

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : _____
Misc. Petition No. _____
Contempt Petition No. 26 /03 No. A341/01
Review Application No. _____

Applicant (s) Dr. Rajeev Ranjan

-Vs-

Respondent (s) Krishna Singh & another

Advocate for the Applicant (s) Mr. M. Chanda, S. Chandhury

Advocate for the Respondent(s) CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt petition has been filed by the Counsel for the petitioner praying for initiation of a contempt proceeding against the respondents for non-compliance of the order dated 1.5.02 passed by this Hon'ble Tribunal in A341/01.</p> <p>Laid before the Hon'ble Court for further orders.</p> <p><i>Bomb</i> Section Officer <i>19/5/03</i></p> <p>Notice prepared & sent to the respondent No 182 to Regd. A/A S/N No 1102 to 1103 dtd. 29/5/03 23/5</p>	<p>21.5.2003</p> <p>mb</p>	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Member (A).</p> <p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List again on 23.6.2003 for orders.</p> <p><i>Sum</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

23.6.2003

Heard Mr. M. Chanda, learned counsel for the applicant. Mr. B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of respondent No.1 sought for time for filing reply. Prayer is allowed. Put up again on 18.8.2003 for orders.

Vice-Chairman

mb

18.8.2003

Present: The Hon'ble Mr.K.V.Prahaladan
Administrative Member

List the case again on 28.8.2003 for order.

Member

bb

28.8.03

The Respondents No.1 have filed their reply. Mr. B.C.Pathak, learned Addl.C.G.S.C appearing on behalf of the Respondents No.2 has prayed for time to file their reply. Prayer is allowed. List on 24.10.03 to file reply if any.

Member

Vice-Chairman

26.2.2004 present: The Hon'ble Shri Shanker Raju
Judicial Member.

The Hon'ble Shri K.V.Prahladan
Administrative Member.

Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents, seeks two weeks time to file reply on behalf of respondent No.2
List on 15.3.2004.

Meanwhile, Assam Rifles represented through Lt.General may also file reply to the Contempt petition.

Member(A)

Member (J)

bb

No. reply has been
biked.

20.6.03.

No. reply has been
biked.

27.8.03

28.8.03

Repy on behalf
of Respondent No.1...
has been filed.

Remind copy
27/8/03

20.6.03

8.3.04

Contemner

Respondent No. 2
has been submitted
reply.

Counter reply filed
by the Contemner
No - 122

15.3.2004 List before the next Division
Bench on 31.3.2004 for orders.

[Signature]
Member (A)

[Signature]
30.3.04

mb

31.3.2004 Present: Hon'ble Shri Kuldip Singh,
Judicial Member
Hon'ble Shri K.V. Prahladan,
Administrative Member.

Heard Mr. M. Chanda, learned
counsel for the petitioner and Mr B.C.
Pathak, learned Addl. C.G.S.C.

The learned counsel for the
applicant has a grievance that even
after the judgment of the Tribunal the
respondents are following a pick and
choose policy in matters of transfer and
posting to choice station as they have
already repatriated some doctors
ignoring the case of the applicant even
after the order of the Tribunal. The so
called policy of the respondents has
also not been adhered to. The learned
counsel for the applicant submits that
he will be able to furnish the names of
such doctors who were sent back
repatriation. Let an affidavit be filed
by the learned counsel for the
petitioner on this score and the matter
may be listed for hearing before the
next available Division Bench.

order dt. 31/3/04
Sent to D/Section
for issuing to
learned Advocate
at both the parties.

[Signature]
1/4/04

[Signature]
Member (A)

[Signature]
Member (J)

nkm

21-7-04

The addl. Registrar
finished by
applicant
[Signature]

20.7.04


~~passed over to the~~
list on 22.7.04.

By oodu

22.7.2004 | present: The Hon'ble Shri K.V.Sachidanandan, Member (J).
The Hon'ble Shri K.V.Prahladan
Member (A).

When the matter came up for hearing, learned counsel for the parties submitted that the matter may be taken up next Division Bench. Let it be done. post before the next Division Bench.


Member (A)


Member (J)

bb

23.8.2004 Present: Hon'ble Shri D.C. Verma,
Vice-Chairman
Hon'ble Shri K.V. Prahladan,
Administrative Member.


Heard Mr M. Chanda, learned counsel for the petitioner and Mr B.C. Pathak, learned Addl. C.G.S.C. Hearing concluded. Order reserved.


Member


Vice-Chairman

nkm

26.8.2004 Judgment delivered in open Court, kept in separate sheets. The C.P. is dismissed. No order as to costs.


Member (A)


Vice-Chairman

bm

Received copy
Bfprahlan
3/9/2004

7.9.04
Copy of the order
has been sent to
the office for
serving the same
to the applicant.

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI-BBENCH

Contempt Petition No.26 of 2003

(In O.A.341/2001)

Date of decision: This the 26th day of August 2004

The Hon'ble Shri D.C. Verma, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Dr Rajeev Ranjan

S/o Prof. Rajendra Prasad Singh,

Medical Officer, CHS 6, Assam Rifles,

P.O. Khonsa, Arunachal Pradesh.

.....Petitioner

By Advocates Mr M. Chanda, G.N. Chakraborty

and S. Choudhury.

- versus -

1. Shri Krishna Singh,

Secretary to the Government of India,

Ministry of Health and Family Welfare

(Department of Health),

New Delhi.

2. Lt. General H.S. Kanwar,

Director General of Assam Rifles,

Shillong.

.....Alleged Contemners

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

.....

O R D E R

D.C. VERMA, VICE-CHAIRMAN

By this Contempt Petition the applicant has complained for non-compliance of the Tribunal's Order dated 1.5.2002 in O.A.341 of 2001 In re Dr Rajeev Ranjan Vs. Union of India and others.

2. While deciding the aforesaid O.A. the Tribunal gave the following direction:

"Upon hearing Mr M. Chanda, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed earlier in similar O.A.315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of

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the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E. Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs."

3. The case of the petitioner is that in spite of the Tribunal's directions the respondents deliberately and wilfully did not take any initiation for implementation of the order dated 1.5.2002. In the additional rejoinder it is also pointed out that Dr Natasa Verma, Dr Gayatri and some other doctors whose names could not be collected by the petitioner were subsequently transferred and posted to their choice station even before completion of their fixed tenure of posting.

4. The respondents, on the other hand submitted that while deciding O.A.315/2001, in the case of Dr T.K. Roy Vs. Union of India on 24.4.2002 the Tribunal observed as below:

"..... The authority has no doubt expressed its concern, but then these doctors cannot be kept guessing. The respondents must keep their side of the bargain. Appropriate mechanism is to be explored with utmost expediency, so that the morals of such officers can be kept high and that can only be done by the authority finding out the solution by transferring them out as per their seniority in the N.E. Region."


5. When the applicant's O.A. was decided on 1.5.2002 the Tribunal observed (at the cost of repetition), "to consider the matter afresh for posting the applicant out of N.E. Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002." The respondents, it has been submitted, undertook to formulate a firm schedule for repatriation of CHS doctors posted in Assam Rifles after deliberation of the correspondence. It was noticed that out of a cadre of 198 posts of Medical Officers in Assam Rifles, only 49 were working.....

working and many of them had requested for repatriation. Consequently, a list of all such doctors were prepared which is annexed with the reply. This shows that 14 doctors were to be relieved in 2004 and 34 during the year 2005. The present applicant is to be relieved in the year 2005. His name appears at serial No.28 of the list.

6. On above facts, the learned counsel for the respondents submitted that the respondents have taken all care to formulate a scheme in the light of the Tribunal's direction given in O.A.315/2002 and O.A.341/2001 and there is no non-compliance on the part of the respondents.

7. With regard to Dr Natasa Verma and Dr Gayatri, Mr B.C. Pathak, learned Addl. C.G.S.C., submitted that their names have been brought in the additional rejoinder but details are not given. It is also submitted that some doctors, as explained, are taken for a short period. Hence on completion of their tenure period they are repatriated. So their names are also not included in the list of doctors filed with the rejoinder.

8. After the learned counsel for the parties have been heard at length, we noticed that while deciding O.A.341/2001 the Tribunal did not fix any time frame for repatriation of the applicant. The Tribunal only directed the respondents to expeditiously as far as possible and in the light of the observations in the order and in the order of O.A.315/2002 consider the applicant's matter for posting outside the N.E. Region. The respondents have already formulated a time schedule. Hence the action of the respondents cannot be faulted. The decision taken by the respondents is also in the light of the Tribunal's order in O.A.315/2002. Consequently, the same cannot be said to be

 wilful.....

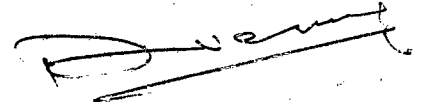
wilful disregard of the Tribunal's directions given in O.A.315/2002.

9. In view of the discussions made above there is no merit in the Contempt Petition. The same is accordingly dismissed. Notice is discharged.

No order as to costs.



(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER



(D. C. VERMA)
VICE-CHAIRMAN

nkmm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 26 /2003
In Original Application No. 341 of 2001

In the matter of:

Dr. Rajeev Ranjan

....Petitioner

-Versus-

Sri Krishna Singh and Another

..... Contemnors

-AND-

In the matter of:

An application under Section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a contempt proceeding against the contemnors for non-compliance of the order dated 01-05-2002 passed in O. A. No. 341/2001;

-AND-

In the matter of:

Dr. Rajeev Ranjan

Son of Prof. Rajendra Prasad Singh,

Medical Officer, CHS. 6, Assam Rifles,

P.O. Khonsa, Arunachal Pradesh.

...Petitioner

-VS-

1. Sri Krishna Singh,
Secretary to the Government of India, Ministry of
Health and Family Welfare, (Department of
Health), Government of India, New Delhi.

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Filed by the Applicant
through Surajit Choudhary
Advocate
on 6/5/2003

2. Lt. General H. S. Kanwar,
Director General of Assam Rifles,
Shillong - 793011.

.... Contemnors

The humble petitioner above named -

MOST RESPECTFULLY SHEWETHS:

1. That your applicant being highly aggrieved by non consideration of his posting out of North Eastern Region, had approached this Hon'ble Tribunal through OA No. 341 of 2001.

2. That the Hon'ble Tribunal, after hearing the contentions of the parties, had passed the order on 01.5.02 in OA No. 341/2001 directing the respondents as follows :

"2. As per the prescribed norms communicated through the memorandum dated 14.12.1983 in respect of facilities for civilian employees of Central Government serving in North Eastern Region and Union Territories the tenure posting is provided for three years at a time for officers with services of 10 years or less and 2 years of service at a time for officers with more than 10 years of service. On completion of fixed tenure of service the authority is to consider his posting to a station of his choice as far as possible. After completion of his tenure the applicant no doubt is entitled for consideration of his case for posting in a choice place. The respondents in its written statement however referred to the O.M. No. MOF(Espr)'s I.D. No. F.11(2)/E.II(B)/ 2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.1983 was not applicable to the employee on initial posting to the North Eastern Region. The policy guidelines were introduced to render justice to the employee posted on North East Region. The authority itself indicated that the applicant is entitled to be considered for getting a choice place of posting. The applicant has completed his tenure and therefore his case requires consideration.

3. Upon hearing Mr. M. Chanda, learned counsel for the applicant and Mr. BC Pathak, learned Addl. CGSC for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed

earlier in similar OA No. 315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.F. Region as expeditiously as possible in the light of the observations made in this application and also in OA No. 315/2002"

Copy of order dated 1.5.02 passed in OA No. 341/2001 is annexed hereto as Annexure-I.

- 3 That your applicant thereafter submitted an application on 18.6.2002^{re} to the alleged contemnor no. 1 enclosing therewith a copy of the judgment and order dated 1.5.2002 passed in OA No. 341/2001 and requested for implementation of the said order of the Hon'ble Tribunal but the said alleged contemnors neither gave any reply nor have taken any action to implement the same.

Copy of the representation dated 18.6.2002 is annexed hereto as Annexure-II.

- 4 That it is stated that the alleged contemnors deliberately and willfully did not take any initiation for implementation of the order dated 9.5.2001 passed by the Hon'ble Tribunal in OA No. 167/2001 which amounts to contempt of Court. Therefore the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemnors for willful violation of the order of the Hon'ble Tribunal dated 1.5.2002 and the Hon'ble Tribunal further be pleased to impose punishment against the alleged contemnors for willful violation of the order of the Hon'ble Tribunal in accordance with law.

- 5 That it is a fit case of the Hon'ble Tribunal for initiation of contempt proceeding for deliberate non-compliance of the order dated 1.5.2002 passed by the Hon'ble Tribunal in OA No. 341 of 2001.

- 6 That this application is made bona fide and for the ends of justice.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the alleged contemnors for willful non-compliance of the order dated 1.5.2002 passed in OA No. 341/2001 and further be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any such other order or orders as deem fit and proper by the Hon'ble Tribunal.

And for this act of kindness the applicant as in duty bound shall ever pray.

AFFIDAVIT

I, Dr. Rajeev Ranjan, Son of Prof. Rajendra Prasad Singh, aged about years, working as Medical Officer, 6 Assam Rifles, 99 APO, Khunsa, Arunachal Pradesh, do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in paragraphs 1-6 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, in the matter of non-compliance of the Hon'ble Tribunal's order dated 01.05.02 passed in O. A. No. 341/2001.

Identified by

Rajeev Ranjan

Sanjit Khoselkar

Advocate

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of order of the Hon'ble Tribunal dated 01.05.02 passed in OA No. 341/2001.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

Date of Order : This the 1st day of May, 2002.

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

Dr. Rajeev Ranjan,
 son of Prof. Rajendra Prasad Singh,
 Medical Officer, CHS,
 6, Assam Rifles,
 P.O. Khunsa, Arunachal Pradesh. . . . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India
 through the Secretary to the
 Govt. of India, Ministry of Health and F.W.
 New Delhi.
2. The Secretary to the Govt. of India,
 Ministry of Home Affairs,
 Government of India,
 New Delhi.
3. The Director General of Assam Rifles,
 Ministry of Home Affairs,
 Assam Rifles,
 Shillong.
4. The Deputy Director (Admn.)
 Assam Rifles,
 Shillong. . . . Respondents.

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

ORDER

CHOWDHURY J. (V.C.)

One more case of posting at a place of his choice
 in terms of the Government policy. The applicant was
 initially appointed under the Central Health Service (CHS)
 as Medical Officer on the recommendation of the UPSC. On
 his appointment to the post of Medical Officer under CHS
 in the Ministry of Health and Family Welfare his services
 was placed under the Director General, Assam Rifles and
 he was posted in 6, Assam Rifles and he is serving in the
 same place till the date of filing of this application.

contd..2

He submitted application through proper channel for transferring him from Assam Rifles to CHS for posting him any of the CHS Dispensaries at Patna, Ranchi or New Delhi. On 2.9.2000 his representation was forwarded by the Commandant indicating that officer was to complete his normal tenure of three years during February 2001 in Assam Rifles and due for posting. He accordingly recommended for posting him out to one of the station chosen by him on completion of three years tenure. By Memorandum dated 25.9.2000 the DGAR was informed that application for posting of the applicant was returned unactioned as Medical Officer did not complete the normal tenure of four years in the organisation with the direction to advise the officer to submit application on completion of tenure for processing the case. The applicant assailed the legitimacy of the said order. Hence this application.

As per the prescribed norms communicated through a memorandum dated 14.12.1983 in respect of facilities for civilian employees of Central Government serving in North Eastern Region and Union Territories the tenure posting is provided for three years at a time for officers with services of 10 years or less and 2 years of service at a time for officers with more than 10 years of service. On completion of fixed tenure of service the authority is to consider his posting to a station of his choice as far as possible. After completion of his tenure the applicant no doubt is entitled for consideration of his case for posting in a choice place. The respondents in its written statement however referred to the O.M. No.MoF(Espr)'s I.D. No.F.11(2)/E.11(B)/2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.83 was

contd...3

not applicable to the employee on initial posting to the North Eastern Region. The policy guidelines were introduced to render justice to the employee posted on North East Region. The authority itself indicated that the applicant is entitled to be considered for getting a choice place of posting. The applicant has completed his tenure and therefore his case requires consideration.

3. Upon hearing Mr M.Chanda, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed earlier in similar O.A.315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E.Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.



TRUE COPY

सिद्धि

SI/VICE CHAIRMAN.

pg

21/5/02
 सचिव (अ.)
 राष्ट्रीय प्रशासनिक न्यायालय
 Guwahati Bench, Guwahati-7
 असम प्रदेश, भारत

6 Assam Rifles
C/O 99 APO

6019/A/2002/ 698

18 Jun 2002

Headquarters
Arunachal and Assam Range (Rear)
Assam Rifles
C/O 99 A P O

CHOICE POSTING OF MEDICAL OFFICER
TO CHS OUTSIDE THE NORTH EAST
REGION

1. An application for choice posting to CHS outside the North East Region submitted by Dr Rajiv Ranjan, Medical Officer (CHS) of this unit is fwd herewith in triplicate alongwith the order of Central Administrative Tribunal, Guwahati Bench for your further necessary action please.

2. Please ack.

Rajiv
(Rajiv Sharma)
Maj
Adjt
for Comdt

Encl : 09 (Nine)

From : Dr Rajeev Ranjan
Medical Officer (CHS)
6 Assam Rifles
C/O 99 APO

18

To
The Secretary
Ministry of Health and Family welfare
(Department of Health)
Govt. of India
Nirman Bhawan (CHS - I)
New Delhi - 110011

(Through proper channel)

Subject : Prayer for implementation of Judgment and order dated 01st May 2002 passed in
Original application No 341 of 2001.

Respected Sir,

1. I would like to draw kind attention and further beg to state that the Hon'ble central Administrative Tribunal, Guwahati Bench vide order dated 01st May 2002 passed in original application No 341 of 2001, directed to consider my repatriation/choice posting to CHS outside North Eastern Region as per my options submitted earlier by my representation as expeditiously as possible.

2. It is relevant to mentioned here that I joined in Assam Rifles as Medical Officer (CHS) on dated 05 Feb 1998 at Shillong as per office order No A 12025/170/97-CHS-I dated 06 Jan 1998 and still working till date.

3. It is relevant also to mention here that I have earlier opted my choice posting at any of the CGHS Dispensaries at Patna, Ranchi or New Delhi.

4. You are therefore requested kindly to consider my choice posting in terms of judgment and order dated 01st May 2002 passed in original application No 341 of 2001. One copy of judgment is enclosed herewith for your ready reference.

Yours faithfully,


Rajeev Ranjan
Medical Officer (CHS)

Enclosure : One copy of judgment

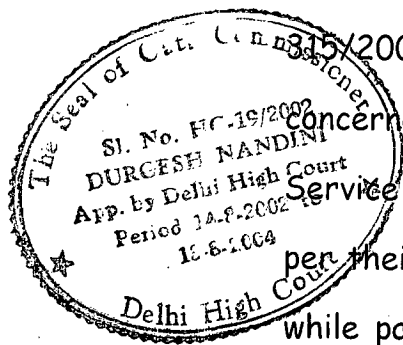
Copy to :-

1. Directorate General Assam Rifles
Shillong - 11
2. Deputy Inspector General Assam Rifles
Assam & Arunachal Range
C/O 99 APO
3. Office Copy

2. That the answering Respondent has the highest regard for this Hon'ble Tribunal and always complied with the directions of this Hon'ble Tribunal sincerely and faithfully. There is no question of deliberately violating any order of this Hon'ble Tribunal. However, if this Hon'ble Tribunal comes to a conclusion that there has been some unintended or unintentional delay in implementing the direction of this Hon'ble Tribunal, I tender my unconditional and unqualified apology for the same.

3. That in para 4 of the Contempt Petition the Petitioner has stated that no action was initiated for implementation of order dated 09.05.01 passed by the Hon'ble Tribunal in OA No. 167/2001. As per record available with the answering respondent neither any OA bearing No. 167/2001 nor a copy of order dated 09.05.01 as aforesaid was received. So the question of initiation of any action thereon does not arise. In the same para the petitioner has further requested for initiation of Contempt proceedings against the answering respondent for violation of order dated 01.05.2002 of this Hon'ble Tribunal. It is not clear as to whether the Petitioner is referring to orders passed in OA No. 341/2001 or some other order. As far as action on order dated 01.05.02 in O.A. No.341/2001 is concerned, the answering respondent has already taken necessary action as stated in succeeding paragraphs.

4. That it is submitted that this Hon'ble Tribunal in OA No. 315/2001 Dr.T.K. Roy Vs UOI has directed that the authority concerned should find the solution to the problems of Central Health Service doctors posted in Assam Rifles by transferring them out as per their seniority in the North East. Further this Hon'ble Tribunal while passing the above mentioned directions also took note of the anxiety expressed by the authority about the interest of Assam Rifles, which is deployed in hard areas of North East, while implementing the transfer. A true copy of judgement in OA



(J. V. R. PRASADA Rao)
Health Secretary
Ministry of Health & F.W.
New Delhi

No. 315/2001 is attached as Annexure-I. In order to implement the said order of the Tribunal Respondent No. 1 wrote letters No.C-17011/20/01-CHS.II dated 3.8.2002, 07.11.2002 and 08.01.2003 (Annexure-II, III & IV) and letters No.C17011/4/02-CHS-II dated 28.11.2002, 29.1.2003 and 20.02.03 (Annexures V, VI and VII) to Respondent No. 2 to draw up firm schedule for transfer of CHS doctors from Assam Rifles.

5. That before a schedule for transfer of CHS doctors could be drawn, the applicant, Dr.Rajeev Ranjan, MO, who joined Assam Rifles in 5.2.1998, filed OA No.341 of 2001 seeking his transfer from Assam Rifles to a place of his choice. The Hon'ble Tribunal vide their order dated 1st May, 2002 in the said case directed that Respondents should consider the case for transferring the applicant out from North East Region on completion of his tenure with utmost expedition in the light of observations made in this application and in OA No. 315/2001.

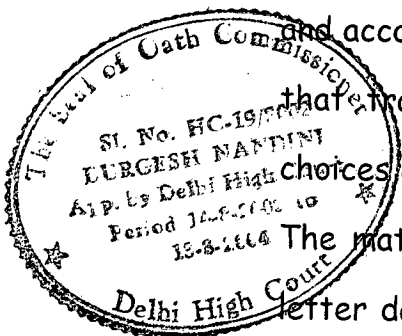
6. That since the order dated 1.5.2002 was to be implemented with earlier order dated 24.4.2002 passed by the Hon'ble Tribunal in OA No. 315/2001, it was decided to draw up a schedule of transfers from Assam Rifles before his case for transfer could be considered,

and accordingly Assam Rifles were requested to draw up a schedule so that transfers of doctors from Assam Rifles to places of their choices can be ordered in the order of their seniority in Assam Rifles.

The matter was also taken up at the highest level by writing a d.o. letter dated 13.02.2003 (Annexure VIII) to the Secretary, Ministry of Home Affairs who is controlling authority of Assam Rifles to draw a schedule for transfer of CHS doctors. Vide their letter No.A.12011/1/2003/P-3 dated 3rd March, 03, (Annexure IX) the

Ministry of Home Affairs have sent a proposed

(J. V. R. PRASADA RAO)
Health Secretary
Ministry of Health & F.W.,
New Delhi.



schedule for repatriation of 48 serving CHS doctors with Assam Rifles as under:-

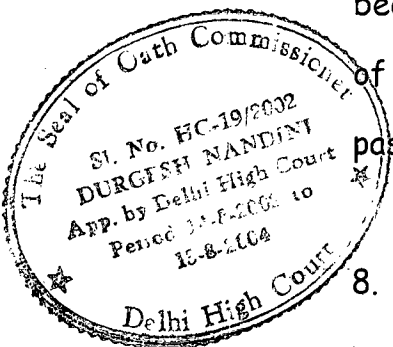
- i) None in the year 2003
- ii) 14 Medical officers to be repatriated in the year 2004
- iii) 34 Medical Officers to be repatriated in the year 2005.

The said Schedule is further subject to availability of additional officers through the on going recruitment process of Medical Officers by Assam Rifles. Vide their letter dated 3rd June, 2003 Ministry of Home Affairs have given a detailed schedule of transfer keeping in view seniority of doctors in Assam Rifles. A true copy of the letter & schedule is Annexed herewith (Annexure X). The name of the Petitioner appears at S.No.28 of the said schedule, and he can be relieved in the year 2005.

7. That in the meantime the applicant has filed the instant Contempt Petition. It may be submitted that the answering respondent has acted only under the orders of this Hon'ble Tribunal and plans to transfer the petitioner as per the scheme drawn in pursuance of the directions contained in order dated 24.04.02 in OA No. 315/2001. In fact transferring the Petitioner without a scheme would be against and violative of the orders of this Hon'ble Tribunal as a junior in order of seniority of posting in NE Region would have been transferred before transfer of many of his seniors. The action of the answering respondent does not amount to violating any order passed by this Hon'ble Tribunal as alleged.

8. That the actions taken by the answering respondent were with a view to comply with the orders of this Hon'ble Tribunal passed in OA No. 315/2001 and 341/2001. It is respectfully submitted that in these actions, no disobedience, violation or contempt of this Hon'ble Tribunal was ever intended.

(J. V. R. PRASAD * RAO)
Health Secretary
Ministry of Health & F.W.
New Delhi



= 17 =

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9. That in view of the above submissions, it is most respectfully prayed that the Petitioner has failed to make out a case for Contempt against the answering respondent and as such the notice of the contempt may kindly be discharged against Respondent No.1. It is further submitted that the Petitioner will be transferred out of Assam Rifles as per schedule referred to above and his choice for posting will be duly taken into consideration at the relevant time.

[Signature]

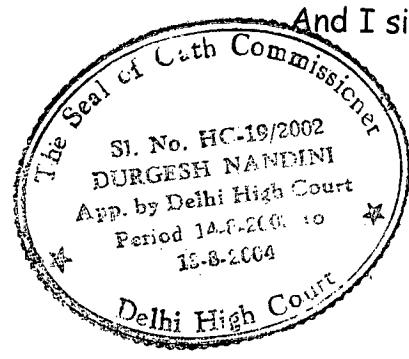
DEPONENT
(J. V. R. PRASADA RAO)
Health Secretary
Ministry of Health & F.W.
New Delhi

VERIFICATION

[Signature]
I identified the deponent who
has signed in my presence.

I, J.V.R. Prasada Rao, the above named deponent do hereby verify and declare that the statements made in this affidavit are true and correct to my knowledge, information and belief on the basis of records maintained in the office of the answering respondent, which I believe to be true. I have not suppressed any material fact and nothing herein is false.

And I sign this verification on this 19 Aug., 2003.



[Signature]

DEPONENT

(J. V. R. PRASADA RAO)
Health Secretary
Ministry of Health & F.W.
New Delhi

CERTIFIED THAT THE DEPONENT
Shri.....
S/o Sh.....
Identified by Shri.....
has solemnly affirmed before me at
Delhi on.....
that the contents of the Affidavit which
has been read over & explained to him
are true and correct to his knowledge,
(D) DURGESH NANDINI
14/8/2002 to 15/8/2004
Oath Commissioner Delhi
DELHI HIGH COURT

[Signature]

19 AUG 2003

Original Application No.315 of 2001.

Date of Order : This the 24th Day of April, 2002.

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

Dr. Tamal Kanti Roy
S/o Shri Anil Kumar Roy
Senior Medical Officer
2 M.G.A.R., Assam Rifles
Maintenance Group, Silchar
District : Cachar, Assam.

Applicant.

By Advocate Mr.M.Chanda, Mr.H.Dutta, Mrs.N.D.Goswami
& Mr.G.N.Chakraborty.

- Versus -

1. The Union of India
Through the Secretary to the
Government of India
Ministry of Health & Family Welfare
New Delhi.

2. The Secretary to the
Government of India
Ministry of Home Affairs
Government of India
New Delhi.

The Director General of Assam Rifles
Ministry of Home Affairs
Assam Rifles, Shillong.

The Deputy Director (Admn.)
Assam Rifles, Shillong.

Respondents.

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

ORDER

CROWDHURY.J.(V.C.) :

This application under section 19 of the
Administrative Tribunal's Act, 1985 has arisen and is
directed against the order dated 14.11.2000 declining
to accede to the prayer of the applicant for posting

Contd./2

Attest
M. Sarma

(নরেন্দ্র কান্ত সার্মা)
(N. H. SARMA)
সহ সচিব, Under Secretary
স্বাস্থ্য ও পরিবার কল্যাণ মন্ত্রণালয়
Ministry of Health & Family Welfare
গুৱাহাটী, অসম

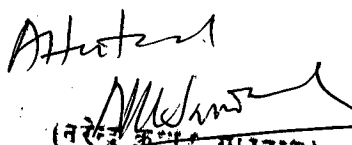
him at place of his choice⁷ in the following circumstances.

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1. The applicant was initially appointed in the Central Health Services as a Medical Officer. He was transferred under Assam Rifles and initially posted at Jhalamukhi, Manipur under 21 Assam Rifles and continued there till September, 1995. During ^{his} assignment at Jhalamukhi, the applicant was sent to Jammu and Kashmir for about nine months and thereafter he was transferred to 29 Assam Rifles in September 1995 and posted at Kohima, Nagaland where he served upto December, 1998. In December, 1998 he was transferred to Silchar at 2 M.G.A.R., Assam Rifles where he is still continuing. After serving for more than seven years in N.E. ^{Region} the applicant submitted a representation for posting him

but and give him a choice posting in terms of Office Memorandum No.20014/2/83/E.IV dated 14.12.1983 issued by the Government of India, Ministry of Finance, New Delhi whereby the authority provided some special facilities to the civilian employees of the Govt. of India posted in N.E. Region including the facility of transfer and posting to choice station after serving in the N.E. Region for a specified tenure, 3 years in case of the applicant. Failing to get appropriate response from the authority against the representation submitted the applicant knocked the door of the Tribunal by way of an application which was numbered and registered as O.A.387 of 1999. The aforesaid O.A. was disposed by

Contd./3


(N. K. SARWAL)
पब्लिक रिलेशन्स/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मन्त्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.

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this Bench on 16.6.2000 directing the respondents to decide the representation filed by the applicant mentioned at Annexure-3 to 5 of the said O.A. in the light of the circular and instructions on the subject within the prescribed period. The applicant drew attention to the authority of the order of the Tribunal and the respondents authority by its communication dated 14.11.2000 informed the applicant about its inability to accede to the request. Hence this application assailing the legitimacy of the order of the respondents.

2. Mr.M.Chanda, learned counsel appearing for the applicant submitted that the respondents authority acted indiscriminately in the matter of transfer and posting. Mr.Chanda placed before me some transfer orders that took place on 16.1.2001 transferring officers from Assam Rifles to other stations vide order 20012/1/2001.CHS.II dated 16.1.2001. He submitted that the respondents in a arbitrary fashion continued with the Central Health Services officers in Assam Rifles without showing any concern for their posting of the N.E.Region. The learned counsel for the applicant submitted that the respondents are althrough out acting unfairly to these officers.

3. Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents, on the other hand, submitted that the Office Memorandum dated 14.12.1984 is not applicable to those persons who are initially posted in N.E.Region.

Attested
M. Sarwal

Contd./4

(नरेंद्र कुमार सारवाल)
(N. K. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W.
नई दिल्ली/New Delhi.

In support of his contention he referred to 9
the Government of India Circular No. MoF(Expr)'s
I.D.No.F.II(2)/E.II(B)/2000 dated 27.7.2000. Mr. Pathak
submitted that the circular dated 14.12.1983 is only
applicable to the Central Govt. Employees who are
posted at N.E. Region on the basis of
transfer/deputation. The order does not apply to the
employees initially posted in N.E. Region. The order
also indicated about its concern that has arisen in a
number of pending requests for transfer of doctors from
Assam Rifles and also the unwillingness of doctors
selected through the Combined Medical Service
Examination to join Assam Rifles. The Ministry of
Health & Family Welfare has already taken up the matter
with the Ministry of Home Affairs for decadrement of
the CHS posts from the Assam Rifles and also, filling
up the posts quickly by them so as to release all the
CHS doctors. The order further mentioned about the
Ministry of Home Affairs directions issued by letter
dated 5.9.2000 decadring all the CHS posts for forming
separate Medical Cadre for Assam Rifles. The Ministry
also requested the Ministry of Health & Family Welfare
not to withdraw the Medical Officers till suitable
arrangements are by way of creation of a Medical Cadre
for Assam Rifles. It was also mentioned that all the
doctors not willing to serve in Assam Rifles would
ultimately be taken out from there.

Contd./5

Attended
(नरेंद्र कुमार सारवाल)
(N. K. SARWAL)
प्रवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W.
नई दिल्ली/New Delhi.

4. I have given my anxious consideration on the 10
matter. The authority no doubt expressed its anxiety to
withdraw the Central Health Services Medical Officers
from the Assam Rifles, but at the same time the authority
also kept in view the public interest, mainly the
interest of the Assam Rifles who are working in difficult
areas. It was mentioned at the Bar that the Ministry has
already constituted a Transfer Committee for
consideration of the case for posting out such officers.

The case of the Central Health Services doctors who are
working in the Assam Rifles, no doubt, has its own merit.
Their grievances for posting them out requires early
solutions. The authority has no doubt expressed its
concern, but then these doctors cannot be kept guessing.

The respondents must keep their side of the bargain.

Appropriate mechanism is to be explored with utmost
expediency, so that the morals of such officers can be

kept high and that can only be done by the authority
finding out the solution by transferring them out as per
their seniority in the N.E. Region.

Considering all the aspects of the matter, I
direct the respondents to take up the case of the
applicant in the light of the observations made in the
judgment as well as the policy guidelines ^{on} posting out on
completion of terms with utmost expedition. Subject to
the observations made above the application ^{stands} disposed.

There shall, however, be no order as to costs

Sd/ VICE CHAIRMAN

Attest

M. Sinha

(नरेंद्र कुमार सारवाल)
(N. K. SARWAL)
प्रवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण विभाग
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi.



TRUE COPY
प्रतिनिधि

13/5/16
Section Officer
राष्ट्रिय प्रशासनिक न्यायालय
Central Administrative Tribunal
राष्ट्रीय प्रशासनिक न्यायालय
Kamohari Bench, Guwahati
प्रशासकीय न्यायालय, गुवाहाटी

ANNEXURE-II

ANNEXURE : II

SPEED POST
CAT CASES/IMMEDIATE

No.C.17011/20/01-CHS.II

Government of India
Ministry of Health & Family Welfare

New Delhi, the 23 Aug. 02

Director General,
Assam Rifles,
Shillong - 793 011

Sub:- OA No. 315/2001 - Dr. Tamal Kanti Roy, SMO Vs UOI & Ors.
OA No. 341/2001 - Dr. Rajeev Ranjan, MO Vs. UOI & Ors. - reg.

Sir,

I am directed to say that this Ministry have received Hon'ble CAT Guwahati bench's judgement in OA No. 315/2001 - Dr. Tamal Kanti Roy, SMO Vs UOI & Ors. & OA No. 341/2001 - Dr. Rajeev Ranjan, MO Vs. UOI & Ors.

In fact onus for action of the said judgement of the CAT now rests on the Assam Rifles. Assam Rifles is therefore, requested to formulate a firm schedule for phased repatriation of all CHS doctors posted with them taking into consideration their seniority/length of service put in by them in the Assam Rifles in compliance to the said orders of Hon'ble CAT Guwahati bench. It is, however, not feasible for this Ministry to provide substitutes as CHS doctors are generally not willing for posting in Assam Rifles and moreover posts of Medical Officers in Assam Rifles have already been degraded from CHS.

In view of above Assam Rifles is requested to take necessary action in the matter under intimation to this Ministry.

Yours faithfully,

Attended
N. H. Sarwal

(नरेन्द्र कुमार सारवाल)
(N. H. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण विभाग
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi

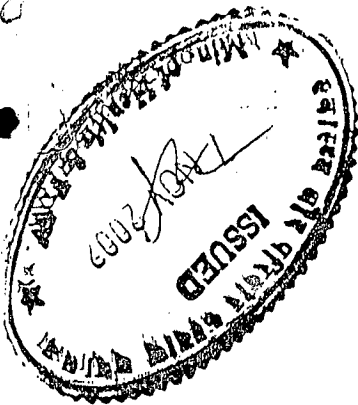
DEPUTY SECRETARY TO THE GOVT OF INDIA

(U.C. NANGIA)

Copy to: Director (Pers.), Ministry of Home Affairs, North Block, New Delhi - 110 001 w.r.t. their d.o. No. 145028/02/2001-Pers.II/Pers.III dated 8.7.02.

DEPUTY SECRETARY TO THE GOVT OF INDIA

(U.C. NANGIA)



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ANNEXURE : III
SPEED POST/REMINDER
MOST IMMEDIATE
30

No.C.17011/20/01-CHS.II
Government of India
Ministry of Health & Family Welfare

New Delhi, the 7th Nov.; 2002

To

The Director General,
Assam Rifles,
Shillong - 793 011

Sub:- OA No. 315/2001 - Dr.Tamal Kanti Roy, SMO Vs UOI & Ors.
OA No. 341/2001 - Dr. Rajeev Ranjan, MO Vs. UOI & Ors.-
reg.

Sir,

I am directed to refer to this Ministry's letter of even number dated 23.08.02 (copy enclosed for ready reference) on the subject noted above and to say that this Ministry may kindly be intimated the position regarding repatriation of Dr.T.K. Roy and Dr.Rajeev Ranjan from Assam Rifles.

You are also requested to intimate the action taken/latest position regarding formulation of firm schedule for phased repatriation of all CHS doctors posted in Assam Rifles.

It is therefore, requested that the latest position, in this respect may kindly be intimated to this Ministry at an early date.

Yours faithfully,

(N.K. SARWAL)

UNDER SECRETARY TO THE GOVT OF INDIA

Attended

(नरेन्द्र कुमार सारवाल)
(N. K. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi.

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Annexure - IV

ANNEXURE : IV

SPEED POST/REMINDER
MOST IMMEDIATE

51

No.C.17011/20/01-CHS.II

Government of India

Ministry of Health & Family Welfare

New Delhi, the 8th Jan., 2003

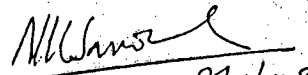
To

The Director General,
Assam Rifles,
Shillong - 793 011Sub:- OA No. 315/2001 - Dr. Tamal Kanti Roy, SMO Vs UOI & Ors.
OA No. 341/2001 - Dr. Rajeev Ranjan, MO Vs. UOI & Ors.-
reg.

Sir,

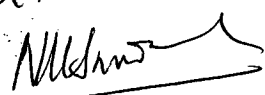
I am directed to refer to your letter No.I.11035/1/2002-MS dated 20.11.02 regarding release of Dr.T.K. Roy, SMO and Dr. Rajeev Ranjan, SMO from Assam Rifles. It may please be noted that the onus of implementing the Hon'ble CAT Guwahati bench's judgement lies on Assam Rifles, and if any Contempt Petition is filed by the aggrieved doctors, it will be for the Assam Rifles to defend itself. As such, you are requested to take further necessary action as deemed fit at the earliest and also intimate us the time-schedule for release of CHS doctors from Assam Rifles, so that we can take action for deciding their postings.

Yours faithfully,



(N.K. SARWAL) 8/1/03

UNDE SECRETARY TO THE GOVT OF INDIA

Attached


(नरेंद्र कर्माचार साहू)
 (N. K. SARWAL)
 प्रवर सचिव/Under Secretary
 स्वास्थ्य एवं परिवार कल्याण विभाग
 Ministry of Health & Family Welfare
 नई दिल्ली/New Delhi

14
CAT CASE/MOST IMMEDIATE
TIME BOUND/SPEED POST

No.C.17011/4/2002-CHS.II

Government of India

MINISTRY OF HEALTH & FAMILY WELFARE

ANNEXURE : V

Nirman Bhavan, New Delhi,
Dated 28th November, 2002.

To

The Director General,
Assam Rifles,
Shillong-793 011.

Subject: - OA No.186/2002 filed by Dr. A.K. Nigam, CMO (CHS), Assam Rifles
before CAT Guwahati bench - reg.

Sir,

I am directed to refer to the judgement dated 11.10.2002 delivered by CAT, Guwahati bench in O.A.No.186/2002 of Dr. A.K.Nigam, CMO and to request that possibilities of filing an appeal against this judgement may be explored on the following grounds.

1. O.M.No.20014/3/83-E IV, dated 14.12.83 is not applicable to the employees holding their cadre posts in NorthEastern Region.
2. In the case of Dr. T.K.Roy CAT, Guwahati Bench vide its order dated 14.4.2002 has stated that "the authority should find out the solution to the problems of CHS doctors posted in Assam Rifles by transferring them out as per their seniority in the NE. Dr. A.K.Nigam has joined Assam Rifles only on 22.9.2000 whereas there are a large number of CHS doctors who have put in much more service in Assam Rifles and have a better claim for repatriation from there.
3. Requirement of Assam Rifles for medical service for its staff is also to be kept in view.

In any case, CAT Bench may be requested for extension of time for implementation of their order in O.A.No.186/02 by a period of 6 months.

It is also requested that a policy for repatriation of all CHS doctors in order of their seniority in NE Region may be formulated immediately and a firm schedule for repatriation of all CHS doctors posted in Assam Rifles may please be indicated so that this Ministry can take action for their further posting in other CHS units.

Yours faithfully,

U.C. Nangia
(U.C.Nangia)

Deputy Secretary to the Government of India

Attended
M. Sarwal
(नरेंद्र कुमार सारवाल)
(N. K. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण, मन्त्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.

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to:

Copy to Dir (pers) MHA for information and issue of necessary directions to
Director (General), Assam Rifles.

U.C. Nangia

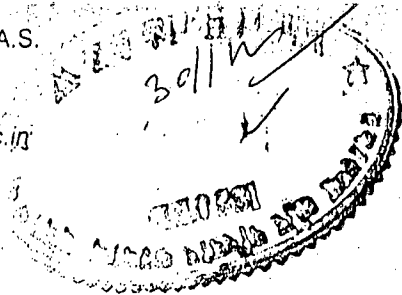
Deputy Secretary to the Government of India

Atank
Mun

(नरेंद्र कुमार सारवाल)
(N. K. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi



B. P. SHARMA, I.A.S.
JOINT SECRETARY
Tele/Fax : 23017723
E-mail : jsbps@nb.nic.in



निर्माण भवन, नई दिल्ली - 110011
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAWAN, NEW DELHI - 110011

ANNEXURE VI

D.O. No.C-17011/4/2002-CHS-2
Dt. 29th Jan 2003

Dear Lt Gen Duggal,

Kindly refer to the talks Shri S.K. Naik, Secretary(Health) has had with you today evening regarding the Contempt Case filed by Dr. A.K. Nigam, CMO, Assam Rifles against the orders of CAT, Guwahati Bench given in OA No.186/2002. In this connection, I wish to draw your kind attention to this Ministry's letter of even no. dt.28th Nov. 2002 followed by reminders dt.07.01.2003 and 24.01.2003 whereby we have requested Assam Rifles to explore the possibilities of filing an appeal against the order, seek at least six months' time for implementing the Order of the CAT and also to draw a firm schedule under which CHS doctors from Assam Rifles can be transferred. It seems none of the above has been done, as a result of which this contempt petition has come up.

As conveyed by you to Secretary(Health), please file an appeal against the said order of CAT. The Hon'ble Tribunal may please be informed of the status, on the date fixed. You are also requested to direct your Counsel to appear on behalf of Ministry of Health & F.W.

Keeping in view the number of court cases coming up, you are requested to draw a firm schedule according to which CHS doctors can be transferred out of Assam Rifles.

With regards,

Yours sincerely,

(B.P. Sharma)

Lt. General G.K. Duggal,
Director General,
Directorate General of Assam Rifles,
Shillong - 793 011

(Signature)

(नरेश कुमार सारनाल)
(N. K. SARNAI)
अवर सचिव/Under Secretary
- स्वास्थ्य एवं परिवार कल्याण मंत्रालय
- Ministry of Health & F.W.
नई दिल्ली/New Delhi.

S.No 19 17

Annexure VII
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MOST IMMEDIATE
BY FAX/SPEED POST

No.C.17011/4/2002.CHS.II
Government of India
Ministry of Health & Family Welfare

ANNEXURE VII

Nirman Bhavan New Delhi
Dated the 2nd February, 2003

To

Maj. S. George
SO2(Legal)
Directorate General of Assam Rifles
Shillong - 793 011

Subject : OA No. 186/2002 - Dr. A.K. Niram Vs. UOI & Others

Sir,

I am directed to refer to your letter No. 1-11018/170/2002-Legal dated 13-2-2003, and to say that after receipt of your letter dated 17-1-2003, Assam Rifles were requested vide this Ministry's D.O. letter of even number dated 29-1-2003 to file an appeal against the order of CAT. In this connection even Secretary (Health) talked to Lt.General G.K. Duggal, D.G., Assam Rifles on phone on 29-1-2003 when Mr. Duggal informed that instructions to file an appeal has already been issued. Thereafter you were also requested vide this Ministry's letter of even number dated 31-1-2003 to send us a copy of the appeal filed in the case.

It is regretted that instead of filing an appeal in spite of clear instructions of this Ministry, you are still seeking our advice. You are once again requested to file the appeal immediately if not already filed, and send a copy of the same to this Ministry for record.

You are also requested to draw a firm schedule for transfer of all CHS Doctors from Assam Rifles, so that their transfer orders can be issued.

Yours faithfully,

(U.C. NANGIA)

Deputy Secretary to the Govt. of India

A. H. K. Sarwal
M. Sarwal

(नरेन्द्र कुमार सारवाल)
(N. K. SARWAL)
प्रवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.

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ANNEXURE : VIII

13th February, 2003

Dear

I am enclosing herewith one copy each of letters No.C.17011/20/01-CHS.II dated 23.08.2002, 7.11.2002 & 08.01.03 and letter No.C.17011/04/02-CHS.II dated 28.11.2002, 07.01.2003 & 24.01.2003 written by this Ministry to Assam Rifles, requesting them to draw up a firm schedule for repatriation of CHS doctors from there, for your ready reference. This was done as per orders of the Hon'ble CAT Guwahati bench in OA No.315/01 filed by Dr. Tamal Kanti Roy. From these letters, you will notice that we have been requesting Assam Rifles to draw up a firm schedule for repatriation of CHS doctors since long. However, it seems no action has been taken by Assam Rifles so far.

I may mention here that Assam Rifles was earlier a participating unit in the CHS and 128 posts of MOs in Assam Rifles were enacted in the CHS. However, since not many CHS officers were willing to go to Assam Rifles, they were allowed to have their own cadre. It was, therefore, decided to de-cadre all the posts of MOs from CHS and allow Assam Rifles to make their own recruitment. Consequently, it was decided to repatriate the CHS doctors in a phased manner.

At present about 49 doctors are working in Assam Rifles and many of them have been requesting repatriation. Some of them have been gone to Courts. In the above mentioned case of Dr. T.K. Roy Vs. UoI, CAT has asked us vide their order dated 24.04.2002 to explore appropriate mechanism with utmost expediency, so that the morale of such officers does not get affected. That is possible only if a time bound schedule of transferring CHS doctors out, as per their seniority, in the NE Region.

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Contd....2/-

Attache

N. R. Sarwal

(नरेंद्र कुमार सारवाल)
(N. R. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.

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(142)

In another case, filed by Dr. A.K. Nigam, CAT Guwahati bench in its judgement on 11.10.02 has directed that respondents may consider the case for transferring of the applicant out from the NE Region to any other place of his choice within a period of two months from the date of receipt of order. On receipt of the judgement we had requested Assam Rifles to expedite action for repatriation of all CHS doctors including Dr. Nigam. As no firm schedule for repatriation of CHS doctors from Assam Rifles was drawn up by them Dr. Nigam could not be transferred. He has now filed a contempt case, which was listed for 31.01.2003 and has now been adjourned to 18.02.2002. In this regard, I am enclosing a copy of d.o. letter of even number dated 29th January, 2003 written by the Joint Secretary in this Ministry to Lt. Gen, G.K. Duggal, DG, Assam Rifles requesting Assam Rifles to file an appeal against the judgement in the High Court and also seek more time from the CAT Guwahati bench for implementation of order dated 11.10.2002.

Keeping in view the contempt petition and other fact, I would request you to kindly issue directions to Assam Rifles to formulate a firm policy with a specific time frame of the repatriation of all the CHS officers at the earliest.

With regards,

Yours sincerely,

(S.K. Naik)

Shri N. Gopalaswamy,
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

Att: 21

M. Sarwal

(नरेन्द्र कुमार सारवाल)
(N. R. SARWAL)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.



A.K. Jain
Joint Secretary (P)

Tel.No.23094927

Office of J.S. (B.P.S.) 20
Dy. No. 836
Date 2/3

गृह सचिवालय
भारत सरकार
नार्थ ब्लॉक, नई दिल्ली-110001
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK, NEW DELHI-110001



ANNEXURE : IX

D.O.No.A-12011/1/2003/P-III

Dated: 3rd March, 2003

Dear Shri Naik

Kindly refer to your D.O. letter no. C-17011/14/2002-CHS.II dated 13th February, 2003 addressed to the Home Secretary for issuing directions to Assam Rifles to formulate a firm policy with a specific time frame of the repatriation of all the CHS Officers at the earliest.

2. In this connection, I would like to mention that Assam Rifles is facing acute shortage of Medical Officers. Through the MOSSE 2000-01 conducted by ITBP 43 Medical Officers were provided to the Assam Rifles but only 7 of them have reported so far. Even if remaining 36 join the Force, the number of vacancies will still be 79 as on date which will increase to 88 in the next month since the contractual appointment of 9 Medical Officers is going to expire by the end of this month. DoPT have not agreed to extend the tenure of contractual appointees. These vacancies are against a total of 198 posts of MOs in Assam Rifles.

3. At present common recruitment of Officers is going on for the year 2001-02. It is expected that with the decision of a new Medical Cadre of Assam Rifles and placement of newly recruited Medical Officers the situation will improve in next three to four years. Therefore, the Force may be in a position to start relieving CHS Officers from the year 2004 onwards.

(नरेन्द्र कपूर सारवाल)
(N. R. SARWAL)
प्रवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण विभाग
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi.

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4. In view of the above, the proposed schedule for repatriation of 48 presently serving Medical Officers of CHS Cadre with Assam Rifles is as below:

- i) None in the year 2003
- ii) 14 Medical Officers to be repatriated in the year 2004.
- iii) 34 Medical Officers to be repatriated in the year 2005.

5. The above schedule is subject to availability of additional Officers through the ongoing recruitment processes of Medical Officers.

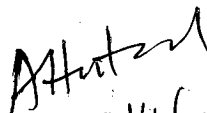
with kind regards

Yours sincerely,

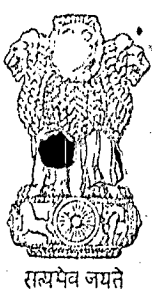

(A.K. Jain)

Shri S.K. Naik,
Health Secretary,

Ministry of Health & Family Welfare,
(Department of Health)
New Delhi.



(नरेन्द्र कुमार सारवादी)
(N. K. SARWADI)
अवर सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण विभाग
Ministry of Health & Family Welfare
नई दिल्ली/New Delhi.



D S Mishra
Director(Pers)

2309 2956

Office of Director (A.C.P.)
Dy. No. 9/5
Date 6/6/03

गृह मंत्रालय
भारत सरकार
नार्थ ब्लॉक, नई दिल्ली-110001
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK, NEW DELHI-110001

DO No. A-12011/1/2003/Pers-III

Dated: 3 June, 2003

Dear Sir,



ANNEXURE : X

JS(BPS)
6/3

Kindly refer to JS(P), MHA's DO letter dated 03-03-2003 regarding repatriation programme of CHS Doctors from Assam Rifles.

2. I have been directed to forward herewith tentative schedule for repatriation of 48 CHS doctors as per their seniority in joining Assam Rifles, prepared by the Assam Rifles, as per Appendix-'A'. Year-wise repatriation plan, as already conveyed, is as below :

(a)	During the year 2004	-	14
(b)	During the year 2005	-	34

Office of D. S. (CHS)
Dy. No. 13/1
Date 19/6

With best regards,

Yours Sincerely,

(D S Mishra)

Shri S K Naik,
Secretary,
Ministry of Health & Family Welfare,
New Delhi

Attended

(नरेन्द्र कुमार सारवाल)
(N. K. SARWAL)

उप सचिव/Under Secretary
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F. W
नई दिल्ली/New Delhi.

**NOMINAL ROLL OF CHS CADRE MEDICAL OFFICERS
SHOWING THEIR SENIORITY OF SERVICE IN ASSAM RIFLES**

S/No.	Name of Medical Officer	Date of joining in Assam Rifles	Remarks
1.	Dr J R Saikia, CMO(NFSG)	24.04.82	Will be released in the year 2004
2.	Dr BC Das, CMO(NFSG)	24.05.82	Will be released in the year 2004
3.	Dr P K Baruah, CMO(NFSG)	23.08.82	Will be released in the year 2004
4.	Dr R C Sonowal, CMO(NFSG)	03.06.83	Will be released in the year 2004
5.	Dr Dhiren Engti, CMO(NFSG)	02.03.88	Will be released in the year 2004
6.	Dr Dr D C Deori, CMO(NFSG)	04.04.88	Will be released in the year 2004
7.	Dr Ambika Prasad, SMO	03.07.88	Will be released in the year 2004
8.	Dr M C Bora, CMO (NFSG)	16.12.91	Will be released in the year 2004
9.	Dr Akhilesh Prasad, CMO	27.10.92	Will be released in the year 2004
10.	Dr R K P Singh, SMO	20.12.92	Will be released in the year 2004
11.	Dr Gulab Chand, SMO	10.01.93	Will be released in the year 2004
12.	Dr L Somarendra Singh, SMO	01.04.93	Will be released in the year 2004
13.	Dr Ujjal Roy, SMO	03.05.93	Will be released in the year 2004
14.	Dr(Mrs) S R Rumthao, SMO	05.05.93	Will be released in the year 2004
15.	Dr O P Narayan, SMO	09.07.93	Will be released in the year 2005
16.	Dr Girindra Roy, SMO	10.01.94	Will be released in the year 2005
17.	Dr (Mrs) Sutapa Sikdar, SMO	24.01.94	Will be released in the year 2005
18.	Dr T K Roy, SMO	24.03.94	Will be released in the year 2005
19.	Dr P L Gangte, SMO	02.05.94	Will be released in the year 2005
20.	Dr William Layam, SMO	03.05.94	Will be released in the year 2005
21.	Dr D Sunder Rao, SMO	09.09.94	Will be released in the year 2005
22.	Dr R Samaddar, SMO	21.10.94	Will be released in the year 2005
23.	Dr Bansidhar Hembrem, SMO	26.10.94	Will be released in the year 2005
24.	Dr Hari Charan Birua, SMO	28.11.94	Will be released in the year 2005
25.	Dr (Mrs) Kiran Singh, MO	12.01.95	Will be released in the year 2005
26.	Dr Haren Dole, CMO(NFSG)	04.06.95	Will be released in the year 2005
27.	Dr (Mrs) Sheela Singh Taiwana, MO	08.08.97	Will be released in the year 2005
28. →	Dr Rajiv Ranjan, MO	09.02.98	Will be released in the year 2005 →
29.	Dr Lanu Wapang, MO	17.02.98	Will be released in the year 2005
30.	Dr Rajesh Gupta, MO	17.12.98	Will be released in the year 2005
31.	Dr Mohd Mustaqun, MO	15.01.99	Will be released in the year 2005
32.	Dr R S Rawat, MO	08.02.98	Will be released in the year 2005
33.	Dr R N Madhukar, MO	10.02.99	Will be released in the year 2005
34.	Dr Sawinder Singh, MO	11.03.99	Will be released in the year 2005
35.	Dr C P Choudhary, MO	05.04.99	Will be released in the year 2005
36.	Dr Snjiv Kumar, MO	03.05.99	Will be released in the year 2005
37.	Dr S C Bhattacharjee, CMO	14.05.99	Will be released in the year 2005
38.	Dr M S Panging, CMO (NFSG)	09.06.99	Will be released in the year 2005
39.	Dr Suman Biswas, MO	10.06.99	Will be released in the year 2005
40.	Dr Sanjay Kumar, MO	10.09.99	Will be released in the year 2005
41.	Dr B R Deori, CMO	22.11.99	Will be released in the year 2005
42.	Dr G P Sinha, CMO	13.03.2000	Will be released in the year 2005
43.	Dr P K Deori, CMO	16.03.2000	Will be released in the year 2005
44.	Dr (Mrs) S C Deori, CMO	16.03.2000	Will be released in the year 2005
45.	Dr Rupendra Kumar, CMO	27.03.2000	Will be released in the year 2005
46.	Dr Khagen Ramachariy, MO	24.05.2000	Will be released in the year 2005
47.	Dr A K Sudhanshu, MO	30.08.2000	Will be released in the year 2005
48.	Dr A K Nigam, CMO	05.10.2000	Will be released in the year 2005

Attested

M. S. Sarwal

(N. R. SARWAL)
Under Secretary
Ministry of Health & Family Welfare
New Delhi.

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Filed by
Ref. No. 878104
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

CONTEMPT PETITION No 26/2003

In O.A No 341 of 2001

In the matter of :

Shri Rajeev Ranjan

.....Petitioner

-Versus-

1. Sri Krishna Singh,
Secretary to Government of India,
Ministry of Health and Family Welfare (Department of Health),
Government of India
New Delhi
2. Lt General HS Kanwar
Director General Assam Rifles
Shillong

..... Alleged Contemnors

I, Lt General HS Kanwar, PVSM, AVSM, VSM, aged 59 years,
Director General Assam Rifles, Shillong, Meghalaya do hereby solemnly
affirm and state as under:-

1. That I have read the contempt petition filed by the above named
applicant and understood the contents thereof. I hereby deny the
contentions made therein, unless the same are expressly admitted thereon.
2. That the respondents have the highest regard for the Hon'ble
Tribunal and always complied with the directions of the Hon'ble Tribunal
sincerely and faithfully.
3. That the respondent, Assam Rifles on receipt of the judgement by
this Hon'ble Tribunal, immediately intimated the administrative ministry

- 2 - 34 43

about the same and took all necessary steps for early compliance of order of this Hon'ble Tribunal

4. It is respectfully submitted that the respondents have already prepared a schedule for posting out medical officers of CHS. Further the respondents have already intimated the Ministry of Health for phase wise repatriation of CHS doctors and as of now Ministry of Health have been asked to issue repatriation order in respect of following doctors who are the senior most amongst CHS doctors, serving with the respondents and willing to be posted out from Assam Rifles..

- (a) Dr Dhiren Engti, CMO (NFSG).
- (b) Dr Ambika Prasad, SMO.
- (c) Dr MC Bora, CMO
- (d) Dr Akhilesh Prasad, CMO.
- (e) Dr RKP Singh, SMO.

5. That it is most respectfully submitted that all the above doctors will be repatriated very soon on receipt of their transfer orders from Ministry of Health and Family Welfare. Further it is also respectfully submitted that the remaining CHS doctors serving with the respondents will be repatriated in a phased manner and all out endeavours are being made by the respondents for their early repatriation as directed by this Honb'le Tribunal.

6. That it is most respectfully submitted that the respondents have already started a combatised medical cadre for Assam Rifle, and it is expected that more doctors are likely to join very soon. It is further submitted that there is an acute shortage of medical officer in Assam Rifles which is deployed in the most difficult areas of North East and as of now the Force is functioning on a minimum need basis scale of doctors. However it is submitted that all efforts are made by the respondents for early complete repatriation of CGHS doctors serving with the respondents

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7. That it is most respectfully submitted that the delay caused in complying the repatriation of all CHS doctors was not due to any negligence on the part of the respondents but due to the reasons beyond the control of the answering respondents.

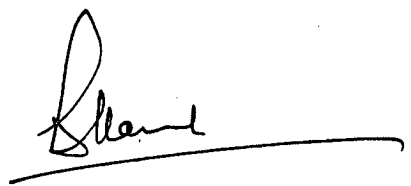
It is therefore, humbly prayed that your Lordships may graciously be pleased to consider the above facts and to discharge the contemnors/respondents from the notice of contempt.

DEPONENT

VERIFICATION

I, Lt General HS Kanwar, PVSM, AVSM, VSM, aged 59 years s/o Late Shri Babu Ram Thakur, working as Director General Assam Rifles do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and belief and I have not suppressed any material fact.

AND I, sign this verification on this 8th day of May, 2004.



DEPONENT

लै० जनरल

Lt. Gen

महानिदेशक असम राईफल्स

Director General Assam Rifles

शिलांग-793011 (मेघालय)

Shillong-793011 (Meghalaya)

के.टी. न्यायमूर्ति व न्यायाधीश
Central Administrative Tribunal

21 JUL 2004

गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Filed by the petitioner
through
Subrata Das
Advocate
21.07.04

In the matter of:

C.P. No. 26 /2003

In O.A. No. 341/2001

-And-

In the matter of:

Dr. Rajeev Ranjan.

.... Petitioner.

-Vs-

Shri Krishna Singh and Another.

.... Contemners.

-And-

In the matter of :

An Additional Rejoinder submitted by the
petitioner.

The humble petitioner most humbly and respectfully begs
to submit as under: -

1. That your petitioner being highly aggrieved for non-compliance of the judgment and order dated 01.05.2002 passed in O.A. No. 341/01 approached this Hon'ble Tribunal through C.P. No. 26/03. The Hon'ble Court was pleased to issue notice upon the alleged contemners after hearing the submission of counsel for the petitioner. The matter came up for hearing on 13.03.2004, the Hon'ble Tribunal after hearing the matter on length was pleased to grant liberty to the petitioner to submit the names of the doctors who were

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transferred and posted outside the N.E region in violation of the transfer policy as contended by the alleged contemnors in their written statement.

It is submitted that the petitioner came to know from a reliable source that Dr. Natasa Verma, Dr. Gayatri and some other doctors whose names could not be collected by the petitioner due to secrecy maintained by the department, who were posted to this region and placed under the administrative control of Director General of Assam Rifles were subsequently transferred and posted to their choice station even before completion of the fixed tenure of posting. Be it stated that very recently Dr. Natasa Verma who was transferred and posted under the administrative control of DG Assam Rifles vide order dated 01.04.1999 and joined at Lokhra, Nagaland on 18.04.1999 has been transferred and posted at her choice station even before completion of her fixed tenure. It is further submitted that more than 1000 Medical Officers are working in the Ministry of Health and Family Welfares in different regions of the country but only those doctors who are posted in N.E regions are retained arbitrarily years together in this region without transferring and posting the other doctors serving outside of N.E region. The respondents adopt no fair policy of rotation of transfer and posting. It was held in the case of O.A. No. 386/99 that while transferring the serving doctors in N.E region under DG Assam Rifles the respondents take recourse for transfer and posting of other doctors on rotation basis

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but even then the same was not followed by the Ministry of Health and Family Welfare or Ministry of Home Affairs.

It is further submitted that the petitioner could not procure the order of transfer and posting of the doctors from N.E region as indicated above inspite of best efforts of the petitioner. Therefore the Hon'ble Tribunal be pleased to direct the alleged contemnors to produce the relevant records of initial order of posting and subsequent transfer and posting orders from this region to outside of this region of the doctors as indicated above for perusal of the Hon'ble Tribunal.

Copy of the posting order of Dr. Natasa Verma dated 01.04.99 and a copy of judgment and order passed in O.A No. 386/99 are enclosed hereto for perusal of Hon'ble Tribunal as Annexure-A and B respectively.

2. That this petition is made bonafide and for the ends of justice.

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VERIFICATION

I, Dr. Rajeev Ranjan, son of Prof. Rajendra Prasad Singh, aged about 32 years, working as Medical Officer, 6 Assam Rifles, 99 APO, Khunsa, Arunachal Pradesh, do hereby verify and affirm that the statements made in para 1 and 2 are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this the 18th day of July of 2004.

Dr. Rajeev Ranjan

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Annexure - A

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2021

2-4/8

REGISTERED

No. 12025/208/98-CHS.I
Government of India
Ministry of Health & Family Welfare
(Department of Health)

Nimran Bhawan, New Delhi-110011
dated the

11/4/99

MEMORANDUM

SUBJECT : SPECIAL RECRUITMENT TO THE MEDICAL OFFICER GRADE
OF CENTRAL HEALTH SERVICE FOR ASSAM RIFLES.

1/4

....

The Union Public Service Commission recommended Dr. Natasha Verma for appointment to the post of Medical Officer in the Central Health Service on the basis of Spl. Rectt for Assam Rifles. The President is pleased to give an offer of appointment to Dr. Natasha Verma as Medical Officer on regular basis under Assam Rifles on the following terms and conditions:-

(i) The appointment is on an officiating basis only on probation for a period of two years from the date of appointment which may be extended at the discretion of the competent authority. He/She will be considered for confirmation in the Medical Officers Grade after satisfactory completion of probation. The officer may be required to undergo such training as Government may prescribe. Failure to complete the period of probation to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason or reversion to substantive post on which the candidate may be retaining a lien. After the satisfactory completion of period of probation the termination will be by giving one month's notice on either side. The appointing authority, however, reserves the right of terminating his/her service forthwith or before the expiration of the stipulated period of notice by making payment to him/her for the unexpired period.

THE CANDIDATE SHOULD HAVE COMPLETED SATISFACTORILY THE COMPULSORY ROTATING INTERNSHIP BEFORE JOINING SERVICE. IN CASE WHERE THIS HAS NOT BEEN COMPLETED, ALL DETAILS SHOULD BE FURNISHED FOR CONSIDERATION OF THE GOVERNMENT.

(ii) The scale of pay of the post is Rs. 8000-275-13500. The initial pay of such candidates who are in govt. Service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(iii) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

page....2

M. K. Sharma
22-7-99

recd

10/10/99

(iv) Dearness and other allowances will be admissible according to orders of the Central Government.

(v) Non-practicing allowances is admissible according to orders/instructions of the government, issued from time to time.

(vi) The officers will be required to contribute compulsorily to the G.P. Fund in accordance with the rules in force from time to time.

(vii) He/She is required to contribute towards central Govt. Employee's Group Insurance Scheme, 1980 at such rates as may be prescribed by the Government according to rules.

(viii) The appointment carries with it the liability to serve in any part of India or outside.

(ix) The officers shall, if so required, be liable to serve in Defence service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training if any, provided:-

(a) The officer shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment.

(b) The officer shall not ordinarily be required to serve aforesaid after attaining the age of 45 years.

(x) A declaration regarding the marital status in the enclosed proforma may be sent to this Ministry immediately.

(xi) On appointment the officer will be required to take an oath of allegiance to the Constitution of India or make a solemn affirmation to that effect in the prescribed proforma.

(xii) POST GRADUATE ALLOWANCE

A medical graduate appointed to the post of Medical Officer or Senior Medical Officer or Chief Medical Officer including Chief Medical Officer (Non-functional Selection Grade) for which possession of a recognised post-graduate qualification is not essential, shall be given over and above the pay admissible in the relevant scale, Post-Graduate allowance per month as per relevant orders/instructions, for possession recognised Post Graduate diploma(s) or post Graduate Degree respectively specified in CHS Rules, 1996, or under the Indian Medical Council Act, 1956 (102 of 1956). The allowance shall be payable only at the rate of the allowance admissible for possessing recognised Post Graduate Degree to an officer who possess both recognised Post Graduate Degree and Diploma.

- (xiii) He/She has been medically examined and found fit.
 - (xiv) His/Her character and antecedents have also been got verified and there is nothing against him/her.
 - (xv) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.
 - (xvi) NO REQUEST FOR EXTENSION OF JOINING TIME FOR DOING POST GRADUATION OR CONTINUANCE OF POST GRADUATION WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES. THE CANDIDATES WILL HAVE TO CHOOSE BETWEEN POST GRADUATION OR JOINING THE CENTRAL HEALTH SERVICE.
 - (xvii) NO REQUEST FOR CHANGE IN THE PLACE OF POSTING WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES.
 - (xviii) The appointment is provisional and is subject to the Caste/Tribe Certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribes/Other Backwards Classes as the case may be is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for productions of false certificate.
2. The Ministry may please be informed within 30 days from the date of issue of this Memorandum whether or not the offer of appointment in Assam Rifles on the above terms and conditions is acceptable to him/her and also return the declaration. If no reply is received within this stipulated period, it will be presumed that he/she is not interested in the offer which will be treated as cancelled.
3. In case the offer is acceptable he/she should report for duty to the Director General, Assam Rifles, Shillong - 793011 positively within 30 days from the date of issue of this Memorandum under intimation to this Ministry. If no reply is received and he/she does not report for duty within the stipulated period of 30 days the offer of appointment will be treated as cancelled.

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control*

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1. The appointment of Dr. Natasha Verma is provisional and is subject to following certificate(s) being verified by UPSC/this Ministry.

1. Compulsory Rotating Internship Certificate.
2. Original M.B.B.C. Degree.
3. Original SC/ST/OBC certificate in the prescribed form from the competent authority.

5. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Government may deem necessary.

IN ALL FUTURE CORRESPONDENCE THE FILE NUMBER GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS BE QUOTED.

H.N. YADAV

(H.N. YADAV)

UNDER SECRETARY TO THE GOVT. OF INDIA
Tel.No. 3013968.

To, Dr. Natasha Verma,
H.No.103/D,
Krishna Nagar,
Mathura - 281004 (UP)

-9 -

= 415 Annexure - B. 32

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 386 of 1999

Date of Order : This the 27th day of October, 2000.

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

Dr. Banshidhar Hembram,
Son of Shri Babulal Hembram
Medical Officer,
Posted at 19 Assam Rifles,
Serchhip,
Mizoram

...Applicant

By Advocate Mr. M. Chanda.

-versus-

1. The Union of India
(Through the Secretary to the Government
of India, Ministry of Health and
Family Welfare),
New Delhi.

2. The Secretary to the Government
of India, Ministry of Home Affairs,
New Delhi.

The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles,
Shillong.

The Deputy Director (Admn)
Assam Rifles,
Shillong

...Respondents

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

O R D E R

CHOWDHURY J. (V.C.).

This issue relates to posting of a Medical Officer from North East to a place of his choice after completion of fixed tenure. The applicant belongs to medical profession and on selection by the Union Public Service Commission in the year 1992. He was posted in the office of the Director General of Assam Rifles, Shillong vide order dated 27.9.1994. The applicant reported for duty in the office of the Director General of Assam Rifles, Shillong on 26.10.1994. Thereafter he was posted to 22 Assam Rifles initially at Teqnoupal. Thereafter he was posted to

Alister
Jat.
Amount
28-7-04

different stations as per the order of the competent authority. The applicant was also posted in the State of Jammu and Kashmir. Presently he has again ^{been} posted in North Eastern Region. By this application he has sought for choice station posting on the strength of Government policy laid down by the Ministry of Finance, Department of Expenditure vide Memo No. 20014/3/83-E.IV dated 14.12.1983. By the aforesaid communication the Government of India fixed the tenure of posting of three years at a time for officers with service of 10 years or less and 2 years of service for officers with more than 10 years of service in North Eastern Region and on completion of the fixed tenure may be considered for choice station posting as far as possible. The applicant being aggrieved by the action of the respondents in not giving choice station posting approached this Tribunal.

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.

3. The respondents contested the claim of the applicant and submitted written statement. In the written statement it is stated that the Notification dated 14.12.1983 as mentioned in the O.A. is not applicable so far the applicant is concerned. According to the respondents applicant was recruited through Special Recruitment Drive conducted specifically for Assam Rifles though he belongs to Central Health Services and is transferable to any part of India. The respondents pointed out that since he has accepted appointment knowingly well that he will have to render his services in North Eastern Region since headquarter is located in Shillong. Mr. Basumatary also pointed out that the Assam Rifles is facing genuine difficulty for shortages of Doctors. According to Mr. Basumatary there are about 70-

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80 posts are vacant and therefore question of sending the applicant on transfer to other region does not arise. He further submitted that the service of the applicant is regulated by the Transfer Policy issued by the Govt. of India, Ministry of Health and Family Welfare under O.M. No. 22012/40/85/CES.II dated 25.2.1985 and not by the O.M. dated 14.12.1983. Mr. Chanda, learned counsel for the applicant submitted that in like cases of Assam Rifles the Tribunal has ordered in O.A. No. 210/99 directing the respondents to consider the case of that applicant for choice station posting.

4. From the facts narrated above it transpires that the applicant is appointed in the Assam Rifles in Special Drive Recruitment. The applicant has already rendered service more than six years. The respondents in their written statement also accepted the position. The respondents are not fully averse to provide his choice station posting. In fact respondents in their written statement submitted that request for choice station posting so far made by the applicant is registered in the Ministry and it would be considered in its own turn subject to availability of vacancy. Since the respondents on its own took up the matter for posting the applicant at his choice subject to availability of vacancy I do not think any direction is required from this Tribunal. It is expected that the respondents as a fair employer will consider the genuine grievance of the applicant in the light of the stand taken in their written statement and take appropriate measure for his choice posting as prayed for, if necessary by transferring other Medical Officers who are serving outside the North Eastern Region.

5. With this observation made above, the application stands disposed of. No costs.

Sd/VICE CHAIRMAN

Section Officer (J)
C.A.T. GUWAHATI BANCE
Guwahati-781005



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24/7/09