

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 52/2001, OF 199

Applicant(s) Chandra Mohan, IFS

Respondent(s) U.O.I& OS

Advocate for Applicant(s) Mr B.K. Sharma, Mr S. Sarma &
Mr U.K. Goswami

Advocate for Respondent(s)

CGSC

Notes of the Registry	Date	Order of the Tribunal
This application has been filed by Mr S. Sarma learned advocate for the applicant with R.S.C. I.P.O. and copies laid before Hon'ble court for orders.	2.2.01 (Shillong)	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. Heard Mr S. Sarma, learned counsel for the applicant and also Mr B.C. Pathak, learned Addl.C.G.S.C for the respondents. Application is admitted. Issue usual notice. Returnable by four weeks. List on 8.3.2001 for written statement and further orders. Mr Sarma prays for an interim order. Issue notice to show cause as to why the impugned order dated 12.1.2001 pertaining to the transfer of the applicant Shri. Chandra Mohan from Central Southern Assam Social Forestry Circle, Guwahati to Lower Assam S.F.Circle, Bongaigaon shall not be suspended. Returnable by 12.2.2001. In the meantime, the order of transfer of the applicant shall
8-2-2001 Service of Notice issued to the respondent vide D. No.	8-2-2001	

Notes of the Registry	Date	Order of the Tribunal
2	2.2.01 Shillong	remain suspended till the returnable date. List on 12.2.01 for further order. I C U Sharma Member
<u>9.2.2001</u> An application has been filed by respondent No.5. P.M. 9/2	pg 12.2.01	Respondents No.2 and 3 have filed their written statements. Respondent No.5 also entered appearance and submitted an application stating some of the developments. Service report on other respondents yet to be received. Mr B.K. Sharma, learned counsel for the applicant prays for 7 days time to file rejoinder. Prayer allowed. List on 23.2.2001 for further order. Heard Mr B.K. Sharma, learned counsel for the applicant on the interim relief prayer. Also heard Mr Y.K. Phukan, learned Sr. Government Advocate, Assam for respondents No.2 and 3 and Mr N. Dutta, learned counsel for respondent No.5. Considering the facts situation the interim order dated 2.2.01 is directed to continue till 23.2.2001. I C U Sharma Member
<u>14.2.2001</u> Written statement on behalf of Respondents No.2 and 3 has been filed. P.M. 14/2		
<u>22.2.2001</u> Rejoinder to the wr/s filed on behalf of Respondents No.2 and 3 has been filed. P.M. 22/2	pg 23.2.01	In view of the order passed in M.P. No.51 of 2001 this O.A. is fixed for hearing on 1.3.01. Till date the interim order shall continue. I C U Sharma Member
<u>28.2.2001</u> wr/s has been filed by the Respondent No.6. P.M.	1-3. 8-3.	Adjourned to 8.3.2001. Interim order shall continue for the further hearing. M.P. 4-6. Jay Hearing from 1-3 ^{1/3} onwards on 12.3.2001. M.M. 12.3.

OA 51/2001

Notes of the Registry	Date	Order of the Tribunal
	12.3	Hearing Concluded, Judgment to be pronounced, 12.3 AC-3 12.3
Received copy of ordn on behalf of Sarvadev no. 2. <i>29-3-2001</i> (Dineshwar Joshi) U.D. Asstn. Court Dspn.	27.3.01 pg	Judgment pronounced in open Court, kept in separate sheets. The application is dismissed. in terms of the order. No order as to costs. S. U. Sharma Member
<u>11.4.2001</u> copy of the Judgment has been sent to the Officer for issuing M/s due to the LIA/Advocate for the parties. H.S.		<i>h</i> Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. 51 of 2901.

DATE OF DECISION 27-3-2001.

Sri Chandra Mohan

PETITIONER(S)

Sri B.K.Sharma, S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C for respondent 1,

Sri Y.K.Phukan, Sr.Govt.Advocate, Assam for respondents 2 & 3,

Sri D.K.Das, for respondent No.5 and ADVOCATE FOR THE

Sri K.N.Choudhury for respondent No.6. RESPONDENTS

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

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

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

Judgment delivered by Hon'ble Admin.Member.

W W Shrivastava

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 51 of 2001.

Date of Order : This the 27th Day of March, 2001.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Chandra Mohan, IFS
Conservator of Forest,
Central Southern Assam S.F.Circle,
Guwahati.

... Applicant

By Advocate S/Sri B.K.Sharma, S.Sarma.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Environment and Forest,
New Delhi.
2. The State of Assam,
represented by the Principal
Secretary, Deptt. of Forest,
Government of Assam, Dispur,
Guwahati-6.
3. The Principal Secretary,
Dept. of Forest,
Government of Assam,
Dispur.
4. The Principal Chief Conservator of Forest,
Assam, Rehbari,
Guwahati-8.
5. Sri B.N.Pathak, IFS
Conservator of Forest,
Northern Assam Circle,
Tezpur.
6. Sri Shashi Kant Srivastave, IFS
Conservator of Forest,
Northern Assam Circle,
Tezpur.

By Sri A.Deb Roy, Sr.C.G.S.C for respondent No.1
Dr Y.K.Phukan, Sr.Govt. Advocate, Assam for respondents 2,3 & 4.
Shri D.K.Das, Advocate for respondent No.5,
Shri K.N.Choudhury, Sr.Advocate for respondent No.6.

O_R_D_E_R

K.K.SHARMA, ADMN.MEMBER,

In this application the applicant has challenged the
impugned transfer Order No.FRE.51/96/140-C dated 12.1.2001
by which the applicant has been transferred from the post
of Conservator of Forest, Central Southern Assam Social

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Forestry Circle, Guwahati to the post of Conservator of Forests, Lower Assam S.F.Circle, Bongaigaon and has prayed for setting aside the order and continuance in the previous post. The grounds on which the order is challenged that the transfer is not in public interest; it is mala fide and in arbitrary exercise of power and in violation of Government's own policy.

2. It is stated that the applicant belongs to 1984 batch of Assam Meghalaya Joint Cadre, has just completed 9 months in the present place of posting. The order of transfer is sought to be implemented before consideration of the applicant's representation. The applicant submitted representation in the matter of transfer and posting and deprivation of promotion. In 1995 the applicant was transferred from Karimganj and was posted as Deputy Director, Manas Tiger Project at Barpeta Road. Before he could join the same was cancelled. The applicant was given posting as Planning Officer-II in the office of the PCCF, Assam, Guwahati. This order was again modified by posting the applicant as D.F.O., Hailakandi. The applicant could not join this post since the incumbent did not give charge. By order dated 10.4.96 the applicant was posted as D.F.O., Aforestation Division, Hojai. From there the applicant was again transferred as DFO, Gosaigaon in August 1997. By modification of the order the applicant was posted as Planning Officer-II. By order dated 24.12.98 the applicant was promoted as Conservator of Forest. Thereafter by the impugned order the applicant has been transferred to Bongaigaon. It is stated that the respondent No.5 Sri B.N.Pathak was initially proposed to be posted at Bongaigaon and somehow before that could be finalised the applicant was transferred and posted to

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Bongaigaon to accommodate respondent No.5 at Guwahati. There was no proposal for his transfer as he has completed only 9 months in the post against tenure of 3 years. Because of frequent transfer the applicant has been deprived of his salary for considerable period of time compelling him to take legal action. The applicant had approached this Tribunal in O.A.247/98 for consideration of his case for promotion as Conservator of Forest. It is submitted that on account of legal action taken by the applicant the respondent No.3 is bent upon to do harm to the applicant. The applicant has cited the case of his pending T.A. claim. This claim has been pending for more than 2 years and relates to his visit to Delhi in a case concerning Government of Assam, which had come up before the Supreme Court. Aggrieved by the order of transfer the applicant submitted a representation on 25.1.01. The Controlling Officer of the applicant viz. Chief Conservator of Forest, Social Forestry, Assam recommended the applicant's case for consideration. If any officer is transferred before the completion of tenure reasons are required to be recorded. No reason has been shown in the applicant's case. It is also stated that the applicant is proposed to be released from his post by 3.2.2001.

3. Mr S.Sarma, learned counsel for the applicant submitted that the applicant has been subjected to frequent transfers. He argued that mala fide has been alleged against respondent No.3 who has not filed any affidavit. It is also argued that respondent should not have disposed of the representations of the applicant when the matter was sub judice. He also referred to the record produced on behalf of the Government of Assam and referred to page 114 and 116 of the note sheet and submitted that there was no proposal to transfer the applicant. Dr Y.K.Phukan, learned senior Government Advocate, Assam who appeared for respondents

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No.2 and 3 argued referring to the written statement filed by respondents No.2 and 3. It is submitted by respondents that the applicant is held the following postings during the last 3 years :

- | | |
|--|--------------------------------|
| *1.Conservator of Forests,
Central Southern Assam, Social
Forestry Circle,Guwahati | 31.3.2000 till date |
| 2.Conservator of Forests(Border)
Office of the Principal Chief
Conservator of Forests, Assam,
Rehabari, Guwahati. | from 24.12.98 to
31.3.2000. |
| 3.Planning Officer-II,Office of
the Principal Chief Conservator
of Forests, Assam, Rehabari,
Guwahati. | from 16.1.98 to
24.12.98." |

From this it is clear that the applicant has completed about 3 years in different posts at Guwahati. The representation of the applicant was received by PCCF and the same had been rejected on 9.2.2001. As the applicant has completed 3 years at Guwahati he was due for transfer. The tenure mentioned by the applicant is related to the station and not to a particular post. As to the deprivation of salary for certain period, it is submitted that certain periods required to be regularised either by granting leave or granting joining time, on account of applicant not joining the post to which he was transferred. This matter is under consideration of the Government as well as the matter of retrospective promotion as Conservator of Forest.

4. The applicant had also included the name of Shri Shashi Kant Srivastave, as respondent No.6. The respondent No.6 has also filed written statement. He has stated that by Notification dated 12.1.2001 he was also transferred on promotion as Conservator of Forest at Tezpur and the order was to be effective from the date of his taking over charge. He has prayed for the vacation of the interim order issued

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in this application, so that his promotion can take effect. Respondent No.5 Sri B.N.Pathak has been transferred in the place of the applicant at Guwahati from the date of taking over charge. On account of the interim stay granted in this case respondent No.5 has not been able to take over his charge at Guwahati. Respondent No.5 has also moved a Misc. Petition on 12.2.2001 pleading that since the applicant's transfer has been stayed he continued as Conservator of Forests, Tezpur. Respondent No.5 has in the meantime taken over charge of Conservator of Forest, Tezpur, with the help of Deputy Commissioner in presence of Magistrate. It has been submitted by the respondent No.6 that neither in the original application nor in the Misc.Petition 45/2001 respondent No.6 has been made a party. He has submitted that as he was not a party to the proceedings before this Tribunal he had no information about the interim order dated 2.2.2001 of this Tribunal. However, on coming to know about the subsequent order dated 12.2.2001 of the Tribunal in M.P.45/2001 by which respondent No.5 was ordered to continue as Conservator of Forest, Tezpur he has not been discharging the function of Conservator of Forest. Respondent No.6 has supported the submission made on behalf of the respondents 2 and 3. Dr Phukan submitted that the transfer was approved by the Chief Minister, who is also Forest Minister. He also submitted that there was no mala fide in the disposal of the representation of the applicant as the same was addressed to respondent No.3. The representation was disposed of on 9.2.2001. Mr K.N.Choudhury, learned Sr. counsel for respondent No.6 submitted that the applicant had been in Guwahati from 16.1.98 and completed 3 years. The normal tenure at a station is 3 years. The respondent

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No.5 who had been transferred from Tezpur in place of the applicant has also completed 3 years at Tezpur. He also submitted that Principal Secretary wrote a letter that the order dated 12.1.2001 should be carried out by 3.2.2001 as the promotion of respondent No.6 was effective from the date of taking over charge, he assumed the charge on 3.2.2001.

5. We have considered the submissions on behalf of the parties. The record produced on behalf of respondents 2 and 3 has also been perused. Though mala fide has been alleged by the applicant the applicant has not been able to establish as to how the order of transfer dated 12.1.2001 is mala fide. The applicant had completed 3 years at Guwahati in different postings. The applicant was due for transfer. There is no mala fide, if the applicant is transferred on completion of his tenure. Similarly placed person have also been considered for transfer. Sri B.N.Pathak who has also completed 3 years at Tezpur has also been transferred and posted alongwith the applicant. The Tribunal normally does not interfere in matters of transfer, unless these are mala fide or arbitrary. The departmental head carrying out transfer knows best suitability of officers for posting. Judicial review of transfer orders is not barred. If the transfer order is found to be mala fide or arbitrary, the same can be set aside. The transfer of the applicant on completion of 3 years at Guwahati is not in any way punitive. It is a case of normal transfer. As the applicant has not been able to establish that the transfer order was arbitrary or mala fide the application of the applicant fails. No interference is called for by this Tribunal in the order dated 12.1.2001 as prayed in this application.

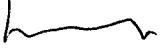
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In the result, the application is dismissed. Interim orders passed in this case are vacated.

There shall however, be no order as to costs.

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


(D.N.CHOWDHURY)
VICE CHAIRMAN

v4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

DA No. 52 /2001

BETWEEN

Chandra Mohan.

... Applicant

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by :

U. C. Goswami
Advocate

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Filed by:
the Applicant
through
Vijay Kr. Goswami
Advocate
11/2/2001

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

(Application under Section 19 of the Central
Administration Tribunal Act, 1985)

O.A. No. 51 of 2001

BETWEEN

Sri Chandra Mohan,
IFS, Conservator of Forest, Central
Southern, Assam, S.F. Circle,
Guwahati.

... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forest, New Delhi.
2. The State of Assam, represented by the Principal Secretary, Dept. of Forest, Government of Assam, Dispur, Guwahati-6.
3. The Principal Secretary, Dept. of Forest, Government of Assam, Dispur.
4. The Principal Chief Conservator of Forest, Assam, Rehabari, Guwahati-8.

- 12.3.2001
As per order passed
in M.P. No. 5/01 on
23.2.01, it has been
impleaded as Rspd.
No. 6.
5. Sri B.N. Pathak, IFS, Conservator of Forest, Northern Assam Circle, Tezpur.

6. Sri Shashi Kant Srivastava, IFS,
Conservator of Forest, ... Respondents
Northern Assam Circle,
Reopen.

DETAILS OF APPLICATION

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

The present application is directed against an order dated 12.1.2001 by which the Applicant has been transferred from his present place of posting in arbitrary and colourable exercise of power.

(A.M.)

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

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

4.2 That the Applicant is presently posted as Conservator of Forest, Central Southern Assam, Social Forestry Circle at Guwahati. He is aggrieved by his transfer to Bongaigaon by the impugned order dated 12.1.2001, even before completion of 3 years tenure posting. In fact the Applicant has completed only 9 (nine) months in his present place of posting. Adding insult to the injury, now the Applicant is sought to be released towards implementation of the order of transfer even before consideration of his representations now pending before the competent authority, hence this original application.

4.3. That the Applicant is an IFS officer and he

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belongs to 1984 batch of the Assam-Meghalaya Joint Cadre and he is posted to the Assam wing of the said Joint Cadre. Initially the Applicant was appointed in the rank of ACF and in due course he got promotions to the higher grades of DCF and CF.

4.4 That the Applicant states that going by the sequence of events, it appears that the Applicant has been subjected to various harassments in the matter of his posting and transfer, deprivation of promotion from due date, deprivation of salary, non consideration of his case for promotion with retrospective effect inspite of the order of this Hon'ble Tribunal etc. It was in the year 1995 the Applicant was transferred from Karimganj and was posted as Deputy Director, Manas Tiger Project, Barpeta Road. Before he would join there, the same was cancelled and the Applicant was given posting as Planning Officer II in the office of the PCCF, Assam, Guwahati. This time also the order was again modified and the Applicant was posted as DFO, Hailakandi. However, the Applicant could not take charge of the post, since he was not given charge by the incumbent there. All these development took place within a span of 3-4 months. In modification of the earlier order, another order dated 10.4.96 was issued posting the Applicant as DFO, Afforestation Division, Hojai. This time the Applicant could join there. However, within a year he was again transferred as DFO Gosaigaon in August 1997. This order was also modified and the Applicant was posted once again as Planning Officer-II. By an order dated 24.12.98 the Applicant

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was promoted and posted as Conservator of Forest, Border. Thereafter, by an order dated 20.12.99, i.e. even before completion of 1 year, the Applicant was transferred and posted as CF in his present place of posting.

Copies of aforesaid orders are annexed as Annexure-1 Series.

4.5 That the Applicant has hardly completed 9 months of service in his present place of posting. By the impugned order dated 12.1.2001, the Applicant is now sought to be transferred to Bongaigaon.

A copy of the notification dated 12.1.2001 is annexed as Annexure-2.

4.6 That the Respondent No. 5 was transferred from his present place of posting and was posted as CF (HQ) at Guwahati by a notification dated 25.7.2000. However, the said Respondent did not join the said post and his order of transfer was cancelled by a notification dated 15.9.2000. Thus the notification dated 25.7.2000 was not given effect to in respect of the Respondent No. 5.

Copies of the notifications dated 25.7.2000 and 15.9.2000 are annexed as Annexure-3 and 4 respectively.

4.7 That the Applicant states that to the best of his informations initially it was the Respondent No. 5 who was proposed to be posted at Bongaigaon by the Government. However, for the reasons best known to the

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Respondents including the Respondent No. 5, the said proposal which had eventually attained finality in the relevant file was suddenly changed and the Applicant was picked up for posting at Bongaigaon on transfer with the sole purpose of accommodating the Respondent No. 5 at Guwahati. It has also come to the knowledge of the Applicant that there was no proposal for his transfer having regard to fact that he has completed only 9 months of his service in his present place of posting and that since the tenure of posting is 3 years he was/is not due of such transfer. However, things started moving in the opposite direction at cost of the Applicant only to accommodate the Respondent No. 5. Thus there is no public interest involved in transferring the Applicant but it is the private interest which has out weighed the public interest.

4.8 That as already stated above the Applicant amidst the frequent transfer order has been deprived of his salary for a considerable period making a grievance against which the Applicant has taken legal action on his failure to get the grievance redressed departmentally. Further inspite of the direction of this Hon'ble Tribunal by an order dated 8.1.99 passed in OA No. 247/98 filed by the Applicant for consideration of his case for promotion as CF with retrospective effect, nothing has been done so far. Situated thus the Applicant has taken legal action in this matter also. All this have naturally attracted the wrath of the Respondents more particularly the Respondent No. 3 which has now culminated to the

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impugned order of transfer dated 12.1.2001.

4.9 That the Applicant states that the Respondents more particularly the Respondent No. 3 is bent upon to do harm to the Applicant. In this connection the incident of the Applicant's going to the Supreme Court for the purpose of taking steps in a case involving the Government of Assam may be referred to. The Applicant was deputed to the Supreme Court by his controlling authority i.e. PCCF, Assam for taking steps in a case involving the Government of Assam. As per the said directives the Applicant went to New Delhi and did the job there. Accordingly post facto approval was sought for from the Respondent No. 3 by the Respondent No. 4 covering the period of visit of the Applicant to Supreme Court. The PCCF had written letter on 7.12.99 which was preceded by another letter issued in February 1999. However nothing has been done so far for the Respondent No. 3 and the Applicant has been deprived of his T.A. etc. for the last two years. But on the other hand in respect of other similar situated officers prompt action was taken granting the post facto approval even before receipt of progress report. In another incident inspite of the request of the PCCF by his letter dated 30.10.99 for declaration of CF (Border) as Drawing and Disbursing Officer (DDO) towards utilisation of funds, the Respondent No. 3 did not give such approval resulting non utilisation of funds allotted and meant for compensatory afforestation. Be it stated here that the Applicant was a CF (Border) at the said point of time and he held the

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post till 8.5.2000.

Copies of the letters dated 6.3.99, 7.12.99, 25.1.99 and 30.10.99 in the above context are annexed as Annexures- 5, 6, 7 and 8 respectively.

4.10 That the Applicant states that being aggrieved by the impugned order of transfer the Applicant has submitted the representation on 25.1.2001 before the Respondent No. 3 through proper channel. The controlling authority of the Applicant i.e. CCF Social Forestry, Assam has by his letter dated 29.1.2001 recommended the case of the Applicant for consideration.

Copies of the representation and recommendation of CCF are annexed as Annexure-9 and 10 respectively.

4.11 That the Applicant states that as per the policy decision of the Government normal tenure of posting is three years and if for any reason an incumbent is required to be transferred before completion of three years detailed reasons are required to be recorded. However, in the case of the Applicant no such reasons have been assigned and he has been made the victim of the circumstances only to accommodate the nearer ones.

In the above context the Applicant relies upon the Government circular dated 10.12.84 which has again been reiterated by issuing further circulars ~~is annexed as Annexure-11.~~

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4.12 That the Applicant states that when the representation of the Applicant is still pending for consideration by the Government, there is a move now to release the Applicant from his present place of posting by 3.2.2001. In such eventuality the Applicant will suffer irreparable loss and injury. It is under this circumstances that the Applicant has come under the protective hands of Hon'ble Tribunal.

4.13 That the Applicant states that going by the sequence of events it is crystal clear that the order of transfer of the Applicant though innocuously worded but in fact the same is not so, but is founded on arbitrary and colourable exercise of power. Same has been issued not in any public interest but to accommodate the Respondent No. 5. There is both malice in law as well as in fact. The transfer order has been issued with an oblique purpose. This is a fit case to interfere the order of transfer and also to pass an interim order as has been prayed for. Be it stated here that the Applicant is still continuing in his present post and he has not been released. The Respondent No. 5 has also not come to take over the charge from the Applicant. However in view of the recent development under which the Applicant is likely to be released by 3.2.2001 has forced the Applicant to move this Hon'ble Tribunal seeking urgent and immediate relief.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that *prima facie* the impugned order of transfer of the Applicant is not sustainable and is

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liable to be set aside.

5.2 For that the impugned order having not been issued in any public interest but having been issued to accommodate the Respondent No. 5, the same is liable to be set aside.

5.3 For that there being malafide and arbitrary exercise of power on the part of the Respondent No. 3 towards issuance of impugned order, same is liable to be set aside.

5.4 For that the impugned order of transfer being in violation of the Government's own policy decision as envisaged in its circular dated 10.12.84 and the subsequent circulars thereto and the Applicant having completed only 9 months of service in his present place of posting the impugned order is not sustainable and liable to be set aside.

5.5 For that there being malice in law as well as of fact, it is a fit case to interfere with the impugned order.

5.6. For that in any view of the matter, the impugned order is not sustainable in law.

The Applicant crave leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF REMEDIES EXHAUSTED :

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- 10 -

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application. He is seeking urgent and immediate relief.

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

The Applicant declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To set aside and quash the Annexure-2 notification in respect of the Applicant and to allow the Applicant to continue in his present post.

8.2 Cost of the application.

8.3 Any other relief/reliefs to which the Applicant is entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

(M)

- 11 -

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case the Applicant it is most respectfully prayed that the Hon'ble Tribunal may pleased to stay/suspend the Annexure-2 notification so far as the Applicant is concerned with a further direction that the Applicant be allowed to continue in his present post.

10. *****

The application is filed through Advocate.

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

- i) I.P.O. No. : 56 421997
- ii) Date : 31/1/2001
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

(W)

VERIFICATION

I, Shri Chandra Mohan, aged about 44 years, son of Late Raghubir Singh, presently working as Conservator of Forest, Central Southern Assam SF Circle, Guwahati, do hereby solemnly affirm and verify that the statements made in paragraphs 1-3, 7, 8, 9, 12, 13 are true to my knowledge ; those made in paragraphs 4, 5, 6, 9, 10, 11 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 15th day of February 2001.

ANNEXURE- I

SERIES

CONFÉRENCE DE ASSIST
DEPARTEMENT 11

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23

GOVERNMENT OF THE GOVERNOR
NOTIFICATION

THE JOURNAL

Dated Dibrugarh, the 5th Sept/95.

Project 13/01/2001:—In the interest of public service, Shri Abhijit Robha, IFS, Deputy Director, Project Tiger, Borpeta Road, is transferred and posted as Divisional Forest Officer, Karimganj Division, Karimganj, with effect from the date he takes over charges, vice Shri Chandra Mohan, IFS, transferred.

11/10/91, transferred.
no. IFS/25/91/205-A. On relief; Shri Chandrap Mohan, IFS, Divisional Forest Officer, Karimganj Division, Karimganj is in the interest of public service, transferred and posted as Deputy Director, Project Tiger, Darpeta Road, with effect from the date he assumes charges, vice Shri Abhilash Rabha, IFS, transferred.

SD/- H. J. Sonowal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur

encl:23/91/205-B : Dated Dispur, the 5th Sept/96.
for any action, to :-

Information and necessary action to be taken by the concerned (APF) Asom, Shillong.

Chief Accountant-General (A&R), A&GOM, Shillong,
and Conservator of Forests,

True Principal Chief Conservator of Forests (Territorial) Assam,
Balubari, Guwahati-8.

Reliabari, Guwahati-6.
The Chief Conservator of Forests (Territorial),
Reliabari, Guwahati-6.
1/1, Agam R.C. Baruah Road,

The Chief Conservator of Forests (WL) Assam, R.G. Boruah (WLS),
Guwahati-8. The Chief Conservator of Forests (WL) Assam, R.G. Boruah (WLS),
Guwahati-8, has directed the Project Tiger, Barpeta Road office to
immediately release Shri Abhijit Rabha, IFS, Deputy Director,
Project Tiger, immediately go on to enable him to join in
the new assignment. Southern Assam Circle, Silchar.

Project Tiger. Immediately after his new assignment.
The Conservator of Forests, Southern Assam Circle, Silchar:
Shri. Rishabh Robin, IFS, Deputy Director, Project Tiger,
Pramila Road, Ha. is directed to get release from his present
posting to take up his new assignment immediately.

Principals should be directed to get in touch with Mr. John in his new assignment immediately.

1. The Auditor General, JES, Divisional
Inspection, Earlingsburg for incendiary action.
2. The Officer-in-Charge to the Chief Minister, Annumi
3. The Officer-in-Charge and Social Forces

for favour of publication of the above notification in the
Assam Gazette.

On 1st January 1858, the above will be published in the
first issue of the Assam Gazette.
and will file of the officers.

By order etc., 4

Concord, Lower & Upper, &c. the New
Forest Department, &c. &c.

Accepted
R. L. Green
Revised

AUDIT BY THE GOVERNOR
NOTIFICATION -

Dated Dispur, the 2nd November 1995.

1. D.F.R. 23/91/220 : In modification of this Departmental Order No. D.F.R. 23/91/205-A dated 5.9.95, Shri Chunder Mohan, IFS, Divisional Forest Officer, Koirangang Division, Koirangang is in the interest of public service transferred and posted as Planning Officer (II) Office of the Principal Chief Conservator of Forests, Assam with effect from the date he takes over charge v/s Shri Pradip Kr. Hazarika, Planning Officer (II) transferred.

2. D.F.R. 23/91/220-A : On relief, Shri Pradip Kr. Hazarika, Planning Officer (II) Office of the Principal Chief Conservator of Forests, Assam, Guwahati is in the interest of public service transferred and posted as Divisional Forest Officer, Southern Afforestation Division, Hailong with effect from the date he assumes charge v/s Shri P. P. Das expired.

Sd/- M. S. Sahoo, Commissioner & Secy. to the Govt. of Assam, Forest Department, Dispur.

- Memo. No. D.F.R. 23/91/220-A, Dated Dispur, the 2nd November, 1995, Copy forwarded for information and necessary action : -
1. The Accountant General (A&E) Assam, Shillong.
 2. The Principal Chief Conservator of Forests, Assam, Nalbari, Guwahati-8.
 3. The Principal Conservator of Forests (Territorial) Assam, Nalbari, Guwahati-3.
 4. The Chief Conservator of Forests, Research, Education and Training Bldm, Assam, Guwahati-24.
 5. The Chief Conservator of Forests (WL) Assam, Guwahati-24.
 6. The Conservator of Forests, Southern Assam Circle, Shillong / Hailong Circle, Hailong.
 7. Shri Chunder Mohan, IFS, Divisional Forest Officer, Koirangang Division, Koirangang for handing over the charge of Koirangang Division to Shri Abhijit Rabha, IFS forthwith.
 8. Shri Pradip Kr. Hazarika, Planning Officer (II) Office of the Principal Chief Conservator of Forests, Assam, Guwahati-II, Hailong Division, Koirangang for necessary action.
 9. The Officer-in-Charge, State Social Forestry and Environment, to the Chief Minister, Assam for favour of information of Chief Minister.
 10. The Part, to the Minister of State, Social Forestry and Environment for favour of information of Minister.
 11. The Deputy Director, Assam Govt. Press, Bamanbadam, Ghy-21 for favour of publication of the above notification in the name of the Assam Gazette.
 12. The Office of the Auditor, By order of the Auditor.

Attested

Ulegowar /
Advocate

H. R. SARKAR
Commissioner & Secy. to the Govt. of
Forest Department, Dispur.

GOVERNMENT OF ASSAM
FOREST DEPARTMENT :::: DISPUR

SERIES

ORDERS BY THE GOVERNOR

- NOTIFICATION -

Dated Dispur, the 16th Dec '95.

NO.FRE.3/90/Pt/150 : In modification of this Department

Notification No.FRE.23/91/220 dated 2-11-95, Shri Chandra Mohan, IFS, Deputy Conservator of Forests, is in the interest of public service, transferred and posted as Divisional Forest Officer, Hailakandi Division, Hailakandi, with effect from the date he takes over charges vice Shri Dilip Kumar Das, Divisional Forest Officer transferred.

NO.FRE.3/90/Pt/150-A : On relief, Shri Dilip Kumar Das, Divisional Forest Officer, Hailakandi Division, Hailakandi is in the interest of public service transferred and posted as Divisional Forest Officer, F.R.S. Division, Haflong with effect from the date he takes over charges vice Sri J.S.Bey, Divisional Forest Officer, Consolidation Division, Haflong is relieved of the dual charge.

Sd/- C. K. Sharma,

Addl. Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No.FRE.3/90/Pt/150-B, Dated Dispur, the 16th December '95.
Copy forwarded to :-

1. The Accountant General (A&E) Assam, Shillong/Bhangagarh, Ghy-5.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Ghy-8.
3. The Principal Chief Conservator of Forests (SF) Assam, Guwahati-24.
4. The Chief Conservator of Forests (Territorial) Assam, Rajgarh Road, Guwahati-3.
5. The Conservator of Forests, Southern Assam Circle, Silchar/Hills Circle, Haflong.
6. Shri Chandra Mohan, IFS, Deputy Conservator of Forests, G/O The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
7. Shri Dilip Kumar Das, Divisional Forest Officer, Hailakandi Division, Hailakandi for necessary action.
8. Shri Joy Singh Bey, Divisional Forest Officer, Consolidation Division, Haflong. He is directed to handover the charge of F.R.S. Division, Haflong to Shri Dilip Kr. Das, as and when he reports for joining,
9. The Officer-On-Special Duty to the Chief Minister, Assam for favour of information of Chief Minister.
10. The P.S. to the Minister of State (Ind.) Social Forestry and Wild Life, Assam for favour of information of Minister.
11. The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of the above notification in the next issue of the Assam Gazette.
12. Personnel files of the officers.

By order etc.,

Athested
Ukayoray
Advocate

1.6 Addl. Secretary to the Govt. of Assam,
Forest Department, Dispur.

16/12

ANNEXURE-I

SERIES

FOREST

GOVERNMENT OF ASSAM
DEPARTMENT : : : : : DISPUR

ORDERS BY THE GOVERNOR

- NOTIFICATION -

Dated Dispur, the 10th April, 1996.

1. NO.FRE.3/90/Pt/161 : The transfer order issued vide Notification No.FRE.3/90/Pt/150-A, dtd. 16.12.96 in respect of Shri Dilip Kr. Das, Divisional Forest Officer, Hailakandi Division, Hailakandi is hereby cancelled with immediate effect and until further orders.
2. NO.FRE.3/90/Pt/161-A : In modification of this Department notification No.FRE.3/90/Pt/150 dtd. 16.12.95, Shri Chandra Mohan, IFS, Deputy Conservator of Forests, is in the interest of public service transferred and posted as Divisional Forest Officer, Central Assam Afforestation Division, Hojai with effect from the date he takes over charges vice Shri B.B.Nobis, Divisional Forest Officer, Nagaon South Division, Hojai, relieved of the dual charge.

Sd/-A.B.Roy Choudhury,
Deputy Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No.FRE.3/90/Pt/161-B, Dated Dispur, the 10th April, 1996.

- Copy forwarded to :-
1. The Accountant General(A&E) Assam, Shillong/Bhangagerh, Guwahati-5.
 2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8
 3. Shri Chandra Mohan, IFS may be directed to report joining immediately.
 4. The Chief Conservator of Forests(T & Admin) Assam, Rajgarh Road, Ghy-3.
 5. The Conservator of Forests, Southern Assam Circle, Silchar/Northern Assam Circle, Tezpur/Hills Circle, Haflong.
 6. Shri Dilip Kr. Das, Divisional Forest Officer, Hailakandi Division, Hailakandi.
 7. Shri Chandra Mohan, IFS, Deputy Conservator of Forests, C/O The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8. He is directed to join in his new place of posting immediately and to submit the report of compliance accordingly.
 8. Shri B.B. Nobis, Divisional Forest Officer, Nagaon South Division, Hojai. He is directed to handover charge of Divisional Forest Officer, Central Assam Afforestation Division, Hojai to Shri Chandra Mohan, IFS, as and when he reports for joining.
 9. Shri Joy Singh Bey, Divisional Forest Officer, Consolidation Division, Haflong for information.
 10. The Officer-On-Special Duty to the Chief Minister, Assam for favour of information of Chief Minister.
 11. The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for favour of publication of the above notification in the next issue of the Assam Gazette.
 12. Personal file of the officers.

By order etc.,

Attested
McGowen
Advocate

Deputy Secretary to the Govt. of Assam,
Forest Department, Dispur

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 1st August/97.

NO.FRE. 8/96/Pt/25 : In the interest of public service, Shri R.N. Brahma, D.F.O., Kachugaon Division, is transferred and posted as D.C.F. (Publicity) attached to Chief Conservator of Forests (Social Forestry), Assam, Guwahati with effect from the date of taking over charge vice Shri K.N. Pegu, D.C.F. transferred.

NO.FRE. 8/96/Pt/25-A : In partial modification of the Govt. Notification No.FRE. 135/90/255, dt. 16.7.97 Shri K.N. Pegu, D.C.F. (Publicity) attached to the Chief Conservator of Forests (Social Forestry), Assam, Guwahati is transferred and posted as D.C.F. attached to the Conservator of Forests, Northern Assam Circle, Tezpur with effect from the date of taking over charge against the existing vacancy.

NO.FRE. 8/96/Pt/25-B : In the interest of public service, Shri Chandra Mohan, IFS, Central Assam Afforestation Division, Hojai is transferred and posted as D.F.O., Kachugaon Division with effect from the date of taking over charge Vice Shri R.N. Brahma transferred.

NO.FRE. 8/96/Pt/25-C : In partial modification of the Govt. Notification No.FRE. 2/91/Pt.II/136-A, dt. 17.7.97, Shri S. Nayak, D.F.O., Sonitpur East Division, Biswanath Chariali is transferred and posted as Divisional Forest Officer, Central Assam Afforestation Division, Hojai with effect from the date of taking over charge vice Shri Chandra Mohan, IFS, transferred.

Sd/- H. Sonowal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Attested
Udayanwar
Advocate

Contd....2..

2.10.97 to - 18- 16.1.98

2.10.97 to - 5.12.97

ANNEXURE-1

SERIES

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 5th December/97.

NO.FRE. 51/96/90 :- Shri R.O.S. Tanwar, I.F.S., Divisional Forest Officer, Eastern Assam Wild Life Division, Bokakhat is promoted to the rank of Conservator of Forests and posted as Conservator of Forests (Wild Life) attached to the Chief Conservator of Forests (Wild Life) Assam, Guwahati with effect from the date of taking over charge vice Shri M.C. Malakar, I.F.S., Chief Conservator of Forests (Territorial), Assam is relieved of the additional charge.

NO.FRE. 51/96/90-A :- Shri P.S. Das, Director, Assam Forest School, Jorhat, Guwahati is in the interest of public service transferred and posted as Divisional Forest Officer, Eastern Assam Wild Life Division, Bokakhat with effect from the date of taking over charge vice Shri R.O.S. Tanwar, I.F.S. promoted.

NO.FRE. 51/96/90-B :- In the interest of public service Shri B.B. Nobis, Planning Officer-II, attached to the office of the Principal Chief Conservator of Forests, Assam, Guwahati is transferred and posted as Divisional Forest Officer, Kachugaon Division with effect from the date of taking over charge against the existing vacancy.

NO.FRE. 51/96/90-C :- In partial modification of the Govt. Notification No.FRE. 8/96/pt/25-B, dt. 1-8-97, Shri Chandra Mohan, I.F.S. is posted as Planning Officer attached to the office of the Principal Chief Conservator of Forests, Assam. Guwahati vice Shri B.B. Nobis transferred.

Sd/- H. Sonowal,

Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

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ANNEXURE-1

SERIES

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR.
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 24th December, 1998.

No. FRE. 51/96/116 :- Shri Chandra Mohan, IFS (RR-1984) Planning Officer-II, attached to the Principal Chief Conservator of Forests, Assam, Guwahati-8 is temporarily promoted to officiate as Conservator of Forests in the scale of pay of Rs. 16,400/- 450-20,000 and posted as Conservator of Forests (Border), office of the Principal Chief Conservator of Forests, Assam, Guwahati, vice Shri D.P. Pandey, IFS, Conservator of Forests (Development) relieved from the additional charge.

Sd/- H. Sonowal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Mem No. FRE. 51/96/116-A, Dated Dispur, the 24th December, 1998.

Copy to :-

1. The Accountant General (A&E), Assam, Boltola, Guwahati- 28.
2. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
3. The Under Secretary to the Govt. of India, Ministry of Environment and Forests, Parivarjan Bhawan, C.G.B. Complex, Lodhi Road, New Delhi- 110003.
4. The Commissioner & Secretary to the Govt. of Meghalaya, Shillong.
5. The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
6. The Chief Conservator of Forests (Wildlife), Assam, Rehbari, Guwahati-8.
7. The Chief Conservator of Forests (Territorial), Assam, Panbozar, Guwahati-1.
8. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
9. The Conservator of Forests,
10. Shri D.P. Pandey, IFS, Conservator of Forests (Development) Guwahati.
11. Shri Chandra Mohan, IFS, Planning Officer-II, office of the Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
12. The Divisional Forest Officer,
13. P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
14. P.S. to the Minister, Social Forestry, Assam, Dispur, Guwahati-6 for information of the Minister.
15. P.S. to the Minister of State Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
16. P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
17. The Deputy Director, Assam Govt. Press, Bumunimaiden, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
18. Personal File of the officers.

By order etc.,

24 Dec 98.

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

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GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 20th December, 1999.

NO.FRE. 6/90/143 :- In the interest of public service the post of Conservator of Forests (Border) presently attached to the Principal Chief Conservator of Forests, Assam, Guwahati is hereby withdrawn and attached to the Chief Conservator of Forests (Territorial), Assam, Guwahati with immediate effect.

NO.FRE. 6/90/143-A :- On being withdrawn the post of Conservator of Forests (Border) from the office of the Principal Chief Conservator of Forests, Assam, Shri Chandra Mohan, IFS, Conservator of Forests (Border) attached to Principal Chief Conservator of Forests, Assam is in the interest of public service transferred and posted as Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati vice Shri R.M. Dubey, IFS, Conservator of Forests.

NO.FRE. 6/90/143-B:- In the interest of public service Shri R.M. Dubey, IFS, Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati is transferred and posted as Conservator of Forests (Border) attached to the Chief Conservator of Forests (Territorial), Assam, Guwahati vice Shri Chandra Mohan, IFS, Conservator of Forests.

Sd/- A. Jain,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Contd...P/2..

Memo No. FRE. 6/90/143-C.

Dated Dispur, the 20th December, 1999.

Copy to :-

By order etc.,

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

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GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR

ORDERS BY THE GOVERNOR

-NOTIFICATION-

Dated Dispur, the 12th January, 2001.

- NO.FRE.51/96/140 :: Shri N.K. Vasu, IFS (RR-1985), Divisional Forest Officer, Nagaon South Division Hojai is promoted to supertime Scale of I.F.S. in the rank of Conservator of Forests in the Scale of pay of Rs.16,400-450-20,600/- P.M. and posted as Conservator of Forests (Development), in the Office of the Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati with effect from the date of taking over charge vice Shri D. Mathur, IFS, Conservator of Forests relieved from the dual charge.
- NO.FRE.51/96/140-A : Shri S. K. Srivastava, IFS (RR-1985), Divisional Forest Officer, Nagaon Division, Nagaon is promoted to supertime Scale of I.F.S. in the rank of Conservator of Forests in the pay scale of Rs.16,400-450-20,000/-P.M. and posted as Conservator of Forests, Northern Assam Circle, Tezpur with effect from the date of taking over charge vice Shri B. N. Pathak, IFS, Conservator of Forests transferred.
- NO.FRE.51/96/140-B :: On relief, Shri B. N. Pathak, IFS, Conservator of Forests, Northern Assam Circle, Tezpur is in the interest of public service transferred and posted as Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati with effect from the date of taking over charge vice Shri Chandra Mohan, IFS, Conservator of Forests transferred.
- NO.FRE.51/96/140-C : On relief, Shri Chandra Mohan, IFS, Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati is in the interest of public service transferred and posted as Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon with effect from the date of taking over charge vice Shri M.M. Sharma, IFS, Conservator of Forests transferred.
- NO.FRE.51/96/140-D : On relief, Shri M.M. Sharma, IFS, Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon is in the interest of public service transferred and posted as Principal, North East Forest Rangers' College, Jalukbari, Guwahati with effect from the date of taking over charge vice Shri B.B. Dhar, IFS, Principal transferred.
- NO.FRE.51/96/140-E : On relief, the services of Shri B.B. Dhar, IFS, Principal, North East Forest Rangers' College, Jalukbari, Guwahati are placed at the disposal of Karbi Anglong Autonomous Council, Diphu for his posting as Conservator of Forests, Karbi Anglong, Diphu against the existing vacancy.
- NO.FRE.51/96/140-F : Shri B. Brahma, IFS, Conservator of Forests on return from leave is in the interest of public services transferred and posted as Conservator of Forests, Eastern Assam Circle, Jorhat with effect from the date of taking over charge vice Shri S. Narayan, IFS, Conservator of Forests transferred.

This modified this Department's earlier
Notification No. FRE-6/90/148-A, dt'd. 22-5-2000.

Contd. - P/2 -

265

24-1-2001

Attested
Uk. Goswami
Advocate

- (2) -

NO.FRE.51/96/140-G : On relief, Shri D. Haraprasad, IFS, Conservator of Forests, Eastern Assam Circle, Jorhat is in the interest of public service transferred and posted as Conservator of Forests (Wildlife) attached to Chief Conservator of Forests (Wildlife) Assam, Guwahati with effect from the date he assumes charges against the existing vacancy.

Sd/- A. Jain,
Principal Secretary to the Govt. of Assam,
Forest Department, Dispur

- Memo No. FRE.51/96/140-H Dated Dispur, the 12th January, 2001.
Copy to :-
1. The Accountant General (A&E) Assam, Beltola, Guwahati-29.
 2. The Principal Secretary to the Govt. of Meghalaya, Forest and Environment Deptt., Shillong.
 3. The Principal Chief Conservator of Forests, Assam, Guwahati-8.
 4. The Principal Chief Conservator of Forests, Govt. of Meghalaya, Shillong.
 5. The Chief Conservator of Forests (SF) Assam, Guwahati-24.
 6. The Chief Conservator of Forests (Wildlife) Assam, Guwahati-8.
 7. The Chief Conservator of Forests (T) Assam, Panbazar, Guwahati-1.
 8. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
 9. The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003
 10. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu with a request to issue notification of posting of Shri B.B.Dhar, IFS.
 11. The Conservator of Forests,
 12. Shri B.N.Pathak, IFS, C.F., Northern Assam Circle, Tezpur.
 13. Shri B.B.Dhar, IFS, Principal, North East Forest Rangers' College, Jalukbari, Guwahati-14.
 14. Shri M.M. Sharma, IFS, C.F., Lower Assam SF Circle, Bongaigaon.
 15. Shri B. Brahma, IFS, C.F. (on leave), C/O P.C.C.F., Assam, Guwahati-8.
 16. Shri D. Haraprasad, IFS, C.F., Eastern Assam Circle, Jorhat.
 17. Shri Chandra Mohan, IFS, C.F., Central Southern Assam S.F. Circle, Guwahati-1.
 18. Shri N.K.Vasu, IFS, DFO, Nagaon South Division, Rojai. He is directed to proceed for taking over charge of his new assignment after handing over charge of Nagaon South Division to the seniormost A.C.F. of the Division.
 19. Shri S.K. Srivastava, IFS, DFO, Nagaon Division, Nagaon. He is directed to proceed for taking over charge of his new assignment after handing over charge of Nagaon Divn. to the seniormost ACF of the Division.
 20. The Divisional Forest Officer,
 21. The P.S. to the Chief Minister, Assam, Dispur for favour of information of the Chief Minister.
 22. The P.S. to the Minister of State Forests, Assam for favour of information of the Minister.
 23. The P.S. to the Chief Secretary, Assam for favour of information of the Chief Secretary.
 24. The Deputy Director, Assam Govt. Press, Balmunimaidan, Guwahati-21 for publication of the notification in the next issue of the Assam Gazette.
 25. Personnel file of the officers.

By order etc.,

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

GOVERNMENT OF ASSAM
FOREST DEPARTMENT :::: DISPURORIGINALLY THE GOVERNMENT
NOTIFICATION

Dated Dispur, the 25th July, 2000

NO.FRE.96/80/243 : On repatriation from Central, deputation to his parent cadre, Shri Suresh Chand, IFS, Conservator of Forests (Central) is in the interest of public service posted as Conservator of Forests, Central Assam Circle, Guwahati with effect from the date he takes over charges vice Shri L. D. Adhikari, IFS transferred.

NO.FRE.96/80/243-A : Without prejudice to and pending decision in connection with the stay order dtd. 21.6.2000 of the Hon'ble Gauhati High Court in W.P(C) No.3300/2000 on transfer orders of Sri B. Brahma, IFS, Conservator of Forests, Southern Assam Circle, Silchar dtd. 22/5/2000, Shri L.D. Adhikari, IFS, Conservator of Forests, Central Assam Circle, Guwahati is in the interest of public service transferred and posted as Conservator of Forests (Development) in the office of the Chief Conservator of Forests, Research, Education and Working Plan, Assam with effect from the date he takes over charges vice Shri D. Mathur, IFS, Conservator of Forests relieved of the dual charges.

NO.FRE.96/80/243-B : Shri. S.K. Sen, IFS, Conservator of Forests (H.Q.) is in the interest of public service, transferred and posted as Conservator of Forests, Northern Assam Circle, Tezpur with effect from the date of taking over charges vice Shri. B. N. Pathak, IFS, Conservator of Forests transferred.

NO.FRE.96/80/243-C : Shri. B. N. Pathak, IFS, Conservator of Forests, Southern Assam Circle, Tezpur is in the interest of public service, transferred and posted as Conservator of Forests (H.Q.) with effect from the date he takes over charges vice Shri. S. K. Sen, IFS, Conservator of Forests transferred.

2.650.

17/8/2000

SD/- A. Jain,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur

Contd... P/2...

Attested
W. K. S. Walyawala
Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR
GENERAL ORDER

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 15th September, 2000.

III.F.R.E. 96/80/249 :- Dr. R.N. Dubey, IFS (RR-1982), Conservator of Forests (Border), office of the Chief Conservator of Forests (Territorial), Assam, Guwahati is relieved of the charge of Conservator of Forests (Border) with effect from the date of handing over charge to enable him to join his new assignment as Director in the Ministry of Tribal Affairs, New Delhi.

ND.F.R.E. 96/80/249-A :- In modification of earlier Govt. Notification No. F.R.E. 96/80/243, dt'd. 25.7.2000, Shri Suresh Chand, IFS (RR-1978) is promoted to supertime scale of I.F.S. and posted as Conservator of Forests (Border) in the office of the Chief Conservator of Forests (Territorial), Assam, Guwahati with effect from the date of taking over charge vice Dr. R.N. Dubey, IFS, Conservator of Forests (Border) released on his appointment on Central deputation as Director in the Ministry of Tribal Affairs, New Delhi.

Transfer order in respect of Shri L.J. Adhikari, IFS, Conservator of Forests, Central Assam Circle, Guwahati issued vide Notification No. F.R.E. 96/80/243-A, dt'd. 25.7.2000 is hereby cancelled.

III.F.R.E. 96/80/249-B :- On his promotion to supertime scale of I.F.S. in the rank of Conservator of Forests and on his reversion from Central deputation the pay of Shri Suresh Chand, IFS, Conservator of Forests may be fixed nominally in the supertime scale of I.F.S. with effect from the date of his next immediate junior Shri T.T.C. Narak, IFS (RR-1978) was promoted i.e. 23.12.93.

III.F.R.E. 96/80/249-C :- Transfer orders issued vide Govt. Notification No. F.R.E. 96/80/243-B, dt'd. 25.7.2000 and No. F.R.E. 96/80/243-C, dt'd. 25.7.2000 in respect of Shri J.K. Son, IFS, Conservator of Forests (I.O.) and

Attested
Mr. Gurwinder
Advocate

Consd. I.P/2...

Shri B.N. Pathak, IFS, Conservator of Forests, Northern Assam Circle, Tezpur respectively are hereby cancelled.

SJ/- A. Jain,

Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Memo No. F.R.E. 96/80/249-D, Dated Dispur, the 15th September, 2000.

Copy to:-

- 1) The Accountant General (A&E), Assam, Daltola, Guwahati-29.
- 2) The Commissioner & Secy. to the Chief Minister, Assam, Dispur, Guwahati-6.
- 3) The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 4) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narenji Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Wildlife), Assam, Rehbari, Guwahati-8.
- 7) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 8) Shri G.P. Halder, Under Secretary to the Govt. of India, Ministry of Environment & Forests, Parivaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi - 110003.
- 9) The Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
- 10) Shri Suresh Chand, IFS, Conservator of Forests, C/O Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 11) Dr. R.N. Dubey, IFS, Conservator of Forests (Border), office of the Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1. He will report for duty as Director in the Ministry of Tribal Affairs, New Delhi immediately.
- 12) Shri L.J. Adhikary, IFS, Conservator of Forests, Central Assam Circle, Guwahati-1.
- 13) Shri S.K. Sen, IFS, Conservator of Forests (H.Q.), office of the Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 14) Shri B.N. Pathak, IFS, Conservator of Forests, Northern Assam Circle, Tezpur.
- 15) Shri D. Mathur, IFS, Conservator of Forests, Research and Education Circle, Basistha, Guwahati.
- 16) The P.S. to the Chief Minister, Assam, Dispur, Guwahati-6 for information of the Chief Minister.
- 17) The P.S. to the Minister of State for Forests, Assam, Dispur, Guwahati-6 for information of the Minister.
- 18) The Deputy Director, Assam Govt. Press, Jamdhumajam, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
- 19) Personal File of the officers.

By order etc.,

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

.....

JAIN HANSARIA & CO.

ADVOCATES SUPREME COURT

B-9, SAGAR APARTMENTS, Q TILAK MARG, NEW DELHI-110 001

PHONE : 3302962, 3301830 FAX : 3301750

March 6, 1999

Ref No. JH/1003AS/1999

The Principal Chief Conservator
of Forest, Assam
Rehabari
GUWAHATI 8

Re: Suit No. 2 of 1988
State of Assam V/s Union of India & Ors
(Assam Nagaland Border Dispute)

Dear Sir,

We had discussions with Shri C M Sharma, Conservator of Forest, Border, Assam on 27th February and 5th March, 1999 on the above subject. Shri Sharma also gave me a report prepared by him regarding encroachment in Assam territory on the Nagaland Assam border by the Government of Nagaland and the Naga people. As per the said report, there are 87 Naga villages which have been established in the Assam territory by encroaching the reserve forest area of Assam and in almost all these villages, private institutions like Church, L.P. School, Markets etc. have been established.

In the suit filed by the State of Assam in the Supreme Court, a list of 80 villages have been given as the area encroached in the Assam territory by the Naga people and the Nagaland Government. We would require the details of the 87 villages which are established in the Assam Territory as per the said report. We will also have to establish that all these 87 villages are part of Assam territory and that they have been encroached by the State of Nagaland or the Naga people. We have explained to Shri Sharma as to the documentation required for this purpose.

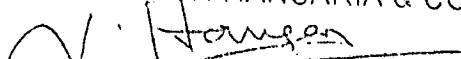
Once the details are made available, a joint meeting may be organised with all the concerned departments of the State Government, so that a comprehensive picture could be established.

We had detailed discussions with Shri J C Goswami, Joint Secretary, Border Areas Department of the Government of Assam in the case and the materials required have also been explained to him. You may, therefore, get in touch with Shri Goswami also.

Thanking you

Yours faithfully

For M/S JAIN HANSARIA & CO.


VIJAY HANSARIA

RESIDENCE: SUNIL K. JAIN : D-127, EAST OF KAILASH, NEW DELHI-110 065 PHONES : 6439338, 6479005
VIJAY HANSARIA : D-16-F, HAUZ KHAS, NEW DELHI-110 016 PHONES : 6861715, 6960250

Attested
Vijay Hansaria
Advocate

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS: ASSAM:
REHABARI:GUWAHATI:8

No.FG.46/8/NLB/Pt-II, Dated Guwahati, the 7th December/99.

To,

The Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur,
Guwahati-6.

Sub:- Filling of Affidavit in connection with Hon'ble Supreme Court Suit T.S.No.1/89 and 2/88.

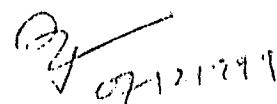
Reft:- Letter No.B.D.9/99/12, dtd. 17-2-99 from Border Areas Deptt., Dispur and No.FRS.14/88/Pt-I/260, Dtd. 23-2-99 from Forest Department, Dispur.

Sir,

With reference to above quoted letters, the undersigned was directed to take steps for filing affidavit in the Supreme Court of India, related with Assam - Nagaland Border. In anticipation of Govt. approval for shortage of time, Shri Chandra Mohan, IFS Conservator of Forests, (Border) was instructed for filing the said affidavit in the Supreme Court of India, New Delhi. The report related with the filing of affidavit alongwith the copy of letter dtd. 6-3-99 from Shri V. Hansaria, Advocate, Supreme Court of India were furnished to you vide letter No.FG.46/8/AP/Pt-II, dtd. 1-6-99.

Therefore, you are requested kindly to accord post-facto approval on the visit of Shri Chandra Mohan, IFS Conservator of Forests (Border) to travel to New Delhi in this connection.

Yours faithfully,


07/12/99

(P. LAHAN)
PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
A_S_S_A_M

Attested
U. K. Gorai
Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT : : : DISPUR

NO. FRS-14/88/Pt/256, Dated Dispur, the 25th January 99.

From : Shri A.B. Md. Eunus, ACS,
Joint Secretary to the Govt. of Assam.

To : The Principal Chief Conservator of Forests,
Assam, Rehabari, Guwahati-8.

Sub : Permission to travel to New Delhi in connection with
contempt Case against Government of Nagaland.

Sir,

I am directed to refer to the subject cited above and to say that the Government have given ex-post facto approval on the visit of Shri R. M. Dubey, IFS, Conservator of Forests, Central and Southern (SF) Circle, Guwahati-6 to travel New Delhi by Air (Both ways) in connection with the contempt Case against Nagaland Government which came up for hearing on 1-12-98 in the Supreme Court of India.

Yours faithfully,

W.M. Eunus
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No. FRS.14/88/Pt/256-A, Dated Dispur, the 25th January/99.

Copy forwarded to Shri R. M. Dubey, IFS, Central and Southern (SF) Circle, Guwahati-6.

By order etc.,

S. I.

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

Afterreed
W. Johnson
Advocate

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GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (ASSAM)
REHABARI, GUWAHATI-8

No. FG/Spl. fund/Comp. Afftn., Dated Guwahati, the 30th Oct/99.
To,

The Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur,
Guwahati-6.

Sub:-

Declaration of D.D.O. in respect of Nodal
Officer, Compensatory Afforestation.

Ref:-

Govt. letter No. FRE.84/95/92-A, dtd. 27-10-99.

Sir,

With reference to above, quoted letter,
I am submitting the proposal to declare the Conservator of
Forests (Border) cum Nodal Officer as Drawing & Disbursing
Officer in respect of utilisation of fund under Compensatory
Afforestation as done earlier vide letter No. FRM.116/95/33,
dtd. 11-11-97.

An early action is requested.

Yours faithfully,

Q 30/10/99

(P. LAHAN)
PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
A S S A M

1-11-99

ISSUED ON.....

Attested
Ukpojan
Advocate

OFFICE OF THE CONSERVATOR OF FORESTS : CENTRAL SOUTHERN ASSAM
SOCIAL FORESTRY CIRCLE: GUWAHATI-1

NO.PG.21/C. Mohan/2000/1506

Dt. 25/1/2001

To,

The Principal Secretary,
Forest Department,
Dispur.

Through-The Chief Conservator of Forests,
Social Forestry Assam, Guwahati-24.

Sub : Cancellation of Transfer Order.

Ref : Govt. Order's No.FRE.51/96/140-C, dtd.12/01/2001.

Sir,

With reference to the above, I have the honour to state that it is quite distressing for me that the Govt. has transferred me to western Assam Social Forestry Circle, Sonairogon within an ignominiously short period of nine (9) months. Much to my dismay, I have been singularly given this treatment for the last few years. It may be mentioned here that among the officers transferred by the Notification under reference, I am the only person being transferred after such a short tenure of 9 (Nine) months whereas the rest of all officers have completed more than 3 (Three) years in their present postings. Earlier, I was transferred from the post of C.P. (Border) to the present post of Conservator of Forests, Central Southern Assam, S.F. Circle, Guwahati-1 even before completion of one(1) year. These frequent transfers are not only demoralising and humiliating to me, but they are also against the accepted principles/norms of security of tenure to the officials in the public interest. This absence of security of tenure only harms the long-term public interest, as it smothers initiative and zeal of the officer. I have started making all out efforts to tone up the management at the field level and optimise the use of scarce resources, which includes funds also, in the best interest of the Department.

By frugal use of funds and mobilising resource, I have changed the Kucha office building into a semi-pucca structure and got repaired the decrepit office vehicle.

Attested
Mr. Jyoti
Advocate

Cont-2

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Now, the functioning of the office works is relatively smooth. My senior officers of the Department are also fully satisfied with my performance and functioning. So, transferring me at such stage, when I have been trying my level best to bring about perceptible change, tantamounts not only to dampening my spirits but also hurting the public interest.

I hope that, realising my short tenure of 9 (Nine) months in the present post and all the positive steps taken by me for the development of the department in the public interest, the Govt. will allow me to continue in my present post by cancelling my transfer order.

Yours faithfully,

(Chandra Mohan, IFS)
Conservator of Forests,
Central Southern Assam Social Forestry
Circle : Guwahati-1

Advance copy to the Principal Secretary to the Govt. of Assam, Forest Department, Dispur for his information and necessary action.

(C.M.)

(Chandra Mohan, IFS)
Conservator of Forests,
Central Southern Assam Social Forestry
Circle: Guwahati-1

GOVT. OF ASSAM
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS, SOCIAL FORESTRY
ASSAM :: GUWAHATI

No. Ps 541(S.F)/C.Mohan/FS

DATE: 29/01/2001.

To,

The Principal Chief Conservator of Forests,
Assam, Rongbari,
Guwahati-8.

Subject:- Transfer of Shri/C.M. Sharma, IFS.

Ref.:- Govt. No. FRE.51/36/140-C, dtd. 12/1/2001.

Sir,

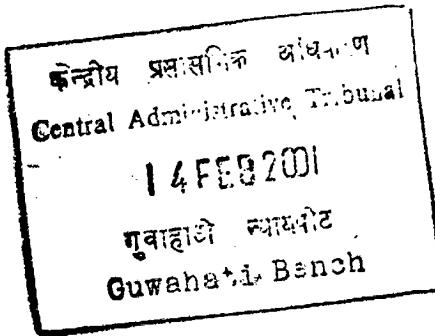
While inviting a reference to the Government transfer order No. quoted above, I am to send herewith a prayer petition of Shri C.M. Sharma, Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati, requesting the Government to modify the said transfer order. His petition deserves consideration & I therefore request you kindly move to Govt. for redressal as deemed fit & proper.

Yours faithfully,

Chief Conservator of Forests,
Social Forestry, Assam, Ghy. 24.

Copy to:-

The P.S. to the Govt. of Assam, Forest Deptt.
Dispur for needful.Chief Conservator of Forests,
Social Forestry, Assam, Ghy. 24.Attested
Abijoy
Advocate



Settling by :-
Mr. Y. K. Phukan
Mr. C. A. Assoom
Mr. G. G. Gohain
Mr. D. D. Das
Mr. A. Achary
M. Tr.

12/2/01

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH

IN THE MATTER OF :-

O.A. No. 57/2001

Sri C. Mohan

... Applicant.

Versus

Union of India & Others.

... Respondents.

-AND-

IN THE MATTER OF :-

The written statement on behalf of
Respondent Nos. 2 and 3.

The humble written statement of the
Respondent Nos. 2 and 3 as follows:-

1. That, I am the Joint Secretary to the
Government of Assam, Forest Department. Copy of the
petition has been served upon me. I perused the same and

understood the contents thereof. I do not admit any of the allegations/averments which is not borne out by the records. The averments/allegations which are not specifically admitted hereinafter are to be deemed as denied.

2. That, with regards to the statement made in paragraph 4.1 of the original application, the deponent do not have any comment.

3. That, with regards to the statement made in paragraph 4.2 of the original application, the deponent states that the applicant is presently holding the post of Conservator of Forests, Central and Southern Assam Social Forestry Circle, Guwahati since 31.3.2000 (A.N.) Due to administrative exigency some other officers along with the applicant have been transferred vide Govt. Notification No.FRE.51/96/140 dtd. 12.01.2001. It is mentioned that the applicant had held the following posts in Guwahati continuously including the present post.

- i. Conservator of Forests Central and Southern Assam, Social Forestry Circle, Guwahati. 31.3.2000 till date
- ii. Conservator of Forests (Border) Office of the Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati. from 24.12.98 to 31.3.2000
- iii. Planning Officer-II, Office of the Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati. from 16.1.98 to 24.12.98

From the above, it appears that the applicant completed about 3 years in different posts at Guwahati at the time of issue of his transfer order dtd. 12.01.2001. The representation dtd. 25.1.2001 of Sri C. Mohan, the applicant received through Principal Chief Conservator of Forests vide No. PG. 283 dtd. 2.2.2001 has been disposed of by the Government as rejected.

4. That, with regards to the statement made in paragraph 4.3 of the original application, the deponent admits the same.

5. That, with regards to the statement made in paragraph 4.4 of the original application, the deponent states that the applicant was transferred from Karimganj Division in 1995 and posted as Deputy Director, attached to the Field Director, Tiger Project, Barpeta Road. But, instead of joining to the post, the applicant filed case before the Hon'ble Central Administrative Tribunal on the ground that the post of Deputy Director, attached Tiger

Project is not a cadre post. Though the State Govt. not identified by name the cadre post in Wildlife and Territorial, however, his posting was modified and posted as Planning Officer-II in the office of the Principal Chief Conservator of forests, Assam, Guwahati which is a cadre post. The applicant did not join as Planning Officer-II and went on leave. In view of this, his transfer order was further modified and posted as D.F.O., Hailakandi Division vice Shri D.K.Das. But, due to stay order of Hon'ble Gauhati High Court in the matter of transfer, the applicant could not ~~take~~ over charge of Hailakandi Division and ultimately he was posted as D.F.O., Central Assam Afforestation Division, Hojai. From the fact stated, it is evident that there were no harassment made by the Government to the applicant.

Thereafter, the applicant was transferred and posted as Planning Officer-II in the office of the Principal Chief Conservator of Forests, Assam, Guwahati from which he was promoted and posted as Conservator of Forests (Border) in the office of the Principal Chief Conservator of Forests, Assam vide No.FRE. 51/96/116, dated 24.12.98.

5. This respondent submits that during the incumbency of the applicant as Conservator of Forests (Border) attached to Principal Chief Conservator of Forests,

Assam, he was also functioning as Nodal Officer for compensatory Afforestation. However, for better management the duties of Nodal Officer was reallocated to the Conservator of Forests (HQ) attached to the Principal Chief Conservator of Forests and Office of the Conservator of Forests (Border) was shifted to Chief Conservator of Forests (Territorial). The incumbent of the post has now primarily to assist the Chief Conservator of Forests (Territorial) in the discharge of his duties. One Sri R.M. Dubey, IFS, was considered best suited for this role. Hence Sri C.Mohan was shifted as Conservator of Forests, Central and Southern Assam Social Forestry Circle, Guwahati. The fact is that all the above posts have the H.Qs at Guwahati and as such the grievance of dislocation as projected by the Applicant carries no merit. On the other hand as stated above the applicant has completed approximately 3 years with H.Q. at Guwahati and he is due for transfer to a different station.

6. That, with regard to the statement made in paragraph 4.5 of the original application, the deponent states that though the applicant completed 9 months in the present post at Guwahati, but he has completed about 3 years at Guwahati in different posts as stated against para 4.2.

7. That, with regards to the statement made in paragraph 4.6 of the original application, the deponent do not have any comment.

8. That, with regard to the statement made in paragraph 4.7 of the original application, the deponent states that the contention of the petition is his assumption and not based on facts and records and hence liable to be rejected.

Copy of the Govt.order dtd.9-02-2001 is at Annexure-1.

9. That, with regards to the statement made in paragraph 4.8 of the original application, the deponent states that as stated against para 4.4 due non-joining by the applicant to the posts, the periods between handing over of the charge of Karimganj Division to the date of joining in the post of D.F.O., Central Assam Afforestation Division, Hojai and another period are required to be regularized either by granting leave or by granting joining time, which is under consideration of the Govt. The matter of his promotion to Conservator of Forests with retrospective effect is also under consideration of the State Govt.

10. That, with regards to the statement made in paragraph 4.9 of the original application, the deponent states that there has no relevancy with the matter of transfer and posting of the applicant, hence no comment.

11. That, with regards to the statement made in paragraph 4.10 of the original application, the deponent states that the applicant submitted a representation vide

letter No. P.G.21/C Mohan/2000/1536 dtd. 25.1.2001 through proper channel. The representation has been disposed of as rejected.

12. That, with regards to the statement made in paragraph 4.11 of the original application, the deponent states that though normal tenure of posting is 3 years, Government may transfer an employee before completion of the aforesaid period on the ground of administrative exigency.

13. That, with regards to the statement made in paragraph 4.12 of the original application, the deponent states that the applicant submitted a representation vide letter No. P.G.21/C Mohan/2000/1536 dtd. 25.1.2001 through proper channel. The representation has been disposed of as rejected.

14. That, with regards to the statement made in paragraph 4.13 of the original application, the deponent states that the transfer and posting orders issued vide Govt. Notification dtd. 12.01.2001 in respect of the applicant and other officers was issued due to administrative exigency and in the interest of public interest.

15. That the deponent/answering respondents state that transfer and posting of govt. official is within the

prerogative of the State Government. The transfer order dtd. 12.1.2001 has been issued in view of administrative exigency and in the interest of public service. The applicant has been as Conservator of Forests, Eastern Assam Circle since 13.6.97 and was due for transfer.

16. That under the facts and circumstances of the case, the interim order dtd. 2.2.2001 passed by the Hon'ble Tribunal in O.A. 52/2000 is liable to be dismissed in the interest of justice.

GROUNDS

As stated against the foregoing paras the transfer orders of the applicant along with other offices was issued in the interest of public service and due to administrative exigencies, there was ~~no~~ malafide and arbitrary exercise ~~of~~ ^{of powers} paras on the part of State Govt. Hence, the application is liable to be rejected.

VERIFICATION

I, Shri Abul Basar Mohammad Eunus, Joint Secretary to the Govt. of Assam, Department of Forests, Dispur, Guwahati-6 do hereby solemnly declare that the statements made in para. 1 and 2 of the written statement are true to my knowledge and those made in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 are true to my information being matter of records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 9th day of February, 2001 at Guwahati.

Abul Basar Md. Eunus.

Declarant

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.
EEEEEEEEE

NO.FRE. 51/96/Pt/

Dated Dispur, the 9th February, 2001.

ORDERS BY THE GOVERNOR

Whereas Shri Chandra Mohan, IFS has submitted a representation dtd. 25.01.2001 through proper channel which has been received from Principal Chief Conservator of Forests vide his letter No.PG. 283, dtd. 2.2.2001.

And whereas Shri Chandra Mohan, Conservator of Forests, Central & Southern Assam Social Forestry Circle has prayed for allowing him to continue as Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati as he has completed only 9 months in the post of Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati at the time of issue of his transfer order.

And whereas it appears from records that Shri Chandra Mohan, IFS, has completed almost 3 years of service at Guwahati in different posts as shown below.

1) Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati.	From 31.3.2000 (AN) to <u>tilt date</u> .
2) Conservator of Forests (Border), Office of the Principal Chief Conservator of Forests, Assam, Guwahati.	From 24.12.1998 to 31.3.2000.
3) Planning Officer-II, Office of the Principal Chief Conservator of Forests, Assam, Guwahati.	From 16.1.1998 to 24.12.1998.

And moreover, he is being continued in the area of Social Forestry on transfer.

Whereas the transfer order issued vide Govt. Notification No.FRE. 51/96/140-C, dtd. 12.1.2001 is in the conformity with the guidelines issued by the Govt. on transfer of Govt. employees vide O.M.No.ABP.40/91/117, dtd. 19.09.1992.

The representation dtd. 25.1.2001 of Shri C. Mohan, Conservator of Forests is therefore disposed of as rejected.

By order etc. and in the name of Governor.

Sd/- Ad. Jain,

Principal Secretary to the Govt. of Assam,
Forest Department, Dispur.

Contd.P. #2 ...

Memo No. FRE. 51/96/Ft/ -A, Dated Dispur, the 9th
February, 2001.

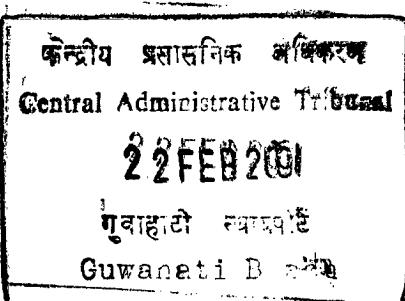
Copy to :-

- 1) The Principal Chief Conservator of Forests,
Assam, Rehbari, Guwahati-8.
- 2) Shri Chandra Mohan, IFS,
Conservator of Forests, Central & Southern
Assam Social Forestry Circle, Guwahati.

By order etc.,

.....
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

....



Filed by: 59
the Applicant
through
Advocate
Rajiv G.C. Joshi
22/2/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

D.A. No. 51/2001

Chandra Mohan

... Applicant

versus

Union of India & Ors.

... Respondent

Rejoinder to the written statement filed on behalf of Respondents No. 2 and 3.

The above named Applicant begs to state as follows :

1. That the Applicant has gone through the copy of the WS filed on behalf of the Respondents No. 2 and 3 and he has understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the WS are categorically denied. Further the statements which are not borne on records are also denied.
2. That with regard to the statements made in paragraphs 1 and 2 of the WS the Applicant does not admit anything contrary to the relevant records.
3. That with regard to the statements made in paragraph 3 of the WS it is stated that there is no denial of the fact that the Applicant has been subjected to frequent transfers. He has hardly completed 9 months only in his present place of posting. He had, therefore submitted representation dated 25.1.2001 and his controlling

- 2 -

authorities under whose direct supervision the Applicant is to work viz. the CDF (SF), Assam and PCCF, Assam, who is the head of the department had strongly recommended the case of the Applicant stating interalia that the case of the Applicant is genuine. The Respondents have not disclosed any reason as to why the Applicant within a period of less than 3 years had been transferred to different positions and as to how the recommendations of the CDF (SF) and PCCF were taken into account by the Commissioner and Secretary, Forest Department.

As regards the purported disposal of the representation submitted by the Applicant, it is stated that the Applicant has come to know about the order dated 9.2.2001 only on receipt of the copy of the WS. He has been served with the copy of the order dated 9.2.2001 only on 20.2.2001. It is unheard of that order pertaining to disposal of representation is enclosed in the WS and thereafter only copy of the same is served on the representationist. This speaks volumes of malafide on the part of the Respondents more particularly the Respondent No. 3.

4. That with regard to the statements made in paragraph 4 of the WS the Applicant does not admit anything contrary to the relevant records.
5. That with regard to the statements made in paragraph 5 of the WS, it is stated that the Applicant was transferred from Karimganj Division in 1995 after

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completion of only one year of service there. Thereafter he was put to humiliation by way of posting him as a Deputy Director, Pager Project, Barpeta Road which is a non-cadre post. In this connection the ROP Rules as well as communications No. FE 24/36/99 dated 31.3.99 from the PDDF to the Commissioner and Secretary, Forest Department may be referred to. As per the provisions of the relevant Rules a cadre officer cannot be posted to a non-cadre post. The contention of the Respondents that the State Government have not identified by name the cadre post in Wild Life and Territorial is false to the core of it which is amply borne on the face of the letter DD No. FRE.1/2000/103 dated 29.6.2000 written by the Respondent No. 3 and addressed to the Principal Secretary, NC Hills Autonomous District Council, Hailong, where he himself as mentioned that the post of DFO (Territorial) Hailong is reserved for cadre officer. Even the Government of India's Notification dated 9.11.95 issued under No. 16016/2/95-AIS (II)-A has identified the post of DFO, Wild Life and DFO, Assam State Zoo as cadre post. On 3.11.95 Shri A. Rava IAS assume charge at Karimganj unilaterally without any order from the Government do not effect. When the matter was brought to the notice of the State Government the Applicant was advised to wait as his transfer order dated 2.11.95 posting him as Deputy Director, Tiger Project, Barpeta Road was being modified. Thereafter the Applicant was transferred to Hailakandi. In the meantime the incumbent at Hailakandi had moved the Hon'ble Guwahati High Court and the said

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Hon'ble Court entertaining the writ petition filed by him directed the Government by its order dated 20.12.95 to dispose of the representation filed by him within 10 days. However, for the reasons best known to the Respondents, the representation was not disposed of and the Applicant was kept hanging for more than 3 months. Thereafter the Applicant was posted to Hojai by an order dated 10.4.96. Unfortunately as already stated in the OA, the above period during which the Applicant was deliberately kept out of his duties has not been regularised so far causing financial loss to him. The Applicant is yet to receive his salary and other allowances for the period from 2.11.95 to 1.8.96.

After the above uncertainty created in otherwise unblemished service career of the Applicant, he was again transferred within one year from Hojai to Kachugaon Division, Gossaigaon (Kokrajhar) by an order dated 1.8.97 by which he was put to further humiliation by way of making him to work under his junior Shri A. Rava, IFS. In such a situation the Applicant had no other alternative than to make any request to post him elsewhere. The Respondents after keeping the Applicant hanging for more than two months posted him as Planning Officer -II. The Respondents are yet to regularise the period from 1.10.97 to 15.1.98 consequently denying salary to the Applicant for the said period.

From the above narration of fact it is crystal clear that the Applicant had all along been treated

with a step motherly attitude and has been subjected to frequent transfers and consequent non-regularisation of periods of service. It will be pertinent to mention here that unlike others all the transfers of the Applicant did not have any sanction and/or proposal from the Head of the Department i.e. the PCCF.

The Respondents have shifted the Applicant as Conservator of Forest, Central Southern Assam Circle, Social Forestry, Guwahati within one year of his posting as CF Border without any proposal/suggestion from the PCCF, Assam. Even the office of the CF Border was shifted to CDF (Territorial) without any suggestion/proposal from the PCCF, Assam. When the PCCF, Assam came to know about such shifting, he had requested the Government not to shift the CF Border post to CDF (Territorial) vide his letter No. FE-1/24/44/95 dated 5.1.99. Thus it is evident that the Respondents are not acting bonafide and not adhering to the established procedure like seeking proposal/suggestion from the PCCF, Assam who is the Head of the Department. The statements that the Applicant is due for his transfer to different station is not based on records and this motivated. There are numerous offices who have been remain posted in a particular station for years together beyond three years and they have not been disturbed. Even in Guwahati there are offices in the rank of CF who even after completion of 5 to 9 years had not been shifted. In this connection the case of Shri S.K. Sen, IFS, CF(HQ) and Shri L.D.

Achakari, IFS, CF, Central Assam Circle, Guwahati may be referred to. This example is only illustrative and not exhaustive. The Applicant craves leave of the Hon'ble Tribunal for a direction to the Respondents to furnish the long list of such officers. Thus to pick up the Applicant alone on the ground of having completed 3 years at Guwahati while leaving aside others who have rendered even 9 years of service is arbitrary, discriminatory, unjust and opposed to administrative fairplay.

Copies of the ROP Rules, communication dated 31.3.99 and letter dated 29.6.2000 are annexed as Annexure-I, II and III respectively.

6. That with regard to the statements made in paragraph 5 of the WB, while denying the contentions raised therein, the Applicant reiterates and reaffirms the statements made herein above. The Respondents while stating completion of about 3 years by the Applicant at Guwahati, have not stated anything about those officers who have completed 5 to 9 years of service at Guwahati and other such officers in other stations. The Respondents ought to have prepared a panel of such officers and ought to have effected transfer on the length of their service in a particular station instead of picking up the Applicant for differential treatment which is violative of Article 14 of the Constitution of India.

7. That with regard to the statements made in paragraph

7 of the WS, the Applicant states that the contentions raised by the Applicant in para 4.6. of the OA go unrefuted.

8. That with regard to the statements made in paragraph 8 of the WS, while denying the contentions raised therein the Applicant reiterates and reaffirms the statements made herein above. Going by the averments made by the Respondents, the contentions raised by the Applicant in para 4.7 of the OA go unrefuted. In this connection the relevant records may be directed to be produced. On the face of the cancellation of the notification dated 25.7.2000 by a notification dated 15.9.2000 was not in public interest but was in private interest with the sole purpose of adjusting the Respondent No. 5 in place of the Applicant.

9. That with regard to the statements made in paragraph 9 of the WS, the Applicant states that it is matter of great regret that the question of regularisation of the periods mentioned above could take so much time at the hands of the Respondents. It does not lie on the mouth of the State Government being a model employer to make a statement that the matter relating to regularisation of the said periods and retrospective promotion is under consideration although years have gone by in the process. The Respondents have not even cared to adhere to the time limit fixed by this Hon'ble Tribunal towards consideration of the promotion of the Applicant as CF with retrospective effect. As regards the regularisation of joining time, the same very

Respondents could regularise the joining time in respect of others in no time. Even periods upto 6 months have been regularised in case of other similarly situated officers, but in case of the Applicant exception has been made and the matter has been kept pending for years together on the ground of being under consideration.

In above context copies of the letters dated 2.1.97, 8.7.99 and order dated 8.1.99 passed in DA No. 247/98 are annexed as Annexures-IV, V and VI respectively.

10. That with regard to the statements made in paragraph 10 of the WS, the Applicant states that the averments made in paragraph 4.9 of the DA, go unrefuted. The statement that the averments have no relevance is devoid of any merit. Inasmuch as the Applicant by placing the factual matrix of the matter by of projecting his case as to how the impugned order of transfer is founded on malafide and colourable exercise of power has made the statements at para 4.9 of the DA, stating them to be not relevant.

11. That with regard to the statements made in paragraphs 11 to 14 of the WS, the Applicant while denying the contentions raised therein, reiterates and reaffirms the statements made herein above. The representation of the Applicant has not been disposed of in its true perspective and has been disposed in a

- 9 -

mechanical manner only with the purpose of enclosing a copy of the same along with the WS, without however, furnishing a copy of the same on the Applicant before filing of the WS.

12. That with regard to the statements made in paragraph 15 of the WS, the Applicant it is stated that the Applicant was never posted as DCP, Eastern Assam Circle since 13.6.97 as stated by the Respondents. Such a statements has been made only with the purpose of misleading the Hon'ble Tribunal.

13. That with regard to the statements made in paragraph 16 of the WS, the Applicant states that the interim order dated 2.2.2001 is required to be made absolute and the OA filed by him deserves to be allowed granting the prayers made therein.

14. That the Applicant submits that the records pertaining to the transfers of the Applicant are very much necessary to be produced before this Hon'ble Tribunal for its perusal which will through light on the real state of affair and accordingly the Respondents may be directed to produce the relevant records for a proper adjudication of the matter.

15. That the Applicant submit that in view of the facts and circumstances involved in the case the OA filed by him deserves to be allowed.

Verification . . .

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VERIFICATION

I Shri Chandra Mohan, Applicant in OA No. 51/2001 do hereby verify and state that the statement made in paragraphs 1 to 4, 6, 7, 8, 10 11 and 13 are true to my knowledge and those made in paragraph 5 and 9 being matters of records are true to my information derived therefrom, which I believe to be true and the rest of my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 22nd day of February 2001.

Chandra Mohan
Dependent

Name of the Service or Post (1)	Existing Scale (2)	Revised Scale (3)	Remarks (4)
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FOREST DEPARTMENT :**(1) PRINCIPAL CHIEF CONSERVATOR OF FOREST**

Principal Chief Conservator of Forest	Borne in Indian Forest Service	Borne in Indian Forest Service	
Chief Conservator of Forest	Borne in Indian Forest Service	Borne in Indian Forest Service	
Chief Conservator of Forest, Wild Life	Borne in Indian Forest Service	Borne in Indian Forest Service	
Conservator of Forest	Borne in Indian Forest Service	Borne in Indian Forest Service	
Field Director Tiger Project (in the rank of Conservator of Forest)	Borne in Indian Forest Service	Borne in Indian Forest Service	
Forest Utilisation Officer	3825-125-4450-150-5200-175-5900.	10,050-325-11,025-400-14,625-475-15,575.	
Director Kaziranga National Park (in the rank of Conservator of Forest)	Borne in Indian Forest Service	Borne in Indian Forest Service	
Planning Officer/Enforcement Officer	2975-100-3575-125-3825-EB-125-4450-150-4750.	8100-325-10,700-EB-325-11,025-400-13,025.	
Principal, North Eastern Forest Rangers' College	Borne in Indian Forest Service	Borne in Indian Forest Service	
Instructor, North Eastern Forest Ranger's College	Borne in Indian Forest Service	Borne in Indian Forest Service	
Assistant Instructor, North Eastern Forest Ranger's College	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-4200.	4300-90-4480-120-5200-175-5900-EB-175-6600-250-8100-325-11,025.	
Deputy Conservator of Forest (Divisional Forest Officer/Director of Forest School)	2975-100-3575-125-3825-EB-125-4450-150-4750.	8100-325-10,700-EB-325-11,025-400-13,025.	
Deputy Field Director, Tiger Project (in the rank of Deputy Conservator of Forest)	2975-100-3575-125-3825-EB-125-4450-150-4750.	8100-325-10,700-EB-325-11,025-400-13,025.	

*Amended
by
order
of
Govt.*

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS:
BHABARIBAARI, GUWAHATI-8.

No FE.24/36/99,

Dt Guwahati, the 31st Mar., '99.

From :

P. Laban, I.F.S.

Principal Chief Conservator of Forests,
Assam

To

The Commissioner & Secretary to the Govt. of Assam,
Forest Department, Diphupur,
Guwahati - 6

Sub :

Representation of State Forest Service Officers of Assam for change in
year of allotment in the I.F.S.

Sir,

I am forwarding herewith the representations submitted individually by the following officers selected in the Indian Forest Service from the State Forest Service Cadre with their particulars as shown below:

Sl.No. (in sequence)	Name of the officer	Year of recruitment to SFS	Year of selection to IFS	Year of cadre allotment
1	2	3	4	5
1.	Shri Sarat Ch. Phatowali	1967	1995	1990
2.	Shri Tapash Kr. Das	1971	1995	1990
3.	Shri Surendra Nath Buragohain	1972	1995	1990
4.	Shri Binod Biharee Nobis	1973	1995	Not yet allotted
5.	Shri Kanak Ch. Dutta	1971	1997	1991
6.	Shri Surajit Dutta	1972	1997	1991
7.	Md. Shaherul Islam	1972	1997	1991
8.	Shri Hara Prasad Phukan	1972	1997	1991
9.	Shri Durga Kanta Basumatary	1973	1997	1991
10.	Shri Jitu Das	1973	1997	1991

The representations are based on the notification of the Government of India in the Ministry of Environment and Forests vide No. 18014/07/95-IFS-II, Dt. 27.02.1997, which pertained to review of the year of allotment of the State Forest Service Officers of Jammu & Kashmir State and fixing the deemed year of allotment on the basis of deemed cadre posts arising out of non-conversion of posts created to the cadre for a considerable length of time (copy enclosed for ready reference). Thus, a post was

Aftered
Wk.your
Advocate

considered as a deemed cadre position or after its creation and accordingly the whole cadre strength at the point of time on which an officer should have got his due year of allotment was considered and revised.

I am also enclosing herewith a copy of the order dated 20.01.99 of the Central Administrative Tribunal, Guwahati Bench in Shri Ibohi Singh vs. Union of India and Others in OA No. 15 of 1995, which uphold the principle as pointed out in the representations for favour of your ready reference.

I have carefully gone through each of the representations submitted by the officers as listed above and to state that the scenario that has emerged in the State of Assam is no different than what was in Jammu & Kashmir. The relevant annexures submitted alongwith the representations are based on facts and figures only and the computation and inference made thereof have the strong ground to warrant favourable consideration. The cases as represented merit the similar consideration as have been meted out to the State Forest Service Officers of Jammu & Kashmir State.

I would request you to kindly send the representations to the Government of India in the Ministry of Environment and Forests with strong recommendations for favourable review as has already been done by the Government of India in the case of the State Forest Service Officer of Jammu & Kashmir vide notification No. 13914/07/95, D.S.H, Dt. 27.02.97.

An early action is requested.

Encl: As stated above.

Yours faithfully,

(P. Lahiri)

Principal Chief Conservator of Forests,
Assam, Guwahati

Dt. Guwahati, the 31st Mar., 1999

Memo No. FL 24/36/99-A,
Copy in advance to :

The Secretary to the Government of India, Ministry of Environment and Forests, Parivarayan Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003 for favour of his kind information and needful action.

The Inspector General of Forests & Special Secretary, Ministry of Environment and Forests, Government of India, Parivarayan Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003 for favour of his kind information and needful action.

(P. Lahiri)

Principal Chief Conservator of Forests
Assam - Guwahati

Ministry of Environment and Forests
Government of India, New Delhi - 110 003

ANNEXURE-IA

STATEMENT SHOWING THE SENIOR DUTY POSTS CREATED DURING 1965 onwards UNDER STATE CADRE (ASSAM)

Sl. No.	Year of Creation	Name of the Posts	Govt. Creation letter No.	Actual date of Enactment	Year of Deemed Enactment into IPS.	Remarks
1	1965	P.O.-II attached to POOF	FOR313/65/PF-I, dt.12.12.65.	1978	1966	
2	1966	DPD, E.A. W.L.-I	FOR.362/66/6, dt.9.8.66	1978	1967	
3	1966	DPD, IT & S Plant-1	FOR.250/66/PF-I, dt.13.6.66	-	1967	
4	1966	DPD, Consolidation-1	FOR.282/66/4, dt.1.6.66	-	1967	
5	1966	DPD, Assam State Zoo-1	FOR.440/66/11, dt.23.9.66	1978	1967	Abolished during 1975
6	1967	C.P. Hills	FOR.574/66/29/Pt.-I dt.27.1.67	1978	1967	
7	1967	C.P. Dev. (the than WPO & then C.P. Dev.)	FOR.281/66/7, dt.7.2.67	1978	1968	
8	1967	DPD, FRS., Guwahati-1	FOR.281/66/10, dt.7.2.67	- SFS	1968	
9	1967	Director, A.F. School-1	FOR.490/66/49, dt.12.3.67	- SFS	1968	
10	1968	DPD, Kachugaon-1	FOR.28/67/71, dt.23.5.68	1978	1969	
11	1968	DRC, Goalpara-1	FOR.28/67/71, dt.23.5.68	1978	1969	
12	1969	DPD, W.A. Afftn.-1	FOR.572/66/93, dt.30.9.69	1978	1970	
13	1970	DPD, W.A. W.L.-1	FOR.363/66/102, dt.27.1.70	1982	1971	

- 2 -

1	2	3	4	5	6	7
✓ 4. 1971	DFO, Lakhimpur-1	FOR.28/67/260, dt.7.9.71	1982	1972		
✓ 15 1971	DFO, NFO, Kokrajhar-1	FOR.28/67/262 dt.7.9.71	1982	1972		
✓ 16 1972	C.F., Economic (now CFR & EC)	FRP.12/71/85, dt.9.11.72	1978	1973		
✓ 17 1972	DFO, Economic-1	FRP.12/71/85 dt.9.11.72	1982	1973		
✓ 18 1973	DFO, Dooandooma-1	FOR.287/66/110, dt.9.11.73	1974	1974		
✓ 19 1974	F.D.T.P. (CF Rank)	FRW.50/72/115, dt.30.3.74	1987	1975		
✓ 20 1974	<u>Dy. Director, FDTP-1</u>	FRW.50/72/115, dt.30.3.74		1975		
✓ 21 1975	W.P.O. Hills	FRP.54/75/16, dt.25.9.75		1976		
✓ 22 1976	DFO, Karbi Anglong (W)	FRP.7/71/Pt/163, dt.13.2.76		1977		
✓ 23 1976	DFO, Karbi Anglong (E)	FRP.7/71/Pt/163, dt.13.2.76		1977		
✓ 24 1976	DFO, N.C. Hills	FRP.7/71/Pt/163, dt.13.2.76		1977		
✓ 25 1977	Addl. C.C.F., W.L.	FRP.24/74/73, dt.19.1.77	1982	1978		
✓ 26 1978	C.F. H.Q.	FRS.7/77/Pt, dt.6.1.78	1987	1979		
✓ 27 1978	C.F. Re-Organisation	FRS.20/78/12, dt.23.9.78		1979		
✓ 28 1979	DFO, (SF) Nalbari-1	FRP.22/78/26, dt.6.10.79		1980		

Contd.. P/3...;

- 3 -

1	2	3	4	5	6	7
429	1979	DFO, N.A. Afforestation	FRP.30/78/25, dt.4.8.79		1980	
30	1979	DFO, S.A. Afforestation	FRP.30/78/25, dt.4.8.79		1980	
431	1979	DFO, Cachar Afforestation	FRP.18/74/Pt/63, dt.6.10.79	1987	1980	
32	1980	C.F., C.A.C.	FRP.18/74/231, dt.9.1.80	1982	1981	
33	1980	C.F., N.A.C.	FRP.18/74/231, dt.9.1.80	1982	1981	
34	1980	C.F. S.F. Guwahati	FRP.22/178/PT-II/S, dt.9.1.80	1987	1981	
35	1980	DFO, Publicity to CCF(SF)	FRP.31/74/PT/4, dt.9.1.80	-	1981	
36	1980	DFO, Aie-Valley-1	FRP.18/74/231 dt.9.1.80	1982	1981	
37	1980	DFO, Golaghat	FRP.18/74/231, dt.4.1.80	1982	1981	
38	1980	DFO, Kamrup West	FRP.18/74/231, dt.4.1.80	1982	1981	
39	1981	DFO (SF), Guwahati	FRP.54/80/15 dt.27.2.81	-	1982	
40	1981	DFO, Kazimganj	FRP.52/80/42, dt.7.1.81	1987	1982	
41	1982	DFO, (SF)B. Chariali-1	FRP.54/80/363, dt.15.9.82	-	1983	
42	1982	DFO, (SF) Dibrugarh-1	FRP.54/80/363, dt.15.9.82	-	1983	
43	1983	DFO, (SF) Golaghat-1	FRP.54/80/363, dt.28.2.83	-	1984	
44	1983	DFO, (SF)Goalpara-1	FRP.54/80/363, dt.28.2.83	-	1984	

After 10
Wk your
advocate

1	2	3	4	5	6	7
5	1983	DFO, Sr. W.L. Warden-1	FRP.66/82/17, dt.24.6.83	-SFS	1984	
46	1984	Director, K.N.P. (CF Rank)	FRP.27/81/61, dt. 15.3.84	1987	1985	
47	1984	C.C.F. S.F.	FRP.54/80/565, dt.31.3.84.	-	-	
48	1984	C.C.F. (W.L.)	FRP.50/79/51, dt.7.7.84	1987	1985	v. In Lieu of Addl. C.C. (XL)
49	1984	C.F. E.A. S.F. C. Nagaon	FRP.54/80/578, dt.16.7.84	1987	1985	
50	1984	DFO, (Moti & Ext.) attached to P.C.C.F.	FRP.44/84/53, dt.23.6.84	-SFS	1985	
51	1984	Planning Officer attached to C.C.F. (SF)	FRP.54/80/578, dt.16.7.84	1987	1985	
52	1984	DFO, (SF) Mangaldoi-1	FRP.54/80/578, dt.16.7.84	-SFS	1985	
53	1984	DFO, (SF) Lakhimpur-1	FRP.54/80/578, dt.16.7.84	-SF	1985	
54	1984	DFO, (SF) Silchar-1	FRP.54/80/578, dt.16.7.84	-SF	1985	
55	1984	DFO, (SF) Nagaon	FRP.54/80/578, dt.16.7.84	-SF	1985	
56	1985	DFO, attached to C.F.C. SSFC.	FRP.54/80/Pt/133 dt.28.2.85	-SFS	1986	
57	1985	DFO, (SF) Barpeta-1	FRP.54/80/pt/133, dt.28.2.85	-SFS	1986	
58	1985	DFO, (SF) Kokrajhar-1	FRP.54/80/pt/133, dt.28.2.85	-SFS	1986	
59	1985	DFO, (SF) Sibsagar-1	FRP.54/80/pt/133, dt.28.2.85	-SFS	1986	
60	1985	DFO, (SF) Karimganj-1	FRP.54/80/pt/133, dt.28.2.85	-SFS	1986	

Contd... P/S...

- 5 -

1	2	3	4	5	6	7
61	1985	DFO, (SF) Dhubri-1	FRP.54/80/FT/133, dt.23.2.85	- SFS	1986	
62	1985	DFO, Publicity, C.C.F. (S.C.)-1	FRP.31/80/144, dt.19.2.85	- SFS	1986	
63	1985	DFO, Publicity, PCCF-1	FRP.31/80/144, dt.19.2.85	- SFS	1986	
64	1985	DFO, Monitoring, CCF (SF)-1	FRP.62/80/125, dt.25.2.85	- SFS	1986	
65	1985	DFO, Hamzan Divn. Hills	FRP.29/81/73, dt.22.2.85	- SFS	1986	
66	1985	C.F. S.A.C., Silchar	FRP.52/80/218, dt.2.2.85	1987	1986	
67	1985	C.F.,邦加igon	FRP.54/80/FT/133, dt.23.2.85	1987	1986	
68	1985	C.F., R.L.	FRP.42/85/13, dt.26.2.86	1985	1987	
69	1985	DFO, FRS, Jorhat-1	FRP.22/85/24, dt.12.3.86	- SFS	1987	Renamed as DFO, Dhemaji
70	1985	DFO, Condt. of Forest Hills	FRP.68/85/20, dt.20.2.86	- SFS	1987	
71	1985	DFO, FRS, Hills	FRP.63/85/27, dt.4.2.86	- SFS	1987	
72	1985	DFO, Silvi Hills	FRP.59/85/24, dt.25.2.86	- SFS	1987	
73	1985	Planning Officer, Hills	FRP.64/85/22, dt.4.2.86	- SFS	1987	
74	1987	DFO, Genetic Division-1	FRP.25/85/109, dt.28.2.87	- SFS	1988	
75	1987	DFO, Nagash South-1	FRP.36/85/101, dt.28.2.87	- SFS	1988	
76	1988	C.F., Border	FRP.115/87/10, dt.1.8.88	1995	1989	

- 6 -

1	2	3	4	5	6	7
77	1989	C.F.(Principal)(NEFAC)	FRE.163/88/PT-II/27, dt.16.10.89	1995	1990	
78	1989	Instructor (NEFAC)-1	FRE.163/88/PT-II/22, dt.16.10.89	- SFS	1990	
79	1989	DFO, Logging (GHY)-1	FRE.1/86/Pt/11/176, dt.9.5.89	- SFS	1990	
80	1990	DFO attached to CF, NAC-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
81	1990	DFO attached to CF, SAC-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
82	1990	DFO attached to CF, CAC-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	Renamed as DFO, Silsagpur.
83	1990	DFO, Tinsukia Logging -1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
84	1990	DFO, enforcement attached to CCF (W.L.)-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
85	1990	DFO, Nagaon W.L.-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
86	1990	DFO, Magaldoi, W.L.-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
87	1990	DFO, Tinsukia, W.L.-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
88	1990	DFO, Kokrajhar, W.L.-1	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	Renamed as DFO, S.F. Bongaigaon.
89	1990	DFO, attached to C.F. Bongaigaon.	FRP.3/89/Pt/25, dt.26.3.90	- SFS	1991	
90	1992	Instructor (N.E.F.R.C.)-1	FRP.4/90/149, dt.8.4.92	- SFS	1993	
91	1993	C.C.F.(T)	FRE.106/91/22, dt.31.3.93	1995	1994	
92	1993	DFO, SF, Bongaigaon	FRE.101/93/4, dt.17.7.93	- SFS	-	In lieu of DFO, Kokrajhar, W.

Contd... P/7..

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93	1993	DFO, Darjeeling	FRB.101/93/4, dt.17.7.93	-	-	In lieu of WFO, Kokrajhar
94	1993	DFO, Silvassa	FRB.101/93/4, dt.17.7.93.	-	-	In lieu of DFO, attached to C.F., S.A.C.
95	1993	C.O.F. A.E. & W.F.	FRB.105/91/33, dt.3.5.94	1995	1995	
96	1993	C.F. Diphu	FRB.3/95/134, dt.13.5.96	-	1999	
97	1993	DFO, Dibrugarh	FRB.265/96/71, dt.8.9.96.	-	-	In lieu of DFO, FRS, Jorhat

Accepted
before
P.Secy

ANNEXURE-I (B)

STATEMENT SHOWING THE SENIOR DUTY POSTS CREATED DURING 1965 ONWARDS UNTIL STATE CAME IN (MEGHALAYA)

Sl. No.	Year of creation	Name of the Posts	Govt. creation letter No.	Actual date of encasement	Year of Decree ad encasement into EPS.	Remarks.
1	1963	DFO, District Council, Shillong		1963	1963	
2	1963	DFO, District Council, Tura		1963	1963	
3	1972	CF/CF, Project F.Cell/Dev/CF.HQ	PER.379/71/56, dt.20.3.72	1972	1972	
4	1972	Jt. Director/Planning Officer (Forests)	PER.379/71/56, dt.20.3.72	1972	1972	
5	1972	DFO, (T), Shillong(KNJ Hills)	PER.379/71/56, 20.3.72	1972	1972	
6	1972	DFO, (T), Tura, Garo Hills	PER.379/71/56, dt.20.3.72	1972	1972	
7	1972	DFO, (WFO), Shillong	PER.379/71/56, dt.20.3.72	1972	1972	
8	1972	FDO, Shillong(Meghalaya)	PER.40/71/27, dt.31.5.72	1972	1972	
9	1973	DFO, FRS, Shillong	MFD/FRS/73-74, dt.20.9.73	1973	1973	
10	1974	DFO, Silvi, Shillong	MFD/FR/74-75, dt.12.12.74	1972	1974	
11	1974	DFO (Training) Shillong	MFD/FR/74-75, dt.12.12.74	1982	1975	
12	1975	DFO, (T), Jowai	MFD/FR/74-75, dt.14.6.75	1982	1975	
13	1977	DFO, (WL), Shillong	MFD/WLS/76-77, dt.2.2.77	1987	1976	

Contd... P/2...

Shri Alok Jain, I.A.S.
Commissioner & Secretary, Forest,
Government of Assam, Dispur,
Gowahati 781006

Phone 1 51669(0)
561346(0)

Telex No. PRE.1/2000/133

Dated 22th June/2000

80

Dear Mr. Chongrao,

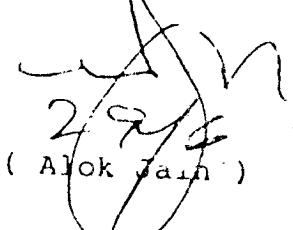
The post of DFO, (Territorial) at Haflong has been lying vacant for sometime. With the return of a number of officers at the DCE level from deputation with Govt. of India, we now have as many officers in position as posts. It has, therefore, become necessary that the post of DFO(Territorial), Haflong be filled up forthwith. Further, as you are perhaps aware, posts of DFO(T) are reserved for cadre officers. An officer of the IFS cadre will thus have to be given this post. Otherwise, the Accountant General, Assam has informed that it will not be possible for the officers concerned to receive their salaries.

Recently, the Gauhati High Court has directed that Shri Nagen Das, (IFS), presently DFO Karimganj be given another cadre post. Presently, the only vacant cadre post is of DFO(T) Haflong. A notification for this posting has therefore been issued (copy enclosed). Shri Nagen Das has been directed to join immediately.

In view of the circumstances explained above, it is requested that Shri Nagen Das may please be allowed to join at Haflong. In the future, of course, a panel of officers will be made available in accordance with the normal procedure.

Yours sincerely,

Yours sincerely,


(Alok Jain)

Mrs. L. S. Chongrao, IAS,
Principal Secretary,
North Cachar Hills
District Autonomous Council.

Attested
Udayan
Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT, DISPUR

NO. F.R.E. 74/90/105

Dated Dispur, the 02nd January, 1997

From : Shri A.B.Md. Ennis, A.G.,
Joint Secretary to the Govt. of Assam, ~~Forest~~
TO : The Accountant General(A&E) Assam,
Beltola, Guwahati-20.
Sub : Extension of joining time.

Sir,

I am directed to say that the Government of Assam
is pleased to grant extension of joining time to Shri D. Haraprasad
I.F.S., Conservator of Forests, Eastern Assam Circle, Jorhat for a
period of 104 days with effect from 27.6.96 to 27.12.96 as per
provision of note below S.R-146 of State R.R & S.R.R.

This issued with the concurrence of Finance(Attt.-A)
Dept. vide their U.O. No. FRB. 1002/97 dt.d. 9-12-97.

Yours faithfully,

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No. F.R.E. 74/90/105-A Dated Dispur, the 02nd January, 1998.
Copy to :

1. The Principal Chief Conservator of Forests, Assam,
Rohibari, Guwahati-8.
2. Finance(Attt.-A)Dept., Dispur.
3. Shri D. Haraprasad, I.F.S., Conservator of Forests,
Eastern Assam Circle, Jorhat.

By order etc.,

Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No. F.R.E. 74/90/105-B Dated Dispur, the 02nd January, 1998.

Copy forwarded to the Accountant General(A&E) Assam, Beltola,
Guwahati-20.

Senior Financial Advisor,
Forest Department

Attested
Milton
Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ~~DISPUR~~ DISPUR.
82
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 8th July, 1999.

NO. FRE. 120/84/182 : The Governor of Assam is pleased to regularise the period of service from 5.1.90 to 19.4.90 of Shri D.M. Singh, IFS, Conservator of Forests, Karbi Anglong Autonomous Council, Diphu against the supernumerary post of Officer-on-Special Duty in the office of the Chief Conservator of Forests (Territorial), Assam, Guwahati created vide Govt. letter No. FRE. 120/84/179, dt. 2.6.99 in relaxation of the provision of F.R. 17 (1) under operation of F.R. 5-A.

This issues with the concurrence of Personnel (A) Department vide their U.O. NO. AAP. 145/90, 16.10.98 and Finance (Estt. A) Department vide their U.O. No. 561/99, dt. 28.6.99.

Sd/- A.B. Mu. Eunus,

Deputy Secretary to the Govt. of Assam,
Forest Department, Dispur.

Memo No. FRE. 120/M/182-A, Dated Dispur, the 8th July, 1999.
Copy to:-

1. The Accountant General (A&E), Assam, Beltola, Guwahati- 28.
2. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
4. Shri D.M. Singh, IFS, Conservator of Forests, Karbi Anglong Autonomous Council, Diphu.
5. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu.
6. The Personnel (A) Department, Dispur, Guwahati-6.
7. The Finance (Estt. A) Department, Dispur, Guwahati-6.
8. Personal file of the officer.

By order etc.,

Business
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

~~EEFEEFEE~~

*Offered
Mr. J. M. D'Souza
Advocate*

ORDER SHEET

APPLICATION NO.

247

OF 1998

62

Applicant(s) Sri Chandru Mohan
VS

Respondent(s) Union of India 83

Advocate for Applicant(s) Mr. R.K. Bhattacharjee

Mr. S. Sarma

Mr. R.K. Bhattacharjee

Advocate for Respondent(s)

Mr. S. Ali, Sr. C.G.S.C.

Dr. Y.K. Phukan, Sr.

G.A. Assam

8.1.99

In this application the applicant has claimed promotion to the post of Conservator of Forests. At the material time the applicant was Divisional Forest Officer. He was a direct recruit to the Indian Forest Service (IFS for short) and he submitted a representation. However, the representation was not disposed of. In that representation the applicant claimed promotion with effect from the date when his juniors had been promoted. As this was not done he filed this application.

Heard Mr S. Sarma, learned counsel for the applicant, Dr Y.K. Phukan, learned Sr. Government Advocate, Assam for respondents No. 2, 3 and 4 and Mr A. Deb Roy, learned Sr. C.G.S.C for respondent No. 1. Dr Phukan informs this Tribunal that the applicant has already been temporarily promoted to the Selection Grade. But Mr Sarma submits that his other claims viz. his promotion should be effective from the date when his juniors had been promoted was not considered. As the representation was not disposed of and the facts are lacking, it is not possible for this Tribunal to come to a proper decision. We feel that the matter may go back to the Commissioner & Secretary, Forest Department, Government of Assam

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Attested
U.P. Goswami
Advocate

O.A. 247/98



Date	Order of the Tribunal
8.1.99	<p>to consider that aspect of the matter. The applicant may also file an additional representation to the authority giving details of his grievances within 15 days from today. If such representation is filed the respondents shall consider the same and dispose it of by a reasoned order</p> <p>The application is disposed of with the above order. No order as to costs.</p>

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Memorandum No. 221

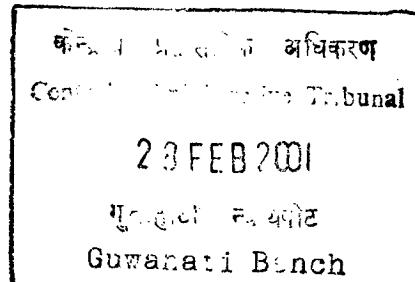
Dated 27/1/99

Copy for information and necessary action to :

- 1: Sri Chandra Mehan, IFS, Planning Officer, O/O the Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 2: Mr. A. Deb Ray, Sr. CSC, for the Secretary to the Govt. of India, Ministry, Environment & Forests, New Delhi.
- 3: The Commissioner & Secretary, Department of Forest, Govt. of Assam, Dispur, Guwahati-6.
- 4: The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 5: Dr. Y. K. Phukan, Sr. Govt. Advocate, Assam, CAT, Guwahati Bench.

SECTION OFFICER(A)

21/1/99



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
AT GUWAHATI.

64
Filed by : B
Binod Chandra Das
Advocate
28.2.2001

ORIGINAL APPLICATION NO. 51 / 2001

Shri Chandra Mohan Applicant.

- Versus -

Union of India & others. Respondents.

The Respondent No. 6 begs to file the Written Statement as follows :-

- 1) That the answering respondent No. 6 deny all the statements made in the Original Application save and except those which are matters of records of the case and those which are specifically admitted hereinafter.
- 2) That before dealing with the parawise reply the answering respondent begs to state that he was posted at Tezpur consequent upon his promotion as Conservator of Forest vide Notification dated 12-1-2001. The order of promotion and posting of respondent No. 6 dated 12.1.2001 is specified in as much as, the promotion of respondent No. 6 will be effective from the date of taking over charge. In other words if the respondent No. 6 cannot take charge, his promotion as Conservator will not be effective. Therefore, the interim orders passed in the Original Application

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needs to be vacated to give effect to the promotion of Respondent No. 6.

3) That the answering respondent ~~W~~ states that he is an IFS Officer and belongs to 1985 batch of the Assam-Meghalaya Joint Cadre. The answering Respondent is posted to the Assam Wing of the said Joint Cadre. Presently the Respondent No. 6 is working as Conservator of Forest, NAC, Tezpur. Prior to this he served as DFO, Nagaon. In this connection it would be pertinent to state that vide Notification No. FRE.51/96/140-A dated 12.1.2001 issued by the Respondent No. 3, the Respondent No. 6 has been promoted to Supertime Scale of IFS in the rank of Conservator of Forest in Pay Scale of Rs. 16,400 - 450 - 20,000/- per month. By the said order dated 12.1.2001 the respondent No. 6 has also been posted as Conservator of Forests, NAC, Tezpur w.e.f. the date of taking over charge vice Shri B.N. Pathak, IFS, Conservator of Forest, respondent No. 5, who stands transferred.

4) That the answering respondent states that by Notification No. FRS.51/96/140-B dated 12.1.2001 issued by the Respondent No. 3 Shri B.N. Pathak, IFS, Conservator of Forest, NAC, Tezpur, respondent No. 5 has been transferred and posted as Conservator of Forest, Central Southern Assam, S.F. Circle, Guwahati w.e.f. the date of taking over charge vice Shri Chandra Mohan, IFS, Conservator of Forest, the Applicant. Similarly, Shri Chandra

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Mohan, IFS, the Applicant has been transferred and posted as Conservator of Forest, Lower Assam S F Circle w.e.f. the date of taking over charge vice Shri M.M. Sharma, IFS vide Notification No. FRE.51/96/140-C dated 12.1.2001 issued by the Respondent No. 3. The applicant has challenged the validity and legality of the Notification No. FRE.51/96/140-C dated 12.1.2001 issued by the Respondent No. 3 by which the applicant has been transferred and posted as Conservator of Forests, Lower Assam S F Circle, Bongaigaon.

5) That the answering respondent states that the applicant filed the instant original Application challenging the legality and validity of the Notification dated 12.1.2001 in so far as it relates to the applicant on the ground that the impugned transfer order has been issued before completion of the tenure posting of 3 years. It has been contented in the Original Application that the applicant has completed only 9 months in his present place of posting. It has also been contented that the impugned transfer order is founded on arbitrary and colourable exercise of power in as much as, the same has not been issued in public interest, but to accomodate the respondent No. 5. Further the representation filed by the applicant is pending. This Hon'ble Tribunal by Order dated 2.2.2001 was pleaded to admit the Original Application. Further as an interim measure the impugned transfer order was suspended till 12.2.2001. Thereafter by order dated 12.2.2001 the interim order dated 2.2.2001 was extended upto 23.2.2001.

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A copy of the said orders dated 2.2.2001 and 12.2.2001 are annexed hereto and are marked as Annexures - R1 and R2 respectively.

6) That the answering respondent states that on 12.2.2001 the respondent No. 5 also moved a Miscellaneous Application which has been registered as M P No. 45/2001. In the said M P the Respondent No. 5 has contended that since this Hon'ble Tribunal has stayed the transfer order of the applicant vide order dated 2.2.2001 and since the said order dated 2.2.2001 relates to the post from which the respondent No. 5 was to be posted, he continued as Conservator of Forest, Northern Assam Circle in terms of the order dated 2.2.2001. It has also been contended that as soon as he came to know about the interim order dated 2.2.2001, he procured a copy of the same and immediately informed the Government vide WT Message dated 3.2.2001 with copy to the respondent No. 4 and the answering respondent. It has further been alleged that inspite of the said order of this Hon'ble Tribunal the answering respondent assumed the charge of Conservator of Forest, NAC, Tezpur on 3.2.2001 in presence of Magistrate. However, neither in the Original Application nor in the M P No. 45/2001 the answering respondent has been made a party. This Hon'ble Tribunal by order dated 12.2.2001 was pleased to issue Notice on the M P and further as in interim measure it was ordered that the respondent No. 5 will continue as Conservator of Forests, NAC, Tezpur till 23.2.2001.

A copy of the said order dated 12.2.2001 passed in M P No. 45/2001 is annexed hereto and is marked as Annexure - R3.

- 7) That the answering respondent states that although he assumed charge unilaterally on 3.2.2001 in the manner indicated above but in view of the order dtd. 2.2.2001 and 12.2.2001 referred to above, the answering respondent did not discharge any function of Conservator of Forest, NAC, Tezpur. In this connection it would be pertinent to state that the answering respondent came to know about the order dated 2.2.2001 after assuming charge. In any case the answering respondent had no occasion to know about the said order dated 2.2.2001 as admittedly he is not a party to said proceedings. Therefore, in all fairness the answering respondent ought to have been made a party respondent in the said proceeding before he can be made liable for alleged violation of the order dated 2.2.2001. That apart, if the respondent No. 5 is aggrieved by his transfer order, he ought to have initiated an independent proceeding for redressal of his alleged grievances. As a respondent it is not open to the respondent No. 5 to put forward a claim against a third party. Be that as it may, the answering respondent after coming to know about the subsequent order dated 12.2.2001 also did not make any attempt to discharge the functions of Conservator of Forests, NAC, Tezpur. Therefore, it is not known as to on what basis the respondent No. 5 has stated in the WT

Message dated 3.2.2001 that the transfer of the applicant and respondent No. 5 has been temporarily stayed in Original Application No. 51/2001. Interestingly the allegation of the applicant in the Original Application is that the applicant has been transferred to accomodate the Respondent No. 5. Therefore, the applicant and the Respondent No. 5 are not entitled to reliefs prayed for in their respective petition.

8) That the answering respondent states that on receipt of the Notification dated 12.1.2001 by which the answering respondent has been promoted and posted at Tezpur in place of the respondent No. 5, the answering respondent vide his communication dated 17.1.2001 requested the respondent No. 5 to make it convenient to hand over charge to the answering respondent by 24.1.2001.

A copy of the said communication dated 17.1.2001 is annexed hereto and marked as Annexure - R4.

9) That as the respondent No. 5 did not pay any heed to his communication dated 17.1.2001, the answering respondent on 29.1.2001 again requested the respondent No. 5 to intimate the date of handing over charge vide W.T. Message dated 29.1.2001. A copy of the said W.T. Message was also endorsed to Respondent No. 3.

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A copy of the said W.T. Message dated 29.1.2001 is annexed hereto and is marked as Annexure-R5.

- 10) That the answering respondent states that thereafter the respondent No. 5 vide his communication dated 29.1.2001 informed the answering respondent that he will indicate the probable date of handing over charge on receiving intimation from the applicant in the aforesaid regard.

A copy of the said communication dated 29.1.2001 is annexed hereto and marked as Annexure - R6.

- 11) That thereafter the respondent No. 4 conveyed to the answering respondent a D.O. letter dated 30.1.2001 issued by the respondent No. 3 vide letter dated 1.2.2001. In the said D.O. letter dated 30.1.2001 the respondent No. 3 has noted that none of the officers who have been promoted/transferred have joined their new place of posting. Therefore the respondent No. 3 conveyed the anxiety of the Hon'ble Minister, Forest in the aforesaid regard. In the said D.O. letter the respondent No. 3 also conveyed the desire of the Hon'ble Minister, Forest, Assam that the transfer orders may be implemented forthwith, not latter than 3.2.2001, if necessary the concerned officers may be allowed to take over charge unilaterally. The Hon'ble Minister, Forest, Assam rightly expressed his displeasure on the state of affairs as the transfer orders were issued

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as far back as on 12.1.2001 in public interest. That apart in view of OM No. AAP³166/93/10 dated 27.10.93 transfer orders should be carried out within 10 days of receipt of the order.

Copies of the D.O. Letter dated 30.1.2001, letter dated 1.2.2001 and 27.10.93 are annexed hereto and are marked as Annexures- R7 and R8 respectively.

12) That the answering respondent states that/the ⁱⁿ meantime he handed over charge of D.F.O., Nagaon Division to Shri Suman Mahapatra, IFS on 2.2.2001 pursuant to the aforesaid government instruction.

A copy of the said certificate of handing over and taking over charge of Nagaon Division is annexed hereto and marked as Annexure- R9.

13) That after handing over charge of Nagaon Division as indicated above, the answering respondent vide D.O. letter dated 2.2.2001, informed the Respondent No. 5 that he would report for duties as Conservator of Forest, NAC, Tezpur in the forenoon of 3.2.2001. Therefore, the answering respondent requested the Respondent No. 5 to hand over charge of the office of the Conservator of Forests, NAC, Tezpur by 3.2.2001 as desired by the State Government. It was also indicated that the answering respondent would assume

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charge unilaterally in terms of the Government letter if the Respondent No. 5 failed to hand over charge.

A copy of the said D.O. Letter dated 2.2.2001 is annexed hereto and marked as Annexure - R10.

14) That the answering respondent states that pursuant thereto he reported for duty at Tezpur on 3.2.2001, but for some inexplicable reason, the respondent No. 5 was not found available in the office. Finding no alternative and keeping in view the Government direction he had to request the Deputy Commissioner, Sonitpur to depute a Magistrate vide his D.O. letter dated 3.2.2001 to conduct the assumption of the charge of the office of the Conservator of Forest, NAC, Tezpur in pursuance of letters dated 30.1.2001 and 1.2.2001 issued by respondent No. 3 and 4. Accordingly the answering respondent assumed the charge of the office on afternoon of 3.2.2001 in presence of Shri Sazzad Alam, ACS, Executive Magistrate and Shri P.J. Vijaykar, IFS.

Copies of D.O. letter dtd. 3.2.2001, certificate of taking over charge dated 3.2.2001 and Magisterial Report dated 3.2.2001 are annexed hereto and are marked as Annexures - R11, R12 and R13 respectively.

15) That the answering respondent states that after

contd....

assumption of charge as noted above, he vide his letter dated 3.2.2001 informed the respondent No. 3 about unilateral taking over the charge. A copy of certificate of transfer of charge was also enclosed therewith.

A copy of the said letter dated 3.2.2001 is annexed herewith and marked as Annexure - R14.

16) That on 5.2.2001 the answering respondent attended the office of the respondent No. 3 and 4 in connection with his official duty. On 6.2.2001 when the answering respondent went to attend the office of Conservator of Forest, NAC, Tezpur, to his utter shock found the respondent No. 5 sitting in the office chamber and the respondent No. 5 even obstructed him from attending office and also misbehaved him uttering foul language. To his utter surprise the answering respondent found that the respondent No. 5 was not only attending office, he was even found issuing Government Cheques. In the meanwhile the respondent No. 5 vide his letter dated informed the answering respondent not to attend office as this Hon'ble Tribunal vide order dated 2.2.2001 has stayed the order of the applicant as well as respondent No. 5.

A copy of the said letter dated 5.2.2001 is annexed herewith and marked as Annexure - R15.

17) That the answering respondent states that on

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7.2.2001 the Deputy Commissioner, Sonitpur vide his W.T. Message dated 7.2.2001 apprised the respondent No. 3 about the State of affairs involving respondent No. 5.

A copy of the said W.T. Message dated 7.2.2001 is annexed herewith and marked as Annexure-R16.

18) That having found himself in a dilemma arising out of the peculiar stand of respondent No. 5 not to hand over the charge, the answering respondent on 9.2.2001 submitted a representation before the respondent No. 3 narrating the whole episode. The answering respondent also requested the respondent No. 3 to take appropriate action in the matter and further advise the answering respondent to take proper course of action.

A copy of the said representation dated 9.2.2001 is annexed hereto and is marked as Annexure - R17.

19) That this Hon'ble Tribunal may appreciate the fact that the answering respondent was transferred and posted at Tezpur consequent upon his promotion and his promotion would be effective from the date of taking over charge. Further the answering respondent had to hand over charge of Nagaon Division and ~~not~~ assume charge unilaterally at Tezpur as Conservator of Forest on promotion pursuant to the Government directive contained in D.O. letter

contd...

dated 30.1.2001 of the respondent No. 3. The plea sought to be taken by the respondent No. 5 that in view of this Hon'ble Tribunal's order dated 2.2.2001 the respondent No. 5 continued to be the Conservator of Forest, NAC, Tezpur and in that view of the matter respondent No. 5 was justified in not handing over charge to the respondent No. 6 on 3.2.2001 is an after thought and the same cannot be encouraged. If the respondent No. 5 was aware of this Hon'ble Tribunal's Order dated 2.2.2001, he could have been present in the office on 3.2.2001 when the answering respondent went to the office to assume charge and informed the answering respondent about the said order instead of remaining absent. Therefore before passing of the order dated 12.2.2001 in M P No. 45/2001 the answering respondent assumed charge.

20) That the answering respondent states that the main contention of the applicant in the Original Application is that the applicant is yet to complete his tenure and that the representation submitted by him is still pending for disposal. It is brought to the notice of this Hon'ble Tribunal that before passing the interim order dated 12.2.2001, the representation dated 25.1.2001 submitted by the applicant was disposed off and rejected by the competent authority vide order dated 9.2.2001. A copy of the said order was also endorsed to the applicant. But for some obvious reason the said fact was not brought to the notice of this Hon'ble Tribunal on 12.2.2001. Therefore,

contd....

97 JK

the applicant is guilty of suppression of material fact. From the said order dated 9.2.2001 it would also appear that the applicant has completed more than 3 years of service at Guwahati from 16.1.1998 till date. That apart the guidelines regarding tenure posting is again subject to public interest and exigencies of administration.

A copy of the said order dated 9.2.2001 issued by respondent No. 3 is annexed hereto and is marked as Annexure - R18.

21) That the answering respondent states that there is no merit in the Original Application as well as in the M P in as much as, no cause whatsoever has been made out for interference in the instant case. It may be pointed out herein that the respondent No. 5 took charge of NAC, Tezpur on 24.6.97. Therefore he has served for more than 3 years at Tezpur. That apart transfer being an incidence of service, a Government servant cannot make any grievance against a transfer order made in public interest and in exigencies of administration. In the instant case it is not the case of the applicant and/or the respondent No. 5 that the transfer order has been issued in malafide exercise of power. On the other hand the claim of the respondent No. 5 is tainted with illegality. The fact that the respondent No. 5 did not endorse a copy of the letter dtd. 29.1.2001 (Annexure - R6) to the applicant itself reflects the lack of bonafide of the respondent No. 5.

contd....

22) That the feable attempt sought to be made by the applicant and the respondent No. 5 that the impugned transfer order has been issued for some oblique purpose is absolutely baseless. A reference is also sought to be made to the D.O. letter of respondent No. 3 dated 30.1.2001 wherein the desire of the Hon'ble Minister, Forest with regard to non-implementation of the orders of transfer/promotion has been expressed. Needless to say that as the transfer orders were issued in public interest, the Minister concerned has rightly expressed his unhappiness over the State of affairs. Moreover, pursuant to the said D.O. letter, Shri B.B.Dhar, IFS, who was also transferred assumed charge at Karbi-Anglong without waiting for his reliever Shri M.N. Sharma, IFS. Therefore, the petitioner is not the only officer to have assumed charge pursuant to the Government order.

A copy of the said order dated 6.2.2001 issued by the Principal Secretary, I/C Karbi-Anglong Autonomous Council is annexed hereto and is marked as Annexure - R19.

23) That the answering respondent states that in terms of the guidelines contained in OM dated 19.9.1992, transferable officers should normally transferred upon completion of 3 years service at one place. In the instant case the applicant as well as the respondent No. 5 have completed their tenure posting of 3 years at Guwahati and

99 78

15.

Tezpur respectively. Another aspect which needs to be appreciated is that the answering respondent has been posted at Tezpur consequent upon his promotion as Conservator of Forest. The order of promotion and posting of the Respondent No. 6 clearly mentions that the promotion would be effective from the date of taking over charge. That apart in terms of OM dated 27.10.93 transfer orders should be carried out by the Officers within 10 days from the date of receipt of order. As pointed out above the D.O. letter dated 30.1.2001 had to be issued as the promotion/transfer orders were not implemented within the stipulated period.

Copies of the Circulars dated 19.9.1992 and 27.10.93 are annexed hereto and marked as Annexure - R20.

24) That in view of what has been explained in the preceding paragraphs 4.1 to 4.13 of the Original Application and the averments made in paragraphs 1 to 8 of the M P No. 45/2001 are denied and disputed.

25) That under the facts and circumstances stated above, it is respectfully submitted that the challenge in the Original Application as well as in M.P. No. 45/2001 are devoid of any merit and the same deserves to be dismissed with cost.

VERIFICATION

79
100VERIFICATION

I, Shri Shashi Kant Srivastava, Son of Shri Sambhu Nath Srivastava, aged about 42 years presently working as Conservator of Forest, NAC, Tezpur do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 7, 19, 21 and 23 of the accompanying application are true to my knowledge and those made in paragraphs 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22 and 23 being matters of records of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submission. I have not suppressed any material fact before this Hon'ble Tribunal.

Date : 26.2.2001

Place : Guwahati

Shashi Kant Srivastava

SIGNATURE

In The Central Administrative Tribunal

GUWAHATI BENCH, GUWAHATI

ORDER SHEET

APPLICATION NO. 52/2001, OF 199

Applicant(s)

Chandra Mohan IFS

Respondent(s)

C.O. 1 & 2

Advocate for Applicant(s)

Mr. B.K. Sharma, Mr. S. Sarma &

Mr. U.K. Goswami

Advocate for Respondent(s)

CGSC

Date	Order of the Tribunal
2.2.01 (Shillong)	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr S. Sarma, learned counsel for the applicant and also Mr B.G. Pathak, learned Addl.C.G.S.C for the respondents.</p> <p>Application is admitted. Issue usual notice. Returnable by four weeks.</p> <p>List on 8.3.2001 for written and further orders.</p> <p>Mr Sarma prays for an interim order. Issue notice to show cause as to why the impugned order dated 12.1.2001 pertaining to the transfer of the applicant Shri Chandra Mohan from Central Southern Assam Social Forestry Circle, Guwahati to Lower Assam S.F.Circle, Bongaigaon shall not be suspended. Returnable by 12.2.2001. In the meantime, the order of transfer of the applicant shall</p>



the Registry

Date

Order of the Tribunal

O.A. 51/2001

- 18 -

102

2201 is remain suspended till the returnable
is long date. List on 12.2.01 for further order.

Member

So) -
Vice-Chairman



2.2.01 Respondents No.2 and 3 have filed their written statements. Respondent No.5 also entered appearance and submitted an application stating some of the developments. Service report on other respondents yet to be received. Mr B.K. Sharma, learned counsel for the applicant prays for 7 days time to file rejoinder. Prayer allowed.

1st on 23.2.2001 for further order.

Heard Mr B.K. Sharma, learned counsel for the applicant on the interim relief prayer. Also heard Mr Y.K. Phukan, learned Government Advocate, Assam for respondents No.2 and 3 and Mr N. Dutta, learned counsel for respondent No.5. Considering the facts situation the interim order dated 2.2.01 is directed to continue till 29.2.2001.

S/ Vice Chairman
S/ MEMBER (A)



Certified to be true Copy

प्राप्तिक्रिया प्रतिलिपि

13/02/01

Section Officer (J)

आनुप्राण अधिकारी (प्राप्तिक्रिया)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकारी
Guwahati Bench, Guwahati-8
गुवाहाटी - न्यायालय, गुवाहाटी-8

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Misc - APPLICATION NO. M.P.N. 45/2001-OF 199 (O.A. 51/01)

Applicant(s)

B. N. Pathak

Respondent(s)

11012005

Advocate for Applicant(s)

M/s N. Datta

M/s D. K. Das

Advocate for Respondent(s)

CSC & Govt. Adv. Assessor

Notes of the Registry	Date	Order of the Tribunal
	12.2.01	<p>This petition has been filed by respondent No.5 in O.A.51/2001 praying for a direction to allow the petitioner to continue as Conservator of Forest, Northern Assam Circle, Tezpur till disposal of O.A.</p> <p>Issue notice on the respondents to show cause as to why the interim order as prayed for shall not be granted. Returnable by 23.2.2001.</p> <p>List on 23.2.2001 for show cause and further order. In the meantime the ^{Applicant} petitioner (respondent No.5 in O.A.) is ordered to continue as Conservator of Forests, Northern Assam Circle, Tezpur till 23.2.2001.</p>

Certified to be true Copy

प्रमाणित प्रतिलिपि

13/2/01

Section Officer (J)
 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायिक शासन
 Guwahati Bench

Sd. Vice Chairman,

GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER, NAGAON
NAGAON : ASSAM

No. A/ 78

Date. 17/01/2001

To

SRI B.N. Pathak, I.F.S.
Conservator of forests,
Northern Assam Circle,
Tezpur (Assam).

Sub: Handing and taking over charge of conservator
of Forests, Northern Assam Circle, Tezpur.

Ref: Govt. Memo No. FRE 51/96/140-A, dt. 12.1.2001.

Sir,

Kindly refer to the Government notification
No. FRE.51/96/140-A, dated 12.1.2001(Photo copy enclosed)
through which, I have been promoted and posted in the capa-
city of conservator of Forest, Northern Assam Circle, Tezpur
with effect from my taking over charge from your honour.
Kindly make it convenient to hand over charge to me within
24.1.2001.

Yours faithfully,

8h

(S.K. Srivastava)
Divisional Forest Officer,
dt. 17/01/2001 Nagaon.

B/ 425

Copy to :

1) Sri Alok Jain, I.A.S., Principal Secretary to the Govt.
of Assam, Forest Department, Dispur.

A/ 79-80

(S.K. Srivastava)
Divisional Forest Officer,
Nagaon.

2) Sri P. Lahon, I.F.S., Principal Chief Conservator of Forest,
Assam, Rehbari, Guwahati-8.
3) Sri M.C. Malakar, I.F.S. Chief Conservator of Forest (T)
Assam, Panbazar, Guwahati-1.

(S.K. Srivastava)
Divisional Forest Officer,
Nagaon.

....

- 22 -
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Yours,
 SRI B. N. PATHAK, IFS
 CONSERVATOR OF FORESTS
 NORTHERN ASSAM ~~CIRCLE~~ CIRCLE
 DOUGURI HILLS, TEZPUR.

INFO: PRINCIPAL SECRETARY, GOVT. OF ASSAM FOREST
 DEPARTMENT, DISPUR; PRINCIPAL CHIEF CONSERVATOR
 OF FOREST, REHABARI - GUWAHATI-8; CHIEF CONSERVATOR
 OF FOREST, GUWAHATI-1

KINDLY REFER TO THIS OFFICE NO. A/78 dt. 17.1.2001

AND GOVT. NOTIFICATION NO. FRE. 51/96/140-A DT.

12.1.2001 PLEASE INTIMATE IMMEDIATELY THE
 DATE OF HANDING OVER CHARGE OF THE OFFICE OF
 CONSERVATOR OF FORESTS, NORTHERN ASSAM CIRCLE, TEZPUR
 AS MY PROMOTION WILL BE EFFECTED FROM
~~THE~~ THE DATE OF TAKING OVER CHARGE FROM
 YOUR HONOUR.

SL

S. K. Srivastava
 DFO (N) DISP.

Memo. no. B/20/697-98 DT 29/01/2001.

Copy to the s/o in PRO for information. He is requested to ~~inform~~ ^{inform} due ~~above~~ ^{above} transmit
 immediately.

SL 29/1/2001DFO (N)SLAT-207

Copy in confirmation forwarded to the
 Principal Secy. to the Govt. of Assam, F. D. to the
 Govt. of Assam, Dispur, S.Y-6 for from 7 days
 to receive with m/s. to above list no. 1

Memorandum A/207 138-39

23-86
D 29/10/2000

Copy for confirmation Fod 102
the POF Assam, 9/4-8.

Copy for confirmation Fod 102
the CEF(T), Assam, 9/4-8.

for from 9 102
and information ref. to leave
information

① Fod 102

SR
29/10/2000

GOVERNMENT OF ASSAM
OFFICE OF THE CONSERVATOR OF FORESTS : NORTHERN ASSAM CIRCLE : : : : :
T E Z P U R

No. PG.74/B.NRP/athak/CF/198-201

Dated. 29/01/2001.

S/12/2001

From:- The Conservator of Forests,
Northern Assam Circle, Tezpur.

To

✓ Shri S.K.Srivastav, I.F.S.,
Divisional Forest Officer,
Nagaon Division :: Nagaon.

Sub:- Transfer of charge of C.F.N.A.C., Tezpur.

Ref:- Govt. Notification No. FRE.51/96/140-H,

dtd. 12-01-2001.

Your No. A/78, dt. 17-01-2001.

V/10

With reference to your above Memo, I am to state that I have been transferred as C.F., Southern and Central Assam Social Forestry circle, Guwahati in place of Sri C.Mohan, I.F.S. transferred. After getting the probable date of handing over charge by him to me, I will let you know the probable date of handing over charge of the C.F.N.A.C., Tezpur.

(B. N. PATHAK)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE : : TEZPUR.

Copy to :-

- 1) The Principal Secretary, Forest Department, Govt. of Assam, Dispur, Guwahati for favour of information.
- 2) The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8 for favour of information.
- 3) The Chief Conservator of Forests (T), Assam, Kacharighat, Guwahati-1 for favour of information.

(B. N. PATHAK)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE : : TEZPUR.

A.A.///

Telefax- 261346 (O) 109
Telephone- 260470 (R)

Shri Alok Jain, I.A.S.
Principal Secretary,
Government of Assam,
Guwahati-781 006



AS/10/2001

D. O. No. FRF.51/96/Pt1
Dated 30.1.2001

Dear Shri Lahan,

Please refer to Government Notification No.FRF.51/96/140 dated 12.1.2001 (copy enclosed) on the promotion / transfer of Conservator of Forest level officers. I am informed that none of these officers have joined their new places of posting so far. Two officers who were to move on promotion have also been held up as a consequence.

Chief Minister desires that these transfer orders may please be implemented forthwith, not later than 3rd February, 2001 in any case, and, if necessary, the officers may be allowed to takeover charge of their postings unilaterally. I am to request you to ensure that the transfers are effected forthwith. I may kindly also be informed of the action taken.

With regards,

Yours sincerely,,

(Alok Jain)

Shri P.Lahan,
Principal Conservator of Forests,
Assam, Rehbari, Guwahati

22/5
1/1
1/2



PRIORITY

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS :: ASSAM ::
GUWAHATI-8.

NO. FE.22/II/98,

Dated Guwahati, the 01st ~~Jan~~ / 2001.

To,

Sri S.K. Sivashankar DFS,
.....S.P. Nagam.....
.....Nagam.....

Sub :- Handing over and taking over charge of
Conservator of Forests.

Enclosed, kindly find herewith a copy of D.O. letter No.
FRE.51/96/PT-I, dtd. 30.1.2001 from the Principal Secretary Forest
Govt. of Assam, the contents of which are self explanatory.

As desired by Hon'ble C.M. Assam please hand over the
charge of your circle and proceed, on transfer/promotion to your
new place of posting accordingly failing which unilaterally taking
over the charge of the circle will be effected as desired by Govt.

The receipt of the communication may kindly be
acknowledged.

2/1/2001
Principal Chief Conservator of Forests
Assam :: Guwahati-8.

Memo No. FE.22/II/98-A,

Dated Guwahati, the 01st Feb/2001.

Copy to the Principal Secretary to the Govt. of Assam,
Forest Department, Dispur for information with reference to his D.O.
letter cited above.

2/1/2001
Principal Chief Conservator of Forests
Assam :: Guwahati-8.

P.C.B.
010201

+++++

FOREST DEPARTMENT

ASSAM SCHEDULE L (PART) FORM NO. 22

CERTIFICATE OF TRANSFER OF CHARGE OF THE OFFICE OF THE DIVISIONAL FOREST OFFICER, NAGAON DIVISION .
 CONSERVATOR OF FORESTS DIVISION.

DATED. Nagaon,
 THE 2nd Feb/2001.

I certify that, I received charge of the OFFICE OF THE DIVISIONAL FOREST OFFICER, NAGAON DIVISION from Shri Sanki Kant Srivastava on the after-noon of this day the 2nd Feb/2001.

I received the sum of Rs. Nil (Rupees —) only the cash balance as shown by the Cash Book on this date. I examined all the Office Books and found them posted upto date.

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

I have examined all the live and dead stock, as well as the books, maps, Office records and furniture at Head quarter and have examined the depot register, which I have posted upto date.

I received 1 (one) cheque book no. 4750 containing cheque no. 337485 to 337500. The counter foil of the previous cheques have been written up.

Countersigned

..... CONSERVATOR OF FORESTS CONSERVATOR OF FORESTS : : : : :
 S.K. Srivastava

RELEIVED OFFICER

S.K. Srivastava
 D.F.O Nagaon
 Date : 2.2.2001

Suman Mohapatra
 RELIEVING OFFICER
 (SUMAN MOHAPATRA, IFS, ACF)
 Date : 2/2/2001

To
 shri B.N.Pathak, IFS,
 Conservator of Forests, NAC,
 Tezpur, Assam.

Sub :- Handing over and taking over the charge of the office of Conservator of Forests, Northam Laram Circle, Tezpur.

Ref :- 1. PCCF's Assam letter No. PR. 22/11/DR dtd. 1/1/2001.
 2. D.F.O's Nagpur No. A/78 dtd. 17/1/2001.
 3. W.T. Message No. dtd. 29.1.2001.

Sir,

With reference to the above, I have the honour to state that I have handed over the charge of Divisional Forest Officer, Nagpur Division to shri Suman Mahapatra, IFS, ACF on the afternoon of 2.2.2001 and I am reporting my duties in the office of the C.F.NAC, Tezpur in the fore-morn of 3/2/2001.

You are therefore, requested to handover the charge of the Office of the Conservator of Forest, NAC, Tezpur to the undersigned by 3rd Feb/2001 as desired by Govt. of Assam. Failing which the charge of the Office of C.F., NAC, Tezpur will be assumed unilaterally by the undersigned, so that Govt. of Assam's letter is smoothly complied with.

Yours faithfully,

8th
21/2/2001

(S.K.Srivastava, IFS)

Copy to :-

1. The Principal Secretary, Govt. of Assam, Forest Deptt. Dibrugarh, Cty-6 for favour of his kind information.
2. The Deputy Commissioner, Sonitpur for favour of his kind information.

8th
21/2/2001
(S.K.Srivastava, IFS)

Copy to :-

1. The Principal Chief Conservator of Forests, Assam, Rabikari, Guwahati-8 for favour of his kind information.
2. The Chief Conservator of Forests, (T), Assam, Cty-1 for favour of his kind information.

8th
21/2/2001
(S.K.Srivastava, IFS)

S.K.Srivastava, IFS

D.O.Letter No. 3/79/2 dt. 3.2.2001.

To

The Deputy Commissioner,
Sonitpur.

Sub :- Deputation of a magistrate.

Ref :- (1) Govt. Notification No. FRP.51/96/140-3 dt. 12/1/2001.

(2) P.C.C.F's Acram No. FF.22/II/00 dt. 1/2/2001.

(3) Govt. D.O.Letter No. FRP.51/96/pt-1 dt. 30/1/2001.

Sir,

Enclosed please find herewith a copy of Govt. Notification as cited in above reference No.1, wherein I have been promoted as Conservator of Forest, Northern Acram Circle, Tezpur, which will effect only after taking over the charge there. Accordingly the undersigned intimated the matter to Shri D.U. Pathak, IFS, Conservator of Forests, Northern Acram Circle, but it has not been materialized till date.

Please also find herewith the copy of Govt. D.O.Letter and P.C.C.F's Acram letter as cited in the above reference (2) and (3), for which I have approached to take over the charge of the Office of the Conservator of Forests NAC, Tezpur.

Therefore, I request you kindly depute a magistrate for smooth taking over the charge of the office of Conservator of Forests, NAC, Tezpur unilaterally by not later than the 3rd Feb/2001 as desired by the Govt. of Assam vide D.O.Letter No. FRP.51/96/pt-1 dt. 30/1/2001.

Yours faithfully,

82

(S.K. Srivastava, IFS)
Under order of transfer as CF,
NAC, Tezpur.

Copy to :-

1. The Principal Secretary, Govt. of Assam, Forest Department, Dibrugarh, for favour of his kind information. This refers to his No. mentioned above.
2. The Principal Chief Conservator of Forests, Assam, Kohabari, Ghati-8 for favour of his kind information. His has a reference to his letter No. FF.22/II/00 dt. 01.01.2001.

82
3/2/2001(S.K. Srivastava)
Under order of Transfer as C.F.
N.A.C. Tezpur, Assam.

FOREST DEPARTMENT

ASSAM SCHEDULE L (PART) FORM NO: 22

MM

CERTIFICATE OF TRANSFER OF CHARGE OF THE OFFICE OF THE CONSERVATOR OF FORESTS, NORTHERN, ASSAM CIRCLE, TEZPUR

CONSERVATOR OF FORESTS DIVISION.

DATED. TEZPURTHE 3rd Feb/2001

I certify that, I received charge of the OFFICE OF THE CONSERVATOR OF FORESTS, NORTHERN, ASSAM CIRCLE, TEZPUR from Shri _____ UNILATERALLY on the after noon of ~~on~~ this day the 3rd Feb/2001.

I received the sum of Rs. NIL (Rupees —) only the cash balance as shown by the Cash Book on this date. I examined all the Office Books and found them posted upto date.

I received the needful vouchers belonging to all the accounts of current month and have ^{not} made myself acquainted with all the outstanding liabilities on account of the Department.

I have ^{not been able to} examined all the live and dead stock, as well as the books, maps, Office records and furniture at Head quarter and have ^{not been able to} examined the depot register, which I have ^{not been able to} posted upto date.

I received ✓ cheque book No. ✓ containing cheque No. ✓ to ✓. The counter foil of the previous cheques have been written up.

Countersigned

: : : : : CONSERVATOR OF FORESTS : : : : : CONSERVATOR OF FORESTS : : : :

UNILATERAL
RELIEVED OFFICERIn presence of magistrate
Date : MR SAZZAD ALAM, As.
(Report enclosed)S. K. SRIVASTAVA
RELIEVING OFFICER(C. S. K. SRIVASTAVA)
Date : 3/2/2001.

MAGISTRAL REPORT

i, Mr. Sazzad Alam, ACS, Executive Magistrate, Tezpur, has co-ordinated the taking over of charge of Mr. S. K. Srivastava, IFS, as the Conservator of Forests, Northern Assam Circle, on 03/02/2001 at 12:30 PM & as per direction of the Vc Deputy Commissioner, Sonitpur District.

Alam
3/2/2001

(Sazzad Alam, ACS)
Executive Magistrate,
Tezpur; Sonitpur.

Witnesses

- ① ~~Mr. S. K. Srivastava (Vijayakar, IFS)~~
DCE, attached to CFC(NAC) Tezpur
- ② ~~Mr. K. K. D. G. (IACS, Tezpur)~~

GOVT. OF ASSAM.

OFFICE OF THE CONSERVATOR OF FORESTS NORTHERN ASSAM CIRCLE :: TEZPUR
-ASSAM-No. 102/C.G./L.I./2001/102 Dated Tezpur, the 3. 2. 2001.
ToThe Principal Secretary, Govt. of Assam,
Forest Department, Dispur, Guwahati-6.Sub :- Assumption of charge of the office of Conservator of Forests, NAC,
Tezpur.

Ref :- PCCF's Assam No. FE.22/II/98 etc. 1/2/2001.

Sir,

With reference to the above, I have the honour to state that I have taken over the charge of the office of the Conservator of Forests, Northern Assam Circle, Tezpur unilaterally on this day the 3rd Feb/2001 in presence of magistrate. A copy of the certificate of transfer of charge is enclosed herewith for favour of your kind information and necessary action.

Encl :- As stated.

Yours faithfully,

S.K.Srivastava

(S.K.Srivastava)
Conservator of Forests, Northern
Assam Circle, Tezpur.

Copy alongwith a copy of Charge report is forwarded to the Accountant General, GE Cell, Beltola, Guwahati-29 for favour of his kind information and necessary action.

(S.K.Srivastava)

Conservator of Forests, Northern
Assam Circle, Tezpur.

Copy alongwith a copy of charge report is forwarded to :

1. The Principal chief Conservator of Forests, Assam, Rehabari, Gty-8 for favour of his kind information and necessary action.
2. The Chief Conservator of Forests, (T), Assam, Gty-1 for favour of his kind information and necessary action.

(S.K.Srivastava)

Conservator of Forest, Northern
Assam Circle, Tezpur.

GOVERNMENT OF ASSAM
OFFICE OF THE CONSERVATOR OF FORESTS: NORTHERN ASSAM CIRCLE
T E Z P U R

No. FG.74/B.N.Pathak,CF/314-17 Dated. 5/02/2001.

From:- The Conservator of Forests,
Northern Assam Circle, Tezpur.

To

82
6/2/2001Shri S.K.Srivastav, I.F.S.,
Deputy Conservator of Forests,
C/o - Divisional Forest Officer,
Nagaon Division :: Nagaon.Sub:- Stay of the transfer order dt. 12-01-2001.
by the Hon'ble CAT's order, dt. 02-02-2001.Ref:- This office No. PG.74/B.N.P/CF/305-310,
dt. 03-02-2001.

Since the above transfer order dt. 12-01-2001 involving C.Mohan, I.F.S., C.F. and B.N.Pathak, I.F.S., C.F., N.A.C. has been stayed by the Hon'ble CAT's vide order dt. 02-02-2001, you are requested to not to attend this office for any functioning as your any assumption of unilateral charge after 02-02-2001 will not be valid.

(B. N. PATHAK)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE :: TEZPUR.

Copy to :-

- 1) The Principal Secy. to the Govt. of Assam, Forest Department, Dispur, Guwahati-6 for favour of information
- 2) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8 for favour of information and necessary action.
- 3) The Chief Conservator of Forests (T), Assam, Kacharighat, Guwahati-1 for favour of information and necessary action. This has reference to this office W.T.Message dtd. 3-2-2001 from this office and post copy vide No. PG.74/BNP/CF/305-310, dt. 3-2-2001 and letter No. PG.74/BNP/CF/311-13, dt. 5-2-2001.

(B. N. PATHAK)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE :: TEZPUR.

U.T. MESSAGE

TO : THE PRINCIPAL SECRETARY
FOREST DEPARTMENT DISPUR (.)
FROM : DEPCOM SONITPUR TEZPUR (.)

NO. SPE.57/95/

DATE. 7.2.2001

REFERENCE D.O. LETTER NO.A/78/4 DT. 7.2.2001 FROM SHRI S. K. SRIVASTAVA, IFS, CFNAC, TEZPUR (.) SRI S.K.SRIVASTAVA, CONSERVATOR OF FOREST, N.A.C., TEZPUR HAS ALREADY TAKEN OVER CHARGE ON 3.2.2001 UNILATERALLY IN PRESENCE OF MAGISTRATE AND RESUMED HIS DUTIES TILL DATE (.) BUT SRI B. N. PATHAK, I.F.S. STILL CONTINUING TO HOLD THE OFFICE OF CONSERVATOR OF FOREST, N.A.C., TEZPUR AND ASKED SRI S. K. SRIVASTAVA, C.F., N.A.C. NOT TO ATTEND THE OFFICE OF C.F., N.A.C., TEZPUR ON THE PLEA THAT HIS TRANSFER ORDER HAS BEEN STAYED (.) AS SRI S.K. SRIVASTAVA HAS ALREADY BEEN JOINED AS C.F., N.A.C., TEZPUR AND RESUMED HIS DUTIES TILL DATE NECESSARY ALTERNATIVE ARRANGEMENT IN CASE OF SRI B.N. PATHAK MAY KINDLY BE MADE BY TRANSFER AND POSTING HIM IN ALTERNATE PLACE OF POSTING IF CONSIDERED IT (.) THIS IS FOR FAVOUR OF YOUR KIND CONSIDERATION (.)

Momo No. SPE.57/95/ 153(1)

Date. 7.2.2001.

Copy to :-

The O/C, A.P.R.O., Tazpur for immediate transmission of the above message please.

Post copy in confirmation is forwarded to :-

1. The Principal Secretary to the Govt. of Assam, Forest Department, Dispur.
2. The Principal, C.C.F., Assam, Rahanbari, Guwahati-8.
3. The Chief Conservator of Forest, Assam, Guwahati-1.

Malhotra
Deputy Commissioner,
Sonitpur, Tazpur.

GOVT. OF ASSAM
 OFFICE OF THE CONSERVATOR OF FORESTS; NORTHERN ASSAM CIRCLE TEZPUR;
SONITPUR

Letter No. A/78/5

Date - 9/2/2001.

To

The Principal Secretary
 Govt. of Assam,
 Forest Department,
 Dispur, Guwahati.

Sub:-

Assumption of charge of the office of Conservator of
 Forests, Northern Assam Circle, Tezpur.

Ref:-

W.T. Message from Sri B.N. Pathak, IFS vide No. (1) FG.74/
 B.N.Pathak/CF/305-310, dt. 3/2/2001
 (2) FG.74/B.N.Pathak/CF/423-28, dt. 7/2/2001.

Sir,

I have the honour to submit herewith the factual con-
 sequences in brief since the issue of Govt. Notification vide No. FRE.51/
 96/140-A, dt. 12/1/2001 as detailed below:

On receipt of Govt. Notification as referred above through
 which I have been promoted and posted as C.F.NAC, I conveyed the same
 to Mr. B.N. Pathak, IFS Conservator of Forests, to make it convenient to
 handover the charge to me within 24/1/2001, vide letter No. A/78, dt.
 17/1/2001 (Annex-I). But no response was received from him in this
 regard, though I have tried several times to contact him over phone both
 at Tezpur as well as at Guwahati. Therefore I delivered a W.T. Message
 on 29/1/2001 to him with a copy to your honour vide No. A/20/138-139,
 dt. 29/1/2001 (Annex-II) with a request to intimate the date of handing
 over the charge of C.F.NAC to undersigned.

Thereafter
 Therefore on 1/2/2001 I received a letter from Sri B.N.
 Pathak, IFS Conservator of Forests, vide No. PC.74/B.N.Pathak/CF/198-201,
 dt. 29/1/2001 (Annex.III) where he is found not intending to handover
 charge. But in the meantime I received a letter from P.C.C.F. Assam vide
 No. FE.22/II/93, dt. 1/2/2001 (Annex.IV) enclosing a D.O. letter from your
 honour vide No. FRE.51/96/pt-I, dt. 30/1/2001 (Annex.V) for which I have
 handed over the charge of the office of D.F.O. Nagaon Division to Sri
 Suman Mahapatra, IFS on afternoon of 2/2/2001. A certificate to this
 effect is enclosed herewith for favour of your needful (Annex.VI).

Thereafter I intimated to Sri B.N. Pathak, Conservator of
 Forests vide D.O. Letter No. A/70/1 dt. 2/2/2001 (Annex-VII) that I am
 reporting my duties at the office of C.F.NAC in the forenoon of 3/2/2001
 with a request to handover the charge to undersigned by forenoon of
 3/2/2001.

Accordingly I reported my duties at C.F. Office Tezpur on 3/2/2001, but Sri B.N.Pathak, IFS Conservator of forests was not found available in the office. Finding no option I had to request to Deputy Commissioner Sonitpur to depute a Magistrate vide D.O. letter No. A/78/2 dt. 3/2/2001 (Annex-VIII) to conduct the assumption of the charge of the office of C.F.NAC Tezpur in pursuance of the P.C.C.F. Assam's No. FE.22/ II/98, dt. 1/2/2001 and D.O. letter No. from your honour vide D.O. No. FRC.51/ 96/pt.I, dt. 30/1/2001 as referred above and the charge of the office of the Conservator of forests, Northern Assam Circle was assumed unilaterally on afternoon of 3/2/2001 in presence of Mr. Sazzad Alan, ACS and Sri P.J.Vijaykar, IFS. The copy of certificate of transfer of charge and the copy of Magisterial report in this regard are enclosed (Annex. IX & X) herewith for favour of your ready reference of your honour which was duly reported to your honour vide No. P.S.2/S.K.Srivastava, IFS/302-04 dt. 3/2/2001 (Annex-XI).

Further on 5/2/2001 I attended the office of your honour and office of C.C.F. (T) Assam. On 6/2/2001 I attended the office of C.F.NAC Tezpur but found that Sri B.N.Pathak, IFS, Conservator of Forests is sitting in the office chamber of CFNAC and obstructing me to attend the office and misbehaved me by uttering the sentences of humiliation. I learnt that Sri B.N.Pathak, IFS is not only attending office from chair of CFNAC but also issued the Govt. cheques meant for the account of the office. But I am very sorry to intimate your honour that Sri B.N.Pathak, IFS, Conservator of forests, still continues to hold office of CFNAC and through a letter vide No. FG.74/B.N.Pathak, CF/314-17, dt. 5/2/2001 (Annex. XII) asked me not to attend the office without any authority which was duly intimated to your honour vide No. A/78/4, dt. 7/2/2001 (Annex. XIII). He also delivered two W.T. Message of such type as if issued from CFNAC which were received by undersigned on 6/2/2001 and 8/2/2001 respectively wherein Sri B.N.Pathak, IFS Conservator of Forests has wrongly quoted that his transfer order is stayed by Hon'ble C.A.T. Further it is not a fact as mentioned in the copy of said W.T. Message dt. 7/2/2001 forwarded before your honour vide No. FG.74/B.N.Pathak, CF/423-428, dt. 7/2/2001 that I have refused to give any intimation of unilateral taking over charge of the C.F.NAC, because the copy of the Magisterial report in this regard was left on the table of CFNAC copies of which are also forwarded herewith before your honour for favour of your necessary action (Annex. XIV & XV).

On 7/2/2001 when I arrived to attend the office of the CFNAC, in the afternoon, after attending office of the Deputy Commissioner's, Sonitpur during forenoon, I found that the office chamber of the CFNAC was locked by Sri B.N.Pathak, IFS Conservator of Forests and thereby obstructing me to function in the office.

In the light of the above facts, I request before your honour to take appropriate action to advise me the proper course of action and hence alleviate my distress.

Yours faithfully,

S.K.Srivastava
9/2/2001
(S.K.SRIVASTAVA, I.F.S.)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE
TEZPUR

Copy to:

1. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-3 for favour of his kind information and necessary action.
2. The Chief Conservator of Forests, (T) Assam, Guwahati-1 for favour of his kind information and necessary action.
3. ~~Exa~~ B.N.Pathak, IFS, Conservator of Forests, Forest I.D. near Cole Park, Chitralekha Udyan, Tezpur for favour of his kind information.

S.K.Srivastava
9/2/2001
(S.K.SRIVASTAVA, I.F.S.)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE
TEZPUR

Copy to the Deputy Commissioner, Sonitpur, Tezpur for favour of his kind information.

S.K.Srivastava
9/2/2001
(S.K.SRIVASTAVA, I.F.S.)
CONSERVATOR OF FORESTS
NORTHERN ASSAM CIRCLE
TEZPUR

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.
EEEEEEEEE

122 -38 -

NO.FRE. 51/96/Pt/

Dated Dispur, the 9th February, 2001.

ORDERS BY THE GOVERNOR

Whereas Shri Chandra Mohan, IFS has submitted a representation dtd. 25.01.2001 through proper channel which has been received from Principal Chief Conservator of Forests vide his letter No.PG. 283, dtd. 2.2.2001.

And whereas Shri Chandra Mohan, Conservator of Forests, Central & Southern Assam Social Forestry Circle has prayed for allowing him to continue as Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati as he has completed only 9 months in the post of Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati at the time of issue of his transfer order.

And whereas it appears from records that Shri Chandra Mohan, IFS, has completed almost 3 years of service at Guwahati in different posts as shown below.

1) Conservator of Forests, Central & Southern Assam Social Forestry Circle, Guwahati.	From 31.3.2000 (AN) to till date.
2) Conservator of Forests (Border), office of the Principal Chief Conservator of Forests, Assam, Guwahati.	From 24.12.1998 to 31.3.2000.
3) Planning Officer-II, office of the Principal Chief Conservator of Forests, Assam, Guwahati.	From 16.1.1998 to 24.12.1998.

And moreover, he is being continued in the area of Social Forestry on transfer.

Whereas the transfer order issued vide Govt. Notification No.FRE. 51/96/140-C, dtd. 12.1.2001 is in the conformity with the guidelines issued by the Govt. on transfer of Govt. employees vide O.M.No.ABP. 40/91/117, dtd. 19.09.1992.

The representation dtd. 25.1.2001 of Shri C. Mohan, Conservator of Forests is therefore disposed of as rejected.

By order etc. and in the
name of Governor.

Sd/- AJ Jain,

Principal Secretary to the Govt. of Assam,
Forest Department, Dispur.

Contd.P. 2 ...

-: 2 :-

Memo No: FRE. 51/96/Pt/ -A. Dated Dispur, the 9th
Copy to :- February, 2001

- 1) The Principal Chief Conservator of Forests,
Assam, Rehbari, Guwahati-8.
- 2) Shri Chandra Mohan, IFS,
Conservator of Forests, Central & Southern
Assam Social Forestry Circle, Guwahati.

By order etc.

unseen
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

OFFICE OF THE
KARBI ANGLONG AUTONOMOUS COUNCIL SECRETARIAT : DIPHU :: :: ::

No. KAC/Esatt-41/Pt/P(B)/89-90/ 7367 Dtd. 06/02/2001

O R D E R.

In pursuance of Govt. notification No. FRA. 51/96/140-E Dtd. 12/01/2001, the authority of Karbi Anglong Autonomous Council is pleased to accept the joining of Shri B.B. Dhar, IFS, as Conservator of Forest under the disposal of Karbi Anglong Autonomous Council with effect from the date of taking over charge.

His joining report submitted to the Karbi Anglong Autonomous Council as Conservator of Forest, Karbi Anglong, Diphu on 03/02/2001 is also accepted.

Sd/-
Principal Secretary i/c
Karbi Anglong Autonomous Council,
D I P H U

Memo. No. KAC/Esatt-41/Pt/P(B)/98-90/ 7368 (A) Dtd. 06/02/2001

- Copy to :-
1. The Commissioner & Secretary to the Govt. of Assam, Forest Department, Dispur, Guwahati-28.
 2. The Accountant General(A&E) Assam, Beltola, Guwahati-28
 3. The Principal Secretary to the Govt. of Assam, Forest Department, Dispur.
 4. The Principal Chief Conservator of Forest Assam, Guwahati-8.
 5. The Chief Conservator of Forest(all) Assam.
 6. P.A. to Hon'ble Chief Executive Member, KAAC, Diphu.
 7. P.A. to Hon'ble Executive Member i/c Forest, KAAC, Diphu.
 8. The Deputy Secretary i/c Forest, KAAC, Diphu.
 9. All Divisional Forest Officer's under Karbi Anglong Autonomous Council.
 10. The Treasury Officer, Karbi Anglong, Diphu.
 11. The Sr. Finance & Account Officer, (T), KAAC, Diphu.
 12. Sri S.S. Rao, IFS, i/c Conservator of Forest, Karbi Anglong, Diphu. He is to hand over the charge of C.F. Karbi Anglong, Diphu to Sri B.B. Dhar, IFS, immediately.
 13. Sri B.B. Dhar, IFS. He is to take over the charge of Conservator of Forest, Karbi Anglong, Diphu from Sri S.S. Rao, IFS, early.
 14. Office file.

Principal Secretary, i/c
Karbi Anglong Autonomous Council,
D I P H U

Volume I

Personnel Circulars 373

3. NO. ABP.
26181/66, dated
23/10/86

Sub :- Transfer of key office bearers of Service Association.

In continuation of this Department O. M. No. ABP/232/78/72, dated 24/05/79 on the above noted subject, I am directed to say that confusion may arise about the meaning of key office bearers of a recognised service Association in connection with transfer of such Government servants by the authority concerned. It is clarified for the guidance of all concerned that key office bearers means and includes only the President, Vice-President, General Secretary, Joint Secretary and Treasurers of a recognised Association.

Normally such office bearers may not be transferred as long as they hold office. But when the transfer of such office bearers becomes necessary in the interest of public service, some reasonable time should be given to the Association to arrange for replacements before effecting such transfer. It is also reiterated that it may be ensured by all concerned that the transfer of key office bearers is not in any case resorted to as a penal measure.

4. O. M. NO. ABP.
40/1/117, dated
13/09/1992.

Sub:- Guidelines for the transfer of Government employees.

Government have examined afresh the instructions issued from time to time regarding transfer and postings of Government employees. After careful consideration of pros and cons of the matter, the following guidelines are circulated anew in this regards in supersession of all previous guidelines for strict compliance by all concerned.

- (1) Transferable officers and members of staff should normally be transferred only upon completion of 3 years of service at one place. Non-transferrable staff should normally be transferred on completion of 3 years in one table. But an officer need not necessarily be transferred when he completes 3 years in one station/table if the interest of public service does not demand so.
- (2) Whenever public interest demands that an officer should be transferred from his place of posting even before completion of 3 years in the place, proper justification and grounds may be recorded in writing for the transfer and orders issued only after getting approval of the Chief Minister for such a transfer.
- (3) Transfer orders should on normal occasions, be effected in such a manner that the academic session of the children of the transferred employee is not disturbed, as far as possible and subject to exigencies of public service.
- (4) Representations/requests written or verbal asking for cancellation of transfer order for posting or for any service matter of a particular officer/employee received through other than normal official channel will not be taken into cognisance and will be summarily rejected.

Whenever such a representation/request is received, it would be presumed that the same has been prompted by the concerned officer/employee himself and unless the contrary is proved by him, disciplinary action will be taken under the Government Servants' Conduct Rules.

5. No. ABP.
29/6&4, dated
22/7/1968

Sub :- Transfer of Grade-IV employees with officers to whom they are attached.

1. It has come to the notice of the Government that some officers on transfer take with them the Grade-IV employees attached to them to their new place of posting thus involving a considerable expenditure in the form of T. A. /D. A. etc. Finance Department in their O. M. No. FC(I)27/65/7, dated 28/6/65 have made clear that all Class-IV staff are exclusively meant for Government work and the appellation "Personal Orderly" has been discontinued. The stoppage of the practice of transferring the Grade IV staff is also imperative on administrative ground. All departments of the Government and the Heads of Departments are, therefore, requested to finalise the relevant service rules without any further delay. For this purpose, the following principles are laid down as guidelines-

(1) According to Rule 5 read with Schedule appended to the Assam Service (Discipline and Appeal) Rules, 1964, as amended the 'Head of the Office' has been made the appointing authority in respect of all the non-gazetted staff including the Grade-IV employees. The ministerial assistants in a district should, therefore, be constituted into a district cadre and the respective Head of Office should be the appointing authority in respect of those staff except the post of Head Assistant, the power of appointment of which should vest with the next higher authority, i. e. the Head of Department. This is to be strictly complied with.

(2) According to the Assam Ministerial District Establishment Service Rules, 1967, the Head of the Office (Deputy Commissioner) is the appointing authority in respect of the (a) L. D. A., (b) U. D. A. /Subdivisional Nazir, (c) Sadar Nazir, and (d) Supervisory Assistant. Likewise, the appointing authority in respect of the said grades in other offices/establishments should be the respective Head of the District Office..

(3) Similarly, the power of making appointment is to be vested in the regional officers such as the Joint Director of Health, Inspector of Schools, etc. in respect of Ministerial staff and Grade IV employees of their respective Offices, as indicated in the (1) and (2) above.

2. It is, therefore, directed to organise the cadres and delegate financial powers down wards accordingly as expeditiously as possible and in any case within three months from the date of issue of this circular.

3. The instructions contained herein will not, however, be operative in respect of the staff of those offices where there are already up-to-date service rules.

and surname) under their signatures, within brackets, while signing the certificate of transfer of charge.

2. Revenue and Appointment Departments should be kept informed in all cases of transfer, posting and leave of Sub-Deputy Collectors.

O.M. No. AAP.
95/93/10, dated
24/6/93

Sub :- Need to ensure that the charge is handed over within ten days - representations against transfer.

Reference is invited to Government O. M. No. AAA.12/51/2 dated 28.06.1951 wherein it has been clearly laid down that a Government servant must arrange to hand over charge within 10 (ten) days of the receipt of the orders of transfer and proceed to his/her new place of posting after availing of the admissible joining time. Any delay in complying with orders of transfer without specific permission of the authority who issued the order of the transfer will be punishable as an act of gross indiscipline.

It has also been made clear in O. M. No. IJM 67/72/99 dated 13.10.1972 that violation of orders of transfer and posting sometimes put the Government in a very embarrassing position compelling the Government to alter, cancel or modify the orders. Since orders of transfer and posting are issued in the interest of public service, if the orders are not complied with the very idea behind such action of Government gets defeated. Therefore, such orders should be complied with without any loss of time. Government will take a serious view of cases of violation of the orders.

In this connection, Government instructions vide No. ABP. 66/92/73 dated 15.06.1992, No. ABP. 91/84/1, dated 03.12.1984 and No. AAA. 102/89/73 dated 15.12.1992 may also be referred to. However, inspite of clear instruction issued by the Government from time to time, a good number of officers keep submitting representations repeatedly. It is also observed that many officers after receipt of the transfer orders instead of proceeding to join their new place of posting approach verbally or in writing directly Ministers and other political personalities, non-officials and even the Chief Minister and try to get their transfer orders cancelled/stayed/modified. This practice on the part of the officers of not to carrying out the orders of the Government and addressing representation to the authorities who are not immediately superior or not at all concerned with the transfer, are against all norms of discipline and in violation of the Government instructions and provisions of the Assam Civil Services (Conduct) Rules, 1965. Some very junior officers have been submitting representations directly to the Secretary, Personnel Department or Chief Secretary in connection with his/her service matters by-passing his/her Controlling Authorities in violation of the instructions of the Government and of the provisions of the Assam Civil Services (Conduct) Rules, 1965. Government have taken a serious view on the matter.

- 44/128

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

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

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

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

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

4. Nu AAP/
16093/58, dated
25/08/94.

Sub :- Controlling officers to ensure compliance of transfer orders by subordinates.

Detailed instructions have been issued vide Office Memorandum No. AAP, 166/93/10 Dated 27. 10. 93 in the matter of Handing over and taking over of charge on transfer and representations in service matters. It has come to the notice of the Government that not only are the officers under transfer violating the Government instructions as aforesaid but the