

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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O.A/T.A No. 78/01
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Bahly
5/12/12

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO.

78/2001

OF 199

Applicant(s) *Subhasish Bishra*

Respondent(s) *Ans 1 and ones.*

Advocate for Applicant(s) *Mr. A. Verma,
Mr. R. Hazarika.*

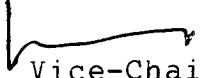
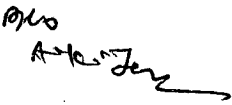

Advocate for Respondent(s) *C. G. S. C.*

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but the fee is not paid. Petitioner is not a de M. is not a de for the fee is not paid IPC/B. 422/99 Dated 14.2.2001</p> <p><i>26-2-2001</i> <i>Service of notice issued to the respondents vide No. 845-847 dt. 2.3.01</i> <i>Bm</i></p> <p><i>Wdy. Registrar 7/2/01</i></p>	20.2.01	<p>Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.</p> <p>Heard Mr. A. Verma, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why this application shall not be admitted. Returnable by six weeks.</p> <p>List on 4.4.2001 for show cause and Admission.</p> <p>Heard Mr. Verma on the interim relief prayer. Issue notice to show cause as to why the impugned transfer Order No. 5/EST/DBR/99(2) 3549 dated 23.3.2000 shall not be suspended until further order. Returnable by four weeks.</p> <p>List on 21.3.2001 for show cause and further order. In the meantime the respondents shall not release the applicant on the strength of the transfer order dated 23.3.2000 and the Respondents are ordered to allow the appli-</p>

contd/-

(2)

Notes of the Registry	Date	Order of the Tribunal
<p><i>N</i></p> <p><i>NO Show cause has been filed.</i></p> <p><i>20.3.01</i></p> <p><i>NO w/s has been filed by the respondents.</i></p> <p><i>NS 24/4/01</i></p> <p><i>25-4-2001</i></p> <p><i>Notice duly served on report no. 1, 2.</i></p> <p><i>Baro</i></p> <p><i>8.6.2001</i></p> <p><i>w/s has been submitted by the respondents.</i></p> <p><i>Baro</i></p>	<p>20.2.01</p> <p>pg</p> <p>21.3.01</p> <p>trd</p> <p>25.4.01</p> <p>11.5.</p> <p>1.6.01</p> <p>bb</p> <p>NS 4/6/01</p> <p>22.6.01</p> <p>lm</p>	<p>cant to work in the place of posting from where he is transferred.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>List after four weeks^{for} enabling the respondents to file written statement.</p> <p>Fix the matter on 25.4.2001 for further orders.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p><i>AD case to 11-5-01</i></p> <p><i>370</i> <i>12</i></p> <p><i>There was a reference.</i> <i>W/M on 18/5/2001.</i> <i>M/0</i> <i>M/0</i> <i>14.5</i></p> <p>No written statement has been filed by the respondents nor any return orders filed.</p> <p>List on 22-6-2001 for orders.</p> <p>In the mean time the interim order dated 20-2-01 shall continue.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Written statement has been filed.</p> <p>The applicant may file rejoinder if any within two weeks. List on 6.7.01 for orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>17.8.2001</p> <p>Copy of the Judgment has been sent to the Dy Sec. for issuing the same to the Applicant as well as to the Dy. Sec. for the Registry.</p> <p>nk m</p>	<p>6.7.2001</p> <p>nk m</p> <p>3.8.</p> <p>8.8.2001</p>	<p>Written statement has been filed. List the case for hearing on 3.8.01. The applicant may file rejoinder, if any, within ten days from today.</p> <p> Vice-Chairman</p> <p>Heard Mr. A. V. Sharma, learned Counsel for the applicant Mr. A. Debroy, Esq. C.G.S.C. for the respondent. Hearing concluded, Judgment reserved.</p> <p> 3.8.</p> <p>Judgment pronounced in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>u</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. O.A. 78 of 2001 of

DATE OF DECISION 8.8.2001

Sri Subhashish Misra

APPLICANT(S)

Mr. A. Verma

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE

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

5.

Judgment delivered by Hon'ble Vice-Chairman.



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CEWNTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Applciation No. 78 of 2001

Date of order : This the 8th day of August, 2001.

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

Sri Subhashish Misra,
Son of Sri Lakshmi Kant Mishra
resideing at NEPA Colony,
Mohanbari,
District-Dibrugarh.

...Applicant

By Advocate Mr. A. Verma.

-versus-

1. Union of India
Through the Secretary,
Ministry of Home Affairs,
Intelligence Bureau,
New Delhi.
2. Director of Intelligence Bureau,
Ministry of Home Affairs,
Central Secretariat, (North Block),
New Delhi-110001.
3. Assistant Director,
Subsidiary Intelligence Bureau,
(MHA) Govt. of India,
P.O. C.R. Building,
District-Dibrugarh.

...Respondents.

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (C.M.)

CHOWDHURY J. (V.C.).

The order of transfer and posting of the applicant is the subject matter of controversy in this proceeding. By an order dated 15.3.2000 the applicant a Junior Intelligence Officer working in the Subsidiary Intelligence Bureau (hereinafter referred to as SIB) is transferred from Dibrugarh to Kohima. By the same order three other officers were also transferred. The applicant submitted a representation before the authority against the order of transfer for cancellation of the order of transfer.

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The said representation was not entertained vide order dated 27.10.2000. An application was forwarded from the office wherein it is mentioned that the applicant sought for permission to appear before the DIB in DARBAR for his retention in SIB, Dibrugarh. The said prayer was also turned down. Hence the present application.

2. Mr. A. Verma, learned counsel appearing on behalf of the applicant argued on the ground of arbitrariness and reasonableness. Mr. Verma referred to the policy decision of the Central Government laid down and Office Memorandum dated 3.4.1986 which was issued to avoid hardship and to render justice. The learned counsel for the applicant further submitted that the applicant served in a remote area for long time and also served in the hard area. Now by the impugned order if the applicant is transferred to Kohima (Nagaland) which is a hard station and thereby his normal family life will be affected disturbing even the tempo of the family. The learned counsel for the applicant submitted that as per the policy decision spouses are to be posted in a same station. The wife of the applicant is serving under the Govt. of Arunachal Pradesh. Mr. Verma further submitted that the wife of the applicant delivered a premature female baby who needs much care and therefore submitted that shifting of the applicant from Dibrugarh on transfer is unreasonable and contrary to the policy decision. Mr. A. Deb Ray, learned Sr.C.G.S.C. countering the arguments submitted that the transfer has been made lawfully and in consonance with the policy decision. Referring to the written statement Mr. Deb Roy submitted that except out of 10 years posting in SIB, Dibrugarh he remained hard posted only for five months and two years and two months in moderate hard posting and rest of the period in soft posting. He remained at SIB Dibrugarh beyond three years. The applicant was permitted to

Contd...

continue in that unit after sympathetically considering his request. Mr Deb Roy further submitted that the applicant has put about eleven years at SIB, Dibrugarh and now he has been transferred and posted on rotation basis to post the personnel at hard and soft station.

3. I have given anxious consideration in the matter. Admittedly there is no contravention or statutory rule. It is the employer who is the best judge in the matter of posting and deployment of his employees. It is the authority who can take care of his employees and not the Tribunal. An employee cannot insist for his posting at a particular place. Similarly the applicant also cannot demand for being posted at Dibrugarh. In the circumstances stated above Mr. Verma submitted that the applicant is ready to accept any posting apart from Dibrugarh including posting at Arunachal Pradesh so that he can be in touch with his wife and child. It is for the applicant to appeal as such to the authority and not for the Tribunal to intervene in the matter.

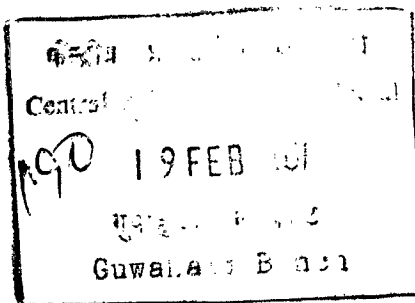
4. In the aforesaid facts and circumstances I am of the view that ends of justice will be met if a direction is issued on the applicant to submit a representation to the competent authority narrating his grievances within two weeks from the date of receipt of a certified copy of this order. If such representation is made the respondents shall consider the same and pass necessary order as per law with utmost despatch preferably within two months from the date of receipt of the representation. It is also made clear that till completion of above exercise status quo shall be maintained as on today.

5. With the directions made above the application stands disposed of. There shall however be no order as to costs.

(.)

• P.

(D.N.BARUAH)
Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI.

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

O.A. NO. 78 OF 2001

Sri Subhashish Mishra,

-Versus-

Union of India & others.

I N D E X

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Filed by :-

Arora Verma
Advocate.

11
Filed by:-
Alok Verma,
Advocate
19.2.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

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

O.A. No. 78 OF 2001

BETWEEN

Sri Subhashish Mishra,
Son of Sri Lakshmi Kant Mishra,
residing at NEFA Colony,
Mohanbari, Dist. Dibrugarh.

..... APPLICANT

-Versus-

1. Union of India
Through the Secretary
Ministry of Home Affairs,
Intelligence Bureau,
New Delhi.
2. Director of Intelligence Bureau,
Ministry of Home Affairs,
Central Secretariate, (North Block)
New Delhi-110001
3. Assistant Director,
Subsidiary Intelligence Bureau
(MHA) Govt of India,
P.O. C.R. Building, Dist. Dibrugarh

..... RESPONDENTS

Contd. 2.....

Subhashish Mishra

PARTICULARS OF THE APPLICATION

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

This application is directed against the order issued under Memo No.5/EST/DBR/99(2) 3549 dated 23-3-2000 by the Joint Assistant Director, Subsidiary Intelligence Bureau (MHA) Govt of India, Dibrugarh, transferring the applicant to Kohima (Nagaland) from his present place of posting at S.I.B. Dibrugarh, and Rejection of representations made by the applicant against the said transfer order lastly made on 30th October 2000 by the order issued under TPM No. 0198/OUT/TZP-DBR/01 dtd. 24-1-2001.

2. LIMITATION

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

3. JURISDICTION

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

4. FACTS OF THE CASE

41. That the applicant is a citizen of India and as such he is entitled to the enforcement of his rights and privileges guaranteed under part- III of the constitution of India and other laws of the land.

Subhashish Mishra

Contd. 3.....

4.2. That the applicant in this application assails the illegal and malafide action of the respondents in transferring him to Kohima in the State of Nagaland from his present place of posting at SIB, Dibrugarh.

4.3. That your humble application hails from village Barendra, P.O. Barendra, P.S. Sopnihatoom Dist Ranchi (Jharkhand) and by caste Brahmin. The applicant's academic qualification is upto Intermediate (Higher Secondary) He although was willing to prosecute his further studies but, due to lack of economic shelter he had to turn the voyage of his life towards search of a job suitable job to tide over the waves of economic har'ship. In the quest of job which was quint-essential for the applicant at that point of time, he was recruited as Junior Intelligence Officer- II(W/T) in the Intelligence Bureau in due process in the year 1989. On 19-5-89 the applicant was appointed and joined as Junior Intelligence officer-II(W/T) in short, JIO-II(W/T) at Intelligence Bureau Head Quarter, New-Delhi and underwent training during the period from October' 1989 to May' 1990.

4.4. That on successful completion of the training to the satisfaction of the superior authorities your humble applicant was posted at Dibrugarh on 2-7-90 under Assistant Director, Subsidiary Intelligence Bureau, Dibrugarh. From October 1990 to January 1991 your applicant was posted at Border Intelligence Post, in short, BIP at Hot spring a remote area under Lohit District of Arunachal Pradesh, where he got snow bite disease and had to undergo Medical treatment for about two months. Then from April '91 to

Subhashish Mishra.

Contd. 4.....

to March '93 for more than two years the applicant was posted at B.I.P. Longding, under Tirap District.

It is pertinent to mention here that Intelligence Bureau department is a central Govt. Establishment and the branch establishment at Dibrugarh is known as Subsidiary Intelligence Bureau (in short, SIB). The seven Districts of Arunachal Pradesh comes under the jurisdiction of SIB Dibrugarh. The applicant since his joining at SIB Dibrugarh served in different district of Arunachal Pradesh including more than 5 years in remote places.

4.4. That applicant at the time of his posting at Longding developed natural love and affection towards one Smt. Yabi Rina daughter of Mr. Tato Rina a native of Arunachal Pradesh, by caste 'Adi' and christian by faith and consequently, he married her on 26-6-92. Ms. Yabi Rina wife of the applicant is an employ~~ee~~ of State Police departments. She is working as a lady constable under Arunachal Pradesh state police since 1990 and presently posted at Mohanbari, Dibrugarh under Deputy Director of Supply and Transport, Arunachal Pradesh.

4.5. That as the applicants service carries the All India transfer liability the time and again transferred to different stations by the respondents. The applicant whenever called upon by his Authorities regarding Transfer he always used to obey the same without fail. The applicant vide order issued under Memo No.5/EST/(DBR)/91 (1) 2210-34 dated 28-12-92 was transferred from Longding

Contd.5.....

Subhashish Mishra.

to Anini and again vide order issued on the Memo No.5/EST (DBR)/94-181 dt. 25-1-95, he was again transferred from Anini to Dibrugarh. The applicant was again transferred to Pasighat from Dibrugarh vide order issued under Memo No. 5/EST(DBR)/97-5415 dt. 8-9-97 and he was again transferred to Dibrugarh from Pasighat vide order issued under Memo No.5/EST(DBR)/98-5317 dt. 10-12-98 in consonance to which the applicant is serving at present at Dibrugarh.

Copies of the aforesaid transfer orders are filed hereto and marked as Annexure 'A' series.

4.6. That the applicant begs to state that on each occasion of transfer the applicant had to leave his wife alone as because neither from his family side nor from the family of his wife getting any support as their marriage was against the will and wish of the respective families. In the meantime after long treatment of his wife at Assam Medical college, Dibrugarh the wife of the applicant become pregnant in July 1999 which was like an unexpected boon to the applicant and his wife .

4.7. That the applicant having served in remote area for long time and entering into matrimonial tie with a native woman of Arunachal Pradesh gave his option to serve in Arunachal Pradesh by his letter dt. 6-12-99 which was forwards by the Joint Asstt. Director SIB Dibrugarh vide No. 10/PF(E)/90(15)6027 dt. 6-12-99.

A copy of the Letter dtd. 6-12-99 is filed as in Annexure 'B'.

Contd. 6.....

Subhashish Mishra

4.8. That while the applicant and his wife were busy in the preparation of coming up a new sole and when wife of the applicant reached to the advance stage of her pragenancy she developed some complicacy and was under constant medical observation but ~~un~~fortunately at that point of time the applicant received the impugned order of transfer issued under Memo No.5/EST/(DBR)/99(2) 3549 dt. 23-3-2000 transferring him to Kohima in the State of Nagaland.

A copy of the order dt. 23-3-2000 is filed here to and Marked as Annexure 'C'.

4.9. That applicant immediately on receipt of the transfer order dated 23-3-2000 made a representation on 28-3-2000 before the respondents through proper channel which was forwarded by the Joint Assistant Director, subsidiary Intelligence Bureau, Dibrugarh stating that there are good number of vacancy of the post in which the applicant is working as staff from outside area are not willing to serve ~~as got married~~ in this area and the applicant as got married with a native of Arunachal Pradesh— he is willing to serve within the stations of Arunachal Pradesh but no heed was given by the respondents and his prayer for cancellation of transfer to SIB Kohima was relected by the order issued under TPM No.2298/OUT TZP-DBR/2000 dt. 27-12-2000.

A copy of the order dated 27-10-2000 is filed hereto and marked as Annexure D.

Contd. 7.....

Subhashish Mishra

4.10. That the petitioner begs to state that there after ~~the~~ made several representations to the respondents lastly on 30-10-2000 stating that after prolonged (Seven years) treatment of his wife she delivered a premature female baby who needs much care than a normal one including treatment and medical check ups and hence he may be allowed to be at Dibrugarh but his prayer was rejected by the order issued under TPM No. 0198/OUT/TZP-DBR/01 dt. 24-1-2001 without assigning any reason. It may be mentioned herethat applicant has not yet been released/relieved by the respondents.

A copy of the medical certificate dtd. 2-11-2000 is filed hereto and marked as Annexure 'E' and a copy of the order dtd. 24-1-2001 is filed hereto and marked as Annexure 'F'.

4.11. That the applicant begs to state that the Govt of India laid down a policy vide office Memorandum No. OM/28034/7/86 Estt(A) dt. 3-4-86 regarding posting of the husband and wife in the same place as far as possible and within constrained of administrative feasibility. In view of that office Memorandum it is bounded duty of the respondents to implement effectively in its entirety the aforesaid Memorandum in case of the applicant as the applicant's wife is working under Arunachal Pradesh Govt and your applicant is working in the Central Govt. having all India transfer liability hence it is needed that the applicant be refained at Dibrugarh instead of transferring him to Kohima. The office Memorandum further contains that the husband and wife should be posted in the same stations to enable them to land a normal family and to ensure the education and welfare of the children.

Subhashish Mishra

Contd. 8.....

4.12. That the applicant begs to state that his baby being in an infant stage always requires due care and hospitability and it is difficult on the part of the applicants wife being a service holder to look after the baby alone. Hence the case of the applicant is a fit one where this honourable Tribunal shall like to interfere with the impugned order dt. 23-3-2000.

4.13. that the applicant begs to state that transfer is a condition of service only but it should not become a clog on the life of the employees deburring them to had a happy and prosperous life which aspect of the matter should be taken into consideration by the Administrative Authorities.

4.14. That the impugned action of the respondents in violative of Art. 14, 21 and 311 of the constitution of India.

4.15. That the impugned action of the respondents is violative of the established norms of Natural Justice and Administrative fairplay.

4.16. That there is no other efficacious alternative remedy and the relief sought herein is just proper and adequate.

4.17. That the application is made bonafide for the ends of Justice.

Contd. 9.....

Subhashish Mishra

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS

5.1. For that the respondents did not consider that the applicant's wife has been serving at Dibrugarh as a constable of Arunachal Pradesh state Police and that the transfer which involves the separation of family is to be avoided as per the policy decision of the Govt of India as laid down in the O.M. dt. 3-4-86.

5.2. For that female baby born on 3-5-2000 is at a very infant stage and it is difficult for the wife of the applicant to look after her alone in absence of the ap applicant.

5.3. For that may of the colleagues of the applicant have not been posted to Kohima and applicant was picked up by the Administrative Authorities for transfer which shows the discremenotory attitude of the respondents.

5.4. For that the action of the respondents which impugned herein is unreasonable and irrational.

5.5. For that there is gross violation of the principle of Natural Justice and Administrative fair play.

5.6. For that the impugned action has created an stigma on the life of the applicant and his wife.

6. DETAIL REMEDY EXHAUSTED :-

That there is no other alternative and eeifacious remedy available to the applicant except invoking the jurisdiction

Subhashish Mishra

Contd. 10.....

of the Hon'ble Court under section 19 of the Administrative Tribunal Act, 1985.

7. Matters Not Previously filed or
Pending before any other Court:-

The applicant further declare that they have not filed any application writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8. RELIEF PRAYED FOR :-

Under the facts and circumstances stated above in this application the applicant prays for the following relief :-

- 8.1. That the honourable Tribunal may be pleased to
+
Direct the respondents to retain the applicant in his present place of posting at Dibrugarh.
- 8.2. That the impugned transfer order dt. 23-3-2000 issued under Memo No.5/E.S.T(DBR)/ 99(2) 3549 may be set aside and quashed.
- 8.3. To pass any other order or orders as deem fit and proper by the Honourable Tribunal.

9. INTERIM ORDER PRAYED FOR :-

Pending final decision of this application the applicant prays for the issue of interim order :-

Subhashish Mishra

Contd. 11.....

9.1. That the honourable Tribunal may be pleased to stay operation of the impugned order dt. 23-3-2000 passed by the Joint Assistant Director, SIB, Dibrugarh.

10. Application is filed through advocate.

11. PARTICULARS OF I.P.O.

I.P.O. NO.	:	561 422497
Date of issue	:	19.2.2001
Issued from	:	G.P.O., Guwahati
Payable at	:	Guwahati;

12. List of enclosures

As stated in index.

Verification

Subhashish Mishra.

VERIFICATION

I Sri Subhashish Mishra son of Sri Laksmi Kant Mishra, aged about 33 years, the applicant of the application do hereby solemnly declare that the statements made in paragraphs 4.1 to 4.4, 4.11 to 4.13 are true to my knowledge and those made in paragraphs 4.5, 4.7 to 4.10 are true according to legal advice and I have not suppressed any material facts.

And I sign this verification on this 19th day of February 2001.

Subhashish Mishra
Signature.

Annexure A Series

13

O R D E R

Ref: SIB Tezpur No. 65/WT-DBR/92-1182-9494
dt. 10.12.92.

The following transfer/Posting of WT staff are ordered with immediate effect.

SL. NO.	Name and Designation	From	To
	S/Shri		
1.	S. Mishra, JIO-II/WT	Longding	Anini
2.	M. Baidya "	Anini	Longding
3.	Munindra Kumar, "	Hawai	Roing
4.	A.K. Samanta "	Roing	Gelling
5.	Anil Kumar, K "	Dibrugarh	Hawai
6.	S. Balamurugon, JIO-I/WT	Malinye	Dibrugarh
7.	Sanjay Kumar, JIO-II/WT	Dibrugarh	Malinye
8.	Harish Prasad, "	Lazu	Miao
9.	Ram Lakhan Singh, "	Dibrugarh	Lazu
10.	N.R. Ajit Kumar, "	Manmao	Dibrugarh
11.	Dinesh Kr. Pandey, "	Dibrugarh	Manmao
12.	Shambhu Prasad, "	Dibrugarh	Vijaynagar
13.	T. Biswas "	Kibitho	Dibrugarh
14.	Pawan Kumar "	Dibrugarh	Kibitho
15.	R.N. Netti "	Gelling	Dibrugarh.

Sd/-

Deputy Director

No. 5/EST(DBR)/91(1)2210-3
Subsidiary Intelligence Bureau
(MHA), Govt. of India
DIBRUGARH

Dated, the.

Copy to:-

1. The Dy. Director, SIB Tezpur.
2. The AD/Tech SIB Tezpur.
3. The A.T.O. SIB Dibrugarh.
4. DCIOs:- Khonsa/Tezu/Along
5. OCs BIP Longding/Anini/Hawai/Roing/Gelling/Malinye/Lazu/Miao/Manmao/Vijaynagar/Kibitho/
6. The Accounts Branch, SIB Dibrugarh
7. SB Section. 8. D/List. 9. ACR Cell. 10. Store Branch. 11. Person Concerned. S. S. Mishra, JIO-II/WT, LONGDING.
12. PF of P/Concerned
13. Transfer Posting File of JIO-I/WT

28 DEC 1992

Jt. Assistant Director

Paswan/23.12

Attested
Alok Verma, Advocate
19.2.2001

30/4/86

Page 4.11

A Series

ORDER

Ref: SIB Tezpur TUM No.138/95 dated 19.1.95 issued from file No.65/WT-DBR/95.

Following internal transfer/postings of W.T. staff are ordered with immediate effect :

Sl.No.	Name & Designation	Transferred to	Transferred from
	S/Shri		
1.	S.K. Dey, JIO-II/WT (Sunil Kr.Dey)	Manigonj	Manmao
2.	H.P.Singh, JIO-I/WT	Dibrugarh	Manigonj
3.	A.K. Das, JIO-II/WT	Malinye	Namsai (He will work at Diyun temporarily.)
4.	R.C. Prasad, JIO-I/WT	Dibrugarh	Malinye
5.	S.R. Choudhary, JIO-II/WT	Vijaynagar	Dibrugarh
6.	P.C. Joshi, JIO-I/WT	Dibrugarh	Vijaynagar
7.	P.S. Bandopadhyay, JIO-II/WT	Kibitho	Namsai
8.	Izzat Singh, JIO-I/WT	Dibrugarh	Kibitho
9.	U.K. Basa, JIO-I/WT	Namsai	Dibrugarh
10.	S. Sivashankar, ACIO-II/WT	Walong	Dibrugarh
11.	D.K. Patidar, JIO-I/WT	Dibrugarh	Walong
12.	S.K.R. Nain, JIO-I/WT	Tuting	Dibrugarh
13.	G.R. Sain, JIO-I/WT	Mechuka	Dibrugarh
14.	S. Mishra, JIO-II/WT	Anini	Dibrugarh
15.	B.K. Datta, JIO-I/WT	Gelling	Dibrugarh

No. 5/BST (DBR)/94- (8)
SUBSIDIARY INTELLIGENCE BUREAU
(MID.) Government of India
DIBRUGARH

(J.M. Datta)
Jt. Assistant Director

25 JAN 1995

Dated, the

Copy for information and necessary action to :

1. The Assistant Director/Tech, SIB Tezpur.
2. Computer Cell, SIB Tezpur.
3. ATC (IG), SIB Dibrugarh.
4. ATC (BT), SIB Dibrugarh.
5. DTICs : Tezu/Khonsa/Along.
6. I/Os, RIFs : Manigonj/Manmao/Malinye/Namsai/Vijaynagar/
Kibitho/Walong/Tuting/Mechuka/Anini/Gelling.
7. Accounts Br.
8. T.A. Bill Cell.
9. Persons concerned - Shri
10. Concerned P/Os.
11. Shri P.K. Purkayastha, Asst.
12. NGO B.

(J.M. Datta)
Jt. Assistant Director

Arrested;
flow Verma; Advocate
19-2-2001

Sh. S. Mishra,
JIO-II/WT,
BIP, Anini

ORDER

Ref : SIB, Tezpur TPM No.1/WT/96-97(4) dtd.1.9.97

The following internal transfer/posting of WT staff are ordered with immediate effect.

Name & Rank	From	To
1. B.K.S. Chouhan, ACIO-II/WT	Dibrugarh	Nampong.
2. D. Behera, ACIO-II/WT	Dibrugarh	Chaglagam
3. S.D. Sharma, JIO-I/WT	Chaglagam	Dibrugarh
4. S. Mishra, JIO-I/WT	Dibrugarh	Pasighat.

Sd/-
Joint Assistant Director

No.5/EST(DBR), 7
Subsidiary Intelligence Bureau,
(MHA), Govt. of India,
Dibrugarh.

Dated, the - 8 SEP 1997

Copy to :-

1. Assistant Director/E, SIB, Tezpur.
2. Assistant Director/Tech, SIB, Tezpur.
3. Computer Cell, SIB, Tezpur.
4. SIB, Dibrugarh.
5. SIB, Dibrugarh.
6. SIB, Khonsa/Pasighat/Tezu.
7. O/C BIPx : Nampong/Chaglagam.
8. Persons Concerned : Shri S. Mishra, JIO-I/WT Pasighat
9. PFs :

Joint Assistant Director

dk897*

checked;
Jion Verma, Advocate
19.2.2001

Sri Mishra

ORDER

Ref : SIB, Itanagar TPM, No. 11/E/96(G) dated 07.12.98.

The following transfer postings of ACIOs-II/WT, JIOs-I/WT and JIOs-II/WT are ordered with immediate effect :

Sl. No.	Name	From	Transfer To
1.	S/ Shri. J. C. Maurya, ACIO-II/WT	Vijaynagar	- Dibrugarh
2.	V. P. S. Pillai, ACIO-II/WT	Walong	- Dibrugarh
3.	P. K. Das, JIO-I/WT	Dibrugarh	- Wakka
4.	Manonar Lal, JIO-I/WT	Wakka	- Pasighat.
5.	Sanjay Kumar, JIO-I/WT	Dibrugarh	- Chaglagam
6.	S. Mishra, JIO-I/WT	Pasighat	- Dibrugarh.
7.	Madan Swarup, JIO-I/WT	Monigong	- Dibrugarh

In partial
modification
of order No.
5/EST(DBR)/95
(1)-4518 dt.
22.10.93.

8. T. K. Dey, JIO-I/WT Dibrugarh - Walong
9. S. B. Singh, JIO-II/WT Dibrugarh - Chaglagam
10. Rana Sen, JIO-II/WT Dibrugarh - Tezu
11. Gadadhar Dey, JIO-II/WT Dibrugarh - Monigong
12. Jagannath Singh, JIO-II/WT Dibrugarh - Vijaynagar
13. M. Chakraborty, JIO-II/WT Dibrugarh - Miao.
14. K. K. Singh, JIO-II/WT Kibitho - Dibrugarh
15. M. Banze, JIO-II/WT Dibrugarh - Along
16. Jayanta Choudhury, JIO-II/WT Dibrugarh - Kibitho
17. S. P. Sinha, JIO-II/WT Chaglagam - Lazu.

Sd/-

Jt. Assistant Director

No. 5/EST(DBR)/95- 5317

Advisory Intelligence Bureau,
(MIA), Govt. of India,
Dibrugarh.

Dated, the 10 DEC 1998

- Copies to :-
- 1) The JD/NE, SIB, Shillong.
 - 2) The DD, SIB, Itanagar.
 - 3) Computer Cell, SIB, Itanagar.
 - 4) Section Officer/A, SIB, Dibrugarh (in duplicate).
 - 5) ATO, SIB, Dibrugarh.
 - 6) DCIOs : Pasighat/Khonsa/Tezu/DBR Har.
 - 7) CCs BIPx : Vijaynagar/Walong/Wakka/Chaglagam/Monigong/Miao/Kibitho/Along and Lazu.
 - 8) D. E. List
 - 9) ACR Cell
 - 10) Increment Cell
 - 11) I/C, NGO, SIB, Dibrugarh.
 - 12) Transfer posting File of JIOs-II/WT.
 - 13) Person Concerned of Shri S. Mishra, JIO-I/WT, BIP, Pasighat.
 - 14) P.F. of person concerned Sl. No. _____

SIB, Dibrugarh.

Attested;
Hon Venu; Advocate
19.2.2007

Section Officer/T

Annexure 'B'

17

3798
6/12/99

No.10/PF(E)/90(15)- 602-
Subsidiary Intelligence Bureau,
(Ministry of Home Affairs),
Government of India,

Dibrugarh, the

Memorandum

Enclosed please find a representation of Shri S.Mishra, JIO-I/WT (FIS No.106424) requesting AD/EP, IB.Hqr. New Delhi to allow him to continue for another 3(three) years in this set-up on the ground of his wife's service, for favour of necessary action.

Shri Mishra joined this SIB on 02.07.90
We do not have any objection if he is allowed to continue at Dibrugarh.

Joint Assistant Director

To
The Assistant Director/E,
SIB, Itanagar.

Encls:- As above.(2 copies).

Copy to Shri S.Mishra, JIO-I/WT, SIB, Dibrugarh for information.

Joint Assistant Director

S. Mishra

P. S. Jai
6/12/99

.....

Filed:
From Verma, Advocate
19.2.2001

Annexure 'C'

18

28

ORDER

Db

Ref : IB's order No.4/C-6/2000(5)-1890-1948
dated 15.3.2000.

The transfer/postings of the following JIOs-I/WT
of this set-up are ordered with immediate effect :-

<u>Sl.No.</u>	<u>Name</u> <u>S/Shri</u>	<u>Transferred to</u>
1.	Madan Swarup	IB. Hqrs.
2.	Subhasish Mishra	Kohima
3.	K.B.Deori	Shillong.
4.	D.B.Biswas	Chennai

Sd/-
Joint Assistant Director

No.5/EST/DBR/99(2)-3549
Subsidiary Intelligence Bureau,
(MIA), Govt. of India,
Dibrugarh.

Dated, the 23/3/2000.

Copy to :- 1) Person Concerned (Sl No. 2, DBE)
2) ATO/WT, SIB, Dibrugarh.
3) PF of person concerned.

Section Officer/E

27
Tested;
Hou Verma, Advocate
19.2.2008

Tr /h

Answered

19

29

ZCZC

TPM NO: 2298/OUT/TZP-DBR/2000

27.10.2000

M/I

=====

00 11:25 MSG6705

UU STZPX

:RKPUR 4019

COPYTO

AITRX AKMAX

++

TPM NO. 4019

DATED : 27-10-2000

SECURITY GRADING : SECRET

PRIORITY : M. IMMDT.

FROM : CRIMINARE NEW DELHI (AD/EP)

TO : CREMO DIBRUGARH (JAD)

INFO : CREMO ITANAGAR (AD)

CREMO KOHIMA (AD)

NO. J-I/C-6/804-9434

DATED : 27-10-2000

PLEASE REFER TO YOUR MEMO NO. 10/PF(E)/90(15)-
12949 DATED 11-10-2000 FORWARDING THEREWITH REPRESENTATION
OF SHRI SUBHASHISH MISHRA, JIO-I/WT, WHO IS UNDER ORDERS OF
TRANSFER FROM SIB DIBRUGARH TO SIB KOHIMA REQUESTING FOR
CANCELLATION OF HIS TRANSFER (.)

2. THE EARLIER REPRESENTATION DATED 28-3-2000 SUBMITTED
BY SHRI SUBHASHISH MISHRA IN THIS REGARD WAS CONSIDERED BY THE
JPB BUT THE SAME COULD NOT BE ACCEDED TO (.) THE DECISION WAS
ALREADY CONVEYED TO YOU VIDE TPM OF EVEN NO. DATED 2-5-2000 (.)
HOWEVER, THE SIB DID NOT RELIEVE SHRI MISHRA AND HE HAS ALREADY
ENJOYED MORE THAN 5 MONTHS OF UNAUTHORISED RETENTION (.)

3. IN VIEW OF THIS THE PRESENT REPRESENTATION OF SHRI
MISHRA CANNOT BE ENTERTAINED (.) HE MAY PLEASE BE INFORMED
ACCORDINGLY AND RELIEVED, FORTHWITH, UNDER INTIMATION TO US (.)

/////EOM 300 GRS /////

RLD BT+Y BNP/TZP ON 27/X AT 1140 HRS OV

NNNN

File: C:\TC\RECV\27MSG401.WIR

Time: 14:08 Date: 1

Noted;
Shri Verma, Advocate
19.2.2001

Dr. Mukul Sharma D.C.H.
CHILD SPECIALIST

Chamber At :-

ULTRA MEDICOS

(D. L. No. D/DR/3 & 4)

AMC Road, Dibrugarh - 786005

Phone : 301255

Residence :-

DQ - 8 (Lane G) AMC Complex

Phone : 301768

R. To whom it may concern.

This is to certify that Mrs. Yabi Rima delivered a female baby on 3-5-2000 at Sistri Hospital, Dibrugarh with birth asphyxia. Now, the baby is having repeated AKI and he requires frequent hospital visits. The baby is under my treatment as OPD patient since birth.

Me
(Dr. M. Sharma)
2/11/2000
R. NO- 11038 (AMC).

Attested,

Alok Verma,

Advocate
19/12/2007

Annexure F

21
31

ZCZC
CCQC

TPM NO.0198/OUT/TZP-DBR/01 24/1 MI

=====

635

UU STZPX

.DDLHL 2062

COPYTO

DDLHL AITRX AKMAX

++

=====

TPMNO. 2062

S GRADING NIL

PRIORITY M IMMDT

=====

FROM CRIMINRE NEW DELHI (AD/EP)

TO CREMO ITANAGAR (DD)

INFO 1) CREMO DIBRUGARH (AD)

2) CREMO KOHIMA (AD)

NO..J-I/C-6/804-394 DATED 23 JAN 2001

===

PLEASE REFER TO SIB ITANGAR MEMO NO.11/E/95(4)-10383
DATED 7.12.2000 FORWARDING AN APPLICATION OF SHRI S MISHRA ,
JIO-I/WT SEEKING PERMISSION TO APPEAR BEFORE DIB IN
DARBAR IN CONNECTION WITH HIS REQUEST FOR RETENTION IN
SIB DIBRUGARH (.)

2. THE REQUEST OF SHRI MISHRA HAS BEEN DULY CONSIDERED (.)
HOWEVER, IT IS REGRETTED THAT THE SAME COULD NOT BE ACCEDED TO (.)
SHRI MISHRA MAY, THEREFORE, PLEASE BE RELIEVED FORTHWITH IN SIB
DIBRUGARH ON HIS TRANSFER TO SIB KOHIMA (.) A COMPLAINT REPORT
MAY ALSO PLEASE BE SENT IN THIS REGARD (.)

3. DIB HAS BEEN THIS CASE (.)

===

EOM 400GRS

J

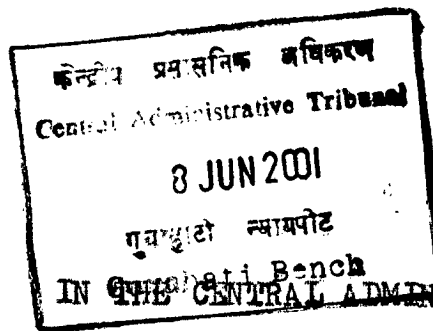
RLD BY T.BORAH, A-II/WT TZP TPS ON 24/1 AT 10:58 HRS OV

NNNN

File: C:\TC\RECV\24MSG622.WIR

Time: 11:04 Date

Noted ;
H. Verma; Advocate
19.2.2001



GUWAHATI BENCH ::: GUWAHATI

Recd by
4/6/01
32
(A. DEB ROY)
Sr. C. G. S. C.
G. A. T., Guwahati Bench

O.A. NO. 78 of 2001

Shri Subhashish Mishra

- Versus -

Union of India & Others.

- And -

In the matter of :

Written Statement submitted by
the Respondents

The respondents beg to submit the written statement as follows :

1. That with regard to para 1, the respondents beg to state that the transfer of Shri Subhashish Mishra (Applicant) from SiB Dibrugarh to SiB Kohima has been ordered alongwith 91 other personnel vide order No. 4/C-6/2000(5)-1890-1948 dated 15.3.2000. SiB Dibrugarh have issued order No. 5/Est/DBR/99(2)-3549 dated 23.3.2000 in compliance to that order. His representations for cancellation of transfer were duly considered by the competent authority at IB Hqrs. and same could not be acceded to .

It may be mentioned that earlier during general transfer-96, The applicant was transferred from SiB Dibrugarh to SiB Patna (his home state) but the same was cancelled after duly considering his request for retention for 3 years

-2-

on the ground that his wife was employed in Arunachal Pradesh Police and she was on family way and had certain medical problems.

The applicant joined service as JIO-II/WT w.e.f. 19.5.89 with All India Transfer Liability . He has remained posted at SiB Dibrugarh for about 11 years though the personnel of his cadre become due for transfer after every three years.

2. That with regard to paras 2, 3, 4 and 4.1 , the respondents beg to offer no comments.

3. That with regard to para 4.2, the respondents beg to state that the applicant has been transferred alongwith 91 personnel of his rank during general transfer-2000. His transfer is neither illegal nor malafide.

4. That with regard to para 4.3, the respondents beg to offer no comments.

5. That with regard to para 4.4 and 4.5, the respondents beg to offer no comments, Except that out of 10 years posting in SiB Dibrugarh he remained at a hard post for only 5 months, moderate hard post for 2 years & 2 months and rest of the period at soft posts. The applicant remained posted in SiB Dibrugarh beyond prescribed period of three years. He was permitted to continue in that unit after sympathetically considering his requests. He has now put in about 11 years in SiB Dibrugarh his posting to different stations in SiB Dibrugarh was in the exigencies of work and pursuant to the practice of rotating personnel posted at hard and soft stations.

6. That with regard to para 4.6 , the respondents beg to offer no comments.

7. That with regard to para 4.7, the respondents beg to state that the applicant joined service in IB with All India Transfer Liability. His transfer has been ordered alongwith other persons of his rank during general transfer 2000. As a part of general transfer of personnel every year after duly considering his request for further retention in SiB - Dibrugarh for three more years.

8. That with regard to para 4.8 to 4.12, the respondents beg to state that the applicant (DOB: 3.1.68) joined IB on fresh appointment as JIO-II/WT w.e.f. 19.5.89, with All India Transfer Liability. On completion of his basic training in May '90, He was posted to SiB Dibrugarh where he joined on 2.7.90. He has remained ~~posting~~ posted in that set up for about 11 years by now.

During general transfer-96, the applicant was transferred from SiB Dibrugarh to SiB Patna. He however, requested for his retention in SiB Dibrugarh for 3 years on the grounds of the service of his wife in Arunachal Pradesh Police and also her medical problems as she was on family way. His request was acceded to and he was allowed to continue in SiB Dibrugarh. ~~During~~ general transfer-2000, 92 personnel of his rank were transferred. The applicant was one among them and he was transferred to SiB Kohima (vide order No. 4/C-6/2000(5)-1890-1948 dated 15.3.2000). He represented against his

-4-

transfer and requested for his retention in SiB Dibrugarh on the same grounds given 4 years back. His request was considered by competent authority but was not acceded to. He was accordingly informed through his controlling officer. He submitted another representation dated 3.10.2000 requesting for cancellation of his transfer order reiterating earlier stated grounds. His request was again considered but rejected. He was informed through his controlling officer vide our TPM dated 27.10.2000. Yet another representation dated 30.10.2000 requesting for audience with Dibrugarh was considered by the competent authority which did not accept his request. He was accordingly informed through his controlling officer vide our TPM dated 23.1.2001. Thus even after the issue of the transfer order in March 2000, the applicant managed to continue in SiB Dibrugarh for one more year.

9. That with regard to para 4.13, the respondents beg to state that as per instructions contained in Govt. of India O.M. No. 28034/7/86-Estt(A) dated 3.4.86, if both husband and wife are employed, they are to be posted at same place as far as possible. The applicant has remained posted at SiB Dibrugarh for around 9 years after marriage and he can not claim injustice to him, if he is posted out of SiB Dibrugarh set up after putting in 10/11 years service.

10. ~~That with regard to para 4.14, the respondents beg~~

10. That with regard to para 4.14, the respondents beg to state that the paragraph are denied. The transfer of the applicant does not violate any provision of the constitution.
11. That with regard to para 4.15, the respondents beg to state that the paragraph are denied. The transfer of applicant does not violate established norms and administrative fair play.
12. That with regard to para 4.16 and 4.17, the respondents beg to offer no comments.
13. That with regard to paras 5, 5.1 and 5.2, the respondents beg to state that as per Govt. of India O.M. No. 28034/7/86-Estt(A) dated 3.4.86, if both husband and wife are employed they are to be posted at same place as far as possible. The applicant has remained posted at SiB Dibrugarh for around 8 9 years after his marriage and he can not claim injustice if he is posted out of SiB Dibrugarh set up after 10/11 years.
14. That with regard to para 5.3 to 5.6, the respondents beg to state that shri Subhashish Mishra has been transferred alongwith other 91 personnel of his rank by the competent authority as a part of general transfer of personnel.
15. That with regard to para 6, the respondents beg to state that the request of applicant is devoid of merit.
16. That with regard to para 7, the respondents beg to ~~state that~~ offer no comments.

17. That with regard to para 8 , the respondents beg to state that the transfer of Shri Subhashish Mishra has been ordered in public interest and request of the applicant for further retention in ~~SIB~~ Dibrugarh has been considered by the Competent Authority but could not be acceded to.

18. That with regard to para 9.1, the respondents beg to state that the applicant has not been relieved from SiB Dibrugarh on his transfer to ~~SIB~~ Kohima as per interim order dated 27.3.2001 of Hon'ble C.A.T. Guwahati. The application deserves to be dismissed.


19. That with regard to para 10 and 11 , the respondents beg to ~~state~~ offer no comments.

Verification.....

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

I, Shri M. R. K. S. Rao, Assistant Director, S.I.B. Guwahati
being authorised do hereby verify and declare
that the statements made in this written statement are true
to my knowledge, information and believe and I have not
suppressed any material fact.

And I sign this verification on this 21th day
of ^{May} ~~April~~, 2001.


21 5 2001
Declarant.
Assistant Director,
S. I. B. (M. H. A.)
Govt. of India,
Guwahati.