

30/100

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 483/01

R.A/C.P No.

E.P/M.A No.

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12/12/17
SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 483 /2001

Applicant(s) :- S. Chakraborty

Respondant(s) :- U.O.I. Govt

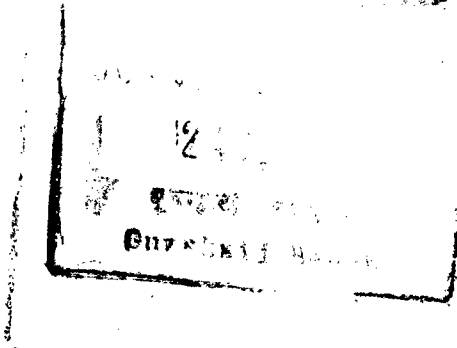
Advocate for the Applicant :- B.K. Sharma, S. Sarma, Mr. V.P. Dey

Advocate for the Respondant :- Call

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------|---|
| This is application in form C. F. for Rs. 50/- deposited vide IPO/20 - <u>64.7.8857</u> Dated <u>28.11.01</u> <u>Dy. Registrar</u> <u>PD</u> | 24.12.01 | <p>Heard Mr.S.Sarma, learned counsel for the applicant.</p> <p>The matter pertains to an order of transfer dated 14.12.2001 by which the applicant was transferred to Dhokiajuli Range of Central Excise. The applicant has already submitted a representation before the Commissioner Central Excise, North Eastern Region, Shillong as well as Commissioner Central Excise, Shillong. In this circumstances, we are of the view that ends of justice would be met if a direction is issued on the said authority to examine and decide the case in accordance with law. The said respondents are directed to dispose of the represen- tation as per law as early as possible preferably within one month from today. Till the completion of the exercise the impugned order shall kept in obedience.</p> <p>The application accordingly stands disposed of. No order as to costs.</p> <p><u>K. Chakraborty</u> Member</p> <p><u>Vice-Chairman</u></p> |

18-1-2002

Copy of the order
has been sent to the
Offce. for issuing the
rule to the L/ROs
for the parties.
HS



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Q. A No. 483 /2001

BETWEEN

Shri Samir Chakraborty

... Applicant.

- AND -

Union of India & Ors.

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Filed by Usha Das
Advocate:

c:\ws\ss\samir-1

Filed by
the applicant through
Alsha Das
Advocate
24/12/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O. A No. 483/2001.

BETWEEN

Shri Samir Chakraborty,
son Late J.C. Chakraborty, Chittaranjan
Road, P.O. Agartala College, Tripura
West, Agartala-799004.

... Applicant.

- AND -

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance, New Delhi-1.
 2. The Commissioner of Customs, North
Eastern Region, Shillong.
 3. The Assistant Commissioner, Customs
Division, Agartala.
 4. The Commissioner of Central Excise,
M.G.Road Shillong.
 5. Shri S.Ganguly Supdt.
Dhekiajuli Range,
Tezpur Central Excise Division. Tezpur.
- ... Respondents.

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS
MADE.

This application is directed against the orders
vide No. 191/2001 dated 14.12.2001 issued by the
Commissioner of Central Excise M.G.Road, Shillong, by which
the Applicant who is presently holding the post of Leave
Reserve Agartala under the Agartala Customs Division is
sought to be transferred to Dhekiajuli Range, Tezpur Central

Shr.

Excise Division. Tezpur. This application is also directed against the order dated 19.12.2001 issued by the Commissioner of Customs, NER, Shillong, by which his service has been placed under the disposal of disposal of Commissioner of Central Excise, Shillong.

2. LIMITATION

That the Applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL

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

4. FACTS OF THE CASE

4.1 That the Applicant 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 working as Leave Reserve, Agartala Customs Division. While he was working as Supdt. (Anti Smuggling), in the office of the Agartala Customs Division, the Commissioner of Customs NER, Shillong, issued an order dated 26.6.2001 by which he has been sought to be transferred to CPF Badarpur Unit. The said order of transfer dated 26.6.2001 is the subject matter of O.A No

243/2001, which is pending disposal before this Hon'ble Tribunal. In the said O.A No 243/2001 the applicant has challenged the order of transfer dated 26.6.2001 on the ground that same has been issued as a measure of punishment. In fact the written statement filed by the respondents reveals the fact that the order of transfer dated 26.6.2001 has been issued on receipt of some complaint. No enquiry has been made to find out the truth of said allegations and no opportunity was provided to the present applicant. It is pertinent to mention here that the Hon'ble Tribunal, while admitting the said O.A 243/2001 passed an interim order 6.7.2001 suspending the operation of the transfer order dated 26.6.2001. The respondents now have issued another order dated 14.12.2001 by which the applicant has been sought to be transferred to Tezpur, during the currency of the aforesaid interim order dated 6.7.2001. The said order dated 14.12.2001 has been followed by another order dated 19.12.2001 issued by the Commissioner of Customs NER Shillong by which his service has been placed under the disposal of Commissioner of Central Excise, Shillong. Through this application the Applicant has challenged the action of the Respondents in issuing the impugned transfer order dated 14.12.2001 by which he has been transferred to Dhekiajuli Range, Tezpur Central Excise Division, and the order dated 19.12.2001 by which his service has been placed under the disposal of Commissioner of Central Excise. The issuance of the impugned orders is a net result of detection of a huge number of phensedyl cough linctus amount in rupees about 16 lakhs. The aforesaid impugned orders have been issued at the behest of certain interested group to

Sh

frustrate the investigation. Finally the Respondent No. 2 acting on those complaints issued the impugned order which is baseless and liable to be set aside and quashed.

4.3 That the Applicant is presently holding the post of Leave Reserve Agartala Customs Division and he joined the said post in the month of July 2001. By now the Applicant has completed about only 4 months of service in the said division. It is pertinent to mention here that the applicant was working as Suptd of Anti Smuggling under Agartala Customs Division. Taking into consideration certain baseless complaint and with a malafide intension he was transferred to Badarpur CPF Unit. The applicant preferred O.A 243/2001 before the Hon'ble Tribunal and the Hon'ble Tribunal was pleased to stay the operation of the said transfer order dated 26.6.2001 by passing an interim order dated 6.7.2001. The respondents now without taking into consideration the said interim order passed an order placing the applicant as Leave Reserve. The applicant challenged the order of transfer dated 26.6.2001 on the ground that same has been issued at the behest of some interested circle in connection with seizure of huge amount of Phynsedyl. The respondents have filed their written statement in the said O.A and the allegation made in that context came to light.

The applicant craves leave of the Hon'ble Tribunal to relay and refer upon the statement made in the O.A No 243/2001 and the written statement filed in that O.A.

A copy of the said interim order dated 6.7.2001 and the order dated 26.6.2001 are annexed

herewith and marked as ANNEXURE-1 AND 2.

4.4 That the Applicant begs to state that the respondents now have issued another order dated 14.12.2001 by which the applicant has been sought to be transferred to Tezpur, during the currency of the aforesaid interim order dated 6.7.2001. The said order dated 14.12.2001 has been followed by another order dated 19.12.2001 issued by the Commissioner of Customs NER Shillong by which his service has been placed under the disposal of Commissioner of Central Excise, Shillong. Although the orders have been stated to be issued on administrative ground but same has been issued pursuant to some complaint lodged by the Respondents.

Copies of the impugned orders dated 14.12.2001 and 19.12.2001 are annexed herewith and marked as ANNEXURE-3 & 4.

4.5 That as stated above the interested group of officers in collusion with the respondents lodged complaints against the Applicant with a prayer to transfer him out from Agartala. It is pertinent to mention here that the Applicant detected a huge quantity of phensedyl cough linctus amounting rupees about 16 lakhs which were about to export to Bangladesh illegally. On such detection made by the Applicant the Respondents issued direction to the Applicant to investigate into the matter. Pursuant to such direction Applicant started investigation by issuing summons to the suspected persons involved in the case. However, the other Respondents started creating obstruction in the said investigation carried out by the Applicant for the reason

best known to them. To that effect the said Respondent lodged some complaint against the Applicant and same has resulted in issuance of the impugned transfer order. However, till date no copy of such complaint has been served upon the Applicant to prefer effective reply of the same.

4.6 That the Applicant begs to state that presently the investigation is going under him and there is every likelihood of getting hold the entire network involved in the said smuggling of phensedyl. However, in the event of issuance of the impugned order, the investigation work will be jeopardized. Surprisingly enough now move is going on to allot the said assignments to some other officials by the Respondents. From the above series of action it is clear that the impugned order has been issued at the behest of Respondents. It is noteworthy to mention her that the Respondents have issued the impugned order basing on the complaint made by the interested group without providing any opportunity of hearing to the Applicant.

4.7 That the Applicant begs to state that he was holding the post of Supdt. (Anti Smuggling) under the Custom Division, Agartala since February 2000 and after the issuance of the interim order he has been placed as Leave Reserve, by now he has completed only 4 months of service in the said division. But the Respondent No. 2 has issued the impugned order only to the Applicant without taking into consideration the said period of service. On the other hand persons senior to the present Applicant who by now has completed more than 4 years of service are still continue in their service without

any disturbance. It is further stated that the impugned order has been issued only to frustrate the investigation conducted by the Applicant.

4.8 That the Applicant begs to state that the issuance of the impugned order speaks volume of malafide against the Respondents. In fact the issuance of the aforesaid impugned orders is a net result of the complaint made by the Respondents.

4.9 That the Applicant begs to state that after the issuance of the impugned order the Applicant visited the office of the Respondents but the said Respondents have shown their helplessness in absence of any order from this Hon'ble Tribunal. Being aggrieved by the impugned orders dated 14.12.2001 and 19.12.2001, the applicant preferred representations to the concern authority but nothing has been communicated to him till date.

Copies of the representations are annexed herewith and marked as ANNEXURES- 5 & 6.

4.10 That the Applicant begs to state that after the issuance of the impugned order wherein there has been a direction also for his release, but the Applicant is yet to handover the charge. In fact till date he is holding the said post of Leave Reserve under Agartala Customs Division. Presently the Applicant is on tenure posting and by now he has completed about 4 months of service. As per the procedure prevalent in the Custom Divisions and taking into consideration the transfer guideline holding the field, the

Applicant is entitled to place his option after completion of three years of service. However, in the event of his aforesaid transfer to Dhekiajuli Range Tezpur as has been sought to be done by the Respondents, he will lose his opportunity to place his option for choice place of posting. It is noteworthy to mention here that there are numbers of vacancies in the office of the Respondents to allow the Applicant to continue in his present place of posting but the Respondents with a malafide intention has issued the impugned order which is not sustainable in the eye of law and liable to be set aside and quashed.

4.11 That the Applicant begs to state that presently he is holding the post of Leave Reserve Agartala Custom Division and till date he has not handed over the charge pursuant to the aforesaid impugned orders dated 14.12.2001. and 19.12.2001. The Applicant further begs to state that under his custody there are certain arms and ammunition and for that only he placed his inability to hand over charge to a person who has no authority to hold the said post. In that view of the matter the Applicant prays for an interim order directing the Respondents not to give effect the impugned orders dated 14.12.2001 and 19.12.2001 till disposal of this OA. If the interim as prayed for is not granted the Applicant will suffer irreparable loss and injury.

5. GROUND WITH LEGAL PROVISIONS

5.1 For that the action/inaction on the part of the Respondents in issuing the impugned orders dated 14.12.2001 and 19.12.2001 are illegal, arbitrary and violative of the

principles of natural justice and hence same is liable to be set aside and quashed.

5.2 For that the Respondent have acted illegally in issuing the impugned order dated 14.12.2001 and 19.12.2001 by which the Applicant has been sought to be transferred to Tezpur Division solely basing on complaints made by the Respondents as well as some others.

5.3 For that the Respondents while issuing the impugned orders dated 14.12.2001 and 19.12.2001 failed to take into consideration the fact that there are numbers of senior officials who have completed their tenure. The Respondents ought to have transferred the seniormost officer instead of the present Applicant who has completed only 4 months of service in his present place of posting. Therefore the impugned order is not sustainable in the eye of law and same is violative of principle of natural justice.

5.4 For that the impugned order has been issued at the behest of Respondents as well as some other interested parties, and same has been issued by the Respondents basing on some complaint respondents and others, without serving/affording any reasonable opportunity to the present Applicant to place his say in the matter and therefore the aforesaid impugned order of transfer is punitive in nature and liable to be set aside and quashed.

5.5 For that in any view of the matter the action/inaction on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

Sh.

The Applicant craves 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 THE REMEDIES EXHAUSTED.

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above, the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quashed the impugned orders dated 14.12.2001 and 19.12.2001 allowing the Applicant to remain posted at Agartala Custom Division as Supdt of Anti Smuggling under Customs Division.

8.2 Cost of the application.

8.3 Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the

case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the Applicant prays for an interim order directing the Respondents not to give effect the impugned orders dated 14.12.2001 and 19.12.2001 and to allow him continue in his present place of posting as Supdt. at Custom Division, Agartala.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

- (I) I.P.O. No.: 6 G 788856
- (ii) Date: 28/11/2001
- (iii) payable at Guwahati

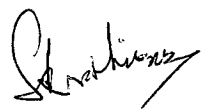
12. LIST OF ENCLOSURES :

VERIFICATION

I, Shri Samir Chakraborty, aged about 54 years, son Late J.C. Chakraborty, Chittaranjan Road, P.O. Agartala College, Tripura West, Agartala-799004 do here by solemnly affirm and state that the statement made in this application from paragraph 1-3, 41-42, 45-48, 410-411 & 56 are true to my knowledge and those made in paragraphs 43, 44 & 49 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 23~~rd~~ day of Dec. 2001.

Signature.


(Samir Chakraborty)

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

ORDER SHEET

original APPLICATION NO ...243....OF 2001.

Applicant (s) S. Chakraborty

Respondent (s) Union of India & sons

Advocate for Applicants (s) Mr. S. Sarma, Miss V. D. S.

Advocate for Respondent (s) case.

Notes of the Registry

Date

Order of the Tribunal

6.7.2001



Heard Mr S. Sarma, learned counsel for the applicant and also Mr B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the cavater. The application is admitted. Call for the records.

Mr Sarma stated and contended that the impugned order of

Attested

Advocate

- 14 -

6.7.2001

transfer dated 26.6.2001 was not made in public interest, but purportedly on administrative ground. Mr Sarma submitted that the transfer order was arbitrary and drew my attention to the pleadings cited above. Mr B.C. Pathak sought time yesterday to place on record the instructions. Mr Pathak, opposing the plea for stay produced some documents including the complaint of Shri Sanjib Kumar Chakrabarty, who made the complaint by his application dated 28.5.2001 and the report dated 25.6.2001 submitted by the Deputy Commissioner, Guwahati Customs Division.



TRUE COPY

प्रतिलिपि

9/7/2001
Section Officer (J)
अनुमान, अधिकांशी (न्यायिक शाखा)
Central Administrative Tribunal
प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-8
अधिकांशी न्यायाधीश, गुवाहाटी-8

Going through the facts and circumstances of the case, I find there is a prima facie case in support of the applicant's pleadings and accordingly an interim order is passed suspending the impugned order dated 26.6.2001. Accordingly notice is issued on the respondents as to why the impugned dated 26.6.2001 shall not be suspended, returnable by three weeks. List for orders on 27.7.01. In the meantime the operation of the order shall remain suspended till the returnable date.

Sd/ VICE CHAIRMAN

Attested
uDan
Advocate.

04:26

FROM: COMMISSIONER, CUSTOMS 0364-223440

TO: 0381328619

PAGE: 01

OFFICE OF THE COMMISSIONER OF CUSTOMS
NORTH EASTERN REGION
SHILLONG

ORDER NO. 28/2001

DATED, SHILLONG, THE 26TH JUNE, 2001

Sub:- Transfer & posting in the grade of Superintendent,
Group-'B' of Commissionerate of Customs, N.E.R.,
Shillong on administrative grounds -Order regarding.

Shri Samir Chakraborty, Superintendent (Anti-smuggling)
of Agartala Customs Division is hereby transferred & posted
to Badarpur CPF Unit under Karimganj Customs Division on
administrative grounds.

Shri Chakraborty, Superintendent stands relieved
on 26-06-2001 afternoon.

Sd/-
(Z. TOCHHAWNG)
COMMISSIONER OF CUSTOMS

C.No. II(3)14/ET/CC/CELL/SH/2001/3044-55(A)

Dated: -26-06-2001

Copy forwarded for information & necessary action to :-

1. The Commissioner of Central Excise, Shillong.
2. The Additional Commissioner (P&V), Customs & C.Ex., Shillong.
3. The Additional Commissioner (Tech), Central Excise, Shillong.
4. The Deputy Commissioner (P&I), Customs Hqrs. Office, Shillong.
5. The Deputy Assistant Commissioner, Customs Division, Agartala
Karimganj/Aizawl/Imphal/Dimapur/Guwahati/Shillong.
6. The Chief Accounts Officer, Customs & Central Excise, Shillong.
7. The Administrative Officer, Customs Hqrs. Office, Shillong.
8. The P.A.O., Customs & Central Excise, Shillong.
9. Shri Samir Chakraborty, Superintendent for compliance.
10. The Branch-in-Charge, ET II & III/Accts. I & II/Confidential,
CIU-VIG Branch of Customs & Central Excise Hqrs. Office,
Shillong.
11. The General Secretary, Group-'B' Executive Officers Assn.,
Customs & Central Excise, Shillong.
12. Guard File.

Attested

Advocate.

Sd/-
(Z. TOCHHAWNG)
COMMISSIONER OF CUSTOMS

- 16 -

ANNEXURE-3



COMMISSIONER OF CUSTOMS NORTH EASTERN REGION SHILLONG

NG Road (Northbrook Road), Shillong - 793 001, Meghalaya.
Phone: 0364-229001/210103. Fax: 0364-229007. E-mail: cusehg@sanchamnet.in

ORDER NO. 61/2001

Dated, Shillong, the 19th, December, 2001

Subject:- Annual General Transfers, postings and rotations in the grade of Superintendents Group 'B', Commissionerate of Customs, North Eastern Region, Shillong- order regarding.

The following transfers, postings and rotations in the grade of Superintendent Group 'B' of Commissionerate of Customs, North Eastern Region, Shillong are hereby ordered with immediate effect and until further orders

| Sl. No. | Name of the officer | Place of posting | | Remarks |
|---------|---------------------|---|------------------------------------|---|
| | | From | To | |
| (1) | (2) | (3) | (4) | (5) |
| 1 | S/Shri M. K. Bose | Computer Welfare A/E Dhubri Central Excise Division | Dhubri CPF, Guwahati Division | Vice B. Sarkar released to Central Excise |
| 2 | Abhijit Ghosh | Tech. Branch Dhubri Central Excise Division | Ghasumara LCS Guwahati Division | Vice I. Halim released to Central Excise |
| 3 | P. S. Das | Tech/Sta. Branch Agartala Division | Sonamura CPF Agartala Division | Vice S. K. Roy released to Central Excise |
| 4 | Paresh Debnath | Dharmamagar Range Silchar Central Excise Division | Tech/Sta. Branch Agartala Division | Vice P. S. Das |
| 5 | B. Patir | Service-Tax Range-II Guwahati Central Excise Division | Law/Disposal Aizawl Division | Vice D. N. Doley released to Central Excise |
| 6 | D. R. Saha | BRPL-II Range Dhubri Central Excise Division | Law/Disposal Guwahati Division | Vice J. Lama released to Central Excise |

Attested

Advocate.

| (1) | (2) | (3) | (4) | (5) |
|-----|---------------------------|---|--|---|
| 7. | P. R. Mullick. | <u>Audit Branch</u> Central Excise Hqrs. office Shillong | <u>Badarpur CPF</u> Karimganj Division | Against vacancy |
| 8. | Ranjit Bhattacharjee | <u>Silchar-I Range</u> Silchar Central Excise Division | <u>Silchar CPF</u> Karimganj Division | Vice J. C. Das No. 2 |
| 9. | A. B. Dutta. | <u>A/E Unit</u> Tezpur Central Excise Division | <u>Moroh LCS</u> Imphal Division | Against vacancy |
| 10. | S. Ganguly. | <u>Dhekiajuli Range</u> Tezpur Central Excise Division | <u>Mahendraganj LCS</u> Guwahati Division | Vice R. K. Sharma. Released to Central Excise |
| 11. | Biren Saikia. | <u>RBC Range</u> Guwahati Central Excise Division | <u>A/S. Narc./Intt.</u> Imphal Division | Vice K. N. Daimary released to Central Excise. |
| 12. | Biman Dhar. | <u>PBC-II Range</u> Guwahati Central Excise Division | <u>Teoh./Sta. Branch</u> Aizawl Division | Vice K. Ahmed released to Central Excise. |
| 13. | P. K. Das. I | <u>Hqrs. Audit Unit</u> Guwahati | <u>A/S. Narc./Intt.</u> Aizawl Division | Vice A. Bhattacharjee. |
| 14. | Debojyoti Mishra. | <u>TSK-I Range</u> Tinsukia Central Excise Division | <u>Karimganj Steamerport & Ferry Station</u> Karimganj Division | Vice A. Chakraborty released to Central Excise |
| 15. | G. K. Sharmabharal | <u>Dibrugarh-II Range</u> Dibrugarh Central Excise Division | <u>Lumding CPF</u> Dimaapur Division | New creation. |
| 16. | Kisalay Das. | <u>Audit Branch</u> Central Excise Hqrs. office, Shillong | <u>Sutarkandi LCS</u> Karimganj Division | Vice J. Dey released to Central Excise |
| 17. | R. K. Das. | <u>Bonga LCS</u> Shillong Division | <u>Law/Disposal</u> Dimaapur Division. | Vice P. B. Nag released to Central Excise |
| 18. | J. R. H. Diengdoh. | <u>Hqrs. & Estt.</u> Customs Hqrs. Office, Shillong | <u>Bonga LCS</u> Shillong Division | Vice R. K. Das. |
| 19. | M. Marbaniang | <u>Tezpur CPF</u> Guwahati Division. | <u>Hqrs. & Estt.</u> Customs Hqrs. Office, Shillong | Vice J. R. H. Diengdoh |
| 20. | P. K. Sinha Choudhury. | <u>Dawki LCS</u> Shillong Division | <u>Dharmanagar CPF</u> Karimganj Division | Vice R. C. Dey released to Central Excise |
| 21. | A. Bhattacharjee | <u>A/S. Narc./Intt.</u> Aizawl Division | <u>Dawki LCS</u> Shillong Division | Vice P. K. Sinha Choudhury. |

Attested

 Advocate.

| (1) | (2) | (3) | (4) | (5) |
|-----|--------------------|---|--|---|
| 22. | J. C. Das No. 2 | <u>Silchar CPE</u> Karimganj Division | <u>Tech./Adm. Branch</u> Karimganj Division | Vice J. C. Das No1 released to Central Excise |
| 23. | A. Swamy. | <u>Divisional Office</u> Imphal Division | <u>Law/Disposal</u> Imphal Division | Vice M. Baruah. |
| 24. | M. Baruah. | <u>Law/Disposal</u> Imphal Division | <u>Tech. CPE</u> Guwahati Division. | Vice M. Marbaniang. |

Representations, if any, should be submitted within 15(fifteen) days from the date of receipt of this order.

Sd/-
(DD Inqy)
Commissioner

C.NO.II(3)14/ET/CC/CELL/SH/2001/ 7750 - 809(A)

Dated:- 19.12.2001

Copy forwarded for information and necessary action to:-

1. The Commissioner of Central Excise, Shillong.
2. The Commissioner (Appeal), Customs & Central Excise, Guwahati.
3. The Additional Commissioner(P&V), Customs & Central Excise, Shillong.
4. The Additional Commissioner(Tech.), Central Excise, Shillong.
5. The Deputy Commissioner/ Assistant Commissioner, Customs/ Central Excise Division (all)
6. _____ Copy meant for the concerned officer is/are enclosed for causing delivery.
7. The Assistant Director(Comm.), Hqrs. Office, Shillong.
8. The Chief Accounts Officer., Customs & Central Excise, Shillong.
9. The Sr. P. S. to Commissioner Customs, North Eastern Region, Shillong.
10. The Pay Accounts Officer., Customs & Central Excise, Shillong.
11. The Administrative Officer(Customs), Hqrs. Office, Shillong.
12. The Superintendent(All), Hqrs. office, Shillong.
13. The Branch-in-charge, ETE & II/Accts. I & II/ Confidential / CIU -cum-VIG of Customs & Central Excise, Shillong.
14. S/Shri _____ Superintendent for compliance.
15. The General Secretary, Group 'B' Executive Officers Association Customs & Central Excise, Shillong.
16. Guard File.

(S. K. Das) 01
Assistant Commissioner(P&I)

Attested
[Signature]
Advocate.

The following officers in the grade of Superintendent, Group 'B' of Commissionerate of Customs, North Eastern Region, Shillong are hereby placed at the disposal of Commissioner of Central Excise, Shillong.

| SL. NO. | NAME | PRESENT PLACE OF POSTING |
|---------|--------------------|--|
| 01. | P. B. Nag. | Law/Disposal, Dimapur Customs Division. |
| 02. | J. Lama. | Law/Disposal, Guwahati Customs Division. |
| 03. | I. Halim. | Ghasuapara LCS, Guwahati Customs Division. |
| 04. | R. C. Dey. | Dharmanagar CPF, Karimganj Customs Division. |
| 05. | S. K. Roy. | Sonamura CPF, Agartala Customs Division. |
| 06. | J. C. Das. (No. 1) | Tech/Adjn., Karimganj Customs Division. |
| 07. | K. Ahmed. | Tech./Sta., Aizawl Customs Division. |
| 08. | S. Chakraborty. | Leave Reserve, Agartala Customs Division. |
| 09. | Alok Chakraborty. | KSFS, Karimganj Customs Division. |
| 10. | D. N. Doley. | Law/ Disposal, Aizawl Customs Division. |
| 11. | H. N. Panigrahy. | AS, Imphal Customs Division. |
| 12. | P. L. D. | Subdivisional Officer, Karimganj Customs Division. |
| 13. | R. K. Sharma. | Mahendraganj LCS, Guwahati Customs Division. |
| 14. | B. Sarkar. | Dhubri CPF, Guwahati Customs Division. |

15/12/01
Assistant Commissioner (P&I)

Attested

[Signature]
Advocate.

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GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
M.G. ROAD, SHILLONG - 793 001

ESTABLISHMENT ORDER NO. 191/2001
DATED SHILLONG THE 14th DEC 2001

Subject: Establishment Annual General Transfer, Posting and Adjustment in the grade of Superintendent- order regarding

The following transfer, posting and adjustment orders in the grade of Superintendent Gr 'B' are hereby ordered with immediate effect and until further orders.

| S. No | NAME | FROM | TO | REMARKS |
|-------|------------------|---|---|-----------------------|
| 01 | P.B.Nag | Law/Disposal, Dimapur Customs Division | Technical Branch Dibrugarh C. Ex. Division | Vice R.N. Pegu |
| 02 | J. Lama | Law/Disposal, Guwahati Customs Division | Audit Branch, C. Ex. Hqs. Office Shillong | Vice P.R. Mullick |
| 03 | I. Haïm | Ghasupara LCS, Guwahati Customs Division | Hqs. Audit Unit, Guwahati | |
| 04 | R.C. Dey | Dharmamagar C.P.F. Karimganj Customs Division | Dharmamagar Range, Silchar C. Ex. Division | Vice Parash Debnath |
| 05 | S.K. Roy | Sonamura C.P.F. Agartala Customs Division | Control Room, C. Ex. Hqs. Office Shillong | Vice K. Lalngauwa |
| 06 | J.C. Das (No-1) | Tech/Adjn. Karimganj Customs Division | A/E Unit, Tezpur C. Ex. Division | Vice A.B. Dulla |
| 07 | K. Ahmed | Tech/Sis. Aizawl Customs Division | A/E Unit, Dhubri C. Ex. Division | Vice M.K. Bose. |
| 08 | S. Chakraborty | Leave Reserve, Agartala Customs Division | Dhakesjuli Range, Tezpur C. Ex. Division | Vice S. Ganguli |
| 09 | Alok Chakraborty | KSFs, Karimganj Customs Division | Silchar-I Range, Silchar C. Ex. Division | Vice R. Bhattacharjee |
| 10 | D.N. Doley | Law/Disposal, Aizawl Customs Division | NOR Range, Guwahati C. Ex. Division | Vice C.M. Chakraborty |
| 11 | K.N. Dainary | A/S, Imphal Customs Division | BRPL-II Range, Dhubri C. Ex. Division | Vice D.R. Saha |
| 12 | Jahar Dey | Sulakandi LCS, Karimganj Customs Division | CIU-cum-VIG Br, C. Ex. Hqs. Office, Shillong | Vice C. Houzel |
| 13 | R.K. Sharma | Mahendraganj L.C.S. Guwahati Customs Division | Service-Tax Range-II Guwahati C. Ex. Division | Vice B. Palit |
| 14 | B. Sarkar | Dhubri C.P.F. Guwahati Customs Division | Technical Branch, Dhubri C. Ex. Division | Vice A. Ghosh |
| 15 | C.M. Chakraborty | NOR Range, Guwahati C. Ex. Division | PRC-II Range, Guwahati C. Ex. Division | Vice Biman Dhar |
| 16 | C. Houzel | CIU-cum-VIG Br, C. Ex. Hqs. Office, Shillong | Audit Branch, C. Ex. Hqs. Office, Shillong | Vice K. Das |
| 17 | A.K. Choudhury | A/E Unit, Dibrugarh C. Ex. Division | RBC Range, Guwahati C. Ex. Division | Vice Biren Saikia |
| 18 | Sudip Dey | Tezpur Range, Tezpur C. Ex. Division | Technical Branch, Tezpur C. Ex. Division | Vice J.C. Das |
| 19 | J.C. Das | Technical Branch, Tezpur C. Ex. Division | Tezpur Range, Tezpur C. Ex. Division | Vice Sudip Dey |
| 20 | H.R. Saha | A/E Unit, Silchar C. Ex. Division | Technical Branch, Silchar C. Ex. Division | Vice Subodh Dhar |
| 21 | Subodh Dhar | Technical Branch, Silchar C. Ex. Division | A/E Unit, Silchar C. Ex. Division | Vice H.R. Saha |
| 22 | S.P. Chakraborty | Byrnihat Range, Shillong C. Ex. Division | Hqs Audit Unit, Guwahati | Vice P.K. Das |
| 23 | R. Lang | Control Room, C. Ex. Hqs. Office Shillong | Byrnihat Range, Shillong C. Ex. Division | Vice S.P. Chakraborty |

ANNEXURE

4

R.N.Pegu

Technical Branch, Dibrugarh
C.Ex.Division

Dibrugarh-II
Range, Dibrugarh
C.Ex.Division

V.K.
G.K.Sharmaboral

N.B.: Representation if any should reach this office latest by 04.12.2001.

S/d

(Z.TOCHHAWING)
COMMISSIONER
CENTRAL EXCISE
SHILLONG

The following Superintendents are hereby placed at the disposal of Commissioner of Customs (NER), Shillong for posting.

| NO | NAME |
|----|----------------------|
| 1 | Kisalay Das |
| 2 | S. Ganguly |
| 3 | A.B.Dutta |
| 4 | Biren Saikia |
| 5 | B. Patil |
| 6 | Biman Dhar |
| 7 | P.K.Das |
| 8 | Debojyoti Mishra |
| 9 | G.K.Sharmaboral |
| 10 | P.R.Mullick |
| 11 | Abhijit Ghosh |
| 12 | M.K.Bose |
| 13 | D.R.Saha |
| 14 | Paresh Debnath |
| 15 | Ranjit Bhattacharjee |

PRESENT PLACE OF POSTING

- Avail Branch, C.Ex. Hqs Office, Shillong
- Dhekiajuli Range, Tezpur Central Excise Division
- Anti Evasion Unit, Tezpur C.Ex. Division
- RBC Range, Guwahati C.Ex. Division
- Service Tax Range-II, Guwahati C.Ex. Division
- PBC-II Range, Guwahati C.Ex. Division
- Hqs. Audit Unit, Guwahati
- Tinsukia-I Range, Tinsukia C.Ex. Division
- Dibrugarh-II Range, Dibrugarh C.Ex. Division
- Audit Branch, C.Ex. Hqs Office, Shillong
- Technical Branch, Dhubri C.Ex. Division
- Computer, Wellare, A/E, Dhubri C.Ex. Division
- BRPL-II Range, Dhubri C.Ex. Division
- Dharmamajr Range, Silchar C. Ex. Division
- Silchar-I Range, Silchar C.Ex. division.

C.NO.11(3)33/ET III/2001/50785-860

Dated:

19 DEC 2001

1. Copy forwarded for information & necessary action to:-
2. The Commissioner of Customs (NER), Shillong.
3. The Commissioner (Appeals), Guwahati.
4. The Additional Commissioner (Tech), C.Ex.Hqs. Office, Shillong.
5. The Deputy/Assistant Commissioner _____ C.Ex.Division. The copy(s) meant for the concerned officer(s) is/are enclosed.
6. The Deputy/Assistant Commissioner _____ C.Ex.Hqs. Office, Shillong. The copy(s) meant for the concerned officer(s) is/are enclosed.
7. The CAO/PAO of Hqs. Office, Shillong.
8. Accounts I&II/C.II Cum-VIG/Confidential Branch of C.Ex.Hqs. Office, Shillong.

Attested
Advocate.

(B. THAMAR) 18.12.2001
ADDITIONAL COMMISSIONER (TECH)
CUSTOMS & CENTRAL EXCISE
SHILLONG

ANNEXURE-5

- 22 -

To
The Commissioner of Customs,
North Eastern Region,
Shillong.

~~Through proper Channel.~~

Sir,

Subject: Representation against release
to Central Excise -

Most respectfully, I beg to submit the
following for favour of your kind consideration.

1. That vide Order NO. 01/2001 dated 19.12.2001
I have been placed at the disposal of the Commissioner
of Central Excise, Shillong.
2. That Commissioner of Central Excise, Shillong
vide Order No. 21/2001 dated 14.12.2001 transferred me
to Bhekiajuli, under Jorpur Division.
3. That I was transferred to Badarpur C.P.F.
from Agartala on administrative ground vide order No. 28/2001
dated 26.6.2001 of the Commissioner of Customs, Shillong.
4. That the Honourable Central Administrative
Tribunal, Guwahati Bench stayed the transfer order
on administrative ground - vide order dated 6.7.2001
in C.A. NO. 243/2001. The case is sub-judice. A COPY of the C.A.
under is enclosed herewith.
5. That my tenure of posting at Agartala has not
yet been completed. Only two years I have completed at
Agartala.

In the circumstances stated above, I would
request your honour kindly to ^{keep my name} my release
to Central Excise, and retain me at Agartala Customs
Division and for this act of kindness, I shall remain
ever grateful to you.

Yours faithfully,

(Signature) 20/12/2001
(Sanjit Chakraborty)
Superintendent.

Dated 20.12.2001.

Encls: One

Attested

(Signature)
Advocate.

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ANNEXURE— 6

To
The Commissioner ,
Central Excise Commissionerate ,
Shillong -793 001.

Through proper Channel.

Sir,

Subject: Representation against transfer from
Agartala to Dhekiajuli, Tezpur Divn.

Most respectfully , I beg to submit the
following representation for favour of your kind
consideration.

2. That I have been transferred to Dhekiajuli,
under Tezpur Division vide Estt. Order No. 21/2001 dated
14.12.2001 .

3. That I was transferred to Bpadan^{ful} C.P.F. on
administrative ground vide ^{order} No. 28/2001 dated 26.6.2001
of the Commissioner of Customs , N. T. R. Shillong.

4. That O.A. No. 243/2001 was filed in the
Honourable Central Administrative Tribunal , Guwahati
Bench against the transfer order dated 26.6.2001 which
was stayed by the Honourable CAT, a photocopy of the
CAT's order dated 6.7.2001 is annexed hereto as Annexure-I
for your kind perusal. The case is sub-judice .

5. That my tenure of posting at Agartala has not
yet been completed . Only I have completed two years of my
stay at Agartala.

Under the circumstances stated above , I would
request your honour kindly to retain me Agartala for
and for this act of kindness , I shall remain ever grateful
to you.

Attested
[Signature]
Advocate.

Enclol- One

Yours faithfully,
[Signature]
(Samir Chakraborty)
Superintendent.