service career of the Applicant. Be it stated here

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that during the period the Applicant is not in charge of any office, he is not entitled to the benefit of special duty allowance. Inspite of his release from Digboi and joining at Karimganj, he has not been able to discharge his duties and he has been put to a humiliating situation.

4.12 That the Applicant states that the official Respondents cannot be oblivious of the situation that has been created by the Respondent No. 4 by not handing over charge to the Applicant. This is a fit case for issuing a direction to the Respondent No. 4 to hand over charge to the Applicant immediately failing which issuance of further direction to take over charge unilaterally by the Applicant. In any case the Applicant cannot be kept hanging in the manner as has been done in the instant case.

4.13 That the Applicant cannot be deprived of the cadre post at karimganj at the cost of a non-cadre officer like that of the Respondent No. 4 who is a State Forest Service officer. After the order of the Hon'ble High Court, the official Respondents cannot allow the Respondent No. 4 to function as DFO, Karimganj Division which is a cadre post. It is a case of perpetual violation of the orders of the Hon'ble Court for which the official Respondents are liable for contempt of court proceeding.

4.14 That the Appellant states that all his efforts to get the charge at Karimganj have gone in vain and the official Respondents have turned a deaf ear to the

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Gu. Civil Bench

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prayer of the Applicant to take appropriate action in the matter enabling the Applicant to take over charge at Karimganj, if necessary, even unilaterally. Such inaction on the part of the official Respondents has forced the Applicant to come under the protective hands of this Hon'ble Tribunal.

4.15 That the states that in any view of the matter the impugned action/inaction on the part of the Respondents is not sustainable and liable to be interfered with by this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action/inaction on the part of the Respondents is prima facie illegal and liable to be interfered with by the Hon'ble Tribunal.

5.2 For that the Applicant having already been released from Digboi and he having joined at Karimganj, the Respondent No. 4 is duty bound to hand over charge to the Applicant and on his failure to do so the official Respondents are duty bound to order taking over of charge by the Applicant unilaterally.

5.3 For that the Hon'ble High Court having not interfered with the order of transfer after apprising all the developments that have taken place before this Hon'ble Tribunal, the official Respondents are duty bound to make arrangement for unilateral taking over of charge by the Applicant on failure of the Respondent No. 4 to hand over charge to the Applicant.

SV

11 OCT 2011

गुवाहाटी बैठक

Guwahati Bench

5.4 For that the action/inaction on the part of the official Respondents as well as the Respondent No. 4 being in clear violation of the orders of the Hon'ble Court, they are liable for contempt of court proceedings an appropriate order/direction towards implementation of the said orders of the Hon'ble Court.

5.5 For that the official Respondents by their own inaction cannot nullify their own circulars which were issued keeping in mind the situation which has been created in the instant case.

5.6 For that the official Respondents ought to have considered the plight of the Applicant and passed appropriate order enabling him to take over charge from the Respondent No. 4 instead of delaying the matter at the sweet will of the Respondent No. 4 giving him time to make an endeavour to get the order of transfer modified so that he can remain posted at Karimganj which if materialised will be in violation of the orders of the Hon'ble Court.

5.7 For that in any view of the matter, the action/inaction on the part of the Respondents is not sustainable and the Applicant is entitled to the reliefs sought for in this OA.

#### 6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has exhausted all the remedies available to him there is no alternative remedy available to him in law.

SN

कानूनी विभाग	Law Commission
कानूनी विधायिका बोर्ड	Law Commission Board
[ L.D.T. 101 ]	
गुजरात विधायिका बोर्ड	
Gujarati Bench	

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

The Applicant further declares that he has notified any application, writ petition or suit regarding the matter in respect of which this applicant has been made before any Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances and in the premises aforesaid the OA be admitted records be called for an upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs :

8.1 To direct the Respondent No. 4 to hand over charge to the Applicant forthwith pursuant to the transfer Notification dated 11.9.2001.

8.2 To direct the official Respondents to make arrangement forthwith entitling the Applicant to take over charge at Karimganj from the Respondent No. 4 in case of his failure to hand over charge to the Applicant towards implementation of the order of transfer dated 11.9.2001.

8.3 To direct the Respondents not to modify the order of transfer dated 11.9.2001 allowing the Respondent No. 4 to be remained posted at Karimganj.

8.4 Cost of the application.

8.5 Pass any other order/orders, or give

SW

direction/directions as may be deemed fit and proper under the facts and circumstances of the case to give complete and full relief to the Applicant.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances stated above, the Applicant prays for an interim relief by way of a direction to the official Respondents to make arrangement forthwith enabling the Applicant to take over charge from the Respondent No. 4 as DFO, Karimganj Division, Karimganj and/or any other interim relief or reliefs to which the Applicant may be entitled to and/or as may be deemed fit and proper by this Hon'ble Tribunal.

10. .....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 6G 788512
- ii) Date : 27/9/2001
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

SW

VERIFICATION

I, Shri Y. Surya Narayana, aged about 37 years, son of Shri M. Kullayappa, DFO, Karimganj Division, Karimganj do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4'1, 4'7 - 4'5 and 5 to 12 are true to my knowledge; those made in paragraphs 4'2 - 4'6 are true to my information derived from records and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 11th day of October, 2001.

Y. Surya Narayana

ANNEXURE-1

Government of Assam, Forest Department, Dispur, Assam  
Government of Assam  
FOREST DEPARTMENT, DISPUR  
NOTIFICATION NO. FRE. 66/90/pt. 111/119-A dttd. 12.7.2001  
ORDER BY THE GOVERNOR  
NOTIFICATION NO. FRE. 66/90/pt. 111/119-A dttd. 12.7.2001  
Dated Dispur, the 11th September.

Notification No. FRE. 66/90/pt. 111/119-A dttd. 12.7.2001

NO. FRE. 66/90/190 : In modification of earlier Govt. notification No. FRE. 66/90/pt. 111/119-A dttd. 12.7.2001. Shri C R Bhowra, IFS, is transferred and posted as Divisional Forest Officer, Central Assam Afforestation Division, Moga Hojai with effect from the date of taking over charge vice Shri AC Das transferred.

NO. FRE. 66/90/190-A : In the interest of public service, Shri A C Das, Divisional Forest Officer, Central Assam Afforestation Division, Hojai is transferred and posted as Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat with effect from the date of taking over charge vice Shri P S Das, IFS transferred.

1. On relief, Shri P S Das, IFS, Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat is in the interest of public service transferred and posted as Divisional Forest Officer, Kamrup West Division, Bhamunigaon with effect from the date of taking over charge vice Shri Nagen Das, IFS, transferred. 2. On relief, the services of Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup West Division, Bhamunigaon is in the interest of public service are placed at the disposal of Karbi Anglong Autonomous Council, Diphu for his posting as Divisional Forest Officer, Hamren Division, Hamren vice Shri A C Barma, already transferred.

3. On relief, the services of Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup West Division, Bhamunigaon is in the interest of public service are placed at the disposal of Karbi Anglong Autonomous Council, Diphu for his posting as Divisional Forest Officer, Hamren Division, Hamren vice Shri A C Barma, already transferred.

contd... 2

Attest  
A. Das  
Advocate.

NO. F.R.E. 66/90/190-B : In modification of earlier Govt.

notification No. F.R.E. 3/90/pt. II/208-A dtd. 22.8.2001 Shri

Y. Suryanarayanan, IFS, Divisional Forest Officer, Dibrugarh

Division, Dibrugarh is in the interest of public service

transferred and posted as Divisional Forest Officer, Karimganj

Division, Karimganj with effect from the date of taking over charge of service. Shri A. K. Das, transferred

as Divisional Forest Officer, Dibrugarh

NO. F.R.E. 66/90/190-B : On relief, Shri A. K. Das, Divisional

Forest Officer, Karimganj Division, Karimganj is in the interest of public service

transferred and posted as DFO attached to Conservator of Forests, North Assam

Circle, Tezpur with effect from the date of taking over charges vice Shri C. N. Ghobora whose transfer order has been modified.

Copy to : 50/- A.D. Md. Yunus.

Shri Y. Suryanarayanan, Joint Secretary to the Govt. of Assam, Dibrugarh Division, Dibrugarh Forest Department, Dibrugarh.

Memo No. F.R.E. 66/90/190-B (dated 28.8.2001)

Assam, Karimganj.

Copy to :

1. The Accountant General (A.G.), Assam, Dibrugarh, Secretary of Forests, Assam, Panchbari, Guwahati-16, Beliaghata, Guwahati-29.

2. The P. G. to Chief Conservator of Forests, Assam, for information of the above appointment, Nambiar, Dibrugarh-3

3. The P. G. to Chief Conservator of Forests (Wildlife), Assam, Nohabari, Guwahati-28.

4. The Chief Conservator of Forests (Feridpur), Assam, Pankhbari, Dibrugarh-13, Head Office of the Forest Department.

5. The Chief Conservator of Forests (Social Forestry), Assam, Zoo Marengi Road, Guwahati-24, etc.

6. The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24, Department.

7. The Conservator of Forests, Central Assam Circle, Guwahati-1, North Assam Circle, Tezpur/Eastern Assam Circle, Jorhat/Wester Assam Circle, Kokrajhar, Karbi Anglong Autonomous Council, Diphu.

contd. . .

Attested

Asan  
Advocate.

111.

四百

The **Govt. The Director, Kaziranga National Park, Bokakhat.**  
Forest Department, Dispur.

9. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu for information and necessary action.

Sub 103. The essential purpose being stay of transfer order.

Sub : **100 : Shri A.C. Das, Divisional Forest Officer, Central Assam.** **11-09-01**  
Reference : Govt. Notification No. D.F.R.E. 17/2001  
**Afforestation Division, Kokrajhar.**

11. Shri P.S. Das, IFS, Divisional Forest Officer, ~~Western~~  
Sir, ~~Eastern~~ ~~Assam~~ ~~Forest~~ ~~Department~~ ~~Assam~~ ~~Life~~  
I would kindly beg to submit the following matter  
for your kind consideration & sympathetic action.  
**Division Bokakhat to be directed to move first**  
That sir, I have been functioning as DIVISIONAL FOREST OFFICER NO. F.R.E. 36/96/17/35  
Forest Division since 01/07/1996. In view of the Hon'ble High Court's orders as well  
dtd. 28.1.2000, I am compelled to submit the following:

12. **Shri Neeru Das, IFS, a Divisional Forest Officer, one of my Forest Officer (1), Raingadh, has been normally discharging my duties as Divisional Forest Officer (1), Raingadh, till his posting to the State of my joining the Kanup West Division, Raingadh, gaon. He has been fully disposed of C. of F. cases, etc. He can be promoted to my post of charge in time. Though I have joined it, it is a major**

13. **Shri Y.Suryanarayan, IFS, Divisional Forest Officer.**

14. **Digboi Division, Digboi.**  
That sir, on being posted as Divisional Forest Officer (D.F.O) Karapur, I have  
completely **Shri A. K. Das, Divisional Forest Officer, Karapur**  
all come **Divisional Forest Officer, Karapur**

15. Sri C. R. Phobora, D/o C/o Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8, transferred it will be injustice upon me.

16. The P.S. to Minister, Forest Assam, Dispur, Guwahati-6

for information of our honourable the first post master of  
B7. The P.S. to the Chief Secretary. I am, Sir, your obedient  
I am discharging my duties and responsibilities with due care and  
authorities. But I am not in a position to do so without

18. **The Deputy Director, Assam Govt. Press, Bamunimadlam.**  
Guwahati-2. for favour of publication of the above  
Notification in the next issue of the **Wedan Gazette.**  
whether I shall my family with me in  
admitted in to a school here in a odd day.

**19. Personal file of the officers.** In view of the fact that the school has been shifted to a new site, it is proposed to shift him again with such a short interval, if any cause may happen damage to his professional earlier stage ahead the session of the school is going on and the annual **By order etc.** scheduled to be held by December/2001. **50/-**

BE ASSAM. FOGGESS. DUNNAPUR.

2. **South, Southeast Department.**

## Diapur.

**Attested**

W. D. S.

### Advocate.

ASSM SCHEDULE L (PART I) FORM NO. 22

ATTENTION :-

MR. UNNIKRISHNA NAIR

FOREST DEPARTMENT, ASSAM

ADVOCATE.

CERTIFICATE OF TRANSFER OF CHARGE OF THE OFFICE OF & DIGBOI  
CONSERVATOR OF FORESTS DIGBOI DIVISION.

DATED DIGBOI

The 14 Sept. 2001.

I Certify that I received charge of the DIGBOI Division  
from SRI Y. SURYANARAYANA I.F.S.  
on the forenoon of this 12/9/01 day of Sept. 2001.

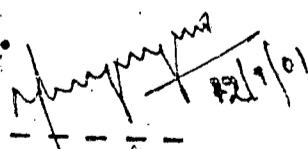
I received the sum of Rupees -----  
the cash balance, as shown by the Cash Book on this date. I have examined  
all the office books and found them posted upto date.

I have received the needful vouchers belonging to the accounts of  
the current month, and have made myself acquainted with all outstandings  
and liabilities on account of the Department.

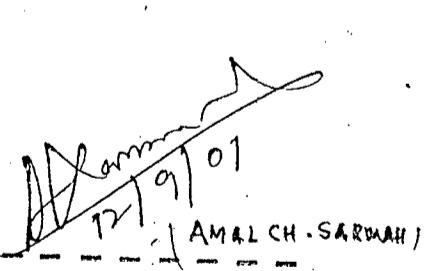
I have examined the live and dead stock, as well as the books, maps  
office records and furniture at head quarter's, and have examined the  
depot registers, which I have found posted upto date.

I have received ----- Cheque Book number -----  
unused, as well as cheque Book No. 2213 ----- containing  
cheques Nos 10616, b ----- to ----- 10650. The counterfoils  
of the previous cheques have been written up.

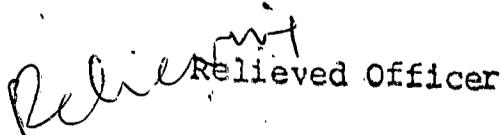
Countersigned.

  
Y. SURYANARAYANA IFS

Conservator of Forests

  
AMALCH. SARMA  
17/9/01

Conservator of Forest

  
Relieved Officer

Relieving Officer.

Attested  
Advocate.

## W.T.MESSAe

TO, THE DIVISIONAL FOREST OFFICER  
KARIMGANJ DIVISION,  
KARIMGANJ

FROM, Y.SURYA NARAYANA, IFS  
DIVISIONAL FOREST OFFICER,  
DIGBOI DIVISION.

KINDLY REFER GOVT. NOTIFICATION NO. FRE.66/90/  
190-D DATED ELEVEN SEPTEMBER TWO THOUSAND ONE AND INTIMATE  
A CONVENIENT DATE TO HANDOVER CHARGE OF THE KARIMGANJ  
DIVISION TO ME (.)

DIVISIONAL FOREST OFFICER  
DIGBOI DIVISION.

Memo No. A/1E33(a)/2878

dt.d. 13. 9. 2001

Copy to the A.P.R.O. Digboi Police Station,  
Digboi with a request to transmit the above message  
early.

Y.Surya Narayana, I.F.S.  
Divisional Forest Officer,  
Digboi Division.

RC

ASST  
LAW  
Advocate.

20.

The Divisional Forest Officer,  
Korimganj Division,  
Korimganj.

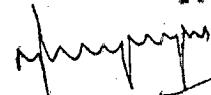
Subject- Joining Report.

Ref:- Govt. Notification No. F. C. - 66/90/190-D  
dt. 11-9-2001.

21.

With reference to the subject cited above,  
I have joined in my duties in the forenoon of 17.9.2001  
----- Please intimate the date for handing  
over of the charge of Korimganj Division to the undersigned  
at an early date.

Yours faithfully,

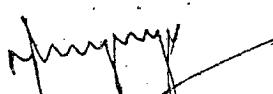
  
( Y. Surya Narayana, IPS )

Copy to the Principal Secretary to the Govt.  
of Assam, Forest Department, Dispur, Guwahati for favour of,  
your kind information and necessary action.

Copy to the Principal Chief Conservator of  
Forests, Assam, Guwahati for information.

Copy to the Chief Conservator of Forests (P)  
Assam, Guwahati for information.

Copy to the Conservator of Forests, Southern  
Assam Circle, Cachar, Silchar for information.

  
( Y. Surya Narayana, IPS )

Attested  
D. D. D.  
Advocate.

20	मिलियन की रुपये	विलियन टेम्पर रुपये	कार्यक्रम का नाम	नाम
20/9/1997	20 (9/100)	20/9/1997	20/9/1997	20/9/1997

## IN THE GUJRATI HIGH COURT

OF THE STATE OF GUJARAT AND LAKHOTIA MELA VILLAGE, TALUK: MEHPUR, DISTRICT: GUJRATI  
AND PRINCIPAL PRODESH

## CIVIL APPELLATE SIDE

FROM

NO. 1

N.T.P.C. NO. 6636 OF 2001.

Appellant/Petitioner(s)

K. D. Chis

versus -

State of Gujarat

Others

Respondent/Opp. Part (s)

Plaint

Defender(s)

Petient(s)

Party(s)

H. C. Roy, S. J. Mehta

H. C. K. Chis

S. Shyam

- G. T. Chisam

Served by Officer of Court on Serial Date Office Note, Reports, Orders of  
Proceedings with Signature.

Mr. SK. Patel (Advocate for Plaintiff)

Attested  
by  
Advocate.

In the matter of :

Sri Amrit Kumar Das,  
son of late Bonuram Das,  
aged about 40 years,  
presently posted as Divisional  
Forest Officer, Karimganj Division,  
Karimganj, a resident of Karim-  
ganj Town, District-Karimganj,  
Assam.

...Petitioner

-v-

1. State of Assam,  
represented by the Commissioner  
& Secretary to the Government  
of Assam, Department of Forests,  
Dispur, Guwahati-6.
2. Joint Secretary to the  
Government of Assam, Department  
of Forest, Dispur, Guwahati-6.
3. The Principal Chief  
Conservator of Forests,  
Assam, Rehbari, Guwahati

contd...

-4-

4. Sri Y. Surya Narayan, IFS,  
Divisional Forest Officer,  
Digboi Division, Digboi.

*Arrested  
by  
Advocate*

BEFORE

17.6.2001

THE HON'BLE MR. JUSTICE D. BISWAS

Heard Mr. A. Roy, Learned Counsel for the petitioner.

Issue notice of motion.

Returnable within six weeks.

Mr. Talukdar, Learned State Counsel accepts notice on behalf of Respondents No. 1, 2 and 3.

Mr. B.K. Sarma, Learned Senior Counsel appears on behalf of Respondent No. 4/Caveator.

The caveat is discharged.

Also heard on interim prayer.

It appears that the writ petitioner who has been working as Divisional Forest Officer, Karimganj Division has been transferred and posted as Deputy Conservator of Forests attached to the office of the Conservator of Forests. In his place, the private Respondent, an officer in the cadre of Indian Forest Service has been transferred.

It would appear that the transfer of both the officers have been passed in interest of public service and the transfer of the writ petitioner although made ~~in~~ within a period of two years cannot be said to be vitiated for want of evidence of malafide or other extraneous consideration. That part, the writ petitioner is a member of State Forest Service while the private respondents pertains to Indian Forest Service (IFS Cadre) Rule 8 and 9 of the Indian F

service (IFS Cadre) Rules, 1961

Attested

Advocate

17.9.2001 provides that an officer belonging to Indian Forest (Contd.) Service has to be posted against cadre post with the exception that an officer of non-cadre post may also be posted temporarily for a period of three months. This matter also came up for consideration before this Hon'ble Court in Writ Appeal No.131/2000 where the above position of law was interpreted.

The question, therefore, is whether the post of D.F.O., Karimganj is a non-cadre post. Even if it is so, the writ petitioner cannot insist on his continuance at Karimganj. The decision given in Writ Appeal No.131/2001 arising out of W.P.(C)No.27/2000 was on the ground that the post of D.F.O. at Karimganj is a cadre post and the writ petitioner of W.P.(C) No.27/2000 ought not to have been posted there. This Court is also came to the conclusion that there is no bar in posting a non-cadre officer temporarily for a period of three months only. In other words, the fact that the post of D.F.O. at Karimganj is a cadre post remain unassailed. Therefore, transfer and posting of the private respondent at Karimganj cannot be said to be in violation of the provisions of the Rules.

Mr. Roy, further relied upon an order passed by the Central Administrative Tribunal on 26.6.2001 in Miscellaneous Application No. 144/2001 arising out of O.A. No.296/2000 whereby directions were given not to alter the status of the writ petitioner until further order. It appears that the said interim order was passed by the Learned Tribunal

26-11-2000					ANNEXURE
के लिए आवेदन की तारीख application for the copy.	रसायन और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख। Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित रसायन और फोलियो देते की तारीख। Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी। Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.	6
31/12/2000	31/12/2000	31/12/2000	31/12/2000	31/12/2000	

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

WA

Civil Rule

No. 131 of 2000

A. K. Das

Appellant

Petitioner

versus

Respondent

Opposite-Party

Appellant  
For

N. M. Tahirov

Petitioner

N. Choudhury

S. C. Roy

Respondent  
or  
Opposite-Party

GA. Assam

Attest

W. D. D.

Advocate.

Sri Amrit Kumar Das,  
Son of Late Manu Ram Das,  
Presently posted as Divisional Forest  
Officer, Karimganj Division, Karimganj  
(Assam)

... Appellant/Writ Petitioner

- Versus -

1. State of Assam,
2. Commissioner and Secretary to  
the Government of Assam,  
Department of Forest, Dispur,  
Guwahati- 6.
3. Joint Secretary to the Govt.  
of Assam, Deptt. of Forests, Dispur,  
Guwahati - 6.
4. Principal Chief Conservator of  
Forests, Assam, Rehbari,  
Guwahati- 8,
5. Conservator of Forests,  
Southern Assam Circle, Silchar.

contd...p/2

Attested  
Wilson  
Advocate.

( 2 )

6. Nagen Das,

DCF ( Monitoring Cell )

Attached to Principal Chief

Conservator of Forests, Guwahati-8.

... Respondents.

IN THE MATTER OF :

W.P. (C) No. 27 /2000

Sri Amrit Kumar Das - Petitioner.

-Versus -

State of Assam & Others - Respondents.

*S*  
**Attested**

*Amrit Kumar Das*

Advocate.

W.A. No. 131/2000

g. by Office or  
date.Sl.  
No.

Date:

Office Notes, Reports, Orders  
or proceeding with signature.

BEFORE

HON'BLE THE CHIEF JUSTICE MR. BRIJESH KUMAR

HON'BLE MR. JUSTICE D.B. BISWAS

31-3-2000

Biswas, J.

In this appeal the judgment and order dated 16.3.2000 passed by the learned Single Judge dismissing the W.P.(C) No.27/2000 is challenged.

We have heard Shri N.M.Lahiri, learned Senior counsel assisted by Shri N.Choudhury for the appellant and also Shri B.K.Sharma, learned counsel appearing for the Respondent No.6. Also heard Shri B.C.Das, learned Addl. Sr. Govt. Advocate, Assam.

The controversy in this appeal centres around the posting of the appellant as Divisional Forest Officer, Karimganj. By order dated 25.11.99 the appellant who was posted as Deputy Conservator of Forests (Monitoring Cell) attached to Chief Conservator of Forest was transferred as D.F.O., Karimganj vice Shri Nagen Das, respondent No.6. In pursuance of the said order of transfer the petitioner was released on 4.12.99. This order of transfer dated 25.11.99 was cancelled by the State Government by an order dated 6.12.99 and thereafter by another notification dated 16.12.99 the order dated 6.12.99 was cancelled and in

consequence.

Attested

M. D.

Advocate.

sting by Office or  
Advocate.

Sl. No.	Date	Office Notes, Reports, Orders or proceeding with Signature.
	<u>31.3.2000</u>	<p>thereof consequence the initial order of transfer passed on 25.11.99 stood revived. The petitioner went to Karimganj to take over charge. However, he was allegedly not allowed to take over charge to assume duties as D.F.O. He sent a W.T. Message to the Chief Conservator of Forest on 18.12.99 requesting for necessary direction to enable him to take over charge. The Joint Secretary to the State Government by an order dated 28.12.99 allowed the petitioner to take over charge of Karimganj Division unilaterally with immediate effect. The petitioner accordingly took charge of the office of D.F.O., Karimganj with effect from 29.12.99 (F.N.). It is pertinent to mention here that the State Government on the same date i.e. 29.12.99 sent a W.T. Message intimating government's decision permitting the Respondent No.6 to continue at Karimganj Division until further orders. The appellant by the said order was also directed to report back to the Conservator of Forest to assume duties in his earlier post.</p> <p><del>Exhibit No. 2</del> The aforesaid development indicate without any shadow of doubt that the transfer of the appellant passed on 25.11.99 was given effect to before the order dated 29.12.99 could be communicated. The appellant is accordingly</p>
		in the ...

*Attested*

*Atta*  
Advocate.

31  
36  
Office notes, reports, orders, or proceeding with signature.

Serial Date

31.3.2000

in position as D.F.O., Karimganj Division.

From the factual background as highlighted above, we do not find any impropriety on the part of the appellant in taking over charge as D.F.O., Karimganj pursuant to the order dated 25.11.99. It is not discernable from the record that the State Government superseded the initial order of transfer passed on 25.11.99. We, therefore, of the opinion that till this stage there has been no illegality, irregularity or impropriety on the part of the appellant in taking over charge as per order dated 25.11.99. The Charge Report (Annexure-7) available on record shows that the appellant took-over charge unilaterally as per Govt. Notification dated 28.12.99. We find no reason to doubt this charge-report which was forwarded to the Government immediately after taking over in pursuance of the Government order dated 28.12.99.

Shri B.K. Sharma, learned counsel for the respondent No.6 submitted that the Respondent No.6 and 6(six) other officers have in the meantime been appointed to the Indian Forest Service by notification dated 6.3.2000. Since the respondent No.6 now pertains to Indian Forest Service, his posting will have to be made in compliance of the provisions of Rules 8 and 9 of the Indian Forest Service Cadre Rules. Referring to Annexure - 6, a letter written by the Principal Chief Conservator of Forest, Shri Sarma submitted that the post of D.F.O., Karimganj a cadre post and it cannot be filled up by any non-cadre officer. According to him the appellant

by Office or Advocate

Serial  
No.

Date

Office notes, reports, orders or proceeding  
with signature

31.3.2000

is a non-cadre officer and not eligible for posting as D.F.O., Karimganj. At this stage we consider it expedient to refer to the provisions of Rule 8 and 9 of the IFS Cadre Rules. Rule 8 provides for posting of a cadre officer in a cadre post only. Rule 9 permits temporary appointment of non-cadre officer to a cadre post for a period not exceeding three months on certain exigencies specified therein. Therefore, the provision of Rules 8 and 9 do not absolutely bar posting of a non-cadre officer to a cadre post for a period of three months. Although the reason to allow the appellant, a non-cadre officer, to hold a cadre post is not available on record and, yet, the State Government has passed the order posting the appellant to a cadre-post, we would like to leave this matter for re-examination with direction to the Respondents to pass appropriate orders in accordance with the provisions of law.

From what is stated above, we would like to conclude that we do not find any illegality or impropriety on the part of the appellant in taking over charge as D.F.O., Karimganj. However, the State Government is to re-examine the matter in the light of the provisions of Rules 8 and 9 and to pass appropriate orders and till then the appellant shall be allowed to function as D.F.O., Karimganj. The State Government, in view of the appointment of 7 officers including the Respondent No.6 to the Indian Forest Service, <sup>may</sup> be required to pass

Contd...

Attested

M. D. D.  
Advocate.

40

Office or date.	Serial	Date	Office notes, reports, orders, or proceeding with signature.
		<u>31.3.2000</u>	<p>fresh orders with regard to their posting to cadre post. The grievance of the Respondent No.6 that he has been posted to a non-cadre post will be taken care of by the State Government in the above exercise.</p> <p>Subject to the above observations, the appeal stands finally disposed of with no order as to costs.</p>

S. D. Basu  
Judge

Prakash Kumar  
Chief Justice

Certified to be true COPY  
 Dibali Borah  
 Superintendent (Copying)  
 GAUHATI HIGH COURT  
 Authorized U/S 76 Act of 1970

31/3/2000

Attested  
Advocate

To,

77/01/2001

The Conservator of Forests,  
Southern Assam Circle,  
Silchar.

Sub:- Non - handing over of charge of Karimganj Div. by Shri A.K. Das

Ref:- Govt. Notification No. FRE. 66 / 90 / 190 - D Dt. 11.09.2001  
My joining report Dt. 17.09.2001

Sir,

I have the honour to inform you that already 10 ( ten ) days have elapsed and yet Shri A.K.Das has not handed over the charge of Karimganj Div. to the undersigned in pursuance of the Govt. order referred to above.

This is for favour of your kind information and necessary action.

Yours faithfully

( Y. Surya Narayana )

Copy to the Principal Chief Conservator of Forests, Assam Guwahati

for favour of your  
kind information &  
necessary action

to the Chief Conservator of Forests, (T) Assam, Guwahati

( Y. Surya Narayana )

Copy to the Secretary, Forests Deptt. Govt. of Assam Dispur ....

for favour of his  
kind information &  
necessary action

( Y. Surya Narayana )

Attested  
Ranjan  
Advocate.

4.10.2001

To,

The Secretary,  
Forest Deptt. Govt. of Assam  
Dispur.

Sub:- Non - handing over of charge of Karimganj Div. by Shri A.K. Das

Ref:- Govt. Notification No. FRE. 66 / 90 / ... - D Dt. 11.09.2001  
My joining report Dt. 17.09.2001  
My letter no. nil Dt. 27.09.2001

Sir,

I have the honour to bring to your kind notice that Shri A.K.Das, D.F.O. Karimganj has not yet handed over the charge in pursuance of the Govt. order referred above even after fortnight of my joining at Karimganj.

This is for favour of your kind information and necessary action.

Yours faithfully

(Y. Surya Narayana )

Copy to the Principal Chief Conservator of Forests, Assam Guwahati for favour of your kind information & necessary action  
to the Chief Conservator of Forests, (T) Assam, Guwahati  
copy to the Conservator of Forests, S.A.C., Silchar.

( Y. Surya Narayana )

Attested  
S. S. Das  
Advocate.

NO. A.P. 166/93/10  
GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL (PERSONNEL: A)  
ASSAM SECRETARIAT:::CIVIL:::::DISPUR  
GOURAHITI-781 006  
::: :

ANNEXURE- 9

OFFICE MEMORANDUM

Dated Dispur, the 27th October, 1993.

Subject :- Handing over and taking over charge on transfer and representation on service matters.

Reference is invited to Government OM.NO. A.A. 12/51/2, dated 28-6-1951 wherein it has been clearly laid down that a Government servant must arrange to hand over charge within 10(ten) days of the receipt of the orders of transfer and proceed to his/her new place of posting after availing of the admissible joining time. Any delay in complying with orders of transfer without specific permission of the authority who issued the order of transfer will be punishable as an act of gross indiscipline.

It has also been made clear in OM.NO. HMJ. 67/72/99 dated 13-10-1972 that violation of orders of transfer and posting sometimes put the Government in a very embarrassing position compelling the Government to alter, cancel or modify the orders. Since orders of transfer and posting are issued in the interest of Public service, if the orders are not complied with the very idea behind such action of Government gets defeated. Therefore, such orders should be complied with without any loss of time. Government will take a serious view of cases of violation of the orders.

In this connection, Government instructions vide NO. A.P. 66/92/73 dated 15-6-1992, NO. B.P. 91/84/1, dated 3-12-1984 and NO. A.A. 102/89/73, dated 15-12-1992 may also be referred to. However, inspite of clear instruction issued by the Government from time to time, a good number of officers keep submitting representations repeatedly. It is also observed that many officers after receipt of the transfer orders instead of proceeding to join their new place of posting approach verbally or in writing directly Ministers and other Political personalities, non-officials and even to the Chief Minister and try to get their transfer orders cancelled/Stayed/modified. This practice on the part of the officers of not to carrying out the orders of the Government and addressing representation to the authorities who are not immediate superior or not at all concerned with the transfer, is against all norms of discipline and in violation of the Government instructions and provisions of Assam Civil Services (conduct) Rules, 1965. Some very junior officers have been submitting.

Contd. 2..

Arrested  
Er. Basu  
Advocate.

representation direct to the Secretary, Personnel Department or Chief Secretary in connection with his/her service matters by-passing his/her Controlling Authorities in violation of the instructions of the Government and of the Provisions of the Assam Civil Services (conduct) Rules, 1965, Government have taken a serious view on the matter.

It is seen that even wives, fathers, mothers and other relatives of the officers sometimes submit representations concerning service matters of the particular officers to the Ministers, non-officials and even to the Chief Minister and other Political personalities with hope of getting representation which the officer had himself made and which had been turned down reconsidered. This practice again is obviously un-desireable and should be strongly discouraged. All officers are duty bound to work in any part of the state as per Government orders.

In such cases the claim of the officer that he himself did not seek the intervention of a Minister, or M.P. or M.L.A. or any other person on his behalf will not be accepted and there will be presumption of officer's involvement in the matter unless the contrary is proved by him.

Whether, in any matter connected with his/her service right or conditions, and officer wishes to prefer a claim or to seek redress of grievances, the proper course for him is to address his immediate official superior or Head of his office, or such authority at the lowest level as is competent to deal with the matter.

Whenever a representation/request written or verbal asking for the cancellation/modification of transfer and posting orders of a particular officer is received in violation of the Government instructions/Circulars, it will be presumed that the official affected by it, has in fact, prompted such Political personalities/non-officials/outsiders to make such request and will invite disciplinary action including suspension against such officials automatically.

It is again impressed upon to all concerned to strictly follow the Government instructions and to join their new place of posting within 10 (ten) days of the receipt of the transfer orders after availing admissible joining time. For any violation of the Government instructions, disciplinary action including suspension will be initiated against them. An adverse entry will also be recorded in their ACR, if Government/Controlling officers feel that any M.P., M.L.A., Minister or any other outside person has approached Government on his behalf and such entry will act as negative factor for the purpose of promotion.

contd... 3...

*Antestait  
Advocate*

confirmation, crossing of efficiency bar, etc.

The receipt of this communication should be acknowledged.

Addl. Chief Sd/ K.S.RAO  
Secretary to the Govt. of Assam

Memo NO.AAP.166/93/10-A:-----Dated Dispur, the 27th October, 1993.  
Copy forwarded to:-

1. All Special Commissioner & Special Secretaries/Commissioners & Secretaries/Secretaries to the Government of Assam.
2. All Commissioners of Divisions, Assam.
3. All Deputy Commissioners.
4. All Heads of Depts/All Administrative Departments.
5. The Principal Secretary, Karbi-Anglong District Autonomous Council/ N.C.Hills District Council.
6. All Chief Executive of Public Enterprises.
7. All Sub-Divisional Officers (Civil)

They are requested kindly to bring it to the notice of all officers and particularly to ACS officers to strictly follow the Government instructions.

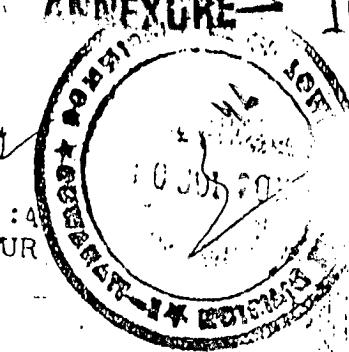
By order etc.,

Sd/- NIRANJAN GHOSE  
Secretary to the Govt. of Assam  
Personnel (A) Deptt. Dispur.

Attested  
Advocate.

- 39 -

NO. AAP.166/93/Pt/5  
 GOVERNMENT OF ASSAM  
 DEPARTMENT OF PERSONNEL (PERSONNEL: : : : :  
 ASSAM SECRETARIAT : : : : CIVIL : : : : DISPUR  
 GUWAHATI-781 00  
 : : : : :



OFFICE MEMORANDUM

Dated Dis., the 2nd July/2001.

Sub:-

Handing over and taking over charge on transfer and representation on service matters.

It has been observed that officers, when transferred in the interest of public service and for administrative reasons, often show their reluctance to hand over charge. Either they proceed on leave by submitting a leave application only (and to proceed on leave without sanction is unauthorised leave) or some such officers prefer appeal for stay of such transfer orders directly to Ministers, other Political personalities, non-officials and even to Chief Minister seeking stay/cancellation of such transfer orders. Such actions are in clear violation of Govt. instructions and provisions of the Assam Civil Services (Conduct) Rules, 1965.

Government desires that such unhealthy practice should be stopped forthwith. No leave is to be sanctioned when an officer applies for leave before handing over charge. For officers of the rank of Joint Secretary and above, if such leave applications are received, leave should not be sanctioned without the approval of Chief Minister/Chief Secretary. Representations for stay/cancellation of transfer orders received through channels other than official, will not be taken cognisance of.

In enclosing a copy of Govt. OM.NO.AAP.166/93/10, dated 27-10-93, containing detailed instructions on the subject, it is reiterated that the officers under orders of transfer, should strictly follow the Govt. instructions and to join their new place of posting within 10(ten) days on receipt of transfer order after availing admissible joining time. Failure on the part of the officer to comply with such orders, will lead to appropriate action against them in terms of Government instructions mentioned above.

Sd/- P.K. BORA.  
 CHIEF SECRETARY TO THE GOVT. OF ASSAM

Memo NO.AAP.166/93/Pt/5-A: : : : : Dated Dispur, the 2nd July/2001,  
 Copy to:-  
 1. The Commissioner & Secretary to the Governor of Assam, Dispur.  
 2. The PPS to Chief Minister, Assam, Dispur.  
 3. The PS to Speaker, Assam Legislative Assembly, Dispur.

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Attested

ABM

Advocate

K R  
12/7

4. The PS to Chief Secretary, Assam, Dispur.
5. PS to Addl. Chief Secretary, Assam, Dispur.
6. All Principal Secretaries/Commissioners & Secretaries to the Govt. of Assam.
7. All Commissioners of Division. Q. 12 & No. 1
8. The Chairman, Assam Administrative Tribunal, Guwahati.
9. The Chairman, Assam Board of Revenue, Guwahati.
10. The Secretary, Assam Public Service Commission, Jorhat, Ghy-28.
11. The PS to All Ministers/Ministers of state.
12. The Accountant General (A.G.), Assam, Maidamgaon, Beldola, Ghy-29.
13. The Accountant General (Audit), Assam, Maidamgaon, Beldola, Ghy-29.
14. All Heads of Depts.
15. All Administrative Departments.
16. Chief Executive Member, North Cachar Autonomous Council, Dibrugarh.
- Haflong/Karbi Anglong Autonomous Council, Diphu/Bodoland Autonomous Council, Kokrajhar.

Joint Secy. to the Govt. of Assam

- 2 -

1. The PS to Chief Secretary, Assam, Dispur.

2. The PS to Addl. Chief Secretary, Assam, Dispur.

3. All Commissioners of Division.

4. The Chairman, Assam Administrative Tribunal, Guwahati.

5. The Chairman, Assam Board of Revenue, Guwahati.

6. The Secretary, Assam Public Service Commission.

7. All Ministers/Ministers of state.

8. The Accountant General (A.G.), Assam, Maidamgaon, Beldola, Ghy-29.

9. The Accountant General (Audit), Assam, Maidamgaon, Beldola, Ghy-29.

10. All Heads of Depts.

11. All Administrative Departments.

12. Chief Executive Member, North Cachar Autonomous Council, Dibrugarh.

13. Haflong/Karbi Anglong Autonomous Council, Diphu/Bodoland Autonomous Council, Kokrajhar.

By order a

(P. K. GUPTA  
Joint Secretary to the Govt. of Assam  
Personnel Dept., Dispur)

Attested  
K. Das  
Advocate