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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 235/02.....

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SECTION OFFICER (Judl.)

8

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 235 / 2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Bijon Bahari Saha.

-Vs-

Respondant(s) M.O. & ONS.

Advocate for the Appellant(s) Mr. M. Chanda, H. Dutta
Mr. A. Deb Roy,

Advocate for the Respondant(s) Sr. CGSC.

Notes of the Registry

Date

Order of the Tribunal

30.7.02

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.

Issue notice to show cause as to the application shall not be admitted.

Also, issue notice to show cause as to why interim order as prayed for shall not be granted suspending the order of transfer dated 28.6.2002 so far the applicant is concerned transferring him to Bombay as Assistant Depot Manager. Returnable by three weeks.

In the meantime, the operation of the order dated 28.6.2002 shall remain suspended till the returnable date, so far the transfer of the applicant is concerned. Pendency of this application,

Contd/-

79-576554

27.7.2002

1/c Bombay

29/7/02

No steps

Recd copy
PAID

21/7/02

Contd.
30.7.02

Notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with AFD.

Vide D. No. 2205 to 2209.

however, shall not stand in the way of the Respondents to consider the notice in terms of Rule 48 (Pension Rules for Voluntary Retirement) submitted by the applicant.

List the matter on 21.8.2002 for admission.

K. Usharma
Member

[Signature]
Vice-Chairman

mb

23.8.2002

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. The application is admitted. Two weeks time is allowed to the respondents to file written statement.

List the ~~order~~ case for order on 13.9.2002.

In the meanwhile the interim order dated 30.7.2002 shall continue until further order.

K. Usharma
Member

Copy of the order Dtd. 23.8.02 issued to the counsel of the parties.

[Signature]
23.9.02

bb

13.9.02

List again on 27.9.02 to enable the respondents to file written statement

Interim order shall continue until further orders. ~~Interim order dated 30.7.02 shall continue.~~

[Signature]
Vice-Chairman

23.9.02
W/S submitted by the Respondents

pg

27.9.02

Written statement has been filed. Case is ready for hearing. List for hearing on 15.11.02. In the meantime the applicant may file rejoinder if any, within two weeks. ~~List~~ Interim order dated 30.7.02 shall continue.

K. Usharma
Member

Photocopy machine is out of order. Hence the order is not communicated to the parties.

10/10/02

lm

BTM Due to urgent sitting at Shillong, the case is adjourned to 27/11/2002.

Mrs
A.K. Jyoti


Note of the Registry	Date	Order of the Tribunal
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27.11.02

Heard Mr.M.Chanda learned counsel for the applicant and also Mr.A.Deb Roy, Sr.C.G.S.C. for the Respondents.

Mr.A.Deb Roy has stated that the relief sought for by the applicant was already granted and the applicant's application for Voluntary retirement was accepted. The applicant was relieved with effect from 31.10.2002(AN) with copy of the order dated 07th Nov.2002 kept on record.

The O.A. is thus dismissed as infructuous.


Vice-Chairman

lm

10.12.2002
Copy of the order
has been sent to the
Dy. Secy. for getting the
same to the L/Advocate
for the parties.
ell

Note of the Registry

Date

Order of the Tribunal

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

Title of the case : O. A. No 235 /2002

Sri Bijon Behari Saha : Applicant

- Versus -

Union of India & Others : Respondents.

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Filed by

Date : 30.07.2002

Manik Chouda
Advocate

Bijon Behari Saha

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

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

O. A. No. _____/2002

BETWEEN

Bijon Behari Saha
Son of Late G.M.Saha
Asstt. Depot Manager
Govt. Medical Store Depot,
A.K.Azad Road,
P.O. Gopinath Nagar,
Guwahati-781016

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of
Health and Family Welfare,
New Delhi.
2. The Director General of Health Services,
Government of India,

Bijon Behari Saha

Filed by the applicant -
M. Chandra Adv.
Mishra
Chakraborty

Medical Stores Organisation,
West Block No.1, Wing No.-6,
R.K.Puram, New Delhi-110066.

3. The Addl. Director General (STS)
Directorate General of Health Services,
(M.S.O.) West Block No.1,
Wing No.6, R.K.Puram
New Delhi-110066

4. The Deputy Director Admn. (MSO)
Directorate General of Health Services,
(M.S.O), West Block-1,
Wing No.6, R.K.Puram
New Delhi-110066

5. Shri S.V. Patel,
Asstt. Depot Manager,
Government Medical Store Depot,
Mumbai

...Respondents.

DETAILS OF THE APPLICATION

1. **Particulars of order(s) against which this application is made.**

This application is made against non-consideration of the prayer of voluntary retirement of the applicant as provided under Rule 48 of CCS Pension Rules and against the impugned order No. A 22020/2/2001-Store-1 dated 28.6.2002

Bijan Behari Saha

issued by the Respondent No.4 seeking to transfer the applicant from Guwahati to Mumbai, ignoring the physical inability of the applicant and where his remaining period of service is less than even three years before his normal superannuation and as such the applicant is praying for a direction upon the respondents for acceptance of the prayer of voluntary retirement of the applicant and to stay the operation of the impugned order of transfer dated 28.6.02 till such time the applicant is released on voluntary retirement.

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 within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. **Facts of the Case.**

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

Bijan Behari Saha

4.2 That your applicant was initially appointed in the Government Medical Store Depot (for short GMSD) on 06.11.1965 and posted at Guwahati under the respondents. Subsequently he was promoted to the post of Assistant Depot Manager with effect from 16.9.1997 and is still continuing in the said post at Guwahati Depot of the GMSD.

4.3 That since his joining in the year 1965, the applicant has been serving with all his abilities and dedication and to the best satisfaction of his superiors, with all expectation and zeal for completion of a smooth and successful full tenure of service till his retirement on superannuation. But unfortunately, since last couple of years, he has been suffering from various ailments including chronic Bronchitis with hypertension and his health has been gradually deteriorating with various physical problems in one or the other form. He has also been implanted with artificial hearing aid device due to his hearing problem and is now physically unable to do justice to his works. This apart, his wife is completely bed-ridden due to acute Tubulo intestinal Nephritis and requires constant nursing and care and is under constant medical treatment. Unfortunately, the applicant has to take care of his own ailments and also to attend his sick wife single handed and there is none else in his family to share his present burden, and as

Byam Behari Saha

a result, the applicant is now seriously constrained to attend to or concentrate on his official works. His only son, being employed is not with them and is working at Attabari Tea Estate in Sibsagar.

- 4.4 That being circumstanced thus, the applicant finding no other way, had to decide to retire voluntarily from service as per the provision under Rule 48 of CCS Pension Rules and accordingly submitted on 03.07.2002 an application/Notice in terms of Rule 48 of CCS Pension Rules to the Respondent No.2 stating his position and requesting to allow him to retire voluntarily with effect from 31st October, 2002. The said application was duly recommended and forwarded by the Joint Director, C.G.H.S. & in charge GMSD, Guwahati vide his forwarding letter No. Admn/164/BBS/2002/227 dated 03.07.2002 requesting for immediate necessary action of the Directorate to enable the applicant to retire by October, 2002.

Copy of application dated 03.07.2002 and forwarding letter dated 03.07.2002 are annexed hereto as **Annexure-I and II** respectively.

- 4.5 That on 09.07.2002, the applicant all on a sudden, received one impugned order No. A 22020/2/2001-Store-I dated 28.6.02 issued by the Respondent No.4 seeking to transfer the applicant from Guwahati to Mumbai along with some other Asstt. depot Managers of the G.M.S.D.

Bijan Behari Saha

Copy of order dated 28.6.02 is annexed hereto as
Annexure-III.

4.6 That the applicant thereafter submitted one representation on 10.07.2002 to the Respondent No.2 appraising him of his precarious condition and praying for acceptance of his voluntary retirement and further praying for allowing him to continue at Guwahati till acceptance of his voluntary retirement. His representation, accompanied by all relevant medical records was duly recommended and forwarded by the Joint Director, CGHS, Guwahati & in charge GMSD, Guwahati vide his forwarding letter No. Admn/164/BBS/2002/254 dated 10.07.2002 endorsing his no objection also. The Joint Director, CGHS, Guwahati and in charge GMSD, Guwahati further addressed one D.O. letter No. Admn/164/BBS/282 dated 23.07.2002 to Respondent No.3 requesting for sympathetic consideration of the case of the applicant and acceptance of his Voluntary retirement as a genuine case, and further for retaining him at Guwahati Depot in view of his serious constraints.

Copy of application dated 10.07.2002 along with medical records, forwarding letter dated 10.07.2002 and D.O. letter dated 23.07.02 are annexed hereto as **Annexure-IV, V and VI** respectively.

Bijan Behari Saha

4.7 That the applicant has now learnt from reliable sources that the local office of the applicant has been telephonically instructed to relieve the applicant from Guwahati Depot immediately and the applicant is apprehending his release at any time and as such, finding no other alternative, the applicant is approaching the Hon'ble Tribunal for protecting the rights and interests of the applicant by staying the operation of the impugned order of transfer dated 28.6.2002 and further directing the respondents to accept the prayer of voluntary retirement of the applicant, thus saving the applicant and his family from an imminent disaster.

4.8 That your applicant begs to submit that he has already rendered 37 years of satisfactory and unblemished service under the respondents and is now praying for voluntary retirement as per provision of Rule 48 of CCS Pension Rules and that too being constrained under unavoidable circumstances as stated in para 4.3 above. Surprisingly the respondents instead of considering his case sympathetically is insisting on his transfer from Guwahati which will further accentuate his problems. It is relevant to mention here that the applicant is due to retire on superannuation in April, 2005 and as such his remaining period of service is less than even three years and he is now being humiliated by way of the impugned transfer at this fag end of his service tenure

Bijan Behari Saha

when he has decided to go on voluntary retirement for his survival as well as for the benefit of the department. The 5th Central Pay Commission has also considered this aspect and has recommended that a person whose remaining service is less than three years should not be disturbed by way of transfer unless it is sought for by the incumbent. But in the instant case, the case of the applicant has not been considered in the light of the recommendation of the 5th Central Pay Commission even after the applicant has rendered dedicated and valuable services for long 37 years under the respondents and has now been praying for voluntary retirement under compelling situation only.

Further, the impugned transfer order dated 28.6.02 is an order of regular transfer only covering a group of Assistant Depot managers and is not in the interest of Public or any Special Circumstances which warrants the shifting of the applicant from Guwahati. It is evident from the impugned order dated 28.06.02 that one Sri S.V. Patel, Respondent No.5 has been transferred from Mumbai to Guwahati and the applicant has been transferred from Guwahati to Mumbai which is just a routine changing over only and as such there is no difficulty for the respondents to retain the applicant at Guwahati Depot till his voluntary retirement materializes and allow him to go on voluntary retirement from October, 2002 as prayed for.

Prasan Behari Saha

4.9 That your applicant begs to submit that due to non-consideration of his prayer of voluntary retirement and further issuance of the impugned transfer order, the applicant is being pushed into a dangerous situation with both himself and his wife having been physically distressed and as such finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and interests and further praying for a direction upon the respondents to accept and grant the prayer of voluntary retirement of the applicant and to allow the applicant to continue at Guwahati Depot of the GMSD till his retirement.

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

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant has already rendered services for 37 years and is entitled for voluntary retirement as per the provisions under Rule 48 of the CCS Pension Rules.

5.2 For that, the applicant has been suffering from various ailments and his wife is also bed-ridden with serious ailments, requiring constant nursing and care for which there is none in the family other than the applicant himself and he has to

By: B. Behari Saha

take care of his own ailments as well as that of his wife.

5.3 For that, the applicant has applied for voluntary retirement under distressing circumstances only.

5.4 For that, the remaining period of service of the applicant is less than three years and thus being at the fag end of his tenure, his proposed transfer from Guwahati to Mumbai is violative of the recommendation of the 5th Central Pay Commission, more so, when the applicant has applied for voluntary retirement prior to the receipt of the impugned transfer order.

5.5 For that, the impugned order of transfer is neither in the public interest nor under any special necessity but only a routine change over shifting the applicant from Guwahati to Mumbai and with the similar shifting of the Respondent No.5 from Mumbai to Guwahati in place of the applicant which is out and out an unnecessary exercise.

5.6 For that, the applicant has approached submitted representation praying for consideration of his voluntary retirement and allowing him to stay at Guwahati depot till such retirement but to no result.

Byjan Behari Saha

5.7 For that the non-consideration of the prayer of voluntary retirement of the applicant at this distressed stage and further issuance of the impugned transfer order aforesaid seeking to push the applicant to further distressing condition is unfair, arbitrary, unjust and violative of the principles of natural justice.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application. Representations and approaches made by the applicant to the respondents could not yield any result.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

Bijan Behari Saha

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the respondents be directed to grant voluntary retirement of the applicant with effect from 31st October, 2002 as prayed for, under Rule 48 of CCS Pension Rules.
- 8.2 That the impugned order of transfer issued under No. A 22020/2/2001-Store-1 dated 28.6.02 be set aside and quashed.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Bijam Behari Saha

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of transfer dated 28.6.02 till this O.A. is decided by the Hon'ble Tribunal.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. 76576554.
- ii) Date of Issue : 27.7.2002,
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As given in the index.

Byam Behari Saha

VERIFICATION

I, Shri Bijon Behari Saha, Son of Late G.M. Saha, aged about 57 years, working as Asstt. Depot Manager, Government Medical Store Depot, A.K.Azad Road, P.O. Gopinath Nagar, Guwahati-781016, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 30th day of July, 2002.

Bijon Behari Saha

Signature

To,
The Director General of
Health Services,
(Medical Stores Organisation),
West Block No.1, Wing No.8,
R.K. Puram, New Delhi-110 006.

(Through Jt. Director, CCHS & Incharge Govt. Medical
Store Depot, Guwahati)

Sub :- Notice in terms of Rule 48 of CCS (Pension Rules)
for Voluntary Retirement.

Sir,

I, the undersigned working as Asstt. Depot Manager
in the Govt. Medical Store Depot, Guwahati request you to
permit me retire voluntarily under Rule 48 CCS (Pension
Rules) w.e.f. 31st Oct'02 due to unforeseen domestic
troubles as my wife is bed ridden due to Chronic ailment
and as there are none to look after her. Moreover my
wholetime presence at home is very much required.

I, therefore, request you to kindly accept my
appeal as early as possible.

Dated - Guwahati

The 3rd July 2002.

Yours Faithfully,

B. B. Saha

(B. B. SAHA)
Asstt. Depot Manager
Govt. Medical Store Depot
Guwahati.

3.7

Gram MEDSTORE
FAX No. 0361-65214
Tel. No. 735 2234 GMSD IN
P.O. No.

GOVERNMENT OF INDIA

Ministry of Health & Family Welfare
Directorate General of Health Services

ANNEXURE-II

Phone : 45214

Government Medical Store Depot

A. K. LAZAD ROAD, GOPINATH NAGAR, GUWAHATI-781016

No. Admn/164/BBS/2002/227

0 JUL 2002

To,

The Addl. Director General (Sts.),
Dte. General of Health Services,
(M.S.O.), West Block No.1,
Wing No.6, R.K. Puram,
New Delhi-110 066.

Sub :- Forwarding of application dt. 3.7.02 for Voluntary Retirement of Shri B.B. Saha, Asstt. Depot Manager, GMSD, Guwahati.

Sir,

An application dt. 3.7.02 received from Shri B.B. Saha, Asstt. Depot Manager of this depot which is self explanatory is forwarded for information and immediate necessary action of the Dte. to enable the officer to retire by Oct'02.

Yours faithfully,

Enclo :- As stated above.

Jt. Director, CGHS & Incharge
GMSD, Guwahati.

108
02/7

dc
03/7/02

No. A/2020/2/2001-S(676-1)
Government of India
Ministry of Health & Family Welfare
Directorate General of Health Services
(Medical Store Organization)

ANNEXURE - III

P. E. Puri, New Delhi
Dated the 28th June, 2002

To

The DDO/ADG/CMO/JL Director/DADG,
Government Medical Store Depots
Karnal, Hyderabad, New Delhi, Kolkata, Mumbai, Guwahati & Chennai.

Subject: Transfer/Posting of Asst. Depot Managers of CMSPDs.

Sir,

The following transfer/posting of Asst. Depot Managers of Government Medical Store Depots is made with immediate effect

S. No.	Name	From	To
1	Sh. Manoj Kumar	Karnal	MSO (HQrs)
2	Sh. Venkatratnam	Hyderabad	Chennai
3	Sh. C. S. Sinha	Karnal	Hyderabad
4	Sh. R.K. Yadav	New Delhi	Karnal
5	Sh. P.B. Mandal	New Delhi	Kolkata
6	Sh. Sahatu Ram	Kolkata	New Delhi
7	Sh. S.V. Patel	Mumbai	Guwahati
8	Sh. B.B. Saha	Guwahati	Mumbai
9	Sh. S.K. Biswas	Guwahati	Kolkata
10	Sh. G.C. Tudu	Kolkata	Guwahati
11	Sh. K.L. Nayak	Mumbai	New Delhi
12	Sh. B.L. Bhowmik	MSO(HQ)	Mumbai
13	Sh. K.S. Methu	Chennai	Karnal
14	Sh. K.R. Reja	Mumbai	Chennai

2. However, S/Shri R.K. Yadav, P.B. Mandal, S.V. Patel, K.L. Nayak, & K.R. Reja, Asst. Depot Managers have been assigned non-sensitive jobs. They may be assigned non-sensitive jobs only.

3. This has the approval of DGHS.

Yours faithfully,

(Hulam Chand)
Dy. Director Admin (MSO)

Copy to:

- P.A.O., MHR&FW, Sardar Patel Hospital, New Delhi
- P.A.O., MHR&FW, Rajaji Bhawan, Chennai
- P.A.O., DGHIS, Nirmal Bhawan, New Delhi
- P.A.O., MHR&FW, Kolkata
- P.A.O., MHR&FW, General Hospital, Mumbai
- Concerned Officers

ATTESTED

(A. Manta)
Asstt. Depot Manager,
Govt. Medical Store Depot
Guwahati.

CC - P.A.O. (Stores) P.E. Puri, New Delhi
CC - P.A.O. (Stores) P.E. Puri, New Delhi

24

To,

The Director General of
Health Services,
(Medical Stores Organisation),
West Block No.1, Wing No.6,
R.K.Puram, New Delhi-110 066.

(Through Jt. Director, CGHS & Incharge GMSD Guwahati)

Sub :- Transfer/posting of Asstt. Depot Manager of GMSDs.

Ref :- My Voluntary Retirement application dated 3rd July, 2002.

Sir,

I have the honour to bring to you the following few lines for favour of your kind information and sympathetic consideration please.

That's Sir, my wife has been suffering from Chronic ailments since long time and recently her health condition was so deteriorated that I was compelled to admit her in the Hospital in order to save her life and at present she is completely bed ridden and is under prolonged medical treatment as per Doctor's advice.

As there is none to look after her and my only son is also in service out of Guwahati, I found no alternative but to decide to go on Voluntary Retirement w.e.f. 31st Oct, 2002 for sake of her life and accordingly I submitted the notice of Voluntary Retirement in terms of Rule 48 of CCS (Pension Rules) on 3.7.2002.

Meanwhile Dte. transfer order bearing No.A.22020/2/2001-Store-I dt. 28th June, 2002 has been received by me on 9.7.2002 directing me to join in GMSD, Mumbai.

That's Sir, at this crucial moment I am not in a position to move for GMSD, Mumbai as my presence at home to look after my ailing wife is most essential as there is none to stand by her side in case of emergency.

In this connection I am enclosing all the xerox copies of relevant records of medical treatment of my wife for favour of your kind perusal.

In this circumstances stated above which is beyond my control I would fervently request you to kindly accept my Voluntary Retirement application dated 3.7.2002 and settle my case at the earliest. Also kindly allow me to continue my service at GMSD, Guwahati till my Voluntary Retirement is accepted by the Directorate for which act of your kindness I shall remain grateful to you and oblige.

Yours faithfully,

Enclo :- As stated
above.

B. B. SAHA
(B. B. SAHA)
Asstt. Depot Manager
GMSD., Guwahati.

Dated at Guwahati

The 10th July 2002.



INTERNATIONAL HOSPITAL

(A UNIT OF ASSAM HOSPITALS LTD.)

'LOTUS TOWER', G. S. ROAD, GUWAHATI - 781 005

Tel : 222560, 222561, 222720, 266157, Fax : (0361)269936

DISCHARGE CERTIFICATE

NAME OF THE PATIENT Mrs. Monisha Saha. AGE 48 yrs SEX F
 HOSPITAL NO. 14 L 12 091 I.R.N. 43726
 DATE OF ADMISSION 18.5.02 DATE OF DISCHARGE 19.5.02
 PERMANENT ADDRESS C/o. Mr. B.B. Saha, Kahi D'pala, Barakata Nagan
 CONSULTANT Dr. T. Dasgupta

CLINICAL NOTES & HISTORY: 45 yrs old, Mrs. Saha, non diabetic, non
hypertensive with history of U.T.I. presented with generalised weakness
swelling of legs and feet,

OE.

Pallor +

Edema +

Pulse: 92/min

BP: 130/80 mmHg

Chest: Clear

CS: SCL

P/A: Rgt, Lft

CS: WNL

ADVICE

INVESTIGATIONS:

TC: 12,400/mm³

RBC: 4.2, Hb: 12.2, Hct: 38.2

WBC: 7.8/mm³

ESR: 110 mm/hr

Urea: 3.8 mg/dl

RESIDENT

CONSULTANT

BNS

P.T.O.

ATTESTED

(A. Manta)

Asstt. Depot Manager

Inv. Medical Store Depot

Guwahati.

DIAGNOSIS :

ACUTE TUBULO INTERSTITIAL NEPHRITIS

TREATMENT :

Renal Biopsy on 18/5/02

Blood transfusion 1 unit

NAME OF THE PATIENT

HOSPITAL NO.

DATE OF ADMISSION

PERMANENT ADDRESS

CONSULTANT

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

CLINICAL NOTES & HISTORY

ADVICE :

1.

1. Tab. Cyfran 250

1 time twice daily x 5 days

2. Kulinin cap

1 daily

3. Furuncul 20g

1 time daily before food x 15 days

Checkup after 7 days / 501

- Diet: 30gms Protein, 20gms Salt, No fruits, fruit juice

Fluor balanced diet

Signature

CONSULTANT

Signature

RESIDENT



INTERNATIONAL HOSPITAL

(A UNIT OF ASSAM HOSPITALS LTD.)

'LOTUS TOWER', G. S. ROAD, GUWAHATI - 781 005

Tel : 222560, 222561, 222720, 266157, Fax : (0361)269936

DISCHARGE CERTIFICATE

NAME OF THE PATIENT Monisha Saha AGE 48 yrs SEX F
 HOSPITAL NO. IHL-11900 I.R.N. 35/02
 DATE OF ADMISSION 6/5/02 DATE OF DISCHARGE 10/5/02
 PERMANENT ADDRESS c/o B. B. Saha, Bhaskarnagar, Kakapara, Guwahati - 18
 CONSULTANT D. S. B. Das MD DNB, Dr. H. Borahkar MD

CLINICAL NOTES & HISTORY: Patient a 48 yrs old female, non diabetic, normotensive, post cholecystectomy status. Presented to IHL with →

1. Loose stool / 8-10 times for 1 day.
2. Vomiting
3. Weakness.

Urine output was reportedly adequate.

On examination - she was afebrile, dehydrated, had Pulse - 90/min R, BP-100/80 mmHg. Abdomen - Epigastric tenderness, chest, C/S, NS - clinically insignificant.

Investigation showed - signs with it shift, moderate renal insufficiency.

She was managed conservatively on antibiotics and supportives. Her blood parameters have normalised and she is being discharged with advice of OPD follow up.

INVESTIGATIONS:

7/5/02	TC - 14, 400/cumm	SGOT - 39 U/L	8/5/02
	DLC - SP70BP2 L14 W2 E12	SGPT - 56 U/L	TC - 9, 700/cumm
	ESR - 88 mm HRFH	SAP - 112 U/L	DLC - P40 L18 H6 E6
	Hb% - 12.0 gm%	Nat - 137 meq/L	Nat - 140 meq/L
	KBS - 288 mg/dl	K ⁺ - 3.8 meq/L	K ⁺ - 4.6 meq/L
	urea - 46 mg/dl	T. Proth - 7.7 G/dl	creat - 2.8 mg/dl
	creat - 1.8 mg/dl	Alb - 4.0 G/dl	
		Glob - 3.7 G/dl	
		T. Bil - 0.9 mg/dl	

BNS

ATTESTED

(Signature)
 (A. Manta)

Asstt. Depot Manager
 Govt. Medical Store Depot
 Guwahati.

DIAGNOSIS

Acute gastroenteritis with zolaemia

TREATMENT

Notes

Supportive

ADVICE

Tub. Alcipro - 500 1 tab ~~morning~~ after food x 2 days more

Diet - as able

Maintain restricted fluid intake, avoid ~~for~~ fruits & fruit juices

Review after 2 ~~days~~ / 805

on Curlew: S. Coetamine

Signature

SD

CONSULTANT

Signature

(P. J. G. 10/9/02)

RESIDENT

- 23 -

Annexure - IV (Contd.)

REPORT

C000000415

NAME AND ADDRESS:

NEA
AIR MARKET, PALTAN BAZAR,
GUAHATI - 781 008

ASSAM, INDIA Ph. No.: 0361 518 562, 602 527

SRL

RANBAXY

CLINICAL REFERENCE LABORATORIES

Plot 113, MIDC, 15th Street, Andheri (East), Mumbai 400 093.

Tel.: 690 3851 Fax: 690 3865

REFERRING DOCTOR DR. TONMOY DAS

DATE 20/05/2002

RECEIVED 22/05/2002

REPORTED 27/05/2002 15:02

PATIENT NAME SAHA MONISHA

CLIENT PATIENT ID: 12594

LABORATION NO. 0002BE031810

AGE 48 Years SEX Female DATE OF BIRTH

PATIENT ID

CLINICAL INFORMATION

REPORT STATUS

FINAL

RESULTS

IN RANGE

OUT OF RANGE

REFERENCE RANGE

UNITS

SMALL TISSUE BIOPSY(HISTOPATHOLOGY)

SPECIMEN

GROSS

MICROSCOPIC EXAMINATION

- KIDNEY BIOPSY.
- RECEIVED LINEAR GREY TISSUE CORE MEASURING 1 X 0.1 CMS.
- PARAFFIN SECTIONS STAINED WITH H&E AND PAS SHOW TOTAL SIXTEEN GLOMERULI, ALL ESSENTIALLY NORMAL. INTERSTITIUM IS EDEMATOUS AND SHOWS MODERATE FOCAL AND DIFFUSE LYMPHOCYTIC AND NEUTROPHILIC EXUDATE WITH TUBULITIS. THERE IS FOCAL TUBULAR DAMAGE WITH CLUSTERS OF NEUTROPHILS IN THE TUBULAR LUMINA. ARTERIOLES ARE ESSENTIALLY NORMAL.

INTERPRETATION

DIAGNOSIS

- KIDNEY BIOPSY:
ACUTE TUBULO-INTERSTITIAL NEPHRITIS.

PHOTO(BIOPSY)

PHOTO

- SEE BELOW



ATTACHED

(A. Manta)

Asstt. Depot Manager,

Govt. Medical Store Depot,

Guwahati.



Page 1 of 2

Sadhan Das, M.D.
Diplomate National Board (Med.)
INTERNIST

MONISHA SAHA. 48. Q

F.U. case: Enteric Septic
Acute Renal failure - Resolving.
↑RBS.

40 nausea, vomiting.
P: 100/min BP 140/80.

- 1) OCID 20: Twice daily
- 2) DOM- 0710: Twice daily before meals.
- 3) Tab. ALUPRO 500: 12hrly x 5 days

Dr. TC, OLC, Creat. FBS, PPBS.

Summary

SD
12.5.2002

15.5.02

TC-12,400.
P83,612,43,62
Hb-7.8.
ESR-110.
FBS-77
PPBS-106
Creatinine-3.8

Post diarrhoeal Acute Renal failure.
± Septic Septic.
TC-17,700. P70 H2. Hb 12. ESR-38 (7.5.02)
Responded to conservative Rx.
Creatinine ↓ from 3.2 (7.5.02) to 1.7 (11.5.02)
+ TC normalized to 9900 P70, H18 on 8.5.02
Wt discharged.
on follow up, recurrence of fever.
since 14.5.2002. ± chills.
TC ↑ trend. Hb shift. Hb 7.8 & ESR-110.
Creat ↑ 3.8.
O/E - M PNE⁺. 100/min 130/70.
abd - no tenderness. Rne mgt (L)
chest w/v.

Impression: UTI, ± Tuberculosis
Nephritis (TIN)
precipitated by sepsis &
ciprofloxacin.

ATTESTED
HOSPITAL
CLINIC
RESIDENCE

INTERNATIONAL HOSPITAL, CHRISTIAN BASTI, GUWAHATI-781-005 ☎ 222560/61. 10 AM - 1 PM
JYOTI MEDICARE, B.K.KAKOTI ROAD, ULUBARI, GUWAHATI-781 007 ☎ 522278. 5 PM - 8 PM
PIYALI PHUKAN ROAD, ULUBARI, GUWAHATI-781 007 ☎ 543153. e-mail: sadhanbrata@yahoo.com

(A. Manta)

Asstt. Depot Manager
Inv. Medical Store Depot

Adv: Urine RE 94S.

31

Rx: Tab. CROIN: 1 tab SOS:
Nephrology consultation: Dr. T. Don

SD
17.5.2002

[Faint, mostly illegible handwritten notes and text covering the lower half of the page, possibly bleed-through from the reverse side.]

n : MEDSTORE
 P. S. No. : 0361-45214
 Teler No. : 235 2234 GMSD IN
 P. A. No. :

GOVERNMENT OF INDIA
 Ministry of Health & Family Welfare
 Directorate General of Health Services

Government Medical Store Depot

A. K. AZAD ROAD, GOPINATH NAGAR, GUWAHATI-781016

NO. Admn/164/BBS/2002/

10 JUL 2002

To,

The Addl. Director General (Sta.),
 Dto. General of Health Services,
 (M.S.O.), West Block No. 1,
 Wing No. 6, R.K. Puram,
 New Delhi- 110066.

Subj: - Forwarding of another representation dated
 10.07.2002 for Voluntary Retirement of
 Shri B.B. Saha, Asstt. Depot Manager, GMSU, Ghy.

Ref: - This depot letter No. Admn/164/BBS/2002/227
 dt. 3.7.2002.

Sir,

In continuation of this depot letter No. Admn/
 164/BBS/2002/227 dated-3.7.2002 I am herewith sending
 another representation dated 10.07.2002 alongwith its
 enclosures received from Shri B.B. Saha, Asstt. Depot
 Manager of this depot for your information and kind
 necessary action of the Directorate.

It is requested to kindly take necessary action
 immediately considering the facts as stated by Shri
 Saha in his representation. Also it is stated that this
 depot has no objection if the appeal regarding voluntary
 retirement of Shri Saha is considered by the Dto.

Yours faithfully,

Encl: - As stated
 above.

(Nine Enclosures)

It. Director, GMS., Ghy. &
 Incharge GMSU., Guwahati

10/7/02
 10/7

D. O. NO. Admn/164/BBB/ 287-

Telegram : MEDSTORE

Edn : 0261-545214

Telex : 235 2234 GMSD IN

A. B. SAIKIA,

Asst. Director, CGHS & T/C
GMSD, Guwahati.

-27-



ANNEXURE -VI

Telephone

GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
(Directorate General Of Health Services)
GOVERNMENT MEDICAL STORE DEPOT
A. K. Azad Road, P.O. Gopinath Nagar
Guwahati - 781 016

Dear Dr. B. S. Saha

23 JUL 2002

Kindly refer to this depot letter No. Admn/164/BBB/2002/227 dt. 03.07.2002 and letter No. Admn/164/BBB/2002/254 dt. 10.07.2002 regarding Voluntary Retirement of Shri B. B. Saha, ADM of this depot.

In this connection I would like to submit the following for your kind information and consideration.

Since my joining in GMSD, Ghy. on 26.12.2000 I have personally observed that Shri B. B. Saha is not keeping good health for last 2 years due to suffering from various medical ailments i.e. Chronic Bronchitis with essential hypertension since 1996 and also implanted hearing aid device due to his hearing problem. Moreover, his wife is presently completely bed-ridden due to acute Tubulo Interstitial Nephritis and requires constant nursing and assistance as his wife is totally dependent on him. As such Shri Saha must needs to be present in Guwahati to ensure proper care and medical treatment for self and his wife.

Shri B. B. Saha has joined in GMSD on 6.11.'63 and already served above 37 years to his best abilities. He is due to retire by 30.04.2005.

Facing the difficult situation, as stated above, I personally feel that the representation as submitted by Shri Saha may kindly be considered in view of the facts as stated by Shri Saha in his representation as it is not be feasible for Shri Saha to move to GMSD, Mumbai as per Transfer Order of the Dte. vide No. A.22020/2/2001-St.I dt. 28.06.2002.

I shall be grateful if you could kindly look into the matter personally and use your good offices so that Shri B. B. Saha, ADM of this depot could be retained at GMSD Guwahati and continue his remaining service till his superannuation or his representation regarding Voluntary retirement is considered by the Dte.

With kind regards,

Yours sincerely,

(DR. B. SAIKIA)

To,

Dr. G. K. Biswas,
Addl. Director General (Sts),
D. G. H. S. I. (MSO), West Block No. 1,
Wing No. 6, R. K. Puram,
New Delhi-110 066.

23 SEP 2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH :: GUWAHATI

Filed by

(A. DEB ROY)

ST. C. C. C.

C. A. T. Guwahati Bench

O.A. NO.235 OF 2002

Shri Bijon Behari Saha

-vs-

Union of India & Ors.

-And-

In the matter of ::

Written statements submitted by
the respondents.

The respondents beg to submit Brief facts of the case which may be treated as a part of written statements.

1. That the applicant was appointed as Asstt. Depot Manager in GMSD Guwahati w.e.f. 16.9.1997. Prior to this the applicant had been initially appointed on 6/11/65 as LDC in the said depot. Since then he has been working there covering a period of 37 years.
2. That the Ministry of Health & Family Welfare vide its letter No-C-14019/1/96-V&EMR dated 23.12.1996 and No.C. 13011/1/96 vig dated 13.2.97 respectively have decided that no one would remain in sensitive departments like Store, Finance and Purchase Cell etc. for more than two years at a time. These instructions have been issued for preventive corruption in such Departments.

Contd...P/2

Govt. Medical Store Depot fall in sensitive category
As such officers of these Departments are liable to
be rotated after two years. These instructions are
applicable to all officers right from ADM to above of these
Departments, Keeping in view the spirit of aforesaid
instructions and public interest. The applicant alongwith
13 other ADMS has been transferred.

Copies of the letter dated 23.12.1996 and letter
dated 13.2.1997 are annexed as Annexure - A and B.

3. So far the notice for voluntary retirement under rule
48 of CCS (Pension) Rules, 1972 submitted by the applicant
vide his application dated 3-7-2002 is concerned, the
same is under consideration of the Govt. His request for
retention in Guwahati Depot till his request for voluntary
retirement is accepted, is also under consideration of
the Govt. The issues of transfer and Voluntary retirement
are governed by separate rules and have no relevance with
each other. The Sr. Govt. Counsel has been apprised of this
fact through Guwahati Depot vide our letter of even number
dated 12.8.02.

Para - Wise Statements.

1. That with regard to para - 1, the respondents
beg to state that as stated above the request for
voluntary retirement under Rule - 48 of CCS(Pension), 1972
submitted by the applicant vide his application dated
03-07-2002 is under consideration of the Govt. and will
be decided as per relevant rules. The transfer of the

- 3 -

applicant alongwith 13 other ADMS has been made as per the prescribed Govt. Guidelines, Under which ADMS and above are liable to be transferred throughout India from one Depot to other after completion of two years at one place being in sensitive Department.

2. That with regard to para - 2 to 4.3 of O.A., the respondents beg to offer no comments.

3. That with ~~the~~ regard to para- 4.4, the respondents beg to state that as stated above, the notice for voluntary retirement under rule 48 of CCS(Pension) Rules, 1972 submitted by the applicant vide his application dated 03-7-2002, is under consideration of the Govt. and will be ~~be~~ decided within the prescribed time as per relevant rules.

4. That with regard to para - 4.5, the respondents beg to offer no comments.

5. That with regard to para - 4.6, the respondents beg to state that the facts already stated above in the brief facts above.

6. That with regard to para - 4.7 of O.A., the respondents beg to state that the respondents have no knowledge of such telephonic communication.

7. That with regard to para - 4.8, the respondents beg to state that as stated above, the officers of GMSDs from the level of ADM and above are liable to be transferred after completion of two years at one place as per the laid down Govt. Policy. However, the Officers who are to retire within two years are not generally transferred. In this case, the applicant will retire April, 2005.

8. That with regard to para - 4.8, the respondents beg to offer no comments.

9. That with regard to para - 4.10, the respondents beg to offer no comments.

10. That with regard to para- 5, the respondents beg to offer no comments.

11. That with regard to para - 5.1 to 5.3, the respondents beg to offer no comments.

12. That with regard to para - 5.4 & 5.5, the respondents beg to state that as stated in para - 4.8 above, the transfer of the applicant alongwith with 13 other ADMS has been made properly and in the public interest as per the laid down Govt. Instructions.

13. That with regard to para - 5.6 & 5.7/6 the respondents beg to state that his request for voluntary as stated herein above is under consideration of the Govt. and will be decided as per relevant rules. It may also be relevant to mention here that the applicant on the one hand has filed the present OA and on the other hand he has been mixing the other administrative issues simultaneously. Instead of filing the present OA, the applicant should have waited for the orders have been made on 28.6.2002, whereas the applicant has submitted notice for voluntary retirement on 3-2-2002 only. It is denied that the transfer order is unfair, arbitrary, unjust and violative of principles of natural justice.

14. That with regard to para - 7, the respondents beg to offer no comments.

15. That with regard to para - 8, the respondents beg to state that in view of the above comments, the Hon'ble and Tribunal is prayed to vacate the stay order/not to discuss the O.A.

16. That with regard to para - 8.1, the respondents beg to state that his request for voluntary retirement is already under consideration of the Govt. will be decided as per relevant rules.

17. That with regard to para - 8.2, the respondents beg to state that as his transfer alongwith other 13 ADMS has been made properly and in the public interest in accordance with laid down Govt. guidelines, the transfer is fairly justified.

18. That with ~~the~~ regard to para - 8.3 & 8.4 of OA, the respondents beg to offer no comments.

19. That with regard to para - 9, the respondents beg to state that in view of the comments furnished above, the Hon'ble Tribunal is prayed not to stay the operation of the transfer orders dated 28.06.2002 and vacate the stay order and be pleased to dismiss the OAs of the applicant.

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

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

I, Shri Bikash Saikia presently
working as a Jt. Director C&R + 1/2 GMS Guwahati be duly authorised
and competent to sign this verification, do hereby solemnly
affirm and declare that the statements made in para

are true to my knowledge and belief,

these made in para

are true to my information derived
therefrom and rest are my humble submission before the
Hon.ble Tribunal, I have not suppressed any material
facts.

And ~~xx~~ I sign this verification on this 16th th
day of September, 2002.

Bikash Saikia

Declarant.

**Jt. Director CGHS and
M. S. Depot, Guwahati.**