

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Review - APPLICATION NO. 13 / 2001 (OA 417/2001)

Applicant (S)

U.O. 1.2.001

Respondent(S)

G. S. Narayan I.F.S.

Advocate for the Applicant:

M. D. R. Das.

Advocate for the Respondent:

Notes of the Registry

Date

Order of the Tribunal

18.10.01

This Review Application has

been filed by the Respondent No. 4 in O.A. No. 417 of 2001. By this O.A. the applicant has prayed for the review of ~~the~~ the order dated 12th October 2001 passed in O.A. No. 417 of 2001 whereby the direction was given to the respondents to implement the impugned order dated 11.9.2001. It has been represented that the applicant ^{the facts} has not properly presented in the ^{of 417/2001} case. The Respondent No. 4 in O.A. No. 417 of 2001 was one of the applicants in O.A. No. 296 of 2000. In M.P. No. 144 of 2001 arising in O.A. No. 296 of 2000 and the order was passed on 26.6.01 whereby the direction was issued that the position of the applicants vis a vis the status shall not be disturbed. By Annexure 3 in the Review Application No. 13 of 2001 the applicant has placed on records the copy of the order dated 10.10.2001 by which ^{the operation of} the earlier Government Order dated 11.9.2001 this review was stayed until further orders, in the contd/ case of the applicant in this M.P.

This application has been filed with a proper break in the records and upon hearing the parties he pleased to recall/alter/modify the order dated 15.10.01 passed in OA 417/2001 said before Narayan Court in order

Narayan
18/10/01
S.O.

Notice prepared and sent
to D/S for comm's letter
respondent No 1 to 4
As Regd A/D.

D/No. _____
Dtd. _____

18.10.01

Issue notice to the respondents to show cause as to why the order dated 12th October 2001 in O.A. No. 417 of 01 shall not be reviewed as prayed for. Meanwhile, the status quo shall be maintained.

for
List on 27.11.01/Orders.

K. Chhara
Member

lm

25.10.01

Both these R.A.'s are taken together, as the issue involved is the same. The R.A. 13/2001 had been moved by the respondent No. 4 in O.A. 417/2001. The O.A. 417/2001 was decided on 12.10.2001 at the admission stage by granting relief to the applicant. The applicant had prayed for implementation of the order of transfer dated 11.9.2001. The applicant in O.A. 417/2001 has moved R.A. No. 14/2001 stating that the applicant came to know that the order dated 11.9.2001 had been stayed by the State of Assam by order dated 10.10.2001 so far as it related to Shri A.K. Das respondent No. 4. In view of this development in both the R.A.'s, prayer has been made for review of the order dated 12.10.2001 in O.A. 417/2001. The applicant has prayed for review of the order dated 12.10.2001 passed in O.A. 417/2001.

Heard Shri B.K. Sharma learned Sr. counsel for the applicant and also Mr. D.K. Das, learned counsel for the respondent No. 4. The respondent No. 4 Shri A.K. Das also moved R.A. 13/2001 on 18.10.01 and it has also been listed on 27.11.2001. The R.A. 13/2001 is also taken up for hearing today. The learned counsel for the respondent No. 4 has no objection if R.A. 13/2001 which is fixed on 27.11.2001 is taken up today. As there is some development in

Contd/-

3

Notes of the Registry	Date	Order of the Tribunal
<p>13.11.2001</p> <p>Copy of the order has been sent to the Dy Sec. for Isani. The same to the L/Ady for the parties.</p> <p>MB</p>	<p>25.10.01</p> <p>mb</p>	<p>respect of the order in O.A. 417/2001 and the transfer order dated 11.9.2001 has been stayed by the respondent No.4 Govt. of Assam, the review application is accepted. The order allowing status quo to be maintained passed on 18.10.2001 in R.A. 13/2001 is is vacated. The order passed in O.A. 417/2001 is set aside.</p> <p>The R.A.'s are is disposed of as above. There shall, be no order as to costs.</p> <p><i>Member</i> Member</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI.

Review.
~~Recapitulation~~ Case No. 13 of 2001
Arising out of O.A.NO. 417 of 2001

In the matter of :

Sri Y. Surya Narayan, I.F.S.

..... Applicant.

-Versus-

The Union of India & Ors.

..... Respondents.

-And-

In the matter of :

^{Amrit}
Sri Arjit Kumar Das,

Divisional Forest Officer,

Karimganj Forest Division,

District-Karimganj, Assam.

..... Petitioner
Respondent No.4.

-And-

In the matter of :

A review petition filed by the
petitioner/respondent No.4 under
Section 17 of the Central Administra-
tive Tribunal procedure Rules, 1987

Contd.....2.

4
Filed by Respondent No.4
Through Secretary to the Bench
Admrate 18.10.2001

praying for recall/alteration/
modification of the order
dated 15.10.01 passed by this
Hon'ble Tribunal in O.A.No.417
of 2001.

The humble petition of the
above-named petitioner/respondent
No.4 ;

MOST RESPECTFULLY BEGS TO STATE AS FOLLOWS :-

1. That the petitioner/respondent No.4 is presently holding the Office of the Divisional Forest Officer(DFO), Karimganj Forest Division, Karimganj. He has been impleaded as Respondent No.4 in the above-noted O.A.Case No. 417 of 2001.

2. That by a Government Notification No.FRE.66/90/190-C dated 11.9.2001, the petitioner/respondent No.4 was earlier transferred from Karimganj and posted as Deputy Conservator of Forest attached to the Conservator of Forest Northern Assam Circle, Tezpur with effect from the date of taking over charge and in his place the above named Applicant was transferred and posted as DFO, Karimganj Forest Division, Karimganj.

A copy of the transfer order dated 11.9.2001 is annexed hereto and marked as ANNEXURE-I.

Contd.....3.

3. That the above-named Petitioner/Respondent No.4 challenged the aforesaid transfer order dated 11.9.2001 by filing Writ petition(c) No.6636 of 2001 before the Hon'ble Gauhati High Court inter alia on the grounds that the said transfer order dated 11.9.2001 was not only illegal, arbitrary and actuated by malice but the same was also in violation of the order dated 26.6.2001 passed by this Hon'ble Tribunal in Misc.Case No.144/2001 arising out of O.A.No.296/2000. Upon hearing the learned counsels for the parties the Hon'ble Gauhati High Court by order dated 17.9.01 was pleased to issue Notice in the said W.P.(C) No.6636/2000. The interim prayer for stay of the transfer order dated 11.9.01 was however rejected.

4. That it is ~~mentioning~~ worth mentioning here in that the above-named petitioner/respondent No.4 as applicant together with several others had filed O.A. No.296/2000 before this Hon'ble Tribunal challenging the decision of the Central Government seeking to reserve 22 posts of the Territorial Forest Division of Assam for being manned exclusively by the Officers belonging to IFS Cadre. The said O.A.No.246/2000 is pending disposal before this Hon'ble Tribunal.

5. That during the pendency of the said O.A. No.296/2000 before this Hon'ble Tribunal the Central Government by a letter dated 27.4.2001 directed the Govt. of Assam to notify the territorial Forest Divisions

Contd.....4.

as Cadre post in terms of the Notifications issued to that effect earlier. In the wake of the said Letter dated 27.4.2001, the Hon'ble Tribunal by order dated 26.6.2001 passed in Misc.Application No.144/2001 arising out of O.A.No.296/2000 was pleased to direct that although Notification regarding territorial Division may be issued yet the position vis-a-vis the status of the applicants therein shall not be changed until further orders. The said interim order dated 26.6.2001 is holding field till today.

A copy of order dated 26.6.2001 is
annexed hereto and marked as

ANNEXURE-II.

6. That in view of the fact that the aforesaid transfer order dated 11.9.01 posting an IFS Cadre Officer in place of the Petitioner/Respondent No.4 was in clear violation of the aforesaid interim order dated 26.6.2001 passed by this Hon'ble Tribunal hence the above-named petitioner/respondent No.4 filed a Contempt petition being Contempt Petition No.40 of 2001 for drawal of Contempt proceedings against the respondent authorities for issuing the order dated 11.9.2001 in deliberate and wilful violation of the order dated 26.6.2001 passed by this Hon'ble Tribunal. Notices has been issued in the said Contempt Petition No.40 of 2001 and the same is still pending disposal.

Contd.....5.

7. That in the wake of the interim order dated 17.9.2001 passed by the Hon'ble Gauhati High Court in W.P.(C) No.6636 of 2001 rejecting the interim prayer, the petitioner/respondent No.4 was making preparations to hand over charge in terms of the transfer order dated 11.9.2001. However, in the meanwhile it appears that upon receipt of notices in Contempt Petition No. 40 of 2001, the respondent authorities immediately decided to comply with the order dated 26.6.2001 passed by this Hon'ble Tribunal and with that end in view the respondent authorities by a Notification issued under Memo No.FRE.100/2001/26 dated 10.10.2001 temporarily stayed the earlier transfer order dated 11.9.2001 in respect of the petitioner/respondent No.4. As such, on the basis of the order dated 10.10.2001 the petitioner/respondent No.4 is still continuing to hold the post of D.F.O, Karimganj till today.

A copy of the order dated 10.10.2001
is annexed hereto and marked as
ANNEXURE-III.

8. That after the order dated 10.10.2001 was issued staying the earlier transfer order dated 11.9.2001 the above-named Applicant on 15.10.01 filed O.A.No.417 of 2001 before this Hon'ble Tribunal inter alia seeking a direction upon the petitioner/respondent No.4 to hand over charge of the Karimganj Division in terms of the order dated 11.9.2001. Be it stated

Contd....6.

herein in the said O.A. petition the above-named applicant had deliberately suppressed the fact regarding issuance of the order dated 10.10.01 with the sole purpose of obtaining favourable orders misleading this Hon'ble Tribunal.

9. That although certain specific directions were sought against the petitioner/respondent No.4 yet notice of the said O.A.No.417 of 2001 was never served upon the present petitioner/respondent No.4.

10. That on the basis of the averments made in the application filed in O.A.No.417 of 2001 concealing vital material facts regarding the issuance of the order dated 10.10.01, and upon hearing the learned counsel for the applicant and the learned Government Advocate, this Hon'ble Tribunal by an order dated 15.10.01 passed in O.A.No.417 of 2001 was pleased to finally dispose of the said application with a direction upon the respondent authorities to carry out the order dated 11.9.2001 so far it relates to the applicant within one week.

A certified copy of the order dated 15.10.01 is annexed hereto and marked as ANNEXURE-IV.

Contd.....7.

11. That it is respectfully stated that the order dated 15.10.2001 is in conflict with the spirit of the notices issued by the Hon'ble Tribunal in Contempt Case No.40/2001 arising out of O.A.No.296/2000. ~~arising out of O.A.No.296/2000~~ Further in view of the fact that the order dated 10.10.2001 had been issued prior to passing of the order dated 15.10.01 by this Hon'ble Tribunal and the said order dated 10.10.2001 not having been set aside, there is a strong possibility that order dated 15.10.2001 passed by this Hon'ble Tribunal would create further confusion in the matter resulting into multiplicity of legal proceedings.

12. That it is respectfully stated that the above-named applicant has obtained the order dated 15.10.01 by concealing vital material facts. Had the fact regarding issuance of the order dated 10.10.2001 been placed before this Hon'ble Tribunal then in every likelihood this Hon'ble Tribunal may not have passed the order dated 15.10.01 in its present form. As no notice of the O.A.No.417/2001 was served upon ~~him~~ him, the present petitioner/respondent No.4 also did get an opportunity to bring the aforesaid fact to the notice of this Hon'ble Tribunal.

13. That if the order dated 15.10.2001 is not immediately recalled/altered then in that event the petitioner/respondent No.4 strongly apprehends that some orders adverse to the petitioner's interest may

Contd.....8.

be issued by the respondent authority in which eventuality the petitioner/respondent No.4 would suffer immensely.

14. That under the facts and circumstances narrated above it is therefore respectfully submitted that this Hon'ble Tribunal may be pleased to recall/alter/modify the order dated 15.10.01 passed in O.A. No.417 of 2001 for the interest of justice.

15. That this petition has been filed bona-fide and for the ends of Justice.

In the premises, it is therefore prayed that this Hon'ble Tribunal may be pleased to issue notice of this petition, call for the records and upon hearing the parties be pleased to recall/alter/modify the order dated 15.10.01 passed in O.A. No. 417 of 2001.

-And-

In the interim be pleased to stay the operation of the order dated 15.10.01.

And for this the petitioner/respondent No.4 as in duty bound shall ever pray.

Verification.....9.

Affidavit.
VERIFICATION

I, Sri Amrit Das, Son of Late Monuram Das, aged about 42 years, D.F.O, Karimganj Division, Karimganj, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 7, 10 to 15- are true to my knowledge, those in paragraphs

2 To 8, are true to my information derived from records and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this ^{*affidavit.*} ~~Verification~~ on this the 18th day of October, 2001.

Deponent
Amrit Kumar Das

GOVERNMENT OF ASSAM
FOREST DEPARTMENT :: DISPUR

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 11th September, 2001

NO.FRE.66/90/190 : In modification of earlier Govt. Notification No.FRE 2/91/pt.III/119-A dtd.12.7.2001, Shri C R Bhobora, DCF is transferred and posted as Divisional Forest Officer, Central Assam afforestation Division, Moja Hojai with effect from the date of taking over charge vice Sri AC Das transferred.

NO.FRE.66/90/190-A : In the interest of public service, Shri A C Das, Divisional Forest Officer, Central Assam Afforestation Division, Mojai is transferred and posted as Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat with effect from the date of taking over charge vice Shri P S Das, IFS transferred.

NO.FRE.66/90/190-B : On relief, Shri P S Das, IFS, Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat is in the interest of public service transferred and posted as Divisional Forest Officer, Kamrup West Division, Bamunigaon with effect from the date of taking over charge vice Shri Nagen Das, IFS, transferred.

NO.FRE.66/90/190-C : On relief, the services of Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup West Division, Bamunigaon is in the interest of public service are placed at the disposal of Karbi Anglong Autonomous Council, Diphu for his posting as Divisional Forest Officer, Hamren Division, Hamren vice Sri A C Sarma already transferred.

contd...2

Signature

NO.FRE.66/90/190-D : In modification of earlier Govt. Notification No.FRE.3/90/pt.II/208-A dtd.22.8.2001 Shri Y Suryanarayan ,IFS,Divisional Forest Officer,Digboi Division,Digboi is in the interest of public service transferred and posted as Divisional Forest Officer, Karimganj Division,Karimganj with effect from the date of taking over charges vice Shri A K Das transferred.

NO.FRE 66/90/190-E : In relief, Shri A K Das,Divisional Forest Officer,Karimganj Division,Karimganj is in the interest of public service transferred and posted at DCF attached to Conservator of Forests,Norther Assam Circle,Tezpur with effect from the date of taking over charges vice Shri C R Bhobora whose transfer order has been modified.

Sd/-A B Md Eunus.

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

Memo NO.FRE.66/90/190-F Dated Dispur the 11-9-2001

Copy to :

1. The Accountant General (A & E), Assam,Maidamgaon, Beitoal ,Guwahati-29.
2. The Principal Chief Conservator of Forests,Assam, Rehabari,Guwahati-8
3. The Chief Conservator of Forests (wildlife),Assam, Rehabari,Guwahati-8.
4. The Chief Conservator of Forests (Territorial)Assam, Panbazar,Guwahati-1
5. The Chief conservator of Forests (Social Forestry), Assam,Zoo Narengi Road,Guahati-24.
6. The Chief Conservator of Forests (Research,Education and N working plan),Assam,Guwahati-24.
7. The Conservator of Forests,Central Assam Circle , Guwahati-1 North Assam Circle,Tezpur/Eastern Assam Circle,Jorhat/Wester Assam Circle,Kokrajhar/ Karbi Anglong Autonomous council,Diphu.

contd...

Setend
MA

8. The Director, Kaziranga National Park, Bokakhat.
9. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu for information and necessary action.
10. Shri A C Das, Divisional Forest Officer, Central Assam Afforestation Division, Hojai.
11. Shri P.S. Das, IFS, Divisional Forest Officer, ~~Central~~ Eastern Assam Afforestation ~~Division~~ Wildlife Division Bokakhat. He is directed to move first immediately after handing over charge to Field Director Kaziranga National Park.
12. Shri Nagen Das, IFS, Divisional Forest Officer, Kamrup West Division, Bamunimata gaon.
13. Shri Y Suryanarayan, IFS, Divisional Forest Officer, Digboi Division, Digboi.
14. Shri A K Das, Divisional Forest Officer, Karimganj Division, Karimganj.
15. Sri C R Haer Bhobora, DCF C/o Principal Chief conservator of Forests, Assam, Rehabari, Guwahati-8.
16. The P.S. to Minister, Forest Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
17. The P S to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
18. The Deputy Director, Assam, Govt. Press, Bamunimadham, Guwahati-2. for favour of publication of the above Notification in the next issue of the Assam Gazette.
19. Personal File of the officers.

By order etc.

sd/-

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

Shankar

(See Rule 42)
34 - 108-10
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

ORDER SHEET

Misc APPLICATION NO ... 111A ... OF 2001. - 13 -
W.O.A. 296/2000

Applicant (s) Jalandica Baruah & Son,

Respondent (s) Union of India & Son

Advocate for Applicants (s) Mr. N. Dutta, Mr. D.K. Das

Advocate for Respondent (s) C.G.S.C., Mrs. M.D., G.A. Dossam

26.6.2001



By this application the applicants have prayed that the operation of the letter dated 27.4.2001 issued by the Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India, may be suspended during the pendency of the O.A. In the O.A. the applicants have challenged the Notification dated 9.11.1999 by which the Central Government has fixed the cadre strength and has earmarked twentytwo posts of Deputy Conservator of Forests, (Territorial) for the members of the Indian Forest Service. The contention of the learned counsel

Attard
A

26.6.2001



Certified to be true Copy
प्रमाणित प्रतिलिपि

27/6/2001

Section Officer (J)

आयुक्त, प्रशासनिक न्यायालय
Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

Gandhinagar Bench, Gandhinagar-8

गान्धिनगर बेंच, गान्धिनगर-8

27/6/2001

for the applicant is that if the letter dated 27.4.2001 is given effect, the O.A. shall be rendered infructuous and the applicants will suffer irreparable loss and injury. On the other hand, Mr B.C. Pathak, learned Addl. C.G.S.C., has submitted that by the letter dated 27.4.2001 the State Government has been only asked to have the territorial divisions notified and communicate the same to the Ministry to enquire that only cadre officers are posted to the cadre posts. It is submitted that Notification in pursuance to the impugned letter has not yet been issued and there is no likelihood of any immediate injury to the applicants.

We have considered the rival submissions made by the learned counsel for the parties and perused the impugned letter. As the Notification dated 9.11.1995 is under serious challenge before this Tribunal and the letter dated 27.4.2001, now impugned, is only a consequential step, in our opinion, it shall be just and proper to protect the interest of the applicants so as their position may not be disturbed as a consequence to the letter dated 27.4.2001. The application is accordingly disposed of with a direction that though Notification regarding territorial division may be issued in pursuance of letter dated 27.4.2001, however, the position of the applicants vis-à-vis their status shall not be altered until further orders.

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)

38 ANNEXURE 711
15

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 10th October, 2001.

NO.FRE. 100/2001/26 :- The transfer order issued vido Govt. Notification No.FRE. 66/90/190-E, dtd. 11.9.2001 in respect of Shri A.K. Das, Divisional Forest Officer, Karimganj Division is hereby stayed temporarily and untill further order.

Sd/- A.B. Md. Eunus,
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

Memo No.FRE. 100/2001/26-A, Dated Dispur, the 10th October, 2001.
Copy to :-

- 1) The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-3.
- 3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 4) The Chief Conservator of Forests (Wildlife), Assam, Rehabari, Guwahati-8.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Barongi Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) The Conservator of Forests, Southern Assam Circle, Silchar.
- 8) Shri A.K. Das, Divisional Forest Officer, Karimganj Division, Karimganj.
- 9) Shri Y. Suryanarayan, IFS, DCF, C/O Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 10) The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
- 11) The Deputy Director, Assam Govt. Press, Samunimaidam, 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.,

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

.....

A. K. Das

Annex IV

pt 6 -

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.417 of 2001.

Date of Order : This the 12th Day of October, 2001.

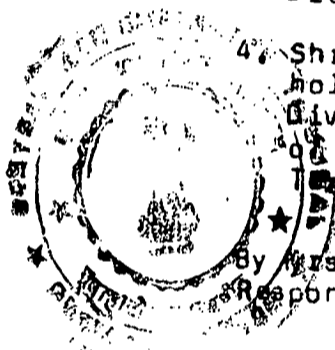
HON'BLE MR. K.K.SHARMA, ADMINISTRATIVE MEMBER.

Shri Y.Surya Narayana, IFS
Divisional Forest Officer, Karimganj
Division, Karimganj. . . . Applicant.

Mr.B.K.Sharma, Mr.S.Sarma, Mr.U.K.Nair &
Ms.U.Das.

- Vs -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Forest
New Delhi.
2. The State of Assam
Represented by the Chief Secretary
Dispur, Guwahati-6.
3. The Secretary to the Government
of Assam, Department of Forest
Dispur, Guwahati-6.
4. Shri Amrit Kumar Das, presently
holding the post of DFO, Karimganj
Division, Karimganj (under order
of transfer to Northern Assam Circle
Dispur. . . . Respondents.



By Mrs.M.Das, Advocate Govt. of Assam for
Respondent No.2.

ORDER

K.K.SHARMA (MEMBER ADMN.) :

By this application under Section 19 of the Administrative Tribunals Act, 1995, the applicant has prayed for implementation of order dated 11.9.2001, whereby the applicant has been transferred and posted as Divisional Forest Officer, Karimganj Division, Karimganj with effect from the date of taking over the charge.

2. The applicant is an Indian Forest Service Officer and was holding the charge of D.F.O., Digboi.

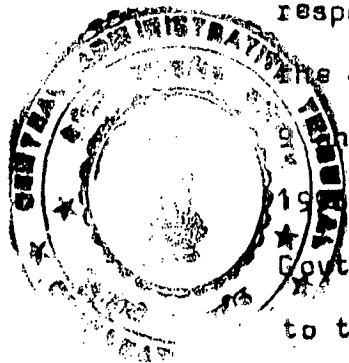
11/10/01

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By order dated 11.9.2001 the applicant has been transferred as mentioned above. The applicant was relieved on 12.9.2001 by Sri Amal Chandra Sarma, who was posted as D.F.O, Digboi. The applicant has joined in his place of posting namely, Karimganj on 17.9.2001, but the charges had not yet been handed over to the applicant by Mr. A.K.Das, D.F.O, Karimganj, who is a member of State Forest Service. It has been stated that though Mr.Das is not an Indian Forest Service Officer he is holding a cadre post. Mr.A.K.Das had filed a petition before the Hon'ble Gauhati High Court which was numbered as WP(C) No. 6636/2001 and the Hon'ble High Court turned down the interim prayer of the applicant for stay of the order of transfer.

3. Mr.B.K.Sharma, learned senior counsel for the applicant has stated that the transfer order dated 11.9.2001 have not been amended or cancelled so far. The respondent No.4 has refused to hand over the charge to the applicant. Mr.Sharma has referred to the Annexure 9 and 10 being as Office Memorandum dated 27th October, 1993 and 2nd July, 2001 issued by the Secretary to the Govt. of Assam, Personnel (A) Deptt. and Chief Secretary to the Govt. of Assam, wherein it has been emphasised that the process of handing over charges should be completed within 10 days of passing the transfer order. He has submitted that the action of the respondents in not handing over the charge is violative of the order of the Hon'ble High Court as well as the Office Memorandums dated 27th October, 1993 and 2nd July, 2001. The applicant has also made representations dated 27.9.2001 and 4.10.2001 (Annexure-7 and 8 to the application) to the Conservator



10/1/2001

Contd.. 3

Md
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of Forests, Southern Assam Circle, Silchar and Secretary Forest Deptt. Govt. of Assam, Dispur. It is stated that the applicant has not got any reply so far.

4. I have also heard Mrs. M. Das, learned counsel appearing for the Government of Assam. She admitted that the transfer order dated 11.9.2001 has not been cancelled so far.

5. Having heard the counsel for the parties and gone through the documents filed with the application it is clear that the applicant has been transferred from the post of D.F.O, Digboi to D.F.O, Karimganj Division, Karimganj. The applicant has already been relieved with the charge of D.F.O, Digboi on 12.9.2001 and has also reported at Karimganj Division on 17.9.2001. The applicant has followed the order passed in his case. There is no material produced before me to show that the applicant has no right to the post of D.F.O, Karimganj. The applicants representations have not been acted upon. In the circumstances, direction should be given to the respondent Nos. 2 & 3 to carry out the order dated 11.9.2001, so far as it relates to the applicant. Accordingly I direct the said respondents to carry out the said order within one week from the receipt of the order. Considering the importance of the matter and as the parties have no objection, the matter is disposed of as the admission stage. No order as to costs.



Certified to be true Copy

प्रमाणित प्रतिलिपि

Sd/-MEMBER (Adm)

Section Officer (J)
आनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

15/10/2001

Filed