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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 431/2001

R.A/C.P No.

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SECTION OFFICER (Judl.)

ORDER SHEET

Applicant(s) :- Bipin Kumar

Respondant(s):- L. O. I. Foms

Advocate for the Applicant :- Mr. Adil Ahmed

Advocate for the Respondant: Add. case A-K. Chandley

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. F. for Rs. 50/- deposited vide IP 2/30 10 Dated Dy. Registrar <i>Photocopies must be out of order since 22/10/01</i> <i>Notice prepared Respondent No 1, received by Mr. A.K. Choudhury</i> <i>Add. Case. Res. No 2 to 5 sent to Dls for issuing the same by Regd A/D</i> <i>DINo 4167/4171</i> <i>Dtd 8/11/07</i>	25.10.01	Heard Mr. A. Ahmed learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for respondents. The application is admitted. Call for the records. Mr. A.K. Choudhury, learned Addl. C.G.S.C. accepts notice on behalf of the respondent. Mr. Ahmed, learned counsel for the applicant informed that same ^{similarly} O.A. No. 412/2001 has been fixed for further order on 21/11/2001. List on 21/11/2001 for further order alongwith O.A. 412/2001. Pendency of this application shall not be a bar on the respondents for giving relief to the applicant. mb mb K. C. Sharma Member

O.A. 431 of 2001

21.11.01 Four weeks time is allowed to enable the respondents for filing of written statement.

List the matter on 19.12.2001 for written statement and further orders.

Vice-Chairman

trd

19.12.01 List on 16.1.02 to enable the respondents to file written statement.

Vice-Chairman

lm.

25.1.2002 Written Statement has been filed. List the case for hearing on 6.3.2002.

20.12.2001

W/S submitted by the Respondents Nos 1, 2, 3, 4 and 5

MEM

Member (A)

W/S has been filed

24.1.02

6.3.02 Mr. A.K.Choudhury, learned Addl. C.G.S.C. for the Respondents has stated that like matter namely O.A. No.412/2001 is fixed for hearing on 27.3.2002 and prayed for both the cases to be heard on the same date for convenience. Mr. A.Ahmed learned counsel for the applicant has no objection. The case is accordingly adjourned and posted on 27.3.2002 for hearing along-with O.A. No.412/2001.

Vice-Chairman

mb

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

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

Vice-Chairman

Received copy of Choudhury 18/4

16.4.2002 copy of the judgment has been sent to the office for filing the same to the applicant and copy of the same has already been handed over to the addl. C.S.C. on 10.4.02 bpgus. Retains 42

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. 4

Original application No. 412 of 2001 and 431 of 2001.

Date of Order : This the 27th Day of March, 2002.

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

Shri Sushil Kumar Yadav (O.A.No. 412/2001).
Junior Engineer (Civil)
Demagiri Central (Mtc) Sub-Division,
Central Public Works Department,
Demagiri Mizoram

and

Shri Bipin Kumar, (O.A.431/2001).
Office of the Assistant Engineer,
I.B.B.R. (Mtc) Sub Division, CPWD,
Mela Road, Malugram,
Silchar-2.

By Advocate Sri A.Ahmed.
- Versus -

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Urban Affairs,
New Delhi.
 2. The Director General (Works)
C.P.W.D., Nirman Bhawan,
New Delhi-11.
 3. The Superintending Engineer (Co Ordination)
Circle, C.P.W.D., Eastern Region,
Nizam Palace, Kolkata-20.
 4. The Executive Engineer,
Indo Bangladesh Border Road, (Mtc),
Division, C.P.W.D., Malugram,
Silchar, Assam.
 5. The Assistant Engineer,
Demagiri Central (Mtc) Sub-Division,
C.P.W.D. Demagiri, Mizoram.
 6. The Assistant Engineer,
I.B.B.R (Mtc) Sub Division,
C.P.W.D., Mela Road, Malugram,
Silchar-2.
- . . . Respondents.

By Sri B.C.Pathak, Addl.C.G.S.C. (O.A.412/2001)
Sri A.K.Choudhury, Addl.C.G.S.C (O.A.431/2001)

O R D E R

CHOWDHURY J.(V.C)

Both the applications involve common facts and
common question of law and therefore both are taken up
for hearing together.

2. The applicant in O.A.412/2001 is a Junior Engineer (Civil) in the Central Public Works Department. Presently he is working at Demagiri Central (Mtc). Sub Division, C.P.W.D, Demagiri, Mizoram under respondents No.4 and 5. The applicant in O.A.431/2001 is also working as a Junior Engineer (Civil) in Indo Bangladesh Border Road (Mtc) Sub-Division, C.P.W.D, Malugram, Silchar-2 under respondents No.4 and 5. By order No.21(1)SE(c)/JE(c)/ER/CPWD/CAL/2001/444 dated 31.5.2001 the two applicants were posted out and transferred in their respective place of posting. The applicant in O.A.412/2001 by the said order was transferred to Kolkata. By the same order the applicant in O.A.431/2001 was also transferred to DCD/Dhanbad vice Shri R.N.Singh promoted by the said order issued by the respondent No.3. Despite the transfer order passed by the aforesaid order the respondents in a most illegal fashion failed to give effect to the said orders so far these two applicants are concerned, contended the applicants. It was pleaded that since the order was passed affecting about 57 persons there was no justification for not giving effect to the transfer of these two applicants. The applicants are similarly placed like that of other officers but in a most arbitrary fashion the respondents failed to adhere to the order of transfer so far as the applicants were concerned contended the applicants. The applicants also contended that as per office memorandum dated 14.12.83 the applicants were entitled to be posted to the place of their choice on completion of their tenure.

3. The respondents contested the claim and stated that office memorandum dated 14.12.83 was not applicable and therefore these two applicants are not entitled for the benefit of the said circular. It was also stated that

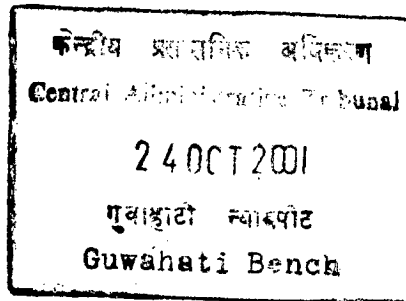
after issuance of the transfer order dated 31.5.2001 the respondents No.3 issued another order vide Memo No.21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dated 29.9.2001 whereby it was ordered that all transfer posting order of Group C and D staff including the Junior Engineers from Eastern Region to North Eastern Region and vice versa already issued but not implemented was to be kept in abeyance with immediate effect till further order. The respondents also pleaded that applicants could not be released from their present place of posting due to exigencies of service as the applicants were deputed to look after the works of maintenance of International Border Roads which could not be left unattended due to National security reasons. The respondents also pleaded that Silchar Maintenance Division of CPWD was responsible to maintain the Indo Bangla Border Roads in three States viz, Mizoram, Meghalaya and Tripura covering a total length of 183 Kms. In O.A.412/2001 it was stated that the Division was new one started functioning from 1998 with 13 numbers of sanctioned strength of Junior Engineers. Out of 13 posts only five junior Engineers were posted. After completion of tenure order of transfer for three Junior Engineers were issued by respondent No.3 out of five posts and accordingly they were released. Only two Junior Engineers were in position to look after the entire jurisdiction under the division. Therefore their posting out would undoubtedly affected the movement of the B.S.F personnel and causing threat to the national security.

4. I have heard Mr A.Ahmed, learned counsel for the applicants and Mr B.C.Pathak, learned Addl.C.G.S.C for respondents in O.A.412/2001 and Mr A.K.Choudhury, learned

Addl.C.G.S.C for the respondents in O.A.431/2001 at length. Admittedly the transfer order was issued as far back as May 2001. When the transfer orders were passed on 31.5.2001 the respondents were well aware about the situation and the fact that these applicants were working in the North Eastern Region. On the pretext of non availability of persons one is not at liberty not to give effect to its own decision rendered by it. The communication dated 28.9.2001 keeping the matter in abeyance was issued as a purely stop gap arrangement. The said order also cannot dilute the order of transfer dated 31.5.2001. I do not find any justifiable reason for not giving effect to the transfer order for these two applicants. On the pretext of want replacement the authority cannot procrastinate a lawful order. Considering all the aspects of the matter, I do not find any discernible reason for sitting over the matter as regards the posting out of these two applicants on the purported ground of non availability of substitutes. It was the responsibility of the respondents to take steps for finding out the surrogate. The inaction on the part of the respondents in not giving effect to the transfer order in the set of circumstances cannot be legally sustained. The respondents are directed to take all out effort to give effect to the order of transfer dated 31.5.2001 with utmost expedition and at any rate within a period of two months from the date of receipt of this order, in respect of the applicants.

Both the applications are accordingly allowed.
• There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. OF 2001.

Shri Bipin Kumar -Applicant.

-Versus-

The Union of India & Others -Respondents.

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Filed by

Advocate

(Abul AHMED)

Filed by
Shri Bipin Kumar applicant
through [Signature]
(Adv. Ahmed)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. OF 2001.

BETWEEN

Shri Bipin Kumar,
Son of Shri Brajanandan Prasad,
Junior Engineer (CIVIL)
Indo- Bangladesh Border Road (Mtc)
Head Quarter Dharma Nagar,
Division Rangana (North Tripura State)
Working under the Office of the
Assistant Engineer, I.B.B.R. (Mtc.)
Sub-Division Central Public Works
Department, Mela Road, Malugram,
Silchar-2.

-Applicant.

-AND-

1. The Union of India represented by the
Secretary to the Government of India
Ministry of urban Affairs New Delhi.
2. The Director General (Works) central
Public works Department, Nirman
Bhawan New Delhi- 110011.

3. The superintendent Engineer (Co-Ordination) Circle Central Public Works Department Eastern Region, Nizam Place Kolkata #20.
4. The Executive Engineer Indo-Bangladesh Border Road (Mtc) Division, Central Public Works Department, Malugram Silchar Assam, Pin 788002.
5. The Assistant Engineer, Indo-Bangladesh Border Road, (Mtc) Sub-Division, Central Public Works Department, Mela Road, Malugram, Silchar-2.

-Respondents.

DETAILS OF THE APPLICATION

1] Particulars of the order against with the Application is made,

This application is not made against any specific order but it is made for seeking a direction from this Hon'ble Tribunal Directing the respondents ~~to release the~~ ^{applicant} from Silchar to D.C.D. Dhanbad, Bihar as per transfer order issued by the respondent No.3 Vide his office order F No. 21(I) SE(c)/JE(C)/ER/ CPWD/CAL/ 2001/444 Dated 31-05-2001 at Annexure-C.

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2] JURISDICTION OF THE TRIBUNAL

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

3] LIMITATION

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

4] FACTS OF THE CASE

Facts of the case in brief are given below:

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

4.2] That your applicant was appointed, as Junior Engineer (Civil) in Central Public Works Department. Now he is working as Junior Engineer (Civil) Indo- Bangladesh Border Road (Mtc) Head Quarter Dharma Nagar, Division Rangana (North Tripura State) Working under the Respondent No. 4 & 5.

4.3] That your humble applicant begs to state that he has already completed his tenure and posting at North Eastern Region. He is entitled to choice place of posting as per Government of India; Ministry of Expenditure office Memorandum No. 20014/83 E.IV dated 14.12.83. The Respondent No. 2 has also issued an office Memorandum dated 10th December 1997 regarding tenure of office and Staffs posted in the North Eastern Region. It has also stated in the said office Memorandum that due to law and order situation prevailing in the North Eastern Region the tenure of posting of officers and Staffs of the Central Public Works Department posted in the North Eastern Region will be 2 (two) years irrespective of length of their service.

Annexure-A is the photocopy of office Memorandum dated 14th December 1983.

Annexure-B is the photocopy of office Memorandum dated 10th December 1997 issued by the office of the Respondent No. 2.

4.4] That your applicant begs to state that he was transferred to DCD/Dhanbad, Bihar vice one Sri R N Singh (Promoted) vide office order F No. 21(I) S.E.(C)/JE(C)/ER/CPWD/ CAL/ 2001/ 444 dated 31.5.2001 issued by the Respondent No. 3.

AKumar

Annexure-C is the photocopy of office order F No. 21(I) S.E.(C)/JE(C)/ER/CPWD/CAL/2001/444 dated 31.5.2001 issued by the Respondent No. 3.

4.5] That your applicant begs to state that he approached the Respondent No. 4 & 5 for early release and also enable him to join in his new place of posting at DCD/Dhanbad, Bihar as per transfer order dated 31.5.2001 issued by the Respondent No. 3. But the respondent No. 4 & 5 did not released him from his present place of posting. He has also filed representation dated 14.6.2001, 21.6.2001 and 28-08-2001 before the Respondent No. 3 & 4. But till today the respondents did not take any steps for early release of the applicant as such your applicant is compelled to approach this Hon'ble Tribunal for seeking justice.

Annexure-D, E & F is the photocopies of representations submitted by the applicant on 14.6.2001, 21-06.2001 & 28-08-2001.

4.6] That your applicant begs to state that the Respondent No. 2 has issued an office Memorandum dated 12.4.2001 regarding compliance of transfer orders. In this office Memorandum it has been states that the practice of not relieving the officer, pending decision on the representations and

Withholding their transfer is viewed seriously and competent authority has decided that all officers under transfer must be relieved forthwith. Their representation if any will be considered only after they join new place of posting.

Annexure-6 is the photocopy of office Memorandum dated 12th April 2001 issued by the Respondent No. 2.

4.7] That your applicant submits that the Respondents have deliberately and intentionally discriminated applicant by not releasing him from present place of posting to **DCD/DHANBAD** in spite of his clear transfer order dated 31.5.2001. As such, it is a fit case for giving adequate direction to the Respondents by the Hon'ble Tribunal to release the applicant immediately in compliance to the transfer order dated 31.5.2001 issued by the Respondent No. 3.

4.8] That your applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favorable place.

4.9] That your applicant submits that the action of the Respondents is mala fide, illegal and with a motive behind.

4.10] That your applicant submits that the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a mala-fide intention only to deprive the applicant from his legitimate rights.

4.11] That your applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.12] That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the applicant and his family members.

4.13] That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala-fide, arbitrary and without jurisdiction.

5.2] For that, the Respondents has not considered *their* own guideline regarding

release of person when he is transferred. As such, there is no jurisdiction in denying the said benefit to the applicant.

5.3] For that, the Respondents have violated the Article 14, 16 and 21 of the Constitution of India.

5.4] For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.5] For that, in any view of the matter the action of the respondents are not sustainable in the eye of law and as well as fact.

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

6. DETAILS OF REMEDIES EXHAUSTED :

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

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relives sought for by the applicant may not be granted and after hearing the parties and the cause or causes that may be shown your Lordships may be pleased to dispose up this application on the admission stage and may be pleased to direct the Respondents to give the following relives:

8.1] That the Respondents, particularly the Respondent No 4 & 5 may be directed by the Hon'ble Tribunal to release the applicant from the present place of posting at Silchar to DCD/Dhanbad, Bihar as per transfer order F No. 21(I)S.E.(C)/JE(C)/ER/CPWD/CAL/2001/444 dated 31.5.2001 at Annexure-C..

8.2] To pass any other relief or relives to which the applicant may be entitled and as

may be deem fit and proper by the Hon'ble Tribunal.

9] INTERIM ORDER PRAYED FOR :

The applicant most respectfully prays for interim order from this Hon'ble Tribunal directing the Respondent No. 4 & 5 to release the applicant from his present place of posting as per office order F No. 21(I)S.E. (C)/JE(C)/ER/CPWD/CAL/2001/444 dated 31.5.2001 issued by the Respondent No. 3.

10] Application Is Filed Through Advocate.

12] Particulars of I.P.O.:

I.P.O. NO. 66788935

Date Of Issue 20.10.2001

Issued from Guwahati G.P.O.

Payable at Guwahati

13] LIST OF ENCLOSURES:

As stated above.

...Verification.

VERIFICATION

I, Shri Bipin Kumar, Son of Shri Brajanandan Frasad, Junior Engineer (CIVIL) Indo- Bangladesh Border Road (Mtc) Office of the Assistant Engineer, I.B.B.R. (Mtc.) Sub-Division Central Public Works Department, Mela Road, Malugram, Silchar-2, do hereby solemnly verify that the statements made in paragraphs are true to my knowledge, 4.1, 4.2, 4.5 — those made in paragraphs 4.3, 4.4, 4.6 — are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 25th day of October, 2001 at Guwahati.

Bipin Kumar

Declarant

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ANNEXURE 1

No. 20014/3/83-D-IV
Government of India
Ministry of Expenditure

Now, Delhi, the 14th Dec. '83

Copy of Min. of Def. O.M- No.4(19)/83/D Civ-I
dt. 11.1.89

OFFICE MEMORANDUM

Subject: Allowance and Facilities for civilian employees of the Central Govt. servants in the states and Union Territories of the North Eastern Region - Improvement thereon.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. for some time. The Govt. had appointed a committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the

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existing allowances and facilities admissible to the various categories, of civilian Central Govt. Employees serving in this region and to suggest suitable improvement. The recommendations of the committee have been carefully considered by the Govt. and the president is now pleased to decide as follows:

(1) Tenure of Posting/deputations:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at the time for officers with more than 10 yrs. of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to station of their choice as far as possible.

(X)

The period of deputation of the Central Govt. employees to the states/Union Territories of the North Eastern Region will generally be for 3 years.

Attested
[Signature]
Attested

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which can be extended in exceptional cases in
of public services as well as when
when the employees concerned is prepared to stay
longer. The admissible deputation allowances will
also be continue and be paid during the period
of deputation or extended.

(11) Weightage for Central deputation/training
abroad and special mention in confidential
records.

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satisfactory performances of duties for the
prescribed tenure in the North Eastern shall
be given due recognition in the case of eligible
officers in the

(a) promotion in cadre posts.

(b) Deputation to Central tenure posts, and

(12) Weightage for Central deputation/training

(c) and courses of training abroad.

The general requirement of at least three
years services in a cadre post between two Central

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tenure deputation may be extended to two years in deserving cases of metropolitan services in the North East.

A specific entry shall be made in CB of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) Allowances:

Central Govt. civilian employees who have All India transfer liability will be granted a special (duty) allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern region. Such of these employees who are exempt from payment of income tax will, however, not be eligible for this special (Duty) Allowances.

Special (Duty) Allowances will be in addition to any special pay and/or deputation (duty) allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) Allowances

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AS
Sd/-
Date

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construction allowances and project allowances will be drawn separately.

(iv) Special Compensatory Allowances
Assam and Meghalaya.

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.82 in the case of Assam.

2. Manipur

The rates of allowances will be as follows for the whole of Manipur :-

Pay upto Rs.20/- Rs.40 P.M.

Pay upto Rs. 20/- Rs.15% of basic pay
subject to maximum of
Rs.150/- p.m.

Assa
Advent

3. Tripura

The rates if the allowance will be
retained as follows:-

a) Difficult area 25% of pay subject
to a minimum of
50/- and a maximum
of 150/-p.m.

b) Other areas:

Pay upto Rs.20/- Rs.40/- p.m.

Pay above Rs.20/- 15% of basic pay
subject to a maximum
of Rs.150/- p.m.

There will be no change in the existing rates
of special compensatory allowances admissible in
Arunachal Pradesh, Nagaland and Mizoram and the
existing rate of Disturbance allowances admissible
in specified areas of Mizoram.

(v) Travelling allowances on first appointment

The relaxation of the present rules (BR-103)
that the existing allowance is not admissible for

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journays enlisted connection with intitial
 appointment, in case of journeys for intital
 appointment to a post in the North Eastern Region
 for travelling allowances limited to by bus
 fare/second class rail fare for road/mailling
 in case of first 400 kms. for the Govt.
 servant himself will be available.

(vi) Travelling allowances for journey on
transfer.

In relaxation of orders below SR-11, on
 transfer to a station in the North-Eastern Region,
 the family if the Govt. servant does not accompany
 him, the Government servant will be paid travelling
 allowances on tour for self only for transit period
 to join the post, and will be permitted to carry
 personnel effects upto 1/3 of his entitlement
 at Govt. cost or have a equivalent of carrying
 1/3rd of his entitlement of the difference in
 weight of the personnel effects actually
 carrying and 1/3rd of his entitlement as the case
 may be in line of the cost of transportation of
 baggage. In case the family accompany the

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Advocate
 Adv. Tel.
 Adv.

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Govt. servant on transfer, the Govt. servant will be entitled to the existing admissible travelling allowances including the cost of transportation as charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road mileage for transportation of personnel effects

In the relaxation of orders below SR 110 for transportation of the personnel effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in A class citation subject to the actual expenditure incurred by the Govt. servant will be admissible.

(viii) Joining time with leave

In the case of Govt. servants proceeding on leave from a place of posting in North Eastern Region, the period of travelling excess of two days

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from the station of posting to outside that region will be treated as joining time. The outside will be admissible on return from leave.

(ix) Leave travel concession

A Govt. servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from the station of posting in the north eastern region to his home town or place where the family is residing and in facility for the family (restricted to his and two dependee children only) also to travel once a year to employee at the station of posting in the north eastern region. In case the cost of travel for the initial stage 100 Rs. will not be borne by the officer.

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Officers drawing pay of Rs. 2250/- or above and their families ~~xxx~~ i.e. spouse and two dependent children (to 18 yrs. for boys and 24 yrs. for girls) will be allowed ~~are~~ travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentions in the proceeding paragraph.

(x) Children Education Allowances/Postal Subsidy)

Where the children do not accompany the Govt. servant to the North Eastern Region, Children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned. of any other station where the children reside without any restriction of pay drawn by the Govt. servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Govt. servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except ~~xxx~~ in sub para (iv) will also be ~~mutatis mutandis~~ apply to Central Govt. e., puees posted to Andaman and Nicobar Islands.

Atul
11/11/11

71

3. These orders will take effect from 1st Nov. '93 and will remain in force for a period of three years upto 31st Oct. 1986.
4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt. to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office memorandum.
5. Separate orders will be issued in respect of other recommendation of the committee ferred to in paragraph 1 as and when decisions are taken by them by the Govt.
6. In so far as persons serving in the India Audit & Accounts Deptt. are concerned, these orders issue after consultation with Comptroller and Auditor General of India.

sd/-
(S.C. Mahalik)
Jt. Secy. to the Govt. of India

Attd
Adm

ANNEXURE - B B

- 30 -
- 24 -

No. 29/1/97-EC I
Government of India
Directorate General of Works
Central Public Works Department

Nirman Bhavan, New Delhi.
Dated the 10 December, 97.

OFFICE MEMORANDUM

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

It has been decided by the Director General of Works, Central Public Works Department, New Delhi, after taking into consideration the prevailing law and order situation in the North Eastern States, that the tenure of posting of officers and staff of C.P.W.D. posted in North Eastern Region will be two years irrespective of their length of service.

The decision will be reviewed after one year depending upon the law and order situation prevailing at that time.

[Signature]

(B.B.SINGH)
DY. DIRECTOR OF ADMN.

To

All Chief Engineers (Civil) and (Elect.) / Superintending Engineers (Civil) and (Elect.) and Executive Engineers (Civil) and (Elect.) in C.P.W.D./P.W.D. including Valuation, App. Authority, I.T. Department, Ministry of E&F etc.

SO
30/11/97
SL. R.R.
31/11/97
copy to P.C.B. to Dept. in W.F.
14/11

At 26/1
SL
At 26/1

- 25 -

ANNEXURE - C³²

MOST IMMEDIATE/ OUT TODAY
Office of the Superintending Engineer, Co-Ordination, CPWD, Eastern Region, Nizam Palace,
Kolkata - 700 020

F.NO. : 21(1)SEC/JE@ER/CPWD/CAL/2001 / 444

DATE : 31.5.2001

OFFICE ORDER

The Chief Engineer, EZ-I, CPWD, Kolkata is pleased to order the transfer/posting of the following Junior Engineers (Civil) with immediate effect in public interest :-

Sl. No.	Name	From	To	Remarks
1.	Ajit Kumar Roy	CCC-III/CAL	CCC-III/CAL	Retention granted up to 07/2002
2.	M. Chakraborty	SE (P)/EZ-I/CAL	SE(P)/EZ-I/CAL	Retention granted up to 03/2002
3.	K. Majumdar	V.CELL/CAL	CCD-I	Vice Kanchan Nandi & retention granted up to 07/2002
4.	S. R. Jana	CCD-VI/CAL	GCD/GUWAHATI	Vice Arvind Kumar
5.	S. K. Chakraborty	V.CELL/CAL	V.CELL/CAL	Retention granted up to 03/2002
6.	P. Bhadra	V.CELL/CAL	PD-III/SITY	Vice S. K. Tiwari
7.	M. K. Sikdar	CCD-III/CAL	MCD/Shillong	Vice M. K. Pandey
8.	A. Siddiki	Appropriate Authority, IT Deptt. Kolkata	Appropriate Authority, IT Deptt. Kolkata	Retention granted up to 03/2002
9.	K. Nandy	CCD-I/CAL	ICD Islampur	Vice K. Sawarnakar
10.	S. Saydhu	SE (P)/EZ-I/CAL	BCD/BARASAT	Vice M. Paul already transferred
11.	S. Sen Sharma	SE(P)/EZ-I/CAL	ACC-II/Guwahati	Vice V. C. Naidu
12.	Bimal Kr. Das	CCC-III/CAL	MCD-II/MALDA	Vice Pallab Kr. Sinha
13.	P. C. Bohra	BCD-II/BBSR	HAAPD/Guwahati	Vice Bharat Kumbhar
14.	Dipesh Pradhan	BCD-II/BBSR	AMD/Agartala	Vice S. K. Singh
15.	Purnonda Misra	BCD-II/BBSR	BCD-II/BBSR	Retention granted upto 03/2002
16.	Ajay Kumar	SE(P)/EZ-II/Patina	SE(P)/EZ-II/Patina	Retention granted upto 03/2002 Transferred to 'A' Region.
17.	D. K. Singh	PCD-III/PATNA	CBMD/Coochbehar	Vice D. Sarda
18.	Ashok Kr. Singh	SCD/IBBZ/Shillong	SE(P)/EZ-II/Patina	Vice Surendra Kumar
19.	M. P. Lala	MCD-II/MALDA	SE(P)/IBBZ/Shillong	Vice I. K. Das Adhikary Already transferred.
20.	P. K. Dutta	KCD-III/Krishnanagar	CCC-III/Kolkata	Vice B. Talukder (Promoted)
21.	Kamal Swarnakar	ICD/ISLAMPUR	V. Cell/Kolkata	K. Majumdar
22.	D. K. Rakshit	ICD/ISLAMPUR	NLD/CAL	Vice B. Mukherjee
23.	Pallab Kr. Sinha	MCD-II/MALDA	MCD-II/MALDA	Vice M. P. Lala & Retention granted up to 03/2003 as 'A' station
24.	M. K. Singh	CBMD-II/Coochbehar	PCD-II/PATNA	Vice D. K. Sinha (Promoted)
25.	Chandan Das	PD-III/Guwahati	MCD-II/IMPITAL	Vice H. C. Bora
26.	S. K. Tiwari	PD-III/Guwahati	CCD-III/CAL	Vice B. K. Das
27.	S. B. Srivastava	MCD/SHILLONG	MCD/SHILLONG	Retention granted up to 03/2002
28.	Javed Anwar Khan	MCD/SHILLONG	EMP/IBBZ/Shillong (HQ, Islampur)	Vice Kumar Lal Dabir already Transferred
29.	Manoj Kr. Pandey	MCD/SHILLONG	CCD-IV/Kolkata (Islampur)	Vice Divender Kumar transferred to Region 'A'.
30.	Smt. D. K. Kanwar	ICD/EZPUR	ICD/EZPUR	Retention granted upto 03/2003
31.	B. P. Deori	AAWD/Guwahati (Doomdooma)	AAWD/Guwahati (Doomdooma)	Retention granted up to 03/2003
32.	Karam Bir	AMD/Agartala	AMD/Agartala	Retention granted up to 03/2002 Transferred to 'A' Region.

READ Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Nizam Palace, Kolkata - 700 020

[Handwritten signature]

[Handwritten signature]
Advocate

33.	Sikandar Kr. Singh	AMD/Agartala	SE(P)/EZ-II/Patna	Vice S. P. Sinha
34.	Arvind Kumar	GCD/GUWAHATI	RCD/RANCHI (Jamshedpur)	Vice Rajkumar (Promoted)
35.	Hemachandra Bora	MCD-I/IMPITAL	PD-II/GUWAHATI	Vice Chandan Das
36.	Niwas Prasad	MCD-I/IMPITAL	PCC/Patna	Vice Jitendra Kumar
37.	Promod Kumar	MCD-I/IMPITAL	MCD-I/IMPITAL	Retention granted up to 03/2003.
38.	Rakash Kumar Singh	MCD-I/IMPITAL	RCD/RANCHI	Transferred to 'A' Region
39.	Vinod Kr. Singh	MCD/SILLONG	MCD/SILLONG	Vice P. Majhi (Promoted) Retention granted up to 03/2003
40.	Anil Kumar	NAAPD/Guwahati	NAAPD/Guwahati	Retention granted up to 03/2003.
40.	Navoon Prakash	AMD/Agartala	CCD-V/CAL	Transferred to 'A' Region.
41.	Animesh Kr. Singh	TCD/AGARTALA	TCD/AGARTALA	Vice C. Chowdhury Retention granted up to 03/2002.
42.	Bharat Kumbhar	NAAPD/Guwahati	RCD-I/BBSR (Sambalpur)	Transferred to 'A' Region. Vice Dipesh Pradhan
43.	Khagen Deka	TMD/TURA	GCD/GUWAHATI	Vice R. Bora (Promoted)
44.	Ranjit Kumar Das	TMD/TURA	GCD/GUWAHATI	Existing Vacancy
45.	Kartar Singh	AMD/Agartala	AMD/Agartala	Retention granted up to 03/2002.
46.	Onkar Mal Meena	AMD/Agartala	AMD/Agartala	Transferred to 'A' Region. Retention granted up to 03/2002.
47.	Sandeep Kumar	AAWD/Guwahati	AAWD/Guwahati	Transferred to 'A' Region. Retention granted up to 03/2002
48.	Bipin Kumar	SMD/SILCHAR	CCD/DHANBAD	Transferred to 'A' Region.
49.	Radheyshyam Yadav	AMD/AGARTALA	AMD/AGARTALA	Vice R. N. Singh (Promoted)
50.	Dhiren Sharma	ACC-I/Guwahati	ACC-I/Guwahati	Vice N. Prakash, Retention granted up to 03/2003.
51.	Amritava Paul	SCD/SILCHAR	SCD/SILCHAR	Retention granted up to 03/2003.
52.	Debasish Biswas	TCD/AGARTALA	CCD-V/CAL	Vice Badal Das
53.	Avinash Kumar	TMD/TURA	PCC-II/PATNA	Vice S. N. Sah (Promoted)
54.	Manoj Diwaker	TMD/TURA	CCD/DHANBAD	Vice S. C. Sinha
55.	Rajib Kumar	TMD/TURA	CCD/DHANBAD	Vice D. Kumar (Promoted)
56.	D. Mukherjee	NLD/CAL	CCD-I/CAL	Vice Animesh Mullick
57.	Y. P. Shah	CCD-II/CAL	Val. Cell/Kolkata	Vice P. Bhadra
58.	C. Choudhury	CCD-V/CAL	CCD-V/CAL	Vice S. R. Jana
59.	A. K. Manna	V. CELL/CAL	SE(P)/EZ-I	Amrendra Dutta.
60.	M. K. Mondal	KCD-I/Krishnanagar	CCD-IV/CAL	Vice P. P. Ghosh. (With TA DA, Joining time etc.)
61.	D. Dutta	NLD/CAL	CCD-IV/CAL	Vice P. Prodhan
62.	P. Prodhan	CCD-IV/CAL	CCD-IV/CAL	P. Biswas (Promoted)
63.	Animesh Mullick	CCD-I/CAL	SE(P)/EZ-I	Vice R.C. Bidi
64.	P.P. Ghosh	CCD-IV/CAL	CCD-III/CAL	Vice P. Roy already promoted
65.	Amarendra Dutta	SE(P)/EZ-I/CAL	Val Cell/CAL	Vice A. K. Manna
66.	Badal Kr. Das	CCD-V/CAL	V. Cell/CAL	Vice M. N. Roy (promoted)
67.	Bijon Kr. Das	CCD-I/CAL	CCD-I/CAL	Vice Y. P. Sinha
68.	M. P. Chakrabarty	CCD-V/CAL	CCD-V/CAL	Retention granted up to 03/2002
69.	R. C. Bidi	SE(P)/EZ-I/CAL	CCD-I/CAL	Vice M. K. Sikdar
70.	Amod Kumar	CCD-II/BBSR	V. CELL/PATNA	Vice S. K. Prasad (Promoted)
71.	S. R. Sahoo	CCD-II/BBSR (Charbatia)	CCD-II/BBSR (Charbatia)	Vice P. M. Routh
72.	T. K. Mukherjee	CCD-I/BBSR	CCD-I/BBSR	Vice P. C. Baira
73.	F. M. Routh	CCD-II/BBSR (Charbatia)	CCD-II/BBSR (Charbatia)	Vice S. R. Sahoo
74.	S. Kundu	GCD/GANGTOK	GCD/GANGTOK	Vice Vipin Kr. Gupta
75.	Vipin Kr. Gupta	GCD/GANGTOK	GCD/GANGTOK	Vice S. Kundu
76.	S. P. Sinha	SE(P)/EZ-II/Patna	V. Cell/PATNA	Existing Vacancy

Handwritten signatures and initials:
 ASL
 JS
 Aho t

Handwritten signature:
 S. P. Sinha

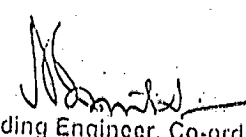
77.	Surendra Kumar	SE(P)EZ-III/Patna ✓	PCD-III/PATNA ✓	Vico S. C. Saha (Promoted)
78.	Jitendra Kumar	PCC/PATNA	PCD-III/PATNA	Vico S. K. Singh (promoted)
79.	S.C. Sinha	DCD/DHANBAD	DCD/DHANBAD	Vico K. K. Pandey (Promoted)
80.	R. Rajak	SMC/SILIGURI	SCD/DBZ/SILIGURI	Vico Ashok Kr. Singh
81.	Sanjay Prabhakar	MCD-III/MAHIPUR	PCD-III/PATNA	Vico D. K. Singh
82.	V. C. Naidu	ACC-III/GUJATI	DCD-III/BBSR	Vico S. R. Sahoo
83.	T. K. Patra	TCD/TEZPUR	DCD-III/BBSR (Kandrapara)	Existing Vacancy
84.	S. K. Yadav	SMD/SILCHAR	DCD-III/CAL	Vico D. K. Chowdhury (Promoted)
85.	B. P. Boso	CCC-III/CAL	KMP	Against existing vacancy
86.	Miss D. Sarda	CBMO/COOCHIBERIA	KCD-III/Krishnanagar	Vico S. K. Sinha
87.	Shi S. K. Sinha	R	BCC/BBSR	Vico T. K. Mukherjee

Note:

1. In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/72/2000-ec-VI dated 9.8.2000, unless otherwise specified, the Junior Engineers Under order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest with waiting for substitute. The relief of officials should not be delayed by the controlling officers for any reason. The cases, where officials under orders of transfer are not relieved within 30 days, will be brought to notice of the Director General of Works for taking action against the defaulting controlling officers.
2. Whenever a Junior Engineer (Civil/Electrical) is posted in a particular Division/Circle/Zona, the controlling officer must accept the joining report and in case of non-availability of the particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Civil/Electrical).
3. Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter later with this office.
4. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to joining their new places of posting and the relief of such officials should not be held up for any reason whatsoever.
5. In case the Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office thereafter unless their transfer order are cancelled/modified or further instructions issued by this office or the Director General of Works, CPWD, New Delhi.

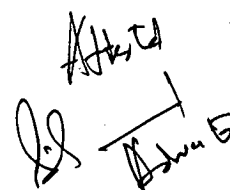
Copy to:

1. The Director General of Work, CPWD, New Delhi.
2. The Addl. Director General (ER), CPWD, Kolkata.
3. All Chief Engineers (Civil), CPWD of Eastern Region
4. All Superintending Engineers (Civil) & Superintending Engineers (P & A) of CPWD Eastern Region.
5. All Executive Engineers (Civil) of CPWD, Eastern Region.
6. The concerned officials through respective controlling officers.
7. The Regional Secretary, CPWD Junior Engineers' Association, Kolkata.


Superintending Engineer, Co-ordination/
(S. ROY)


(S. ROY)
Engineer Assistant to Superintending Engineer, Co-ordination

READ Office of the Superintending Engineer, Co-ordination, Eastern Region, CPWD, Nizam Palace, Kolkata - 700 020



- 28 -

ANNEXURE - D

To
The Executive Engineer
IBBR (Mtc), Div., CPWD
Malugram, Silchar-2

Through proper channel

Sub:- Regarding relieve of Bipin Kumar (J.E.)

Ref:- F.No. 21(1) SE@/JE@/ER/CPWD/CAL/2001/444
dt. 31-05-2001

Sir,

I have to honour to bring your
kind information that with reference
to above cited letter I have been
transferred from SMD, Silchar to
~~DDO / Dhanbad via serial no. 98~~
the transferred order.

So, I request you to
kindly relieve me as early as
possible at your end.

This is for your information
and necessary action please.

Thanking you!

Yours faithfully

Bipin Kumar

(BIPIN KUMAR)
J.E.

H.O. - Dhamonagar

Received
Bless
44/6/2001
8.05.2001
Assistant Engineer,
IBBR MTC Sub-Division-3
CPWD, Mela Road
Malugram, Silchar-738002

Attest
[Signature]

To

- 29 -

ANNEXURE - E

36

The Executive Engineer

IBBR (MTC), Division

CPWD, Silchar-2

(THROUGH PROPER CHANNEL)

Sub: - Relieve from your office

Remainder: Letter No-Hel dated 14-06-2001

Ref: - F.N. - 21(1)/RE(K)/TE(K)/ER/CPWD/CAL/

2001/444 dated 31-5-2001

Sir,

With due respect I have to say that I have been transferred to Dhanbad Central Division, Dhanbad; vide SL No-48 with above cited reference I am very much intended to join at the new station as early as possible.

You are requested to take necessary action for the same and oblige me.

Yours faithfully

Bipin Kumar

(BIPIN KUMAR)
(JUNIOR ENGINEER),
HB - DHARMANAGAR
(RANGIANA)

Dated: - 21-06-01

Letter forwarded
to EE
23/6/2001
Assistant Engineer,
IBBR MTC Sub-Division
CPWD, Mela Road
Malugram, Silchar-788002

File
Amte

To

- 30 -

ANNEXURE-F 37

The Executive Engineer
IBBR(Mtc) Division,
CPWD, Silchar-2

(Through Proper Channel)

Sub:- First reminder for early
release from your office.

Ref:- F.No.-21(1)/SE(C)/JE(C)/ER/CPWD/CAL/2001/444

Dated 31-5-2001

Sir,

Kindly refer to the letter
cited above by which I have been
transferred from Silchar Mtc. Division
to Dhanbad Central Division. I am
very much intend to join my new
station as early as possible. Previously
this information had been also given
in your office but no necessary action
taken about this matter up to that day.
Hence I therefore, request you

to kindly relieve me immediately. So
that I can join my duties at the assigned
place. For this purpose, I shall highly
be obliged to you.

Thanking you.

Yours faithfully
Bipin Kumar
(BIPIN KUMAR)
Junior Engineer (S)
SMD, CPWD

Received original
22/2/2001
Assistant Engineer,
IBBR MTC Sub-Division,
CPWD, Mch Road
Maharaja, Silchar-2 788002

Atk
Advocate

S. 1000. 152 (S)

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-31-

ANNEXURE - G

No. 23/6/2001-EC.1
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

1/10/01
2/1/01

Nirman Bhavan, New Delhi-110011

Dated the 12th April, 2001

OFFICE MEMORANDUM

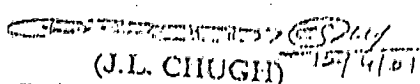
Subject:- Compliance of transfer orders issued by Directorate General of Works,
C.P.W.D.

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

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

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

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


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

TO

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

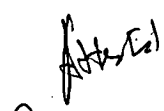
1/1. Circulate

11/4

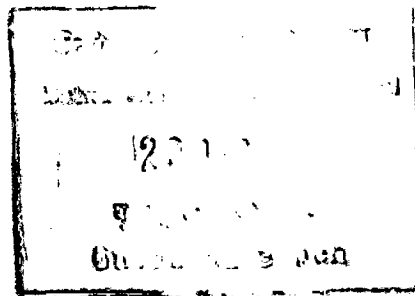
we may wish to see
the release of the concerned
officer after the transfer order is issued

D. 8

1/4



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1/4



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

Union of India & Ors
Through:-
Anup Kumar Choudhary
Addl. General Secy
Standing Council
19.12.01

In the matter of :

O.A. No. 431 OF 2001

Sri Bipin Kumar

..... Applicant.
- Vs -

Union of India & Ors.

..... Respondents.

Written Statement for and on behalf of Respondents
Nos. 1, 2, 3, 4 and 5.

I, *Ramkishan Solanki*, Executive Engineer,
Indo-Bangla Border Roads (Mtc.) Division, Central Public -
Works Department, Malugram, Silchar-2, do hereby solemnly
affirm and say as follows :-

1. That I am the Executive Engineer, Indo-Bangla
Border Roads (Mtc.), Central Public Works Department, Silchar
and Respondent No. 4 in the above case and as such fully
acquainted with the facts and circumstances of the case.
I have gone through a copy of the application served upon
me and have understood the contents thereof. Save and
except whatever is specifically admitted in the written
statement, the other contentions and statements may be
deemed to have been denied. I am competent and authorised
to file this written statements on behalf of all the respondents

2. That the statements made in paragraph 4.1 of the application are admitted.

3. That the statements made in paragraph 4.2 of the application are matters of record.

4. That with regard to the statements made in paragraph 4.3 of the application the deponent begs to state that as per para-8 of Section 28 (fixed tenure) of concessions for serving in North Eastern Region etc. incorporated in Swamy's Hand Book, 1999, P-389, the fixed tenure of 2(two) years may be extended in exceptional cases in exigencies of public services.

A copy of para -8 is enclosed as Annexure - A.

5. That with regard to the statements made in paragraph 4.4 of the application the deponent admits that the Respondent No.3 issued the transfer order of the applicant as mentioned but subsequently Respondent No.3 issued another order vide No. 21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714, dated 28.9.2001 ordering that all the transfer/posting orders for group C & D staff including the Junior Engineers from Eastern Region (Region-B.1) to North East Region (Region-B.2) and vice versa already issued but not implemented shall be kept in abeyance with immediate effect till further order.

A copy of the order No. 715, dated 28.9.2001 is annexed hereto and marked as Annexure - B.

2000

6. That with regard to the statements made in paragraph 4.5, of the application the deponent begs to state the applicant could not be released from his present place of posting due to the exigencies of public services as he was deputed to look after the works of maintenance of International Border Roads which could not be left unattended due to National security reasons.

7. That with regard to the statements made in paragraph 4.6, of the application the deponent begs to state that the memorandum dated 12.4.2001 as stated by the applicant is applicable to the persons who have been transferred and represented for change or cancellation of transfer order as mentioned that their representation will be considered only after they join in new place of posting and not applicable in the case of applicant.

8. That with regard to the statements made in paragraph 4.7, of the application the deponent begs to state that the applicant joined in Agartala Mtc. Division on 16.7.98 and further posted and joined in this division on 1.4.99 and working under Silchar Mtc. Sub-Division. As he is looking after the works of Indo-Bangla Border Roads Mtc. in North Tripura, Meghalaya States. The Roads along the International Borders for Patrolling by B.S.F. to check ~~infix~~ infiltrators and smugglers from Bangladesh and hence is of the strategic importance.

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The Silchar Mtc. Division of C.P.W.D. is responsible to maintain the Indo-Bangla Border Roads in 3(three) states viz, Mizoram, Meghalaya and Tripura covering a total length of 183 Kms (Approx). Since this Division is newly created during 1998 having sanction strength of 13 Nos. of Junior Engineers but being the newly created division, the posting of staff is in process and hence out of 13 Junior Engineers, 5 Junior Engineers were in position. After completion of tenure, transfer order for 3 Junior Engineers out of posted 5 were transferred by Respondent No.3 during 6/2000 and accordingly been relieved. One Junior Engineer was posted who has not yet joined. Therefore, only 2 Junior Engineers were in position to look after the entire jurisdiction, and if the roads left unattended it may effect the movement of the B.S.F. personnel and causing threat to the National Security. Under these compelling circumstances and considering the exigencies of public services, the applicant could not be relieved.

Subsequently, Respondent No.3 issued another order vide No.21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dated 28.9.2001 as mentioned above ordering that all the transfer/posting orders for group C & D staff including the Junior Engineers from Eastern Region (Region B.1) to North East-Region (Region B.2) and vice versa already issued but not implemented shall be kept in abeyance with immediate effect till further order.

Hos

9. That with regard to the statements made in paragraph 4.8, of the application the deponent begs to state that it is denied that the applicant has not been relieved by the department to accommodate their choice able person in their favourable place.

10. That with regard to the statements made in paragraph 4.9, of the application the deponent begs to state that it is denied that action of the department is not malafied/illegal and with a motive behind rather the applicant could not be relieved under compelling circumstances as explained herein before.

11. That with regard to the statements made in paragraphs 4.10, of the application the deponent begs to state that the allegation made in this para are totally ex false and department did not acted arbitrarily with any mala-fide intention.

12. That with regard to the statements made in paragraph 4.11, of the application the deponent begs to state that the allegation made in this para does not arise at all as already furnished in above paras.

13. That the applicant is not entitled to the relief sought and the application is liable to be dismissed with cost.

Verification.....

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

I, *Ramkishan Salanki*, Executive Engineer,
Indo-Bangla Border Roads (Mtc.) Division, Central Public
Works Department, Malugram, Silchar, being duly authorised
do hereby solemnly affirm and declare that the statements
made in this written statement are true to my knowledge and
information and I have not suppressed any material fact.

And I sign this verification on this 18th day
of December, 2001.

[Signature]
18/12/01
Deponent.

- (ii) Period of travel from the specified station to a place outside the Region. Journey time in excess of 2 days is allowed as additional joining time.

This concession is also admissible when the Government servants return from leave.

5. Leave Travel Concession.— Government servant who leaves his family behind and does not avail transfer T.A. for the family will have the option to choose—

Either: The existing LTC to home town once in a block of two calendar years;

Or: The concession for himself once a year from the station of posting to his home town or place where the family is residing, *and in addition* concession for the family (restricted to the spouse and two dependent children only) also to travel once a year from the place of residence to the employee's station of posting.

In addition, Government servants and families will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families (spouse and two dependent children) to travel to their home town or station of posting in an emergency. These additional passages will be admissible by the entitled mode and class of travel as for normal LTC.

6. Travel by air.— Officers drawing pay of Rs. 13,500 and above and their families (spouse and two dependent children — up to 18 years for boys and 24 years for girls) may perform the above LTC journeys by air as below—

Officers posted in	Between stations
(i) North-Eastern Region	Imphal/Silchar/Agartala/Aizwal/Lilabari and Calcutta
(ii) Andaman and Nicobar Islands	Port Blair and Calcutta/Chennai
(iii) Lakshadweep	Kavaratti and Cochin.

7. (a) Special Compensatory (Remote Locality) Allowance.— Please see Section 8.

8. Fixed Tenure—

- (a) For staff with service of 10 years or less Three years
(b) For staff with more than 10 years of service Two years

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the

employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

✓ **9. Station of choice on completion of tenure.**—On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

10. Weightage for promotion, etc.—Eligible officers shall be given due recognition in the matter of—

- (a) promotion in cadre posts;
(b) deputation to Central tenure posts; and
(c) courses of training abroad.

The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

11. Entry in CR.—A specific entry shall be made in the CR of all employees who render full tenure of service.

12. Special (Duty) Allowance/Island Special Allowance.—Employees who have All India Transfer Liability on posting to (i) any station in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Sikkim and Mizoram will be granted Special (Duty) Allowance, and (ii) any station in the Island Territories of Andaman, Nicobar and Lakshadweep will be granted Island Special Allowance. (For rates and conditions governing the grant of these allowances see under 'Compensatory Allowances' in Section 8 of this Handbook).

13. Children's Education Allowance/Hostel Subsidy.—If the children do not accompany the employee, CEA will be admissible up to class XII to children studying at the last station of posting or any other station where they reside. If such children are put in hostels, hostel subsidy will be admissible without other restrictions. The concession is admissible to the officials transferred from one place to another within the North-Eastern Region also.

14. Benefit of double HRA.—Central Government employees posted to the specified States/Union Territories from outside the N-E Region or transferred from one station of a State/Union Territory of the N-E Region to another State/Union Territory of the N-E Region, and who are keeping their families in rented houses or in their own houses at the last place of posting will be entitled to HRA admissible to them at the old station, and also at the rates admissible at the new place of posting in case they live in hired private accommodation irrespective of whether they have claimed transfer T.A. for family or not subject to the condition that hired private accommodation or owned house at the last station of posting is put to bona fide use of the members of the family. These concessions are admissible also to those posted to Andaman and Nicobar Islands and Lakshadweep.

Attested
4441. Control Govt.
Standing Counsel.

8 39 Annexure - B
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GOVERNMENT OF INDIA
OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORDINATION, CPWD, EASTERN REGION
NIZAM PALACE, KOLKATA-700020

21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/

7/14
DATED : 28.9.2001

OFFICE ORDER

Consequent to the bifurcation of Eastern Region (Region 'B') into Eastern Region (Region B.I) and North Eastern Region (Region B.II) vide DGW, CPWD, New Delhi's OM no. 14/201-ECIV(C) dated 18.0.2001 and instructions contained therein that all transfers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa will fall in the category of Inter Regional Transfers, it is hereby ordered that all transfer/posting orders of Group 'C' and Group 'D' staff including the Junior Engineers from Eastern Region (Region B.I) to North Eastern Region (Region B.II) and vice versa already issued by this office but not implemented so far, shall be kept in abeyance with immediate effect till further orders.

All the staff who are willing to remain in the North Eastern Region (Region B.II) are hereby requested to submit their willingness within 15(fifteen) days of issue of this order. Transfer of such staff shall be confined to North Eastern Region (Region B.II)

As per DGW, CPWD, New Delhi's OM dated 18.9.2001 mentioned above, those staff of North Eastern Region who do not indicate their willingness for the North Eastern Region (Region B.II), will be transferred to Eastern Region (Region B.I) on seniority basis subject to availability of vacancy and availability of substitute staff for North Eastern Region. The said staff are, therefore, requested to submit their willingness for transfer to Eastern Region (Region B.I) within 15 (fifteen) days of issue of this order.

Those staff of Eastern Region (Region 'B') who are willing to get transferred from Eastern Region (Region B.I) to North Eastern Region (Region B.II) may submit their willingness in prescribed proforma immediately for approval of the Inter Regional Transfer by the competent authority.

All the Controlling Officers are hereby requested to send the details of unimplemented transfer orders for immediate necessary action at this end

The above order shall take effect from the date of issue

SENT BY M/s. Grah

C.P.W. - 21/10/01

Dy. No - 14/201

Date - 22/10/01

(D.Horo) 28/9
Superintending Engineer (Co-ordination)

Copy to:-

1. Director General of Works, CPWD, New Delhi.
2. Additional Director General (ER), CPWD, Kolkata
3. Director of Administration, CPWD, Nirman Bhawan, New Delhi with the telephonic discussion held on 26.9.2001.
4. All Chief Engineers (Civil & Elec) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD.
5. All Superintending Engineers (Civil & Elec.) i/c Superintending Engineers (P&A) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD
6. All Executive Engineers (Civil & Elec.) of Eastern Region (Region B.I) and North Eastern Region (Region B.II) of CPWD
7. All recognised Unions & Associations of CPWD, Nizam Palace, Kolkata
8. All Co-ord sections of Co-ord Circle.

(D.Horo)
Superintending Engineer (Co-ordination)

Urgent on 5
19/10
Attested
AK Chandra