

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 162/01.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... 64.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 20.12.2002.....Pg. 1.....to 3 AD.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 162/01.....Pg. 1.....to 12.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1.....to 5.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Shanta  
6.12.17

uuitrecoo

FORM NO.4  
(See Rule 42 )

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

... ORDER SHEET

original APPLICATION NO ....162.....OF 2001.

Applicant (s) Padmalal Mizor

Respondent (s) V.O.I. Tom

Advocate for Applicants (s) M. Chanda, S. Dutta, Smt. N.D. Goswami

Advocate for Respondent (s) case.

Notes of the Registry	Date	Order of the Tribunal
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*Mention Case.*

This application is in form

but not in time Condonation

Petition is filed not filed vide

M. P. No. .... C F.

for Rs. 50/- deposited vide

IPO/BE No. 697923/2

Dated.....30.4.2001

Dy. Registrar.

*NS*  
30/4/2001

3/5/2001.

Notice is prepared and  
Sent to D/Section for  
issuing to the Respondents  
No. 1 to 4. Vide D.No.  
1612 to 1615 Dtd. 3.5.01

*NS*  
3/5/2001.

30.4.01

The application is admitted. Call  
for the records.

Mr M.Chanda, learned counsel for  
applicant prays for an interim order.  
Also heard Mr A.Deb Roy, learned Sr.  
C.G.S.C for the respondents.

Issue notice to show cause as to  
why an interim order shall not be  
granted suspending the office order  
No.239 of 2001 dated 21.3.2001 trans-  
ferring the applicant Shri P.L.Mizore,  
Daftry from CGWB,NER,Guwahati to Div.  
XIV,Bangalore. Returnable by four  
weeks.

List on 30.5.2001 for show cause  
and further orders. Meanwhile the  
aforementioned transfer order shall  
remain suspended insofar as it relates  
to the applicant till the returnable  
date.

*K.C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

30.5.01

List the case again on 18-7-2001 in presence of Mr.A.Deb Roy, Sr.C.G.S.C. for the respondents who is away for attending the Circuit Benches at Imphal and Kohima.

  
Vice-Chairman

bb

18.7.01

At the request of Mr.A.Deb Roy, Sr.C.G.S.C. 4 weeks time is allowed to file written statement. Meanwhile, interim order dated.30.4.01 will continue.

List on 18/8/01

  
Member

lm

17.8.01

At the request of Mr.A.Deb Roy, Sr.C.G.S.C. 4 weeks time is allowed to file written statement. List on 14.9.01 for orders. Meanwhile, the interim order dated 30.4.01 shall continue.

  
Member

lm

14.9.01

List on 17/10/01 to enable the respondents to file written statement.

  
Vice-Chairman

mb

17.10.01

Four weeks time is allowed to the respondents to file written statement.

List on 28.11.01 for order.

Interim order dated 30.4.2001 shall continue.

  
Member

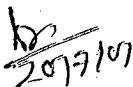
pg

13.11.2001

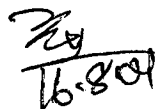
10/5 Submitted by the Respondents.



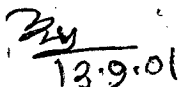
Order dtd.18/7/01  
Communicated to the  
Parties Counsel vide  
D/No \_\_\_\_\_ dtd \_\_\_\_\_

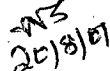
  
20/7/01

No. w/s has been  
Submitted.

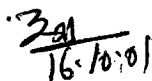
  
16.8.01

No. written Statement  
has been filed.

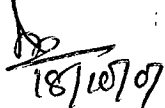
  
13.9.01

  
20/8/01

No. written Statement  
has been filed.

  
16.10.01

Order dtd 17/10/01  
Communicated to the Parties  
Council.

  
18/10/01

Notes of the Registry	Date	Order of the Tribunal
No. Rejoinder has been filed. By 12.12.01	28.11.01	Written statement has been filed. The learned counsel for the applicant prays for 2 weeks time to file rejoinder. List on 13.12.01 for order.  K. U. Shan Member
Order dated 13/12/01 forwarded to the parties concerned. By 14/12	mb 13.12.01	Written statement has been filed by the respondents. Prayer has been made on behalf of Sri M. Chanda, learned counsel for the applicant for filing rejoinder. Prayer is allowed. List on 11.1.02 for order. Interim order dated 30.4.01 shall continue.  K. U. Shan Member
No. rejoinder has been filed. By 16.1.02	mb 11.1.02	pleadings are completed. List on 20.2.02 for hearing.  Vice-Chairman
14.3.2002 Copy of the Judgement has been sent to the Office for filing the same as well as to the disburse. for the Respondent.	lm 20.2.02	Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is disposed of. No costs.  Vice-Chairman
	trd	

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. NO. 162/2001, . . . . of

DATE OF DECISION 20.2.2002 .....

Sri Padma Lal Mizor

APPLICANT(S)

Mr. M.Chanda.

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India &Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENTS.

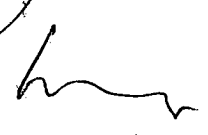
THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE

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

5. Judgment delivered by Hon'ble Vice-Chairman.

NO



X

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 162 of 2001.

Date of decision : This the 20th day of February, 2002.

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

Sri Padma Lal Mizor  
Son of Sri Rudabir  
Village Borghar Jarnoni  
P.O. Khalimari (Tezpur)  
District-Sonitpur  
Assam

...Applicant

By Advocate Mr. M.Chanda.

-And-

1. Union of India  
Through the Secretary to the  
Government of India, Ministry of  
Water Resources, Central Ground  
Water Board, N.H. IV,  
Faridabad, Haryana.
2. The Chairman,  
Central Ground Water Board,  
Government of India,  
Ministry of Water Resources,  
N.H.IV, Faridabad,  
Haryana.
3. Director of Administration,  
Central Ground Water Board,  
N.H.IV, Faridabad,  
haryana.
4. The Regional Director,  
Central Ground Water Board,  
Tarun Nagar, G.S.Road,  
Guwahati.

..Respondents

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

==  
O R D E R (ORAL)

CHOWDHURY J.(V.C.).

By Office Order No. 239 of 2001 dated 21.3.2001  
the applicant working in the Central Ground Water Board,  
North Eastern Region was transferred in the same capacity to  
Division, XIV, Bangalore of the Central Ground Wter Board. By  
the same order Sri S.P. Manjhi who was posted in the office of  
the office of the Central Ground Water Board, North Eastern

Region was transferred to Central Ground Water Board, KR, Trivandrum. The applicant contended that the order of transfer to a low paid Group D staff to a remote place of the country is unprecedented and patently arbitrary.

2. Heard Mr. M.Chanda, learned counsel appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents. Mr. M.Chanda, learned counsel for the applicant referred to the transfer policy as well as the decision rendered by the Supreme Court 1986(4) SCC 131 wherein the apex court stated that in normal course such a low paid employee should not be posted in a far of places. Mr. A.Deb Roy, learned Sr. C.G.S.C. supported the order of transfer of the applicant and pointed out that this order of transfer was made because of an unusual circumstance. The department received complaint of misbehaviour and physical assault against Sri S.P. Manjhi, Administrative Officer and the applicant due to which affected the peace and tranquility in the office. Both these persons made allegation and counter allegation of physical assault. An enquiry was conducted. After all these it was decided to transfer both the persons outside the region so that office discipline and decoram will be restored. Mr. A. Deb Roy, Sr. C.G.S.C. referring to the written statement submitted that the action was taken by the respondents is bonafide and in the public interest. Mr. Chanda, learned counsel for the applicant further submitted that even otherwise the applicant was not to be transferred outside the region on the basis of the Office Memorandum No. Ab-14017/27/89-Est.(RR) dated 20.6.1989 issued by the Government of India, Department of Personnel and Training, wherein it was mentioned that in the case of holders of Group C and D post, who are recruited on regional basis and who belong to scheduled Tribes was to be given posting as far as possible near the native places within the region. Mr.



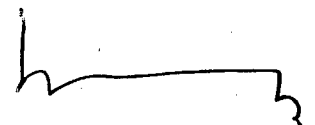
M.Chanda, learned counsel for the applicant also referred to the recommendation of the 5th Central Pay Commission on the transfer and posting policy, more particularly paragraph 25.10 which reads as follows :

"No transfer of Group "D" employees - No transfer of Group 'D' employees from one station to another should normally be restored to except in very special circumstances like adjustment of surplus and deficiency, promotion, exigencies of service, mutual transfers, etc."

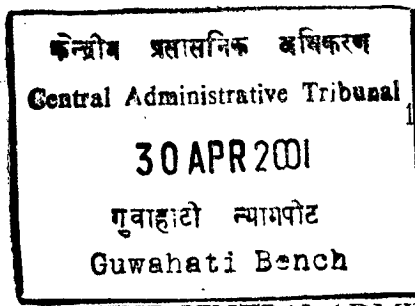
3. I have given anxious consideration on this matter. Admittedly there is no proven example of infraction or any illegal provision in transferring the applicant but even than the transfer order will cause hardship to the applicant and to avoid such hardships the Government has already issued O.M. dated 20.6.1989.

4. In the circumstances stated above, I am of the opinion that ends of justice will be met if a direction is issued to the applicant to submit a representation before the respondent no.4 narrating all his grievances, and if such representation is filed the authority shall consider the same sympathetically as per law and pass a reasoned order expeditiously and preferably within three months thereafter. Till the aforesaid exercise is completed the interim order dated 30.4.2001 shall continue.

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



(D.N.CHOWDHURY)  
Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

10  
Filed by the applicant  
Through Syed Elphish  
Advocate  
30.4.2001

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No....162...../2001

Sri Padma Lal Mizor : Applicant

-versus-

Union of India & Ors. : Respondents

INDEX

Sl. No.	Annexure	Particulars	Page No.
01.	---	Application	1-8
02.	---	Verification	9
03.	1	Impugned order dated 21.3.2001	10
04.	2	Application dated 10.4.2001	11
05.	3	Application dated 25.4.2001	12

Date : 30.4.2001

Filed by  
Syed Elphish  
Advocate

Padma Lal Mizor

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

O.A.No. \_\_\_\_\_/2001

**BETWEEN**

Sri Padma Lal Mizor  
Son of Sri Rudabir  
Village Borghar Jarnoni  
P.O. Khalimari (Tezpur),  
District- Sonitpur,  
Assam.

**Applicant**

**-AND-**

1. Union of India,  
Through the Secretary to the Government  
Of India, Ministry of Water Resources,  
Central Ground Water Board,  
N.H. IV, Faridabad,  
Haryana.
2. The Chairman,  
Central Ground Water Board,  
Government of India,  
Ministry of Water Resources,  
N.H. IV, Faridabad,  
Haryana.

*Padma Lal Mizor*

3. Director of Administration  
Central Ground Water Board,  
N.H. IV, Faridabad,  
Haryana.
4. The Regional Director,  
Central Ground Water Board,  
Tarun Nagar,  
G.S.Road,  
Guwahati.

#### Respondents

1. Particulars of order against which this application is made.

This application is made against the impugned Office Order No. 239 of 2001 dated 21.3.2001 whereby the applicant is sought to be transferred and posted from Central Ground Water Board, (hereinafter referred to as CGWB), North Eastern Region, Guwahati to the Central Ground Water Board, Division XIV, Bangalore, thus imposing a transfer on a poorly paid Group 'D' employees to a remote place of the country as and unprecedented case and praying for a direction upon the respondent to cancel the impugned order of transfer of the applicant and to allow him to continue at his present place of posting

2. Jurisdiction of the Tribunal.

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

3. Limitation

The applicant further declares that this application is filed with the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

*Padma Lal Nigam*

(1986) 4 SCC  
P 131  
10

4. Facts of the Case.

4.1 That the applicant is a citizen of India as such he is entitled to all the rights and protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant is initially appointed in the post of Peon under the respondents on 20.7.1973 and joined at Tezpur. Immediately thereafter, he was transferred and posted at Shillong in August, 1973. After serving for few years at Shillong, he was eventually transferred and posted at Guwahati in November '81 and subsequently promoted to the post of Daftary in 1987 in the same station where he has been continuing till now.

4.3 That your applicant has his old father aged about 94 years who is bad ridden and mother aged about 78 years who is also sick and this apart his wife is a patient of High Blood Pressure and Diabetis. The applicant has got two sons named Bholanath and Nagesh and two daughters named Narmada and Rekha all of who are studying in college/school in Assamese medium. The aforesaid member of the family of the applicant are all residing at his home place at Tezpur and the applicant is serving at Guwahati. With his poor income, the applicant has been managing two establishments at Tezpur and Guwahati with great difficulties and taking care of his old parents and ailing wife in an extremely distressed condition. The applicant has also been negotiating for arranging the marriage of his elder daughter, Miss Narmada Devi who is already aged about 25 years and her marriage has already become long overdue as per his social customs.

4.4 That your applicant begs to state that he has suddenly received the impugned order of transfer and posting dated 21.03.01 transferring him from Guwahati to Bangalore which if implemented, will throw him an already unmanageable situation to an extreme distressed condition both-mentally and economically.

Padma del 14/88

Copy of the impugned order dated 21.3.01 is annexed hereto and marked as Annexure-1.

4.5 That on receipt of the order of transfer, your applicant made a representation to the respondent No. 3 on 10.04.01 describing his position and praying for cancellation of his order of transfer dated 21.03.01.

Further, the applicant had the opportunity of meeting in person the respondent no. 3 on 10.4.01 when he had been to Guwahati and submitted his prayer for consideration. The respondent no. 3 gave a systematic hearing to the submissions of the applicant and ultimately assured him of cancelling the said order of transfer which was informed by the applicant to the Regional Director, Guwahati also vide his application dated 25.4.01.

Copy of the application dated 10.4.2001 and application dated 25.4.01 are annexed hereto and marked as Annexure-2 and 3 respectively.

Surprisingly, the present Head of the office, Shri G.C.Saha, Scientist 'D' has asked the applicant to take release from this office immediately in compliance with the aforesaid impugned order of transfer.

4.6 That your applicant begs to state that he is a poorly paid Group "D" employee and in the event of the operation of his order of transfer, he will not only be unable to manage two establishments located so distantly i.e. at Tezpur and Bangalore but his old parents, ailing wife and marriageable daughter will be deprived of his due care and attention which are his mandatory duties and responsibilities. Besides, he cannot shift his family since his sons and daughters are all presenting their studies in Assamese medium which are not available at Bangalore. In other words, the proposed transfer will not only inflict financial and mental hardships on the applicant but will destroy his entire family in a shocking manner. It is relevant to mention here that the applicant compelled with the order of transfer in all earlier occasions as stated above.

*Padma Lal Mishra*

Situated thus, the applicant finding no other alternative approaching this Hon'ble tribunal praying for a direction upon the respondents to cancel his order of transfer and allow him to continue in his present place of posting.

4.7 That this application is made bonafide and for the cause of justice.

5. Grounds for relief with legal provision(s)

5.1 For that the applicant is a poorly paid Group 'D' employee and is incapable of maintaining two establishments located so distantly.

5.2 For that the applicant has to take care of his bed-ridden father aged about 94 years and old mother aged about 78 years and wife who is a chronic patient of high blood pressure and Diabetes.

5.2 For that two sons and daughters of the applicant have been studying at different levels in Assamese medium at Tezpur who cannot be shifted outside Assam at this stage.

5.4 For that marriage of the elder daughter of the applicant is long overdue and negotiations are going on which in absence of the applicant due to transfer will be seriously affected.

5.5 For that the proposed transfer will not only inflict serious financial and mental hardships on the applicant but will destroy his entire family in a shocking manner.

6. Details of remedies exhausted..

That the applicant states that he has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal in view of the facts and circumstances stated above.

7. Matters not previously filed or pending with any other court/Tribunal.

The applicant further declares that he had not filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before

Padma Lal Mizo

any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition, or suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated in paragraph 4 of this application, the applicant prays for the following reliefs :

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of transfer and posting dated 21.3.2001 so far as the applicant is concerned.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting at CGPB, NER, Guwahati in the same capacity. 8.3 Costs of the Application.
- 8.3 To pass any other order or orders as deemed fit and proper under the facts and circumstances as stated above.
- 8.4 Costs of the Application.

9. Interim Relief(s) prayed for :

During the pendency of the application the applicant prays for the following relief(s) :

That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of transfer and posting dated 2.13.2001 (Annexure-1) issued under office order No.239 of 2001 vide letter No. 3-984/94-Min.Estt-2118 dated 21.3.2001 till disposal of this application so far as the applicant is concerned

10. ....

That this application is filed through Advocate.

11. Particulars of the I.P.O.

- i. I.P.O. No. : 66 792312
- ii. Date of Issue : 30/4/2001
- iii. Issued from : G.P.O., Guwahati.

Adm a lal M388



iv. Payable at

: G.P.O., Guwahati.

12. List of enclosures :

As stated in the Index.

---

Padma Lal M38

**VERIFICATION**

I, Sri, Padma Lal Mizor, Son of Sri Rudrabir Mizor, aged about 50 years, working as Peon, in the office of the Regional Director, CGPB, NER, Guwahati do hereby verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice which I believe to be true and I have not suppressed any material fact.

I, sign this verification on this the 30<sup>th</sup> day of March, 2001 at Guwahati.

*Padma Lal Mizor*

## Annexure-1

No. 3-984/94-Min.Estt.-2118  
Government of India  
Ministry of Water Resources  
Central Ground Water Board  
NH-IV, Faridabad

Dated 21 MAR 2001

## OFFICE ORDER NO. 239 OF 2001.

On the approval of the competent authority, the following officer/official are hereby transferred to the placed as mentioned against each, with immediate effect :

Sl. No.	Name and designation	Present place of posting	Place of posting on transfer
1	2	3	4
1	Sh. S.P.Manjhi	CGWB,NER,Guwahati	CGWB, KR, Trivandrum
2	Sh.P.L.Mizore, Daftry	CGWB,NER,Guwahati	Div. XIV, Bangalore

Since they have been transferred in public interest, therefore, they are entitled to TA/DA and Joining Time as admissible under the Rules.

Sd/- Illegible 25.3  
(R.N.SURYA)

ADMINISTRATIVE OFFICER

## DISTRIBUTION :

1. Person concerned
2. The Regional Director, CGWB, NER/KR, Guwahati/Trivandrum.
3. The Executive Engineer, CGWB, Div. XIV, Bagalore.
4. The Pay and Accounts Officer, CGWB, Faridabad.
5. The Secretary General, AICGWBEA, NH IV, Faridabad.
6. Personal File of Sh. P.L. Mizore, Daftry.
7. Office Order File.

Attested  
Sd/-  
Advocate

Annexure-2

To

The Director (Admn.)  
Central Ground Water Board  
N.H.IV, FARIDABAD, HARYANA.

(Through Proper Channel)

Sub : PRAYER FOR CANCELLATION OF TRANSFER FROM GUWAHATI TO  
BANGALORE,

Sir,

With reference to your above cited letter, I beg to inform you that I am unable to proceed to go on transfer from Guwahati to Bangalore for my domestic problems, I beg to lay down the following few lines for your sympathetic consideration.

- i. I am a low paid Govt. employee.
- ii. I have two sons and two daughters who are studying school/college.
- iii. My wife is having high pressure & diabetic patient.
- iv. I have to settle the marriage ceremony of my eldest daughter who is aged 27 years.
- v. I shall be not able to maintain two establishment, being a low paid employee.

I shall be highly grateful to you if you kindly allow me to stay at Guwahati, so that my members of family do not suffer from both mentally and economically.

Thanking you,

Yours faithfully,  
Sd/- 10.4.2001  
Daftary  
CGWB, NER, Guwahati.

*Padma Lal Mishra*

To

The Regional Director  
Central Ground Water Board  
North Eastern Region  
Guwahati

Sub : SUBMISSION OF APPLICATION FOR CANCELLATION OF TRANSFER-  
REGARDING.

Sir,

I have the honour to inform you that I have met Director Administration on 10.4.2001 and prayed for cancellation of my transfer, in the presence of R/D, CGWB, NER, Guwahati and present AIGCWBEA, General Secretary. Shri G.C.Das, Director Administration was sympathetic to me and kindly agreed to cancel my transfer. I have also submitted two copies of my application for cancellation of my transfer from Guwahati to Bangalore to Regional Director for handling over one copy to Director Administration.

But now to my surprise, Shri G.C.Saha, Scientist 'D' present Head of the office has asked me to take release from this office immediately.

In view of the above, I am to request you kindly to look into the matter and consider the matter favourably.

Yours faithfully,

Sd/- Illegible 25.4.2001

(PADMA LAL MIZOR)  
DAFTARY

Enclo :  
A copy of application dated 10.4.2001

Dated 25.4.2001

*Padma Lal Mizor*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No.162 of 2001

Shri Padma Lal Mizor  
Vs  
Union of India and others  
Vs

In the matter of :

Submitted by the respondents

The respondents beg to submit the written statement as follows :

- 1 That with regard to para 1, the respondents beg to state that it is submitted that Shri P.L.Mizor (applicant) has been transferred from CGWB, NER, Guwahati to CGWB, Div.XIV, Bangalore vide CHQ's order No.239/2001 dated 21.3.2001 (Annexure A-1 of O.A.) due to the reasons that the Regional Director, CGWB, NER, Guwahati has complained and advised as under vide his letter No.D.O. SPM/RDNER/CGWB/99-99 dated 4.12.2000 "Complaint of misbehaviour and physical assault is being received by this office for Shri S.P.Manjhi, A.O. & Shri P.L.Mizor, Daftry due to which office environment is also affected. Subsequent to this on 17.11.2000 similar incident took place during the office hours and both of them made allegation and counter allegations of physical assault. After going through the investigation report it has been observed that both Shri Mizor and Manjhi involved in this and assaulted each other. Further, it is suggested that both Shri Mizor and Manjhi should be transferred outside this region so that proper office discipline and decorum can be maintained failing which others will also follow. Incidentally in the region there are 2 Daftry one Daftry Shri Mizor can be shifted without affecting the work. It is, therefore, requested that necessary action may be taken to transfer both the persons from this region at the earliest to maintain proper discipline and decorum in the office."

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23

As per investigation report dated 30.11.2000 of two members committee duly constituted on the advice of Regional Director, CGWB, NER, Guwahati to investigate the case of alleged manhandling of Shri P.L.Mizor, Daftry by Shri S.P.Manjhi, A.O. on 17.11.2000, it has been proved that the applicant of the present O.A. is involved in manhandling, quarrel, physical assault and non-maintenance of office decorum.

One post of Daftry was excess in the office of the Regional Director, CGWB, NER, Guwahati whereas there was no Daftry or Peon in the office of the Executive Engineer, CGWB, Div.XIV, Bangalore of the Respondent Department. Moreover Shri P.L.Mizor, Daftry (applicant) has been working in CGWB, NER, Guwahati from Nov. 1981 till his transfer order as asserted by the applicant himself in para 4.2 of this O.A. Thus it is clear that the applicant has completed more than 19 and ½ years at one place Guwahati and all of his services from 1973 ( 28 years) completed in North Eastern Region. The work in the office of Executive Engineer, CGWB,Div.XIV, Bangalore was badly suffering in want for Daftry and Peon.

Keeping in view of the above facts and circumstances, it became necessary to transfer him from Guwahati to another office of Respondent Department i.e. CGWB, Div.XIV, Bangalore so that, on the one hand, office discipline and office decorum could be maintained in CGWB, NER, Guwahati office and on the other hand man power can be utilised fully in the office of CGWB, Div.XIV, Bangalore where there is acute shortage of staff. The averment of the applicant that Bangalore is a remote place of the country is wrong, not supported with any documentary evidence hence denied. In fact, Bangalore is a big city of the country and connected with rail, air and road transport. Therefore, it cannot be defined as a remote place.

The transfer order dated 21.3.2001 issued by the respondent department in respect of the applicant is true in letter and spirit hence the Hon'ble CAT is prayed to vacate interim stay on its operation in the interest of the respondent department (nation).

- 15  
29
2. That with regard to para 2, the respondents beg to state that the contents of this para are wrong and denied. In fact, the Administrative Tribunal has no jurisdiction to interfere in the matter of transfer of the Respondent Department in the case of the applicant.
  3. That with regard to para 3, 4.1 and 4.2, the respondents beg to offer no comments.
  4. That with regard to para 4.3, the respondents beg to state that none of the averment is supported with any documentary evidence and are incorrect hence denied. Because in Annexure A-2 of O.A. he indicated that the children are studying in school/college whereas in this para he mentioned that they are studying in Assamese medium, secondly he indicated age of his eldest daughter as 27 years in Annexure A-2 of O.A. whereas in this para he mentioned 25 years.
  5. That with regard to para 4.4, the respondents beg to submit the comments what have already made against the foregoing paragraph 1 above.
  6. That with regard to para 4.5, the respondents beg to state that it is submitted that the applicant met the respondent No. 3 (i.e. Director (Administration) on 10.4.2001 at Guwahati during his official tour. It is however, denied that the Respondent No.3 assured him (the applicant) of cancelling the transfer order. His representation has been considered by the Respondent No.3 and it is not found feasible to cancel his transfer order due to administrative reasons only explained in reply to para 1 above.
  7. That with regard to para 4.6 and 4.7, the respondent beg to state that it is submitted that the applicant himself has admitted in para 4.3 of O.A. that his all family members including children are residing at his home place at Tezpur and he (applicant) is serving at Guwahati. This clearly shows that the family members are not residing with the applicant and he has already been maintaining two establishments smoothly one at his hometown and another at Guwahati. Therefore, submission of inability to manage two establishments at Tezpur and Bangalore is not justified and denied. As admitted by the applicant his family members including children are residing at



16  
25

Tezpur hometown and children are studying at Tezpur and not residing or studying at Guwahati with the applicant, this has no adverse affect of working by the applicant either at Bangalore or Guwahati. This para is denied in view of the above facts and matters. The applicant in para 1 of this O.A. has suppressed the material facts as mentioned, this O.A. has no merit hence prayed to be rejected or dismissed at the admission stage.

8. That with regard to para 5.1, the respondents beg to state that the applicant already maintaining two establishments one for himself at Guwahati and another for his family members at Tezpur hence ground showing incapability to maintain two establishments located so distantly is not tenable, justified and denied.
9. That with regard to para 5.2, the respondents beg to state that as mentioned in para 4.3 of O.A., by the applicant, his parents, wife and children are residing at the hometown, Tezpur whereas the applicant is residing at Guwahati. It clearly indicates that the family members of the applicant are somehow managing to take care of each other/themselves. Therefore, this ground is wrong, not tenable and denied.
10. That with regard to 5.3, the respondents beg to state that it is clear from the reply of the preceding paras that the children who are going to schools/colleges are not residing with the applicant and studying at Tezpur hence the ground of shifting them cannot be accepted and accordingly denied.
11. That with regard to para 5.4, the respondents beg to state that the ground whether the daughters of the applicant are married or unmarried is denied for want of knowledge.
12. That with regard to para 5.5, the respondents beg to state that the ground is hypothetical and denied.
13. That with regard to para 6 and 7, the respondents beg to offer no comments.

- 12  
26
14. That with regard to paras 8.1 to 8.4, the respondents beg to state that the matter and circumstances mentioned in reply of the preceding paras, this O.A. is devoid of merit, made on wrong and hypothetical grounds, misleading the Hon'ble CAT and material facts as narrated in reply of para 1 have been suppressed, any CAT cannot interfere in the matter of transfer, the applicant cannot claim as a matter of right to continue at Guwahati hence prayed to be disallowed or dismissed at the admission stage.
15. That with regard to para 9, the respondents beg to state that the transfer order dated 21.3 2001 issued in respect of the applicant keeping in view of the above facts and circumstances is just and proper. The administrative Tribunal has no jurisdiction to interfere in the matter of transfer of an employee of the Govt. The employee such a like of the applicant cannot be allowed to continue further at Guwahati office of the Respondent. Hence, the Hon'ble CAT is prayed to vacate interim stay on transfer order (Annexure A-I) so that the order could be operated/implemented.
16. That with regard to para 10 to 12, the respondents beg to offer no comments.

### VERIFICATION

I, Shri G. C. SAHA  
being authorised do hereby verify and declare that the statement made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this the day of August, 2001 at Guwahati.

  
30/10/01  
Declarant

Head of Office,  
Central Ground Water Board,  
North Eastern Region,  
Ministry of Water Resources,  
Govt. of India, Guwahati.