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W
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No.....435/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 435 /2001

Applicant(s) :- S. R. Masram

Respondent(s) :- CLD 2075.

Advocate for the Applicant :- M. G.K. Bhattacharya, S. Sarma & Miss C. Das.

Advocate for the Respondent :- CSC.

Notes of the Registry	Date	Order of the Tribunal
	8.11.2001	Present : The Hon'ble Mr K.K. Sharma, Administrative Member.
This is application in form C. F. for Rs. 50/- deposited vide IPO/SD No 64/788506		Heard Mr S. Sarma, learned counsel for the applicant.
Dated <u>29/11/2001</u> By <u>Dy. Registrar</u> <u>7/11/2001</u>		Issue notice to the respondents to show cause as to why this application shall not be admitted.
Statement has been filed by the applicant's Advocate.		Also issue notice to show cause as to why the interim order as prayed for shall not be granted. Returnable by two weeks.
Notice prepared and sent to CLD for issuing the respondent No. 182 by Regd. A.A.		List on 28.11.2001 for show cause and admission. In the meanwhile the operation of the Order No. A-22013/2/2001-Admn.I/1532 dated 1.11.2001 (Annexure-1) is stayed insofar as it relates to the applicant, till the next date.
SINo <u>4193 h 96</u>	pg	<i>K. K. Sharma</i> Member
Dtd <u>12/11/01</u>	28.11.01	Heard Mr S. Sarma, learned counsel for the applicant and Mr B.C. Pathak, learned Addl.C.G.S.C. Application is admitted.
(1) Service report were still awaited.		List on 2.1.2002 for written statement. Interim order dated 8.11.2000 shall continue.
(2) No. Show cause has been filed.		<i>C. C. Sharma</i> Member
	pg	

Order dtd. 28/10
Communicated to the
Parties Counsel.

AS
6/11/02

✓ O.A. 435 of 2000

2.1.02

List on 30.1.02 to enable the res-
pondents to file written statement.
In the meantime, the interim order dated
8.11.01 shall continue.

IC Ushan
Member

Order dtd. 21/11/02
Communicated to the
Parties Counsel.

AS
9/11/02

lm

Notice of Respondent
No 4 returned
due to 'not known'
in monthly
post mark.

30.1.02

At the request of learned counsel
for the Respondents four weeks time is
allowed for filing of written statement.
List on 27.2.02 for orders.

The interim order dated 8.11.2001
shall continue.

No. 103 has been
filed.

lm

AS
29.1.02

Order dtd. 30/1/02
Communicated to the
Parties Counsel.

AS
9/2/02

27.2.2002

On the request made by Mr. B.C. Pathak,
learned Addl. C.G.S.C. four weeks time is
granted to the respondents to file written
statement.

List on 3.4.2002 for order. In the mean-
while interim order dated 8.11.2001 shall
continue.

IC Ushan
Member

Order dtd. 27/2/02
Communicated to the
Parties Counsel.

AS
28/2

bb

3.4.02

Written statement has been filed.
The case is ready for hearing. List on
26.4.2002 for hearing.

IC Ushan
Member

4.3.2002
W/S submitted
by the Respondent

mb

Nos. 1, 2 & 3.

AS

Heard in part.

Next appear on 15.5.2002.

AS
A.G.D.

30.4.2002

Rejoinder submitted
by the applicant in reply
to the W/S submitted.
by Applt. 1, 2 and 3.

AS

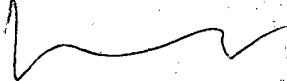
17
M
O.A.No.435/2001

1.5.2002

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

Rin
Prep
23/5

nkm


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 435 of 2001

Date of Decision... 1.5.2002....

Shri Surendra Rushi Masram

Petitioner(s)

Mr G.K. Bhattacharyya, Mr S. Sarma and

Ms U. Das

Advocate for the
Petitioner(s)

- Versus -

The Union of India and others

Respondent(s)

Mr B.C. Pathak, Addl. C.G.S.C.

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

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 : Vice-Chairman

WV

W

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.435 of 2001

Date of decision: This the 1st day of May 2002

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

Shri Surendra Rushi Masram,
Asstt. Director (Design),
Regional Design and Technical Development Centre,
Office of the Development Commissioner (Handicrafts),
Guwahati.

.....Applicant

By Advocates Mr G.K. Bhattacharyya,
Mr S. Sarma and Ms U. Das.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Textiles,
New Delhi.

2. The Development Commissioner, Handicrafts,
Office of the Development Commissioner,
New Delhi.

3. The Regional Director,
North East Regional Office,
Guwahati.

4. Shri P.S. Babbar,
Deputy Director,
Regional Design and Technical Development Centre,
Mumbai.Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

By order dated 1.11.2001 the applicant who was was
working as Assistant Director (Design), Regional Design and
Technical Development Centre (RD & TDC for short) at
Guwahati was transferred to Bamboo and Cane Development
Institute (BCDI for short) at Agartala. By the same order,

respondent No.4, Deputy Director, RD&TDC, Mumbai was posted in the same capacity to Guwahati. The order of transfer of the applicant is assailed in this proceeding as arbitrary and discriminatory.

2. Mr S. Sarma, learned counsel for the applicant, stated and contended that the applicant is already looking after the BCDI, Agartala while functioning at Guwahati as Assistant Director (Design) and also serving the purpose of the Department as Assistant Director (Design) at RD&TDC. The learned counsel submitted that there is no sanctioned post of Deputy Director at Guwahati and therefore, the posting of respondent No.4 is also unauthorised.

3. The respondents contested the claim of the applicant and stated that the transfer was made in the interest of the administration. It was contended that various projects of Cane and Bamboo Crafts under UNDP was sanctioned in the North Eastern Region by the Government of India and as the post of Deputy Director (Design) at RD&TDC at Guwahati was not sanctioned, the applicant was shifted from Bhopal to Regional Design Centre, Guwahati to look after design related schemes in the North Eastern Region.. The Government had taken a decision to upgrade the present Bamboo and Cane Development Institute at Agartala at the level of National Institute and funding from UNDP budget had started for the purpose. The Government of Tripura had already handed over suitable accommodation for housing the upgraded BCDI. It was, therefore, felt necessary to send one senior level officer at BCDI, Agartala at least for the time being and till the post of Officer Incharge sanctioned for BCDI, Agartala was filled up through UPSC. The respondents contended that the posting of the applicant was

made.....

made purely on administrative exigency and public interest.

4. I have heard Mr S. Sarma, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. at length. Upon hearing the learned counsel for the parties and on consideration of the materials on record I do not find any illegality in the impugned order of transfer and posting. The order is obviously made in administrative exigency and public interest. There is no violation of the statutory provisions nor any arbitrariness is discernible.

5. In the circumstances I do not find any merit for judicial review of the impugned order of transfer dated 1.11.2001.

6. The application is accordingly dismissed. There shall, however, be no order as to costs.

(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

7 NOV 2001

गुवाहाटी न्यायपीट
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 435 of 2001

BETWEEN

Shri S.R.Masram. Applicant.

AND

Union of India & ors Respondents.

I N D E X

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Filed by : Miss U.Das, Advocate . Regn.No. :

File : C:\WS7\SURENDRA Date :

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

7 NOV 2001

गुवाहाटी न्यायालय
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

O.A.No. of 2001

BETWEEN

Shri Surendra Rushi Masram
Asstt. Director (Design),
Regional Design and Technical Development Center,
Office of the, Development Commissioner, (Handicrafts)
Beltola, Basistha Road,
Guwahati-781006.

***** Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Textiles, New Delhi.
2. The Development Commissioner, Handicraft
Office of the Development Commissioner,
West Block No.7
R.K. Puram, New Delhi-110066.
3. The Regional Director,
North East Regional Office
Beltola.Basistha Road,
Guwahati-6.
4. Shri P.S. Babbar,
Deputy Director
Regional Design and Technical Development Center,
Mumbai.

***** Respondents.

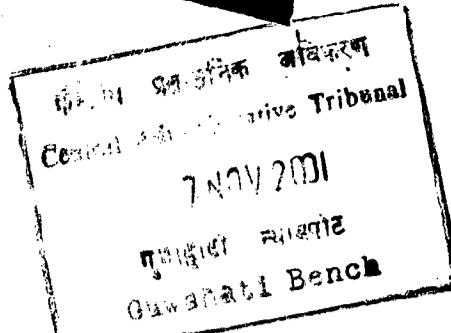
PARTICULARS OF THE APPLICATION

I. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE:

This application is directed against the orders bearing No.A-22013/2/2001-Admn/1/1532 dated 1.11.2001 issued by the Additional Development Commissioner, Handicraft and the order bearing No.A-22013/2/2001-Admn/1/1549 dated 1.11.2001 issued by the Deputy Director (A&E-I).

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Filed by
the applicant through
the Advocate
Bishwaranjan Das,
Advocate
7/11/2001



2. LIMITATION:

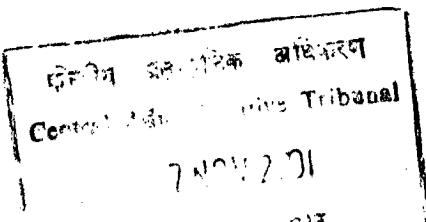
The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant has come before this Hon'ble Tribunal challenging the action/inaction on the part of the respondents in issuing the impugned transfer order dated 1.11.2001 by which he has been transferred to BCDI, Agartala. The applicant has also challenged the order dated 1.11.2001 issued by the Deputy Director by which the respondent No.4 has been directed to report duty at Regional Design and Textile Development Center, Guwahati by 7.11.2001. The present applicant now is holding the post of Asstt. Director Design in the office of the Development Commissioner, Handicraft. He has been subjected to frequent transfer by the respondents. By the impugned order dated 1.11.2001 the applicant has been transferred to BCDI, Agartala in public interest. It is pertinent to mention here that the respondents issued an order dated 30.11.2000 by which direction has been issued to the applicant to hold the post of Asstt. Director Design in the office of the BCDI, Agartala in addition to his normal duty i.e. at Guwahati. Presently, pursuant to the aforesaid 30.11.2000 he is looking after the post of Asstt. Director Design in the BCDI, Agartala. Now by the impugned order he has been



directed to hold the post of Asstt. Director, Design BCDI, Agartala i.e. the post he is already holding the charge. Apart from that by the impugned order dated 1.11.2001 the respondent No.4 has been posted in place of the applicant and by an another order Respondent No.4 has been directed to hold the charge of Deputy Director Regional Design and Textile Development Center, Mumbai i.e. the post he is presently holding.

This is the crux of the matter against which the present applicant has come before this Hon'ble Tribunal seeking an appropriate relief. The detailed facts of the case are as follows.

4.2. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicant is presently holding the post of Asstt. Director (Design) in the office of the Respondent No.3. The respondents have issued the impugned order dated 1/11/2001 by which the present applicant has been transferred BCDI, Agartala with a remark that he should join at Agartala Office positively by 5.11.2001. The aforesaid impugned order has been received by the applicant on 5.11.2001 through his office.

A copy of the aforesaid order dated 1.11.2001 is annexed herewith and marked as Annexure-1.

4.4. That the applicant begs to state that he has been subjected to frequent transfer by the respondents. By an order dated 25.6.96 applicant who got his posting in the

Head Quarter, New Delhi has been transferred to RD & TDC, Okhla. Thereafter by another order dated 7.5.97 he has been transferred from Okhla to RD & TDC, Bhupal. In third occasion respondents issued another order dated 24.8.99 he was transferred from RD & TDC, Bhupal to Regional Office Calcutta. The aforesaid orders followed by yet another order dated 27.4.2000 by which he has been transferred from Regional Office Calcutta to the present place of posting at Guwahati. Even after completing of his tenure i.e. after completion of less than one and half years now the respondents have issued the impugned order dated 1.11.2001 by which he has been sought to be transferred to BCDI, Agartala i.e. the post which he is presently holding as an Additional Post.

Copies of the orders dated 25.6.96, 7.5.97, 24.8.99 and 27.4.2000 are annexed herewith and marked as ANNEXURE-2,3,4 and 5 respectively.

4.5. That the applicant begs to state that as stated above the Respondents have issued an order dated 30.11.2000 by which direction has been issued to the present applicant to hold the additional charge of the post of Asstt. Director Design, BCDI, Agartala, pursuant to the aforesaid order dated 30.11.2000 applicant is holding the post of Asstt. Director Design in the BCDI, Agartala. Now, by issuing the impugned order the respondents have sought to transfer him again to the post which he is presently holding the charge.

A copy of the aforesaid order dated 30.11.2000 is annexed herewith and marked as Annexure-6.

केन्द्रीय असामिक अधिकरण
Central Admin. App. Tribunal
7 NOV 2001
गुवाहाटी ब्रॉड
Guwahati Branch

4.6. That the applicant begs to state that by issuing the impugned order dated 1.11.2001 the Respondent No.4 has been sought to post in place of applicant at Guwahati. The respondents have issued another order dated 1.11.2001 by which direction has been issued to the respondent No.4 to hold the post of Deputy Director RD & TDC, Mumbai as additional charge till 2002.

A copy of the aforesaid order dated 1.11.2001 is annexed herewith and marked as Annexure-7.

4.7. That the applicant begs to state that from the aforesaid order dated 1.11.2001 (Annexure-7) and order dated 30.11.2000 (Annexure-6) it is crystal clear that the impugned orders (Annexure-1 and 7) does not carry any meaning. The applicant has been sought to be transferred to BCDI Agartala, the post charge of which is presently being holding by the applicant. Apart from that the respondent No 4 has been sought to be transferred to RD&TDC Mumbai to RD&TDC Guwahati and by the subsequent order dated 1.11.2001 (Annexure-7), he has been directed to hold the additional charge of RD&TDC Mumbai. In fact apart from changing the Head Quarter of the applicant no purpose could have been served by issuing the impugned order dated 1.11.2001. On the other hand the impugned order will not serve any public interest since a person posted at Guwahati has been directed to hold an additional charge at Mumbai. From the above it is crystal clear that public money will be misused and no fruitful purpose would be served by issuing the impugned orders.

4.8. That the applicant begs to state that being

aggravated by the aforesaid action of the respondents, he has preferred a representation dated 5.11.2001, i.e., the date on which he received the copy of the impugned order. In the said representation the applicant has highlighted the factual aspect of the matter with a request to modify the impugned orders dated 1.11.2001. A copy of the said representation has already been sent to the respondent No 2 through fax message but till date nothing has been communicated to him.

A copy of the said representation dated 5.11.2001 is annexed herewith and marked as ANNEXURE-8.

4.9. That the applicant begs to state that the respondents by issuing the Annexure 2 to 5 orders have transferred him very frequently to one place to another and finally he has been transferred to his present place of posting at Guwahati. As per the O.M Dated 14.12.83 issued by the Govt of India Ministry of Personnel, the applicant who is an out sider and presently posted at NER, is entitled to place his option for choice place of posting. But the respondent even prior to completion of his such tenure has been sought to transfer him to an another hard station like Agartala. Apart from that the post at Agartala is presently being holding by the applicant in terms of Annexure-6 order dated 30.11.2000. In view of the above it is clear that the impugned order has not been in the interest of public but same has been issued in exercising the colorable power by the respondents, and hence same is not sustainable in the eyes of law and liable to be set aside and quashed.

4.10. That the applicant begs to state that from the Annexure 2 to 5 order it is crystal clear that he has been

subjected to frequent transfer. Within a short span of time he has been transferred to various places even prior to completion of fixed tenure in one station. That the applicant further begs state that the impugned orders dated 1.10.2001 has been issued not in public interest but same has been issued at the behest of respondents No 4 and with the purpose to harass the applicant. In fact the post of ECDI Agartala has been holding by the applicant and he has been performing the duties to the satisfaction of all concerned and at no point of there has been any short of complaint from any authority. It is therefore there is no earthly reason as to why the respondents have issued the impugned orders without taking into consideration the entire facts and circumstances of the case.

4.11. That the applicant begs to state that the only son of the applicant has been admitted in the Central School In Guwahati and in the event of issuance of the aforesaid impugned orders, his study will adversely be effected. On the other hand the applicant as per the O.M dated 14.12.83 he is entitled to place his option for choice place of posting but taking into consideration the mid academic session of his ^{Sch} he has not yet placed his such option. As stated above the applicant has made representation to the concerned authority but same is yet to be replied to. However, having regard to the facts and circumstances, the applicant has come before the Hon'ble Tribunal without waiting for the result of the said representation.

4.12. That the applicant begs to state that till date he has been serving in his present place of posting at Guwahati. The respondents have not issued any reliving order

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P.M.
Guwahati Bench

to the applicant pursuant to the Annexure -1 impugned order dated 1.11.2001. However, the applicant is apprehending that the respondents may issue reliving order at any point of time. It is therefore the applicant is praying for an appropriate interim order directing the respondents not to transfer out the applicant from his present place of posting at Guwahati by suspending the operation of the impugned orders dated 1.11.2001 during the pendency of the O.A.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in issuing the impugned orders are not sustainable in the eye of law and liable to be set aside and quashed.

5.2. For that the respondents have issued the impugned orders not in public interest but same has been issued at the behest of respondents No 4 with a malafide intention with the sole purpose to harass the applicant. On this score alone the impugned orders are not sustainable in the eye of law and liable to set aside and quashed.

5.3. For that since the applicant who is presently holding the post at BCDI Agartala aught not to have been transferred to the said post again placing the respondent No 4 in his place and allowing the said respondent No 4 to hold his the original post at Mumbai as additional charge. This exercise of power reflects total non-application of mind by the respondents and same requires interference by this Hon'ble Tribunal by setting aside the impugned orders dated 1.11.2001.

5.4. For that the respondents have failed to take into various aspect of the O.M dated 14.12.83 while passing the

केन्द्रीय नियन्त्रण आयोग	Central Control Council
Central Control Council	Central Control Council
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impugned orders dated 1.11.2001 and hence same is not sustainable in the eye of law and liable to be set aside and quashed.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the impugned orders dated 1.11.2001, and to allow the applicant to continue at his

State	Assam
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Office	Guwahati

present place of posting i.e., Asstt. Director (Design), Regional Design and Technical Development Center, Office of the Development Commissioner, (Handicrafts) Beltola, Basistha Road, Guwahati-781006.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents to allow the present applicant to continue in his present place of posting at Guwahati by suspending the operation of the impugned orders dated 1.11.2001.

10.

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

1. I.P.O. No. : 6G F88506
2. Date : 27/9/2001
3. Payable at : Guwahati.

12. LIST OF ENCLATURES:

As stated in the Index.



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VERIFICATION

I, Shri Surendra Rushi Masram, son of Rushi Govinda Masram, aged about 36 years, at present working as Asstt. Director (Design) Regional Design and Technical Development Center, Office of the Development Commissioner, (Handicrafts) Beltola, Basistha Road, Guwahati-781006. do hereby solemnly affirm and verify that the statements made in paragraphs 1st 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111st, 112nd, 113rd, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212nd, 213rd, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292nd, 293rd, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311st, 312nd, 313rd, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 327th, 328th, 329th, 330th, 331st, 332nd, 333rd, 334th, 335th, 336th, 337th, 338th, 339th, 340th, 341st, 342nd, 343rd, 344th, 345th, 346th, 347th, 348th, 349th, 350th, 351st, 352nd, 353rd, 354th, 355th, 356th, 357th, 358th, 359th, 360th, 361st, 362nd, 363rd, 364th, 365th, 366th, 367th, 368th, 369th, 370th, 371st, 372nd, 373rd, 374th, 375th, 376th, 377th, 378th, 379th, 380th, 381st, 382nd, 383rd, 384th, 385th, 386th, 387th, 388th, 389th, 390th, 391st, 392nd, 393rd, 394th, 395th, 396th, 397th, 398th, 399th, 400th, 401st, 402nd, 403rd, 404th, 405th, 406th, 407th, 408th, 409th, 410th, 411st, 412nd, 413rd, 414th, 415th, 416th, 417th, 418th, 419th, 420th, 421st, 422nd, 423rd, 424th, 425th, 426th, 427th, 428th, 429th, 430th, 431st, 432nd, 433rd, 434th, 435th, 436th, 437th, 438th, 439th, 440th, 441st, 442nd, 443rd, 444th, 445th, 446th, 447th, 448th, 449th, 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 510th, 511st, 512nd, 513rd, 514th, 515th, 516th, 517th, 518th, 519th, 520th, 521st, 522nd, 523rd, 524th, 525th, 526th, 527th, 528th, 529th, 530th, 531st, 532nd, 533rd, 534th, 535th, 536th, 537th, 538th, 539th, 540th, 541st, 542nd, 543rd, 544th, 545th, 546th, 547th, 548th, 549th, 550th, 551st, 552nd, 553rd, 554th, 555th, 556th, 557th, 558th, 559th, 560th, 561st, 562nd, 563rd, 564th, 565th, 566th, 567th, 568th, 569th, 570th, 571st, 572nd, 573rd, 574th, 575th, 576th, 577th, 578th, 579th, 580th, 581st, 582nd, 583rd, 584th, 585th, 586th, 587th, 588th, 589th, 590th, 591st, 592nd, 593rd, 594th, 595th, 596th, 597th, 598th, 599th, 600th, 601st, 602nd, 603rd, 604th, 605th, 606th, 607th, 608th, 609th, 610th, 611st, 612nd, 613rd, 614th, 615th, 616th, 617th, 618th, 619th, 620th, 621st, 622nd, 623rd, 624th, 625th, 626th, 627th, 628th, 629th, 630th, 631st, 632nd, 633rd, 634th, 635th, 636th, 637th, 638th, 639th, 640th, 641st, 642nd, 643rd, 644th, 645th, 646th, 647th, 648th, 649th, 650th, 651st, 652nd, 653rd, 654th, 655th, 656th, 657th, 658th, 659th, 660th, 661st, 662nd, 663rd, 664th, 665th, 666th, 667th, 668th, 669th, 670th, 671st, 672nd, 673rd, 674th, 675th, 676th, 677th, 678th, 679th, 680th, 681st, 682nd, 683rd, 684th, 685th, 686th, 687th, 688th, 689th, 690th, 691st, 692nd, 693rd, 694th, 695th, 696th, 697th, 698th, 699th, 700th, 701st, 702nd, 703rd, 704th, 705th, 706th, 707th, 708th, 709th, 710th, 711st, 712nd, 713rd, 714th, 715th, 716th, 717th, 718th, 719th, 720th, 721st, 722nd, 723rd, 724th, 725th, 726th, 727th, 728th, 729th, 730th, 731st, 732nd, 733rd, 734th, 735th, 736th, 737th, 738th, 739th, 740th, 741st, 742nd, 743rd, 744th, 745th, 746th, 747th, 748th, 749th, 750th, 751st, 752nd, 753rd, 754th, 755th, 756th, 757th, 758th, 759th, 760th, 761st, 762nd, 763rd, 764th, 765th, 766th, 767th, 768th, 769th, 770th, 771st, 772nd, 773rd, 774th, 775th, 776th, 777th, 778th, 779th, 780th, 781st, 782nd, 783rd, 784th, 785th, 786th, 787th, 788th, 789th, 790th, 791st, 792nd, 793rd, 794th, 795th, 796th, 797th, 798th, 799th, 800th, 801st, 802nd, 803rd, 804th, 805th, 806th, 807th, 808th, 809th, 810th, 811st, 812nd, 813rd, 814th, 815th, 816th, 817th, 818th, 819th, 820th, 821st, 822nd, 823rd, 824th, 825th, 826th, 827th, 828th, 829th, 830th, 831st, 832nd, 833rd, 834th, 835th, 836th, 837th, 838th, 839th, 840th, 841st, 842nd, 843rd, 844th, 845th, 846th, 847th, 848th, 849th, 850th, 851st, 852nd, 853rd, 854th, 855th, 856th, 857th, 858th, 859th, 860th, 861st, 862nd, 863rd, 864th, 865th, 866th, 867th, 868th, 869th, 870th, 871st, 872nd, 873rd, 874th, 875th, 876th, 877th, 878th, 879th, 880th, 881st, 882nd, 883rd, 884th, 885th, 886th, 887th, 888th, 889th, 890th, 891st, 892nd, 893rd, 894th, 895th, 8

Diary No. 352
Date..... 5.11.2001
RD & TDC, O/o the DC (H)
Gewahati-6

No.A-22013/2/2001-Admn.I
Government of India
Ministry of Textiles

Office of the Development Commissioner (Handicrafts)

1532

West Block No.7,
R.K. Puram,
New Delhi.110060.
Dated : 1.11.2001.

ORDER

The following transfers are ordered with immediate effect and until further orders:-

Sl. No.	Name	From	To	Remarks
1.	Sh. P.S. Babbar DD, RD&TDC	RD&TDC Mumbai	RD&TDC Guwahati	He should join at Guwahati by 7 th November, 2001 positively.
2.	Sh. S.R. Masram AD(Design)	RD&TDC Guwahati	BCDI Agartala	He should join at Agartala by 5 th November, 2001 positively

The above transfers are in public interest and the above officers are entitled for TTA etc. as per rules.

This issues with the approval of Development Commissioner
(Handicrafts).

A. H. D. *D. D. at*
(Susheel Kumar)
Additional Development Commissioner(HC)

1. RPAO, M/o Textiles, O/o DC(HC), Mumbai/Kolkata.
2. Shri P.S. Babbar, DD, RD&TDC, Mumbai.
3. Shri S.R. Masram, AD(Design), RD&TDC, Guwahati.
4. All Regional Directors, O/o DC(HC).
5. RD&TDC, Mumbai/Guwahati.
6. BCDI, Agartala.
7. PA to DC(HC)/ADC(HC).
8. Office order/Guard file.

Attested
Elsha Das,
Advocate

No. 13/01(b)/94-Admn.I[iii]
Government of India
Ministry of Textiles
Office of the Development Commissioner (Handicrafts)

West Block VII
R K Puram
New Delhi 110 066

25th June 1996

ORDER

Following transfers/postings in the cadre of Asst. Director are hereby ordered with immediate effect and until further orders :-

S.No. Name

		<u>Transferred</u>
<u>From</u>	<u>To</u>	
Hqrs. New Delhi	M&SEC, Kohlapur	
Hqrs. New Delhi	M&SEC, Gaunipur	
Hqrs. New Delhi	RD&TDC, Okhla	
RD&TDC, Okhla	Hqrr. (Pbh Sehri)	
M&SEC, Kullu	M&SEC, Hoshiarpur	
M&SEC, Hoshiarpur	M&SEC, Kullu	

2. The above officers shall join in the respective new places of posting by 10.7.1996 positively.

1. Shri S.B. Singh
2. Shri Mesh Ram
3. Shri Masram
4. Shri T.D. Bharati
5. Shri S.S. Gwal
6. Shri S.L. Dangeyich
3. No representation for change of place of posting will be entertained if non-compliance of these orders by the prescribed date, either on the part of the concerned Controlling Officer or Official under transfer, or any other Officer will be seriously viewed and may attract appropriate departmental action against them.
4. All the above transfers are in public interest and the concerned officers will be entitled to TA/DA, joining time, etc. as per rules.
5. This issues with the approval of DC (Handicrafts)
6. Hindi version will follow.

Self Attested
12.2.2001

S. R. MASRAM

Asst. Director (Resign)
RD & TDC, U/O Dev. I. (Handicrafts),
Housed Office Complex,
Guwahati-6

(P. KRABHINKHAN)
(P. KRABHINKHAN)
Dy. Director (Admn. I)

To,

1. AO, CP&AO, O/o DC (H), New Delhi./
2. PS to DC (H)/PS to ADC (KSM)/PA to ADC (DKM).
3. Officers Concerned.
4. All Regional Directors/Dy. Directors (RD&TDCs)
5. All Officers/Sections in Hqrs. Office
6. All M&SECs/CWTSCs/CWTCs/FACs/CFSCs/BCDI/DCMI.
7. DD (B&A)/DD (Mktg)/DD (Vig.)/AO (Hqrs)
8. Personal files of Officers concerned.
9. Guard file/Office Order file
10. Hindi Officer for Hindi version Please.
11. Computer Cell.

(Signature)
DD (Admn. I)

1st.

Attested
Abha Das,
Advocate

N. 7/4/95-Admn. I / 1551/11/11
 Government of India
 Ministry of Textiles
 Office of the Development Commissioner (Handicrafts)

29
 West Block III
 R.K. Puram
 New Delhi 110 065

7th May 1997

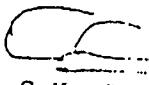
ORDER

With immediate effect and till further orders, Shri S.R. Masram, Asst. Director (Design) presently posted in RD&TDC, Okhla, New Delhi is transferred to RD&TDC, Bhopal (MP) in public interest.

2. He will be entitled to TPA/Joining time etc., as per rules.
3. The HQrs. of the post of Asst. Director (Design) is also shifted from HQrs. Office, New Delhi to RD&TDC, Bhopal, with immediate effect and till further orders.

This issues with the approval of DC (Handicrafts).

Hindi version will follow.


 (S.K. SHARMA)
 Asst. Director (Admn.)

Sr. AO (CP&AO), O/o DC (HC), New Delhi.

Copy to :-

1. Sh. S.R.Masram, AD (Design), RD&TDC, Okhla, New Delhi.
2. RD (NR), New Delhi. Sh. S.R.Masram AD (Design) maybe relieved of his duties in RD&TDC, Okhla, New Delhi with instructions to report for duty at RD&TDC, Bhopal. Immediately.
3. DD (RD&TDC), Okhla, New Delhi.
4. RD (WR), O/o DC (HC), Mumbai.
5. Sr. AD (H), RD&TDC, Bhopal. Joining report of Sh. Masram may be sent to HQrs. office through RD (WR), Mumbai.
6. DD (B&A)/DD (Design)/AO (HQrs.), O/o DC (HC), New Delhi.
7. Personal file of Shri S.R.Masram.
8. Office Order file/Guard file.
9. Hindi Officer for Hindi version please. *Self Attested* *My 12.2.2001*
10. Computer Cell.

S. R. MASRAM
 Asst. Director (Design)
 RD & TDC, O/O Dev. Commt.
 (Handicrafts),
 Houased Office Complex,
 Guwahati-6

2-2

Attested
 Lisha Das.
 Advocate

A.11011/3/96-Admn.1

Government of India

Ministry of Textiles

Office of the Development Commissioner (Handicrafts)

West Block VII, R.K. Puram,
New Delhi-110026

Dated 24.8.1996

ORDER

With immediate effect and until further orders the following transfers are ordered alongwith posts:

<u>Sl.No.</u>	<u>Name</u>	<u>From</u>	<u>To</u>
1.	Shri V.P. Thakur Sr. Asstt. Director	RDTDC, Bhopal	Metal Handicrafts Service Centre, Camp Office at MHEC Moradabad (UP).
2.	Shri S.R. Mashram Sr. Asstt. Director	-do-	Regional Office Calcutta

The above transfers are in public interest and the officers will be entitled for TTA/joining time as per rules.

This issues with the approval of DC (Handicrafts)

(S. Anandani)
Deputy Director (Adm.1)

To

1. Sr. AO, CP&AO, O/o DC(H), New Delhi.
2. Shri V.P. Thakur, Sr. AD, RDTDC, Bhopal.
3. Shri S.R. Mashram, Sr. AD, RDTDC, Bhopal.
4. RD(H), ER/WR/CR, Office of the D.C.H.
5. DD, RDTDC, Mumbai
6. Officer incharge, MHEC, Moradabad (UP)
7. DD(Design), New Delhi.
8. Personal file of officers concerned.
9. Office order/guard file

Self Attested
S. R. MASRAM
12.2.2001
Assist. Director (Design)
RD & TDC, O/o Dev. Commr.
(Handicrafts),
Houseful Office Complex,
Guwahati-6

3rd

Attested:
Usha Das
Advocate

No DC(H)13/07/92-Admn.1 / 173/

Government of India

Ministry of Textiles

Office of the Development Commissioner (Handicrafts)

West Block no. 7.

R.K. Puram

New Delhi-110066.

Dated: 27.04.2000

ORDER

Following transfers/postings of Dy. Dir., A.D. (D) are hereby ordered with immediate effect and until further orders:

<u>Sl.No.</u>	<u>Name of the Officer</u>	<u>From</u>	<u>To</u>
1.	Smt. Niralaxmi Palai (DD/Design/RD&TDC)	RDC, Guwahati	RD&TDC, Calcutta
2.	S.R. Masram (AD/Design)	Regional Office, Calcutta.	Regional Design Centre, Guwahati

The above officers shall join in the respective places of posting immediately.

No representations for change of place of posting will be entertained and non-compliance of these orders, either on the part of the concerned officers or officials under transfer, or any other officer, will be seriously viewed.

All the above transfers are in public interest and the concerned officers will be entitled for TA/DA, joining time etc. as per rules.

This issues with the approval of DC (Handicrafts)

Alok Kumar Verma
(Alok Kumar Verma)

Additional Dev. Commissioner (Handicrafts)

To
Sr. A.O., CP&AO,
O/o the DC (Handicrafts)
New Delhi.

Self Attached
S. R. MASRAM
Asstt. Director (Design)
RD & TDC, O/o Dev. Commr.
(Handicrafts),
House# 1, I.C.C. Complex,
Guwahati-6

415

Attested
Alsha Das
Advocate

Mo. A.33018/1/2000-Admn.1 /4640
Government of India
Ministry of Textiles
Office of the Development Commissioner(Handicrafts)

West Block VII, R.L. Puri Marg
New Delhi-110066

Dated 30.11.2000

ORDER

With immediate effect and until further orders, Shri S.R. Masram, Assistant Director(Design), RIDTDC, Guwahati and Shri B.L. Meena, Assistant Director(A&C), NERO, Guwahati will in addition to their own duties, look after the work without any extra remuneration, as under:-

(i) Shri S.R. Masram: DDO/Head of Office and Controlling Officer in respect of BCDI, Agartala, and M&SEC, Agartala.

(ii) Shri B.L. Meena: DDO, Head of Office and Controlling Officer in respect of M&SECs, Aizwal, Jorhat and Kohima.

This issues with the approval of Development Commissioner(Handicrafts).

S. K. Malhotra
(S.K. Malhotra)
Assistant Director(Admn.1)

To

1. Sr. AO, CP&AO, O/o DC(H), New Delhi.
2. Sh. S.R. Masram, AD(Design), RIDTDC, Guwahati
3. Sh. B.L. Meena, AD(A&C), NERO, Guwahati.
4. RD, NERO, Guwahati- with reference to his letter dated 7.11.2000
5. Officer-in-charge, BCDI, Agartala.
6. Asstt. Director, M&SEC, Agartala, Aizwal, Jorhat & Kohima.
7. Office order file/Guard file.

Attested:
Lesha Das
Advocate

Sh. Sam
15/11
No.A-22013/2/2001-Admn.I
Government of India
Ministry of Textiles
Office of the Development Commissioner (Handicrafts)

1549
West Block No.7,
R.K. Puram,
New Delhi.110066.
Dated : 1.11.
1.11.2001.

ORDER

In continuation of this office order of even number dated 1.11.2001, Shri P.S. Babbar, Deputy Director, RD&TDC will report for duty at RD&TDC, Guwahati latest by 7.11.2001. However, he will look after the developmental work of RD&TDC, Mumbai as an additional charge till March, 2002.

This issues with the approval of D.C.(Handicrafts):

S.K. Jana
(S.K. Jana)

Deputy Director(A&E-I).

To

2. Shri P.S. Babbar, Deputy Director, RD&TDC, Mumbai.
3. RD(H), O/o C(HC), Mumbai/Guwahati.
4. RD&TDC, O/o DC(HC), Mumbai.
5. RD&TDC, O/o DC(HC), Guwahati. ✓
6. Office order/Guard file.

Attested
Alka Das
Advocate

To

Advance Copy
(By Fax)

The Development Commissioner(H),
Office of the D.C.(Handicrafts),
West Block No.7, R.K.Puram,
New Delhi-110066.

=====

(Through Proper Channel)

Subject:- Review of transfer order from
RDTDC, Guwahati to BCDI, Agartala-reg.

=====

Madam,

Please refer to the telephonic discussion held with you to-day, the 5th November, 2001 immediately after receipt of my transfer order No.A-22013/2/2001-Admn.I/1532 dtd. 01-11-2001 at 1-45 p.m.

In this connection, with a painful heart I am bringing to your kind notice the following facts for review/reconsideration of the order after giving a deliberate thinking.

That madam, you were already apprised of my frequent transfers effected so far as under :-

I joined this department as an Asstt. Director(Design) in Hqrs. office, New Delhi on 10-10-94. I was posted in a post which was supposed to be stationed at Hqrs, New Delhi Office only.

But to my utter surprise, I experienced the following transfers during the period as follows:-

<u>Place</u>	<u>from</u>	<u>to</u>	<u>Duration</u>
1. Hqr. New Delhi	10-10-94	09-7-96	1 Yr. 9 months.
2. RDTDC, Okhla	10-08-96	30-5-97	9 months 20 days.
3. RDTDC, Bhopal	01-06-97	21-9-99	2 Yrs. 3 months 20 days.
4. ERO, Calcutta	30-09-99	27-4-2000	7 months.
5. RDTDC, Guwahati	22-5-2000	05-11-2001	1 Yr. 5 months 14 days.

It is needless to mention that I was subjected to constant harrassment under the urge of above transfers. However, lastly I decided to settle at Guwahati for at least till completion of tenure as per your guidance. But surprisingly, before completion of tenure I am unnecessarily again disturbed alongwith my family for no fault on my part, particularly causing mental disturbance to my school going lone son. In this way, I am facing oscillating position everywhere before settlement at a station.

Contd. Page 2/-

Attested
Esha Das
Advocate

In view of the above, I request your goodself to be kind enough to review and cancel the order of my transfer from RD&TDC,Guwahati to BCDI,Agartala,one hard station to another.

On failure to comply with my request I have no other alternative but to approach Tribunal for necessary redressal.

Awaiting a favourable reply by return fax .

Yours faithfully,

S.R.Masram 5/11/01
(S.R.Masram),
Asstt. Director(Design).

In the Central Administrative Tribunal
Guwahati Bench at Guwahati

OA No. 435/2001

Shri S.R.Masram..... Applicant
-VS-
Union of India & Ors-- Respondents

Filed by
29/10/2001
B. C. Pathak

Central Adminstrative Tribunal
Guwahati Bench : Guwahati
Addl. Central Govt. Standing Coun

(Written Statements filed for and on behalf of the respondents No. 1,2 & 3)

The written statements of the above noted respondents are as follows:-

- (1) That a copy of the O.A No. 435/2001(referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, Common written statements are filed for all of them.
- (2) That the statements made in the application which are not specifically admitted, are hereby denied by the respondents.
- (3) That before traversing the various paragraphs of the application, a brief resume to the facts and background of the case is given herein below:-

Shri Mashram was appointed to the post of Assistant Director (Design) with the condition that he is liable to be transferred in anywhere in India. North Eastern Region of the country has been identified as a focused area for implementation of various schemes including Cane & Bamboo Projects of the Government of India. Various projects of Cane & Bamboo Crafts under UNDP have been sanctioned in NER by the Government of India.

As the post of Deputy Director(Design) at Regional Design and Technical Development Centre at Guwahati, has not been sanctioned, Shri Mashram Assistant, Director(Design) was shifted from Bhopal to Regional Design Centre, Guwahati to look after design related schemes in North Eastern Region.

Government has taken a decision to upgrade present Bamboo & Cane Development Institute at Agartala at the level of National Institute and funding from UNDP budget has started for the purpose.

Government of Tripura has already handed over suitable accommodation for housing upgraded BCDI.

A need has immediately been felt to send one senior level officer at BCDI, Agartala, atleast for the time being and till the post of Officer Incharge sanctioned for BCDI, Agartala is filled up through UPSC.

Contd.page.2...

This is the reason for posting of Shri S.R.Mashram at BCDI, Agartala and the said transfer is made purely on administrative reasons and public interest.

4. That with regard to the statements made in para 1,2 & 3 of the application, the answering respondents state that these being matter of record and pertaining to legal provisions, the respondents have no comments to offer.

5. That with regard to the statements made in para 4.1, the respondents state that there is no Regional Design & Textiles Centre in Guwahati. But Sh. S.R.Masram was asked to join at BCDI, Agartala by 5.11.2001 under order No. A-22013/2/2001-Admn.I/1532 dt. 1.11.2001. The BCDI, Agartala has been up-graded and UNDP scheme is also being implemented. As such an independent officer was found indispensable at Agartala. As such Sh. S.R.Masram has been transferred since he has been holding the post of Officer-in-charge in Agartala in addition to his normal duties. Hence, this transfer and posting is made in public interest and on administrative grounds.

6. That with regard to the statements made in para 4.3, 4.4, 4.5 and 4.6 of the application, the respondents state that the transfer and posting of the applicants are made as per demand and needs of works and administration. There is nothing to show on records that any such transfer and posting are made for any other reasons, like malafide or in violation of any such statutory rules. The law relating to transfer and posting of an official is well settled by the Hon'ble Supreme Court. A transfer shall not be interfered by the Court/Tribunal unless it is vitiated with malafide or violation of statutory rules.

7. That with regard to the statements made in para 4.7, the respondents state that as there is no sufficient manpower Sh. PS Babar, Dy. Director(D) was given additional charge of RDTDC, Mumbai like wise Sh. Sh. S.R.Masram, AD(D) was also given additional charge of MSEC, Agartala and Sh. B.L.Meena, AD(A&C) was given additional charge of MSEC, Aizawl, Kohima and Jorhat. As such there is no merit in pointing out in the case of additional charge of Sh. PS. Babar, DD (D). There is no sanctioned post of DD(D) in RDTDC, Guwahati. The authorities are to run the administration balancing the situation as warranted from time to time and contingency and exigency that has arisen

8. That with regard to the statements made in para 4.8, the respondents state that the Hon'ble Supreme in a Catena of decisions has held that the matter of personal /family problems arising out of transfer are matters not to be decided by a court. The concern departments are the best judge to look into such matters and to consider the same.

9. That with regards to the statements made in para 4.9, the respondents state that there is no such bar/restriction that the applicant being transferred and posted in North East Region, may not be transferred and posted at other station in the North East. Law is also clear that the services of an employee may be utilized by his employer who pays him as he is under the disposal of the Govt. and in any manner as required by the proper authority as provided by Fundamental Rules.

Contd page 3...

10. That with regard to the statements made in para 4.10., the respondents doing the correctness of the statements and say that there is no illegality in the said transfer order. It is to point out that there is no change of responsibility from one person to another. In Guwahati Office there are 4(four) officers namely Regional Director(NER), Dy.Director(D), AD(D) and AD(A&C). There is no any independent officer at Agartala which needs at least one independent officer to look-after both BCDI, Agartala and MSEC, Agartala.

11. That with regard to the statements made in para 4.11, the respondents state that as stated herein above, this personal problem can not stand on the way of applicant's transfer. There is Central School at Agartala there is no problem the school going son in getting admission. Only Transfer certificate can be obtained for getting admission. Such grounds can not sustain in law.

12. That with regard to the statements made in para 4.12, the respondents state that no release order is necessary as the order No. A-22013/2/2001-Admn.I/1532 dt. 1.11.2001 had given direction to Sh. Masram to join at Agartala by 5.11.2001 positively that is sufficient to get himself released.

13. That with regard to the statements made in para 5.1 to 5.5, the respondent state that under the facts and circumstances of the case and the provisions of law, the grounds shown by the applicants can not sustain in law and hence the application is liable to be dismissed with cost as devoid of any merit.

14. That the respondents have no comment to offer to the statements made in para 6 and 7 of the application.

15. That with regard to the statements made in para 8.1 to 8.3 and 9, the respondents state that in view of the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief whatsoever as prayed for and hence the application is liable to be dismissed with cost.

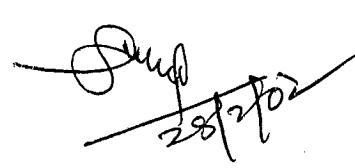
In the premises, it is therefore, prayed that your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost

Contd.page.4....

VERIFICATION

I, Shri L. Hatzaw, presently working as Regional Director (NER) being Competent and duly authorized to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 4, 6 to 11, 13, 14 and 15 are true to my knowledge and belief, those made in para 5, 12 being matter of records, are true to my information derived therefore and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on the 28 th day of February, 2002 at Guwahati.


Deponent
Regional Director (NER)
O/o Dev. Commissioner (Handicrafts)
Housefed Office Complex
Guwahati - 781006

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Filed by
Alsha Das.
Adocate
29/4/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

D.A. No. 435/2001

Shri S.R.Masram.

..... Applicant.

Versus

Union of India & Ors.

..... Respondents.

Rejoinder to the Written Statement filed by the respondent
No. 1, 2 and 3.

1. That the applicant has received the copy of the written statement and have gone through the same. Save and except the statement which are not specifically admitted herein below, rests may be treated as total denial.
2. That with regard to the statement made in para 1 and 2 of written statement, the applicant offers no comment on it.
3. That with regard to the statement made in para 3 of written statement, the applicant denies the correctness of the same and begs to state that it is not correct he has been shifted directly from Bhupal to Regional Design Centre Guwahati. In fact he has been subjected to frequent transfer, even before completion of tenure and the posting at Calcutta has been admitted deliberately with ulterior motive. For better appreciation of factual position details of transfers particulars are given below.

PLACE	FROM	TO	DURATION
1. Hqr. New Delhi	10.10.94	9.7.96	1 yr 9 months
2. RDTDC Okhla	10.8.96	30.5.97	9 mon 20 days
3. RDTDC Bhupal	1.6.97	21.9.99	2 yr 3 m 20 d
4. ERO, Calcutta	30.9.99	27.4.00	7 months
5. RDTDC, Guwahati	22.5.00	5.11.01	1 yr 5mon 14 D

It is further denied that Govt. should have posted a Deputy Director in BCDI Agartala instead of posting the applicant. In fact as per the said decision a senior officer is required to be posted at BCDI Agartala and accordingly to such decision, one Dy. Director should have been posted there as per sanction. It is pertinent to mention here that the order dated 1.11.2001 has been passed at the behest of Respondent No.4 and the post at BCDI, Agartala is being holding by the applicant presently in addition to his present place of posting.

It is denied that the respondents have served public interest in issuing the transfer order dated 1.11.01 by which applicant has been posted to BCDI, Agartala, a post presently holding by the applicant as an additional post and by the said order Respondent No.4 has been placed from Mumbai to RDTDC, Guwahati to held the post and as an additional charge, he is holding the post at Mumbai. It is noteworthy to mention here that a person holding a dual post one at Mumbai and one at Guwahati can not be treated to be an order issued under public interest. In fact, Respondent No.4 once visited to RDTDC, Mumbai from Guwahati and for the same department spent about Rs.55,000/- for his tour. That apart, in view of the aforesaid order of transfer dated 1.11.01 respondent No.4 had to surrender four developmental workshops scheduled to be conducted during the financial

year 2001-2002 causing a lose to the department amounting to Rs.3.10 Lacs. The postponement of aforesaid four workshops has also caused lose to the local Entrepreneurs who could have took the advantage of those workshops. It is further stated that the respondents have admitted the fact that there is no sanctioned post of Deputy Director (Design) in RDTDC, Guwahati and hence posting of Respondent No.5 in RDTDC, Guwahati is totally unjustified.

4. That with regard to the statement made in para 4 of the written statement the applicant offers no comment on it.

5. That with regard to the statement made in para 5 and 6 of the written statement the applicant begs to state that the new place of posting i.e. BCDI, Agartala is presently being controlled by him without any difficulty in addition to his present posting as Asstt.Director (Design) at RDTDC, Guwahati. It is therefore the respondent ought not to have transferred him to BCDI, Agartala. It is also denied that the said order of transfer has been issued in the interest of public . Rather as narrated above in para 3 of this rejoinder the said order of transfer have caused a huge lose to the Department as well as public at large. The respondents in the name of public interest has posted an officer permanently holding in charge at Guwahati has been given additional charge at Mumbai spending about Rs.55,000/- for his two visits to Mumbai that too surrendering 4 vital workshops amounting about Rs.3 lacs, where as there is no sanctioned post meant for him in the

new place of posting. The word public interest has been used by the respondents only to cover up their illegalities and vested interest.

6. That with regard to the statement made in para 7 of the written statement the applicant denies the correctness of the same and begs to state that in the name of public interest Respondent No.4 who is a Deputy Director (Design) has been posted in his place i.e. RDTDC, Guwahati whereas there is no sanctioned post of Deputy Director (Design) at RDTDC, Guwahati. The plea taken by the respondents (Administrative balance), contingency and exigency are not sustainable on the ground that the Department has sustained a huge loss in terms of money as well as it's development. The aforesaid order of transfer has virtually lead to surrendering of 4 scheduled workshops causing a huge loss to the local public as well as the department.

7. That with regard to the statement made in para 8 of the written statement the applicant begs to state that under the facts and circumstances of this case wherein it is proved that while issuing the impugned order of transfer the respondents have taken an extraneous consideration of the matter and to cover up those illegalities they have taken the because of the words "public interest", "administrative reasons", "contingency", "exigency" etc. It is a settled law that in a matter transfer administrator is the best person to judge the departmental need. In the instant case the very judgement of the department under challenge since same is contrary to public interest.

8. That with regard to the statement made in para 9 and 10 of the written statement the applicant begs to state that to streamline the discretionary power of the employer certain guidelines have been issued by the Govt. streamlining the transfer as well as the consequential hardship of the transferred employee. Undoubtly, applicant is holding a post having all India transfer liability but while transferring him the respondents ought to have taken due care taking into consideration the guidelines so that he because all the protection of those guidelines. It is also duty of the employer to protect the interest of his employee in the best possible way within the framework of law.

9. That with regard to the statement made in para 11 of the written statement the applicant while denying the contention made therein begs to state that he has been subjected to frequent transfer and same has caused serious family dislocation. The applicant being a loyal employee never agitated those issues, but when the limit of such frequency raised, he had no alternative than to approach this Hon'ble Tribunal by way of filing this Application.

10. That with regard to the statement made in para 12 of the written statement the applicant while denying the contention made therein, begs to state that the Annexure-I order dated 1.11.01 and the vindictive attitude of the respondents.

11. That with regard to the statement made in para 13 to 15 of the written statement the applicant denies the correctness of the same begs to state that taking into consideration the entire facts in totality the applicant prays before this Hon'ble Tribunal for an appropriate direction setting aside the order of transfer dated 1.11.01 (Annexure-1) and the relieving order dated 1.11.01 (Annexure-7).

It is further stated that the applicant being a resident of Maharashtra (outside of N.E. Region), is entitled to get the benefit of OM dated 14.12.83 issued by the Govt. of India, emphasizing need for transferring back the employee belongs to outside N.E. Region. In fact the applicant invoking the said guidelines of the Om dated 14.12.83, preferred a representation to the concerned authority for his transfer back to choice place of posting modifying the earliar order of transfer, but same is yet to be replied to.

A copy of the said representation dated 22.3.02 is annexed herewith and marked as Annexure- RJ-1.

VERIFICATION

I, Shri Surendra Rushi Masram, son of Rushi Govinda Masram, aged about 37 years, at present working as Asstt. Director (Design) Regional Design and Technical Development Center, Office of the Development Commissioner, (Handicrafts) Beltola, Basistha Road, Guwahati-781006. do hereby solemnly affirm and verify that the statements made in paragraphs ..4,2,4,6,7,8,9,10..... are true to my knowledge and those made in paragraphs ..3,5,11..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 29th day of April, 2002.


Signature.

4 copy

To,
 The Development Commissioner Handicraft,
 Office of The Dev. Commr. (Handicrafts),
 West Block, 7, R.K. Puram,
 New Delhi – 110066.

(Through Proper Channel)

Sub- Review Of Transfer Order from RDTDC, Guwahati to BCDI Agartala reg.

Madam,

With due respect I am to place the following facts before your good self for kind consideration.

That for you it is a known fact that during my service tenure, I have been subjected to frequent transfers right from Headquarter, New Delhi to BCDI, Agartala. For better appreciation of factual position, transfer particulars are given below.

Place	From	To	Duration
Hqrs. New Delhi	19 – 10 - 1994	09 – 07 – 1996	1 Year 9 months.
RDTDC, Okhla	10 – 08 - 1996	30 – 05 - 1997	9 months 20 Days.
RDTDC, Bhopal	01 – 06 - 1997	21 – 09 - 1999	2 Years, 3 months, 20 days.
ERO, Kolkata	30 – 09 - 1999	27 – 04 - 2000	7 months.
RDTDC, Guwahati	22 – 05 - 2000	05 – 11 - 2001	1 Year 5 months 14 days.

That from above it is clear that unfortunately during my service tenure I have not been allowed minimum reasonable opportunity to stay the prescribed tenure period of 3 years in a single station. On other hand many officers have been sitting at one place for years together. It is serious discrimination against me without any reason.

As per OM dt. 14-12-83 issued by ministry of personal after completion of 3 years in a station at Guwahati, NE Region, I am entitled to place my choice place of posting as a matter of right. But, surprisingly this time also within completion of One & Half year, I am again transferred to another tenure station i.e., Agartala by hqrs. order dated 1/11/2001.

I hope and trust that your good self would be kind enough to consider my case for positively and cancel the order of my transfer from RDTDC, Guwahati for at least till the completion of prescribed tenure at Guwahati, (NER) at an early date in view of pendency of O.A 435/2001 before the Hon'ble C.A.T. Guwahati.

Thanking you.

Sincerely Yours

(S. R. Masram)

Asstt. Director (Design)

Copy to:

1. The Addl. Dev. Commissioner (Handicrafts), O/o the DC(H), New Delhi-66 – for his kind information & necessary action please.
2. The Regional Director (NER), O/o the DC(H), Guwahati – with request to forward to Hqrs. New Delhi.

Attested
V. S. Den
Advocate.