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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 281/02

R.A/C.P No.

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SECTION OFFICER (Judl.)

Kalita
29.11.17

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO.

281/02 OF 199

Applicant(s) B. L. P. Gupta

Respondent(s) W. O. I. Tom

Advocate for Applicant(s) B. Malakar, R. Das

Advocate for Respondent(s) C. B. C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Condonation Petition is filed, not filed for Rs. 50/- vide IPO/B/1926576017 Dated 2-8-02 Dy. Registrar Steps taken along with envelope. 1) NO Court fee stamp in calculation Rs. 5-50/- 2) Notice not yet served on respondents. 30/8/02 Defects removed ready for admission	6.9.02 lm 4.10.2002 bb	Heard learned counsel for the parties. Application is admitted. Call for records. Pendency of this application shall not be bar for the respondents to consider the applicant posting at Bihar. List on 4.10.02 for orders. Vice-Chairman Mr. A. Deb Roy, learned Sr. C. G. S. C. makes a prayer for four weeks time to file written statement on behalf of Mr. B. C. Pathak. Prayer allowed. List the case on 15.11.2002. Member

Notes of the Registry	Date	Order of the Tribunal
Notices prepared and sent to D-Section for issuing of the same to the respondents through Registered post with A/D. Vide D.No 2585/2586 Dtd- 18.9.02 <i>[Signature]</i> 17.9.02.	29.11.02 10.1.2003	Due to W/C sitting at Shillong, the cases adjourned to 29/11/2002. <i>[Signature]</i> A.K. Jy L711. On the prayer made by Mr.B.C. Pathak, learned Addl.C.G.S.C. four weeks time is allowed to the respondents to file written statement. List on 10.1.03 for orders. <i>[Signature]</i> Vice-Chairman Written statement has been filed. Pleadings are complete. List the matter for hearing on 21.2.2003. <i>[Signature]</i> Member
No. loks has been filed <i>[Signature]</i> 28.11.02.	21.2.2003	Put up the matter again 25.4.03 to enable the parties to obtain necessary instructions in the matter. <i>[Signature]</i> Vice-Chairman
3.1.03 W/S submitted by the Respondents. <i>[Signature]</i> 8.4.03 Response submitted by the applicant. <i>[Signature]</i>	25.4.2003	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs. <i>[Signature]</i> Vice-Chairman
Recd the Jmt. Obained 225 copy of the order has been sent to the office for filing the same to the applicant of	nkm	

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XXXX~~ No. . 281. . . of 2002

DATE OF DECISION . . . 25.4.2003

Shri Bhagwan Lal Prasad Gupta

..... APPLICANT(S).

Mr B. Malakar and Mr R. Das

..... ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others

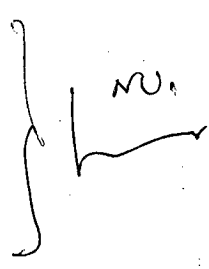
..... RESPONDENT(S).

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

..... ADVOCATE FOR THE
RESPONDENT(S).

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 ?
- Yes 


Judgment delivered by Ho'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.281 of 2002

Date of decision: This the 25th day of April 2003

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

Shri Bhagwan Lal Prasad Gupta
Work Sarkar Grade I,
MSTLC Sub-Division I/CWC,
Alipurduar.

.....Applicant

By Advocates Mr B. Malakar and Mr R. Das.

- versus -

1. The Union of India, represented by the
Superintending Engineer,
CWC/NEID Circle,
Shillong.

2. The Executive Engineer,
NEID-II/CWC,
Itanagar.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

By order dated 28.3.2002 the applicant, a Workcharged Staff belonging to the North Eastern Investigation Division NO.III, Central Water Commission was transferred to Nyukcharong Investigation Sub-Division I, Central Water Commission, Jang, Arunachal Pradesh from MSTLC Investigation Sub-Division I, Central Water Commission, Alipurduar. The applicant assailed the legitimacy of the order before this Bench. By Judgment and Order dated 22.4.2002 in O.A.No.123 of 2002, the application was disposed of directing the applicant to make a representation/appeal before the authority within

the time specified with the further direction to the authority to consider the same sympathetically. The applicant accordingly submitted his representation dated 8.5.2002 for modification of the transfer order. The authority on receipt of the same intimated that the representation of the applicant was not received by the authority within the time stipulated by the Tribunal. It was also mentioned that due to administrative exigencies and convenience his request could not be acceded to. Hence this application questioning the legitimacy of the action of the respondents.

2. The respondents contested the case and submitted their written statement denying and disputing the claim of the applicant.

3. I have heard Mr B. Malakar, learned counsel for the applicant and also Mr B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents. Mr Malakar contended that the respondents while passing the impugned order missed the contents of the order passed by the Tribunal and the respondent authority put more emphasis on the form. From the tenor of the order it seemed that the Executive Engineer was seemingly concerned with the stipulation given by the Tribunal, but, at the same time the order also showed that the authority also considered the applicant's prayer on merit and therefore the respondent authority refused to accede to the request for modification of the transfer order. Therefore, the order cannot be flawed on that account.

The learned counsel for the applicant also mentioned the cases of some of the Worcharged employees whose cases

were.....

were favourably disposed of and posted them accordingly on receipt of representations from the Workcharged Khalasis. Mr B.C. Pathak, learned Addl. C.G.S.C., stated that on some good ground, no doubt such actions were taken at the interference of the higher authorities. Mr Pathak submitted that no illegality, as such was discernible in such move.

4. Admittedly, transfer and posting is within the domain of the authority. The authority is within its jurisdiction to transfer and post its employee, keeping in mind the administrative convenience and exigencies of service. Needless to state that the employer is also competent to allay the grievance of the employee keeping in mind public interest and the business of administration.

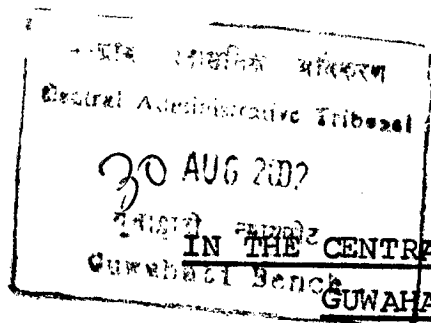
5. On consideration of the matter as a whole, no illegality, as such is discernible for interference by the Tribunal.

6. The application is accordingly dismissed. The dismissal of the application, however, shall not preclude the applicant from making representation before the authority for consideration of his case for posting him in some other suitable place. If such representations are presented to the appropriate authority by the applicant, the concerned authority in that event shall be duty bound to consider the representation justly and fairly and appreciatively respond to such appeal with comiseration.

No order as to costs.



D. N. CHOWDHURY)
VICE-CHAIRMAN



Original application No. 281 of 2002.

Sri B L P Gupta

... Applicant

Vs.

Union of India

... Respondent

I N D E X

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Filed by
Ratul Das.
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

Filed by -
B.L.P. Gupta
- Applicant,
through - Ratul Das
Advocate.

An application under Section 19
of the Central Administrative
Tribunal Act, 1965.

Date of filing :

Regn. No. :

REGISTRAR

Sri Bhagwal Lal Prasad Gupta

Work Sankar Gr. I

MSTLC Sub-Division-I/CMC

Alipurduar

... Applicant

Vs.

Union of India & ors
(CMC)

... Respondents

1. Particulars of the applicant :

- i) Name : Sri Bhagwan Lal Prasad Gupta
- ii) Father's name :
- iii) Designation and office which employed. : Work Sankar Gr. I, Sub-Division -I, Alipurduar.
- iv) Address for service of notice : -do-

2. PARTICULARS OF THE RESPONDENTS.

- 2x i) Name and designation : Union of India - Represented by the Superintending Engineer, CMC/NEID Circle, Shillong.
 - ii) The Executive Engineer, NEID-II/CMC/Itanagar.
- ii) Office address of the respondents : As above.
- iii) Address for service of Notice : As above.

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

Non-consideration of the applicant's case regarding review of transfer order.

B. L. Gupta

3.

4. JURISDICTION OF THE TRIBINAL :

The applicant declares that the subject matter of the application is within the jurisdiction of this Tribunal.

5. LIMITATION :

The applicant further declares that this application is within the limitation prescribed under Section 21 of the Act.

6. FACTS OF THE CASE :

- I) The applicant while working as Work Sarkar Gr. I under the respondent no. 2 posted at MSTLC Sub-Division, Akipurduar. He was appointed as Work Sarkar-II on 23.7.75 and was posted at Gangtok (Sikkim), while working at Sikkim he was promoted to work Sankar Gr.I on 13.3.75. The applicant worked there till 25.7.81.
- II) That on 25.7.81, the applicant was transferred from Sikkim to Tipaimukh Inv. Circle, Shillong where he reported his duty and he was directed to report before the Executive Engineer|CMC/Imphal on 20.8.81 ~~he~~ he joined at Imphal wherefrom he was directed on 3.9.81 to report to Tiparmukh Investigation Sub-Division No. 2 which is about 215 KMs away from Imphal. The applicant joined there on 7.9.81 and worked upto 8.11.81. He was again transferred verbally to Imphal on 16.11.81 and the applicant joined at Imphal on 19.11.81 and upto 30.4.82.

B. T. Gupta

4.

III) That on 24.3.82, he was again transferred to Silchar. The applicant although requested for his extension at Imphal as his family was there, was not considered and was finally released on 30.3.82.

IV) On 14.5.82 he was directed to report at Tuivalchuwa site and when the applicant went there he found that the site was yet to be opened. He came back and reported the matter. On 29.6.82 the applicant was again directed to report at Tuivalchwa site in Mizoram wherefrom he was again directed to go to Khokan Gauzee and discharge site on 26.2.83.

V) That now again the applicant has been transferred to Jang vide order No. MEID-III/Adm-5/1452-60 dated 28.3.2000. The order was a collective order of transfer stated to be made in public interest at the sweet-will of the respondent no. 2.

A copy of the order as aforesaid is annexed hereto and marked as Annexure - A.

VI) The applicant has been working at the present place after serving the Department at various tenure places for 25 years. The applicant has now been given tenure posting again at Jang the remotest place in hilly terrain of Arunachal Pradesh. The applicant who has been suffering from heart trouble was unable to join in such a place where there was no medical facility available. The condition of the applicant is known to the authority as he has withdrawn money from GPF account for treatment.

Handwritten signature

5.

A copy of the GPF withdrawal order is annexed hereto and marked as Annexure-II.

VII) That leaving aside all other things the applicant's transfer should not be given effect to on health ground alone.

Copies of the medical certificate are annexed hereto and marked as Annexure - III series.

VIII) That the applicant assailed the order of transfer on the above grounds in the Tribunal in O.A. No. 123/02 which was disposed at the admission stage itself by an order dated 22.4.02 wherein the applicant was directed to file a representation before the authority within two weeks and on such filing of the representation the Respondent authority was directed to consider the same.

A copy of the said order is annexed hereto and marked Annexure - IV.

IX) That the applicant begs to state that there was some ~~deli~~ delay in filing the representation due to not getting the copy of the CAT's order. The representation was filed on 21.5.02.

A copy of the representation is annexed hereto and marked Annexure -V.

B. L. Gupta

6.

x) That the aforesaid representation was not considered by the Respondent No. 2 on the ground that the same was not filed within the time stipulated by the Hon'ble Tribunal and an order was issued under Memo No. NEID-III/CB/PF-138/2681 dated 28.5.02 to that effect.

A copy of the said letter is annexed hereto and marked Annexure - VI.

XI) That thereafter another letter under Memo No. NEID-III/Adm-125/2002/2993 dated 21.6.2002 giving a para-wise reply to the representation and rejecting the same. The reasons rejecting the representation have stated the followings, viz.,

- a) Since work-charged employees are appointed for particular works, they will have to go where works are available and normal rules are not applicable in their cases.
- b) There is no office record relating to the applicant being a heart patient.
- c) Transfor has been made under the service rules
- d) Case of the applicant for transfer has been forwarded to competent authority.
- e) There are other persons working in the place of transfer.

Sub. J. Singh

- f) Grounds for retention at Alipurduar is unreasonable etc. etc.

Further the applicant has been warned of not maintaining absolute integrity and violating service conduct rules.

A copy of the letter is annexed hereto and marked Annexure - VII to this application.

xii) The applicant begs to state that from the above letter it could be seen that the authority is not bent upon not to consider his case. The applicant states that the respondent authority is blowing hot and coal, such as when the applicant seeks for his absorption in regular establishment, it is said that since the applicant is confirmed as an work charge employee, there is hardly any difference. Now, when he prays for application of rule, it is said rules are not applicable in case of work charge employee which is self-contradictory.

xiii) That vide order dated 28.3.02 the applicant was transferred to Jang in interior Twang District. When the applicant reported at Jang he was again posted at a place 160 KMs away from Jang most hilly terrain full of jungles. There are applicant has been given a tin chali to say with Khalasies. No food stuff, no drinking water which is nothing but Kalipani and the applicant has been interned on punishment.

B. L. Gupta

8.

xiv) The applicant states that at the site, there is no need for posting of a WS/I. Norms/ guidelines for W/C establishment issued under Memo No. 1(17)/96-DBB/2435-37 dated 14.10.96 provides where services of an work Sarkar Gr.I can be utilised. The authority which is harping at some rules of their choice is oblivious of such guidelines and has issued the transfer order. As per the guidelines at G&D sites only Khalasi/WS-III and WS-II - 4 Nos. are necessary. The place of posting of the applicant is China Bridge for gauze & Discharge. The service of an WS/1 should be utilised in Survey work, to assist in Data Compilation, Preparation of drawing etc. for project report. The applicant has been reverted to the post of Khalasi.

A copy of the guidelines is annexed hereto and marked Annexure - VIII to this application.

7. LEGAL GROUND

From the above, it is abundantly clear that the transfer order has been issued vindictively in gross violation of the norms and guidelines. The transfer order is punitive and malafide which is required to be interfered with by the Hon'ble Tribunal.

8. RELIEF SOUGHT :

Under the circumstances, the applicant prays that

Be the order of the Tribunal

17

9.

- i) The transfer order dated 28.3.2002 may not be given effect to and may be reversed or modified ; and
- ii) Any other relief which the Tribunal may be pleased to grant.

9. REMEDIES
RELIEFS EXHAUSTED :

The applicant has availed the remedies available to him.

10. MATTER NOT PENDING WITH ANY OTHER COURT OR TRIBUNAL

The applicant declares that the subject matter of the application is not pending before any Court of law and authority or any Bench of the Tribunal.

11. PARTICULARS OF THE I P O

Number of I P O : 74576017
Name of issue P.O. : 2.8.02
Where payable :

12. DETAILS OF INDEX :

An index in duplicate consisting details of document relied upon is enclosed.

13. LIST OF ANNEXURES :

- i) Transfer order ;
- ii) GPF withdrawal ;
- iii) Medical certificate

[Signature]

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

I, Sri Bhagwal Lal Prasad Gupta, the applicant above named do hereby verify that the statements made in paragraphs 1 to 6 (I to XVI) 7 to 12 are true to my knowledge and those made in paragraphs 6(V) are matters of record based which I believe to be true.

B L. P. Gupta
Signature



ANNEXURE-I

11/19/88

GRAM : CENTWATER : ITANAGAR

TEL/FAX : 0360-203510

भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION
उत्तर पूर्व अन्वेषण मण्डल-3
NORTH EASTERN INVESTIGATION DIVISION NO.III
पोस्ट बॉक्स-144, ईटानगर-791111 (अरुणाचल प्रदेश)
POST BOX-144, ITANAGAR-791111 [ARUNACHAL PRADESH]

No. NEID-III/Adm-5/ 1452-66

Dated : 28.3.2002

OFFICE ORDER

The following W/C staff working under North Eastern Investigation Division No.III, CWC, Itanagar are hereby transferred under control of the offices shown against their names in public interest with immediate effect.

Sl. No.	Name & Designation	Present posting	Transferred to
1.	S/Shri Kanak Deka,	W/S Gr.I NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
2.	B.L.P. Gupta,	-do- MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
3.	S. S. Tatua,	W/S Gr.III Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
4.	Sipahi Ram, *	M.V. Driver Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
5.	Manik Dutta,	Mech. Gr.I MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Kundil Inv. Sub Divn., CWC, Chapakhowa (Assam)
6.	Gurmit Singh,	Mech. Gr.II MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Kundil Inv. Sub Divn., CWC, Chapakhowa (Assam)
7.	Bhim Bdr. Ghole,	Drill Helper Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
8.	Gopal Ch. Sutradhar,	Boatman MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
9.	A. Karmakar,	Khalasi NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)

* Headquarters of Shri Sipahi Ram, M.V. Driver shall be treated as at Alipurduar w.e.f. 01.04.2002 (F.N.)

True copy
Ratul Das.
Advocate.

Sl. No.	Name & Designation		Present posting	Transferred to
10.	S/Shri J. Chakraborty,	-do-	NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)
11.	T. N. Singh,	Khalasi	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
12.	N.P. Singh,	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
13.	Jagdish Singh,	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
14.	Gopal Roy,	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
15.	K.K. Das	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
16.	Rameswar Roy	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)

They shall stand relieved of their duties with effect from the afternoon of 15th April, 2002.

Executive Engineer

Copy to :-

1. The Superintending Engineer, North Eastern Investigation Circle, Central Water Commission, "Jamir Mansion", Nongshilliang, Shillong - 793 014 (Meghalaya) for favour of kind information please.
2. The Assistant Engineer, MSTLC Inv Sub Divn-I, Central Water Commission, Alipurduar (West Bengal).
3. The Assistant Engineer, Nyukcharong Investigation Sub Division, Central Water Commission, Jang (Arunachal Pradesh).
4. The Assistant Engineer, Kundil Investigation Sub Division, Central Water Commission, Chapakhowa (Assam).
5. Accounts Branch, NEID-III, CWC, Itanagar
6. The Junior Engineer (H/Q), NEID-III, CWC, Itanagar
7. The Junior Engineer (D/B), NEID-III, CWC, Itanagar
8. Person concerned (16 copies)
9. Personal File of person concerned (16 copies)

With reference to discussions held on 27.3.2002 in Divisional office. Further posting orders of the staff posted in their Sub-division may be intimated.

Government of India
Central Water Commission
North Eastern Inv.Divn.III
P.B.No.144: Itanagar-791111

No.NEID.III/Adm-87/1292

Date : 15.3.2002

To,

The Assistant Engineer,
MSTLC Inv.Sub Division,
Central Water Commission,
Alipurduar (WB).

Sub:- GPF advance application of Shri.B.L.P.Gupta, W/S Gr.I - reg.

The application in the prescribed proforma for GPF Advance of Sh.B.L.P.Gupta, W/S Gr.I received vide your letter No.MSTLCISD.I/E.II/02/116 dated 15.2.2002 is returned herewith with the following remarks:-

1. The sanctioning authority can sanction GPF advance to any subscriber an amount not exceeding three months pay or half the amount standing to his credit in the Fund, whichever is less under Rule 12 (1) of GPF Rules. A mount of GPF advance applied for is exceeding the prescribed limit.
2. However, the sanctioning authority can sanction GPF advance to any subscriber in excess of the limit laid down in Sub-rule (1) for special reasons to be recorded in writing by the applicant. Hence, Sh.Gupta may please be asked to quote rule No. at Sl.No.8 (b) under which his request is covered to take further action for sanctioning GPF advance in excess of the prescribed limit or tm otherwise.

GPF advance application may please be re-submitted after doing the needful.

Enclo:- As above.

Sd/-
(A.C.Majumdar)
Executive Engineer.

Government of India
Central Water Commission
MSTLC Inv.Sub-Divn.I, New Town
Alipurduar (West Bengal)
Pin. 736121.

No. MSTLCISD.I/E-II/02/ 202

Date :- 2/4/2002

✓ Copy forwarded to Sh.B.L.P.Gupta, W/S Gr.I for information and necessary needful.

True copy.
Ratul Das.
Admn cate.

(S.K.GHOSH) 2/4/02
Assistant Engineer.

PROFORMA FOR APPLICATION FOR ADVANCE FROM PROVIDENT FUNDS

Ministry of Water Resources

Department of C.W.C Office Exc. Engr, NEID-III, CWS, Harnagar (A.P.)

Application for Advance from General Provident Fund

Name of the Subscriber

: B. L. P. Gupta

Account Number (with
Departmental suffix)

: NEID-III/WC/GPF-70

Designation

: W/E grade-I

Pay

: 6200/-

Balance at credit of the
Subscriber on the date of
application as below:-

i) Closing balance as per statement

: Rs. 1,35,619.20

for the year 2000-01

ii) Credit from 03/2000 to 02/2002

: Rs. 27,002.00 (A.P. 25,000.00)

on account of monthly
subscription.

iii) Refunds

: Rs. 6,684.20 (A.P. 7,000.00)

iv) Withdrawals during the period

: Rs. 32,000.00 (A.P. 32,000.00)

from 01/01/2001 to 31/03/2002

: Rs. 1,35,619.20 (A.P. 1,25,620.00)

v) Net Balance at Credit

6 Amount of advance/outstanding

: Rs. 32,306.20 For ceremony of Mundan

if any, and the purpose for
which advance was taken by them

Balance outstanding as on date

: Rs. 32,306.20 (A.P. 32,306.20) 28/2/02

Amount of advance taken

: 32,000.00 + 999.20

7. Amount of advance required

: Rs. 25,000.00 (A.P. 24,989.20)

8. (a) Purpose for which the advance
is required

: Ceremony of Mundan of my son
Mr. Neeraj Kumar Gupta

(b) Rules under which the request
is covered

: G.P.F. Adv. rules are applicable

(c) If advance is sought for House
building, etc following infor-
mation may be given

i) Location and measurement of the plot :

ii) Whether plot is freehold for on lease :

iii) Plant for construction

iv) If the flat or plot being
purchased is from a H. B.
Society, the name of the
Society, the location and
measurements etc.

A/B P. Gupta
01/03/2002

1629.00
3/2/02
300.00
28/2/02

573
01/03

28

- v) Cost of construction : X
- vi) If the purchase of flat is from DDA or any Housing Board etc. the location dimension etc. may be given. : /
- d) If advance is required for education of children following details may be given
 - i) Name of Son/Daughter : X
 - ii) Class and Institution/ College where studying : X
 - iii) Whether a day-scholar or a Hostler. : X
- e) If advance is required for treatment of ailing family members, following details may be given
 - i) Name of the patient and relationship : X
 - ii) Name of the Hospital/Dispensary Doctor where the patient is undergoing treatment : X
 - iii) Whether outdoor/indoor patient : X
 - iv) Whether reimbursement available or not : X

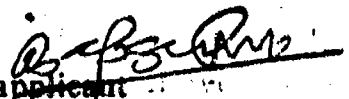
NOTE In case of advance under 8 (e) to 8 (e), no certificate or documentary evidence would be required.

- 9 Amount of the consolidated advance (items 6 and 7) and number of monthly instalments in which the consolidated advance is proposed to be repaid.
- 10. Full particulars of the peculiar circumstances of the subscriber justifying the application for the advance

Rs. 57,295.00
 38 thirty five equal instalments
 Rs. 1637.00
 Bounded by the custom of our Society in carrying members

I certify that particulars given above are correct and complete to the best of my knowledge and belief and that nothing has been concealed by me.

Dated 11/02/2002


 Signature of applicant
 Name B. L. P. Gupta
 Designation WFS grade-
 Section MSTLCISD-E,
 New Town, Alipura
 (W. Bengal)

D. Anup Guhhait

M. D. (Medicine)

Consultant Physician & Cardiologist

(Ex.—House Physician in Gen. Medicine and Chest & Tuberculosis N. R. S. Medical College, Calcutta; House Physician in Paed. Medicine Dr. B. C. Roy Memorial Hospital for Children, Cal.; Resident Medical officer in Nephrology, Institute of Medical Science, B. H. U., Varanasi; Senior Resident Medical Officer in Neurology, I. H. B. A. S., Delhi; Senior House Officer in Cardiology, Woodlands Nursing Home, Calcutta.)

ANNEXURE - III Series

24

Date 8/8/2001

Mv. B. L. P. Gupta
(C.V.C. DPO)

Age-48/11

Amv.

- T. Indom (40) 1 1/2 MD
- T. Dmlip H (1/4) to Core
- T. Nimg 1 am v 7 dm
- C. E. Cen 1 m x 1 m
- T. Numbra for 1 am x 15 dm

Amv.

- T. Torov x MT 25 1 am v 14 dm

Amv.
11/8

BP = 130/80
Chest 19.15-20.00
Add - N/A

AN + M/S pain.

(E.C.G. Done by Appointment)

Chamber :-

M.s. Gautam Trade's
NEW TOWN (Opp. Anar Talkie.)
Alipurdur, Jalpaiguri.
(03564) 56777
After Noon - Saturday, Sunday.
Evening -
Monday, Wednesday & Friday.

Chamber :-

Chakraborty Medical Stores
RAILWAY BAZAR
Alipurdur Jn., Jalpaiguri.
(03564) 57554
Evening - Thursday.

Chamber :-

Annapurna Medical Stores
(Beside Rajlaxmi Hotel, Near Rly. Gate)
Alipurdur, Jalpaiguri.
(03564) 55055
After Noon - Monday, Tuesday
Wednesday, Thursday & Friday.

True copy
Ratul Das.
Advocate

- 18 -

Dr. Manash Bhanja Chowdhury

D.M.R.T (Cal.) (Gold Medalist)

M.D. (Gen. Medicine) (Cal)

CONSULTANT PHYSICIAN & ONCOLOGIST

ALIPURDUAR SUB-DIVISIONAL HOSPITAL

B.L.P. Gupta

48/11

Chamber will be closed from _____ to _____

CHAMBER

'AROGYA NIKETAN'

NEWTOWN ALIPURDUAR

Ph-55394

Visiting Hours: 6pm to 8pm

Sonolization

130
90

uric acid / ESR

S. Lipid profile

SGPT / ALK Phos

- Nixia-MR ① BD (7AM/7PM)

- Spectra (2545) ① OD (9PM)

- Full-24 ① BD (7AM/7PM)

Revision after ③
(10) days

12/10/07



TR DIAGNOSTIC LABORATORY

Madhab More, Newtown, Alipurduar Court, Dist. Jalpaiguri

56227
56293

Sl. No.: XV - 1

DATE: 17.7.01.

Name Sri B. L. P. Gupta. Age 48 yrs.
Refd. by Dr. A. Guchhait. M.D. Sex Male.

REPORT OF URINE EXAMINATION

TEST	NORMAL VALUE	RESULT
Physical Examination		
Volume (Supplied)		25 ml.
Specific Gravity	1002 - 1030	g. i.
Colour / Appearance	Straw/Clear	Straw/clear.
Chemical Examination		
Reaction (pH)	4.8 - 7.6	Acidic
Albumin (Qualitative)	Nil	nil
Sugar (Qualitative)	Nil	nil
Bile Salt (Qualitative)	Nil	
Bile Pigment (Qualitative)	Nil	
Urobilinogen	0.4 - 1.0 mg /24hrs	
24 hrs. Urinary Albumin	upto 150 mg /day	
Ketone bodies	Nil	
Others		
Microscopic Examination		
RBC	Nil	nil
WBC (Pus Cells)	Few	Occasional
Epithelial Cells	Few	nil
Cast	Nil	nil
Crystals (Uric Acid)	Few	Present (+)
Ova	Nil	nil
Protozoa (T. vaginalis)	Nil	nil
Yeast	Nil	nil
Cellular bodies	Few	nil
Bacteria	Few	nil
Others		

In spite of utmost care taken in every stage, there may be human or mechanical error. In such rare case we are ready to repeat if pointed within 24 Hrs

Dr. G. C. Saha
Signature of Analyst



TR DIAGNOSTIC LABORATORY

Madhab More, Newtown, Alipurduar Court, Dist. Jalpaiguri

56227
56293

Sl. No.: xv - 1

DATE: 17.7.01.

Name Sri B. L. P. Gupta. Age 48 yrs.
Refd. by Dr. A. Guhthait. MD. Sex Male.

Blood Glucose (PP) ----- 95.76 mg/dl.

(2 hours after full meal ;

normal : less than 120.0)

Allowance

Test Done on
Computerised Analysis.

Dr. G. C. Saha
MD (MBBS) & MD (MSc)
FRCGS

Dr. Arup Guhthait MD(MBBS)
Medical Officer,
Alipurdhara Hospital (W.B.)

Thanks for kind referral.

Arup Guha

M. D. (Medicine)

Assistant Physician & Cardiologist

(Ex.—House Physician in Gen. Medicine and Chest & Tuberculosis N. R. S. Medical College, Calcutta; House Physician in Post. Medicine Dr. B. C. Roy Memorial Hospital for Children, Cal.; Resident Medical Officer in Nephrology, Institute of Medical Science, B. H. U. Varanasi; Senior Resident Medical Officer in Neurology, I. H. B. A. S., Delhi; Senior House Officer in Cardiology, Woodlands Nursing Home, Calcutta.)

-20-

28

Date 16/7/2001

Mr. B. L. P. Gupta
(C.W.C. STD)

Age - 48/M

BP = 140/80

Chest/Gr - ASD

And 3 mm

Q No. Enderman

AN + UKOT

Acute - In-dominant (110) 1/2 BP

- 7 - Amlip H 1 H 1 to Car

- T - Neuroben fit 1 anx 10 days

✓ (PP) Argue, come AE

- T - Chest 1 BF QMx 6 days

- T - Resupin (110) 1 anx 5 days
Proven

Dr. Guha

Add.

- T - Cedro (110) 1 anx 5 days ✓

Dr. Guha

177

Add

- 7 - Mefran T 2, 1 anx 5 days

- 1st Chest with phis 10
month

Dr. Guha

2017

Chin injection

Clu. Blood
a minor C
5700

8/8/2001

(E.C.G. Done by Appointment)

Chamber :-

M/s. Goutam Traders
NEW TOWN (Opp. Amar Talkies)
Alipurdwar, Jalpaiguri.
☎ (03564) 56777
After Noon - Saturday, Sunday.
Evening -
Monday, Wednesday & Friday.

Chamber :-

Chakraborty Medical Stores
RAILWAY HAZAR
Alipurdwar Jn., Jalpaiguri.
☎ (03564) 57554
Evening - Thursday.

Chamber :-

Annapurna Medical Stores
(Beside Rajlaxmi Hotel, Near Rly. Gate)
Alipurdwar, Jalpaiguri.
☎ (03564) 55035
After Noon - Monday / Tuesday /
Wednesday / Thursday & Friday.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
NORTH EASTERN DIV. DIVISION NO. III
P.O. NO. 144, ITANAGAR-791111 (A.P.)

NO. NEID-III/Adm-87/483/-39

Date 10-9-2001

OFFICE ORDER

Sanction is hereby accorded under rule 12(1)(a) & 12(2) grant of G.P.F. advance amounting to Rs. 9,990.00 (Rupees Nine thousand nine hundred ninety only) only to Shri B.L.P. Gupta, W/S Gr. I from his G.P.F.A/c No. NEID-III/WC/GPF-70 to enable him to defray the expenditure on account of Self treatment.

The G.P.F. Advance of Rs. 9,990.00 (Rupees Nine thousand nine hundred ninety only) sanctioned to him now together the amount of advance already outstanding against him of Rs. 29000.00 (Rupees Twenty nine thousand only) aggregating to Rs. 38,990.00 (Rupees Thirty eight thousand nine hundred ninety only) only to be recovered in 35 (Thirty five) equal monthly instalments @ Rs. 1114.00 (Rupees One thousand one hundred fourteen per month commencing from his pay by Bill of September, 2001.

The details of balance of GPF Credit of Shri B.L.P. Gupta, W/S Gr. I as under :-

1.	Closing Balance as per GPF Statement for the year <u>2000-01</u>	Rs. <u>1,18,835.00</u>
2.	Subscription from <u>3/01 to 8/01</u> @Rs. 2700 + missing amount-2700/-	Rs. <u>18,900.00</u>
3.	Refund of advance from <u>3/01 to 8/01</u> @Rs. 1000/-pm + missing amount=1000/-	Rs. <u>7,000.00</u>
4.	Less advance taken from <u>3/01 to</u> (-)	Rs. <u>32,000.00</u>
	Total	Rs. <u>1,12,735.00</u>

(Rupees One lakh twelve thousand seven hundred thirty five) only

A. G. Majumdar
Executive Engineer

Copy to:

- The Assistant Engineer, MSTLCISD-I, CWC, Alipurduar w.r. to his letter No. MSTLCISD-I/E-II/01/430 dt. 21.8.01 ..2 copies.
- Shri B.L.P. Gupta, W/S Gr. I, MSTLCISD-I, CWC, Alipurduar.
- Accounts Branch, NEID-III, CWC, Itanagar.

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 123/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) B. L. P. Sanyal
Respondent(s) L. O. I. Gours.
Advocate for Applicant(s) B. Malakar, R. Das
Advocate for Respondent(s) Case

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
-----------------------	------	-----------------------



22.4.02 By this application the applicant assailed the office order No. NEIO-III/Admn-5/1452-60 dated 28.3.2002 transferring the applicant from MSTLC Inv. Sub Divn-I, CWC, Alipurdwar to Jang in Arunachal Pradesh. The applicant contended that the impugned order is contrary to the policy guidelines of the transfer. It was also contended that the order of transfer caused ^{disarray} chaos in the family life by depriving him from getting the necessary medical benefits. (a.c.c. 113)

Heard Mr. B. Malakar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents at length.

Upon hearing learned counsel for the parties, I am of the view that ends of justice will be met if a direction is given to the applicant to make a representation or appeal before the authority narrating his grievances within two weeks from today. If such representation is made by the applicant within the aforesaid period the respondents shall fairly and sympathetically consider his grievances and pass necessary order. The learned counsel for the respondents stated that the applicant has already been released. But the release, however, shall not preclude the respondents to consider the case of the applicant as per law.

With the observation made above the application is disposed of. No order as to costs.

[Faint, mostly illegible text from the Registry notes column, possibly containing dates and administrative markings.]

22/04/02 NO copy for information and necessary action to
1) Mr. B. Malakar, Advocate, Guwahati High Court
2/14. B. L. P. Sanyal, Addl. CSSL CAT/GHY
Sd/- VICE CHAIRMAN
Sd/- Section Officer
28/4/02

True Copy:
Ratul Das
Advocate.

To

The Executive Engineer,
North Eastern Investigation Division No-III,
Central Water Commission,
Itanagar/Chimpu,
Arunachal Pradesh

(Through Proper channel)

Sub: Prayer for modification of transfer order No: NEID-III/
Adm-5/1452-60 dated 28.03.2002.

Ref: Hon'ble CAT Guwahati Bench order No: 123/2002 dated
22.04.2002.

My appeal dated 08.05.2002 through on FAX NO. 0360-203510 dated 09.05.2002.

Sir,

On the above matter, I have the honour to approach your honour as per the direction of the Hon'ble CAT Guwahati Bench in original application No. 123/02 dated 22/04/2002. There has been some delay in filing this appeal as was not in receipt of the 'CAT' order.

Sir, I have served the department for last more than 28 years at various places out of which I spent about 10 years in tenure. Now I have my posting at Alipurdhar (West Bengal) since mid 1997. I pray that my present posting at Jang (Tawang) Distt. of Arunachal Pradesh may kindly be modified on the following grounds:-

- (a) As I have spent a considerable period at Tenure places. I need not be posted again in Tenure place as per rules.
- (b) I am chronic heart patient and I have withdrawn from the General Provident fund money for my treatment afterwards. My posting at Jang (Tawang) Distt. of Arunachal Pradesh which is a far remote place in hilly terrain I will be totally deprived of any medical facility and moreover there will be lesser Oxygen Zone and it will be difficult for me to sustain there.

Sir, as a Government servant I am required to go wherever the administration desire my service to be utilised. But while making such transfer your honour is required to adhere to the prevailing rules. Transfer orders should not give rise to any discrimination. In this context I crave to bring to your kind notice that some similar person have been continuing in a particular place for years in succession and they are not subjected to any transfer.

Leaving aside these matter, I fervently request that in the great interest of my health and my family you may kindly allow me to remain at Alipurdhar (West Bengal) or in such Place where medical facility is available. You may be please to consider my posting at any CWC Office which is located in Bihar even.

Sir, On my joining in Nyukcharong chu Investigation sub-Division, CWC, at Jang (Tawang) Distt. of Arunachal Pradesh I have re-posted at Gauge & Discharge silt Observation site at China bridge this is a very far remote vacuum place i.e. thorny Jungles going and coming by foot walking through the

True copy.

Ratul Das.

Advocate.

(Contd. on page-2)

Thorny jungal and foot path way which is very short way by surrounding River and River no any communication from here to Jang and other places because completly thorny jungals nothing is available here for the human life, Purposely I have posted here for taking away of my life, When the authority well knowing that myself s-suffering from heart desease and being the chronic heart patient thereafter with malafide intention re-posted at Gauge & Discharge Silt Observation site at China bridge when there is no any medical facility, No any communication available even nothing for human being available thereafter posted in such place which is clearly known the motive of the authority.

Sir, placing this prayer for immediate considering my posting to Alipurduar (West Bengal) or where is the medical facility available, If not symoathetically considering my transfer from Gauge & Discharge and Silt Observation site China bridge to Alipurduar or where the medical facility available, then the myself to be compelled to leave the place of my present posting and no any other way of alternative to approach the appropriate forum for natural justice to not subjected the same again, and again, because I am facing with such malafide attitude constated by the departmental authority since very prolong and always driving with ill motive way and harrasing maximum. These are effected due to being the part of the honesty of the applicant and not associated to the authority for his on purpose, those are associated they are providing all facility and not facing the transfer out of the Divisional head quarter and sub-Divisional head quarter the such persons also to much junior in the lenth of service as well as in the grade also, even no any work Sarker Grade-I, has been posted in the site works accept the applicant.

Sir, with very regretfully, I am writting that if the service of the applicant is not required in the department, you may please be recommended to the compitant authority for granting the voluntary retirement with immediate effect, as the carreer of my school going children and my wife familier life has compeletly ruins very badly, and which is resulted that now my wife suffering from the 'KIDNEY' troubles and she under the treatment in the Indira Gandhi Institute of Medical science, Patna (Biher). Authority well knowing about my all circumstances after wards posted in the very remote and Vacuum place in the thorney jungals where no any communication nor medical facility available.

Sir, under the above compelling circumstances, I am placing this my prayer for sympathetic consideration of my case.

Yours faithfully,

(B. L. P. GUPTA)
W/S Grade-I

Gauge & Discharge, Silt Observation, CWC,
China Bridge.

Under
Nyukcharong Chu Investigation Sub-Division, CWC,
Jang (Tawang) Distt. of Arunachal Pradesh.

Copy to:-

The Assistant Engineer, Nyukcharong Chu, Inv. Sub-Division, CWC,
Jang (Tawang) Distt. of Arunachal Pradesh for kind information and similar necessary action please.

(B. L. P. GUPTA)
W/S Grade-I

Gauge & Discharge, Silt Observation site
CWC, at China bridge.

GRAM : CENTWATER : ITANAGAR

TEL/FAX : 0360-203510

भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION
उत्तर पूर्व अन्वेषण मण्डल-3
NORTH EASTERN INVESTIGATION DIVISION NO.III
पोस्ट बॉक्स 144, ईटानगर-791111 (अरुणाचल प्रदेश)
POST BOX-144, ITANAGAR-791111 [ARUNACHAL PRADESH]

No. NEID-III/CB/PF-138/ 2 (8)

Dated : 28.3.2002

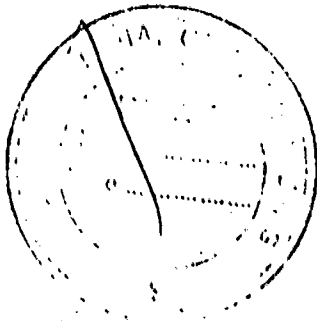
To

Shri B. L. P. Gupta,
Work Sarkar Gr.I,
Through Assistant Engineer,
Nyukcharong Inv. Sub Divn,
Central Water Commission,
Jang (Arunachal Pradesh).

Sub:- Prayer for modification of transfer order dt. 28.3.2002.

With reference to your application dated 8.5.2002 received by Fax on 9.5.2002 on the above cited subject, this is to state you have not applied for modification of transfer order dated 28.3.2002 within the stipulated period fixed by the Hon'ble CAT, Guwahati Bench, Guwahati in their judgement delivered on 22.4.2002 on OA No. 123/2002 (MP-63) filed by you. In view of the above and because of administrative exigencies & convenience your request can not be accorded to.

(D. K. Tiwary)
Executive Engineer



True copy
Ratul Des.
Advocate.

GRAM : CENWATER: ITANAGAR.

PHONE : 0360-203510

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
NORTH EASTERN INV. DIVN. III
P.B.NO.144: ITANAGAR-791111

NO. NEID-III/Adm-125/2002/1975

Date 21/6/2002.

To

✓ Shri B.L.P. Gupta,
Work Sarkar Gr.I,
through Assistant Engineer,
NISD, CWC, Jang (AP).

Sub : Prayer for modification of transfer order No.
NEID-III/Adm-5/1452-60 dated 28/3/2002.

With references to your application dated 21.5.2002
on the above cited subject the parawise reply is given below :

Para-1 : Reply has already been given vide this office
letter No. NEID-III/CB/PF-138/2682-85 dt. 28.5.2002.

Para-2 : (a) Workcharged establishment refers to those
whose pay, allowances etc. are directly chargeable
to "WORKS", Workcharged staff is employed on the
actual execution of a specific work, sub-works of
a specific work etc. and question of posting against
tenure place is not applicable in your case. As
you are working under North Eastern Inv. Division
No. III, CWC, Itanagar (AP) as a workcharged staff
you can be posted at any place within the jurisdic-
tion of this office in public interest depending
upon the requirement of works and administrative
exigencies.

Para-2 : (b) As per records available in this office
there has been no intimation, before issue of
your transfer order, that you are a chronic heart
patient. Thus, presence of such an ailment, that
too of chronic nature, is not established on the
basis of records available in this office and
information furnished by you in the past.

contd...2..

True copy
Ratul Das
Advocate

Para-3 : The transfer have been made as a routine administrative affair according to the administrative exigencies and requirement of works following the prevailing service rules. As such, no discrimination has been made whatsoever in effecting transfers.

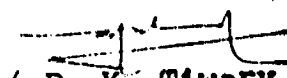
Para-4 : Your request for transfer to Bihar has already been forwarded to the competent authority vide T.O. Letter No. NEID-III/CB/PF-138/113 dated 1/6/2002.

Para-5 : You are not the only person working at China Bridge site. There are other persons who are also working there for a few past year. Hence, your allegations of malafide intention are baseless and are therefore, rejected.

Para-6 : You are posted against the sub-work of a ~~part~~ specific work as stated in para-1 above in public interest where your services are required according the rules/provisions/law recruitment rules etc. Your letter particularly insists for posting at Alipurduar where you have already served for about five years. Your such insistence is unreasonable and the grounds given by you for such insistence untenable.

Para-7 : The department has never said that your services are not required. Your transfer to Jang Sub division itself implies, that your services are required under the jurisdiction of that sub division.

Your attention is invited to relevant conduct rules which state that every Government servant shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of a government servant. Therefore, you are advised to scrupulously discharge duties assigned to you by your controlling officers from time to time.


(D. K. Tiwary)
Executive Engineer

Annexure - VIII

PHONE : (0364) 226891
(0364) 223495
FAX : (0364) 226865

36



GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
BRAHMAPUTRA ADARAK BASIN
"JAMIR MANSION" HONGSHILIANG, HONGTHIMAI
SHILLONG - 793014

WDH/No. 1(17)/96-BDD/2435-37.

Date Dated 14 OCT 1996

To

The Superintending Engineer,
NEIC, Shillong/HCC, Guwahati/MC, Silchar.

Sub : Inter-departmental committee for review of workshop-norms
set up by fifth Central Pay Commission.

Sir,

I am directed to send a copy of Norms/Guidelines for W/C
Establishment in respect of common field activities of CWC circulated
vide CWC No. 21/16/95-TC/636-51 dt. 28.07.95 on the above subject
for examination and comments, if any, on the same may please be
furnished to this office.

The matter may please be treated as URGENT.

Encl : As above.

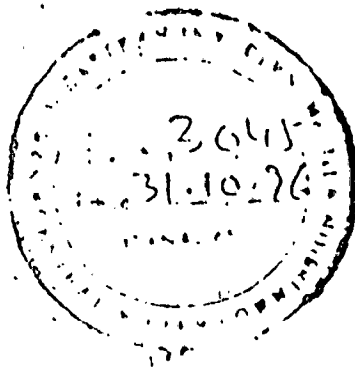
Yours faithfully,

(S.K. CHATURVEDI)
ASSISTANT ENGINEER(C)

NO NEIC / DB / E - 5 / 3687 - 89

dt 16-10-96

Copy forwarded to the Ex Eng. NEIC I, II, III / Silchar.
Approved, Manager with request that the
provision made in the letter may kindly be
kept in view while making estimate.



May 1996
SARMA SINGH
AE (HCC)
NEIC, CWC
Shillong

True Copy.
Ratul Das.
Adin cate.

NORMS/GUIDELINES FOR W/C ESTABLISHMENT IN RESPECT OF COMMON FIELD ACTIVITIES OF CENTRAL WATER COMMISSION.

37

1. GAUGE SITES (G)

Type of Site	Non - Monsoon	Monsoon
a) Easily accessible Sites	Khalasi/WS-III/WS-II - 1 No.	Khalasi/WS-III/WS-II - 1 No. Seasonal Khalasi - 2 No.
b) Remote Sites	Khalasi/WS-III/WS-II - 2 No.	Khalasi/WS-III/WS-II - 2 No. Seasonal Khalasi - 2 No.

2. GAUGE & DISCHARGE SITES (G&D)

Type of Site	Non - Monsoon	Monsoon
a) G&D Site (Without boat)		
i) Easily accessible site	Khalasi/WS-III/WS-II - 3 No.	Khalasi/WS-III/WS-II - 3 No. Seasonal Khalasi - 2 No.
ii) Remote site	Khalasi/WS-III/WS-II - 4 No.	Khalasi/WS-III/WS-II - 4 No. Seasonal Khalasi - 2 No.
b) G&D Site (With boat/boat & cable)		
i) Easily accessible site	Boatman - 1 No. Khalasi/WS-III/WS-II - 4 No.	Boatman - 1 No. Khalasi/WS-III/WS-II - 4 No. Seasonal Khalasi - 2 No.
ii) Remote Site	Boatman - 1 No. Khalasi/WS-III/WS-II - 5 No.	Boatman - 1 No. Khalasi/WS-III/WS-II - 5 No. Seasonal Khalasi - 2 No.
c) G&D Site (With boat fitted with O.B. Engine)		
i) Easily accessible site	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/WS-II - 3 No.	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/WS-II - 3 No. Seasonal Khalasi - 2 No.
ii) Remote site	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/WS-II - 4 No.	O.B. Engine Driver - 1 No. Boatman - 1 No. Khalasi/WS-III/WS-II - 4 No. Seasonal Khalasi - 2 No.

(Ca) G&D site (with Motor Launch)

(b) Easily accessible site

M.L.

Driver - 1 No.
Sarang - 1 No.
Mechanic - 1 No.
Khalasi/WS-III/
WS-II - 6 No.

M.L. Driver

- 1 No.

Sarang - 1 No.
Mechanic - 1 No.
Khalasi/WS-III/
WS-II - 6 No.
Seasonal Khalasi - 2 No.

6.11) Remote site

M.L.

Driver - 1 No.
Sarang - 1 No.
Mechanic - 1 No.
Khalasi/WS-III/
WS-II - 7 No.

M.L.

Driver - 1 No.
Sarang - 1 No.
Mechanic - 1 No.
Khalasi/WS-III/
WS-II - 7 No.
Seasonal Khalasi - 2 No.

NOTE:

- At such G&D sites where no Junior Engineer can be posted, provision may be kept for cum no. observer (Work Sarkar Gr.-1).
- The G&D sites where O.B. Engine/Motor Launch exist, one observer/W.S. Gr-I may be provided even if the site is manned by a Junior Engineer.

3. GAUGE, DISCHARGE & SILT SITE (G&D&S)

- For sites of type as mentioned in Sl. No.2(a) & 2(b) above. One Khalasi in addition to what has already been suggested.
- For sites of type as mentioned in Sl. No.2(c) & 2 (d) above. 2 Khalasis in addition to what has already been suggested.

4. GAUGE, DISCHARGE, SILT AND WATER QUALITY SITE (GDS&WQ)

In such sites one Khalasi/WS Gr-II/Gr-III may be deployed in addition to what has already been mentioned above at (3).

5. DATA TRANSMISSION

a) Flood Forecasting Sites

Where wireless set is available but no wireless operator is posted, one additional regular and one seasonal W/C Khalasi may be deployed in addition to what has been proposed at 1,2,3 & 4 above as the case may be.

b) Control Rooms

Type of Control Room	Non-Monsoon Season	Monsoon Season
1) Sub-division	Khalasi/WS-III/ WS-II - 3 No. Generator Operator - 1 No.	Khalasi/WS-III/ WS-II - 3 No. Generator Operator - 1 No. Seasonal Khalasi - 4 No.

Property Survey

- a) Work Sarkar Gr.I - 1 assistance in survey work
- b) Work Sarkar Gr.II - 2 Recording and compilation of data, one at each bank.
- c) Work Sarkar Gr.III - 2 'One for survey' on each bank.
- d) Khalasi - 6 Three Khalasis for jungle cutting and all miscellaneous activities on each bank.
- Khalasi - 1 For camp.
- Total Khalasi - 7 No.

Number of Khalasi may be restricted to 6 due to austerity measure.

* Additional labour requirement may be supplemented by Casual labour.

vi) Preparation of Maps and Reports

- a) Work Sarkar Gr.I - 1 To assist in data compilation, preparation of Drawings etc. for Project Report.
- b) Work Sarkar Gr.II - 2 Ink tracing of drawings.
- c) Work Sarkar Gr.III - 3 Binding & Stitching of report and colouring of Maps etc.
- d) Machine Operator Gr.II - 1 For operation of Duplicating Machine & to assist Ferro Printer in Printing of Maps.
- e) Khalasi - 5
 - For Work Sarkar Gr.I - 2
 - For Work Sarkar Gr.II - 1
 - For Work Sarkar Gr.III - 1
 - For Machine Operator Gr.II - 1

vii) Handling and Custody of Stores

- a) Work Sarkar Gr.II - 1 To assist JE.
- b) Khalasi - 1 Handling stores
- 3 Watch & ward
- Total Khalasi - 4 No.

(18) Drifting

- a) Machine Operator Gr. - 1
- b) Driller - 2
- c) Blaster - 1
- d) Khalasi - 2

Helper to Driller (Khalasi)

Challan for collection

Mucking

to be kept on Muster Roll as per requirement.

Watch & Ward of

- I) Store for drifting - 3
- II) Magazine - 3
- Total Khalasi - 9 No.

iv) Construction Material Survey (Sampling & Handling)

- a) Work Sarkar Gr. I - 1 Overall supervision & permeability test.
- b) Work Sarkar Gr. II - 1 Labelling recording & packing.
- c) Work Sarkar Gr. III - 1 Supervision of digging of pits & auger holes.
- d) Khalasi - 4 Augering & digging of pits.

Additional labour requirement, if required due to urgency of work, may be met by employing casual labourers.

Where no jungle clearance is needed, the team may have 11 Khalsis.

One such Survey team may be fixed for one Sub-division or one Project site but maneuverability may be ensured to attend to urgent or priority work.

During monsoon season this team may be used for GTS connection/double leveling/Plotting work.

ii) Drilling works

- | | |
|--|--------------|
| a) Drill Operator Gr.I for operation & maintenance of Machine | - 1 No. |
| b) Drill Operator Gr.II for Accessories movement at spindle | - 1 No. |
| c) Machine Operator/Pump Operator Gr.II for Water Pump Operation. | - 1 No. |
| d) Work Sarkar Gr.II for related record keeping | - 1 No. |
| e) Khalsi/Helper: | |
| for Drill Operator Gr.I at Machine | - 2 No. |
| for Drill Operator Gr.II at Water Swivel, at wrench for pipes. | - 3 No. |
| for Pump Operator | - 1 No. |
| for attending pulley & hoisting hook at tripod/for compiling pipes, accessories etc. | - 2 No. |
| for core sampling and preservation of core boxes | - 1 No. |
| for Watch & ward duty in shifts | - 3 No. |
| TOTAL KHALASIS | - 12 No. III |

III Machinery maintenance may be done in off-season i.e. during monsoon or when machines are free.

III During shifting, when more persons are needed to prepare the track path, platform, dismantling, lifting etc., extra manpower requirement may be met by employing casual labourers.

III The number of drilling teams per division may be as per requirement and availability of drilling machines.

11) Division

Khalasi/WS-111/
WS-II - 2 No.
Generator
Operator - 1 No.

Khalasi/WS-111/
WS-II - 4 No.
Generator
Operator - 1 No.
Seasonal Khalasi - 4 No.

111) Chief

Khalasi/WS-111/
WS-II - 2 No.
Generator
Operator - 1 No.

Khalasi/WS-111/
WS-II - 2 No.
Generator
Operator - 1 No.
Seasonal Khalasi - 2 No.

6. WATCH & WARD DUTY

Watch & Ward duties at sites where no regular chowkidar is deployed:

- a) One Khalasi for each of ordinary site.
- b) 2 regular Khalasis and 1 Seasonal Khalasi for sites having Boat with O.B. Engine/Motor Launch etc.

The above Khalasis are in addition to the W/C staff on already proposed in proceeding paragraphs.

7. MECHANICAL UNIT/WORKSHOP

Foreman	1 No.
Mechanic Gr. I	1 No.
Mech. Gr. II	1 No.
Auto	1 No.
Electrician	
Welder	1 No.
Carpenter	1 No.
Khalasi/WS-111/ WS-II	3 No.

8. RUNNING & MAINTENANCE OF VEHICLES

Type of vehicle	Staff requirement:
1) Inspection vehicle	Driver - 1 No.
11) Truck	Driver - 1 No. Helper - 1 No.

9. SURVEY & INVESTIGATION WORKS

- 1) Topographical Survey including Double levelling
 - a) Work Sarker Gr. II - 1 No.
 - b) Work Sarker Gr. III - 1 No.
 - c) Khalasi
 - for instrument carriage - 3 No.
 - for holding staff - 3 No.
 - for ranging - 4 No.
 - for Jungle clearance - 2 No.
 - for Site camp care/messenger - 1 No.

TOTAL KHALASI - 13 No.

viii) Running & Maintenance of Transit Camp

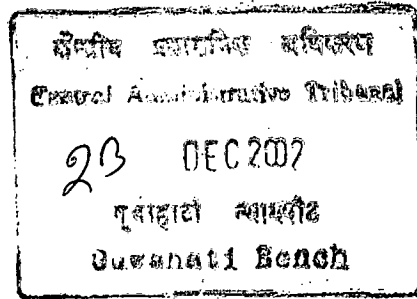
- a) Work Sarkar Gr.II - 1 No. As overall in-charge.
- b) Khalasi - 4 No. Including one Khalasi for watch and ward duty in case no Chowkidar is posted.

ix) Running & Maintenance of Office-cum-Residential Complex.

- a) Work Sarkar Gr.II - 1 No. To assist in repair and maintenance of Offices, Rent Houses, Quarters etc.
- b) Work Sarkar Gr.III - 1 No. To assist in maintenance of Stores, T&P and supervision of colony cleaning work.
- c) Machine Operator Gr.II - 1 No. For operation & maintenance of Water Pump & Generator.
- d) -do- Gr.III - 1 No. -do-
- e) Electrician Gr.I/Gr.II - 1 No. For repair & maintenance of electrical lines.
- f) Carpenter - 1 No. For repairs of buildings, furniture etc.
- g) Khalasi - 4 No. To assist WS-II, WS-III, Carpenter, Machine Operator.
- 3 No. For watch & ward duty if Chowkidar is not provided.

Total Khalasi - 7 No.

c)



Filed by
Defendant
44
Hd. - C.B.S.C.
CAT, Guwahati
23/12/02

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

OA No. 281/2002

SHRI BHAGWAN LAL PRASAD GUPTA

..... Applicant

V/S

UNION OF INDIA & OTHERS

..... Respondents

(Written Statements filed on behalf of the Respondents)

I, Dharendra Kumar Tiwary, son of Shri G.S. Tiwary resident of Chimpu, Itanagar (Arunachal Pradesh) working as Executive Engineer, North Eastern Investigation Division-III, Central Water Commission in the Department, being competent and duly authorised, do hereby solemnly affirm and state as follows:

1. That the deponent is working as Executive Engineer (Respondent No.2) and he has been authorised to file counter reply on behalf of respondents and as such he is fully conversant with the facts of the case deposed hereunder.

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2. That the copies of the OA No.281/2002 (referred to as the application) have been served on the respondents. The respondents have gone through the same and understood the contents thereof.
 3. That the Statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
 4. That before traversing the Statements made in various paragraphs of the application, the respondents give a brief resume to the facts and circumstances of the case hereunder:

The applicant who is working as Regular Workcharged Work Sarkar Gr.I under Nyukcharong Investigation Sub-Division (NISD), Central Water Commission, Jang (Arunachal Pradesh) has filed application under Section 21 of the CAT Act, 1985. The applicant has sought relief that the transfer order dated 28.3.2002 may not be given effect and that the same may be reversed or modified and any other relief which the Tribunal may be pleased to grant.

The applicant was transferred by the respondent No.2 from Manas-Sankosh-Tista Link Canal Inv. Sub Divn (MSTLCISD), Alipurduar where he served for a period of 5 years from 07.07.1997 to 19.04.2002 to Nyukcharong Investigation Sub

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Division (NISD), Jang (Arunachal Pradesh) within the same division in public interest. The applicant was relieved of his duties at MSTLC Inv.Sub Divn-I, Alipurduar and also TTA/Pay advance was paid to him as requested by him vide his application dated 02.04.2002 (**Annex I & II**).

Subsequently on his relief from MSTLCISD, Alipurduar on 19.4.02 (FN) (**Annex III**), the applicant has already joined his duties under NISD, Jang on 11.5.2002 (**Annex IV**). He has been placed at China bridge G&D site established on 28.01.1998 for investigation of Nyukcharong Chu Hydro Electric Project. He has reported for duty at the site on 11.5.02 (F.N) (**Annex IV**).

The applicant earlier assailed the transfer order dt. 28.03.2002 in Hon'ble CAT Guwahati Bench in OA 123/2002 on the grounds that it was contrary to the policy guidelines of the transfer and that the transfer order has caused disarray in the family life and also depriving him from getting the medical facilities.

The above application was disposed off by the Hon'ble CAT vide judgment dt. 22.4.2002 (**Annex V**) and directed the applicant to make representation within 2 weeks from the date of the order to the respondents and direction was given to the

respondents to consider the representation of the applicant sympathetically and fairly.

The applicant submitted two (2) representations to the Respondent No.2 after the expiry of the time limit set by Hon'ble CAT in the judgment dt. 22.4.2002. The first representation dt. 08.05.2002 was received by fax on 09.05.2002 (Annex VI). It was informed to the applicant (Annex VII) that because he did not apply for the modification of transfer order within the stipulated period as fixed by Hon'ble CAT and because of administrative exigencies, his request could not be acceded to. The applicant submitted his second representation, signed on 21.5.2002 which was received by Respondent No.2 on 03.06.2002 (Annex VIII). In his second representation, the applicant also alleged discrimination and malafide action of the authority behind the transfer and posting order.

His representation was duly considered but his request was not acceded to. While replying to his representation vide no. NEID-III/Adm-125/2002/2993 dt. 21.6.2002 (Annex IX) it was stated among other things, that :-

- 40 - 48
- (i) the office records did not reveal any intimation before issue of the said transfer order, regarding applicant's suffering from chronic heart ailment.
 - (ii) the transfer have been made in public interest as an administrative affair without any discrimination or malafide intentions.

With the disposal of applicant's representations, in a transparent, fair and sympathetic manner and as ordered by Hon'ble CAT in their judgement dt. 22.4.2002, the said transfer order stands fully implemented. Hence, the instant application is barred by doctrine of res judicata.

A similar issue in case GC No.147 of 1985 and GC No.116 of 1986 filed by the applicant has already been examined by Hon'ble CAT Guwahati Bench. The Hon'ble CAT in their judgement dt. 21.1.1987 (**Annex X**) decided the matter against the applicant and the application was dismissed.

In view of the above, and in view of the fact that the transfer order has been fully implemented, it is submitted that the application may be dismissed as it is devoid of any merit.

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PARAWISE REPLY :

5. That with regard to the Statements made in para 1 to 5 of the application, the answering respondents state that these being matter of records and legal points, nothing is admitted beyond such records and law. However, it is submitted that the particulars furnished by the applicant in Para 1(iii) and 1(iv) are not correct. The applicant is posted under NISD, CWC, Jang on transfer from MSTLCISD-I, CWC, Alipurduar where he joined on 11.5.2002 (F.N).
6. That with regard to para 6(I), it is submitted that the applicant is not currently posted at MSTLC Inv. Sub Divn (MSTLCISD), Alipurduar as stated by him under para 6(I) and para 1(iii) and 1(iv). The applicant is currently posted at NISD, Jang under this Division in pursuance of O/O No. NEID-III/Adm-5/1452-60 dated 28.3.2002.

The applicant joined at NISD Jang on 11.5.2002 (F.N.).
7. That with regard to Para 6(ii), 6(iii) and 6(iv), the respondents state that the statements have no relevance to the present case under consideration. The same statement was given by the applicant in his earlier application-GC No. 147 of 1986, which was considered by the Hon'ble Tribunal in their judgement

dated 21.1.87 (Annex X). Similar statement, again alleging giving verbal orders, was made by the applicant in OA 333/2001 in Hon'ble CAT Guwahati Bench which was considered by Hon'ble Tribunal in their judgment dt. 23.08.2002 (Annex XI). In their judgment, Hon'ble CAT made the following observations :

"The applicant had raised the same issue earlier and the claim was rejected by this Tribunal vide order dated 21.1.87. The same issue cannot be revived by filing new application."

8. That with regard para 6(v), the respondents state that the applicant has been transferred from MSTLCISD-I, CWC, Alipurduar (West Bengal) to NISD, CWC, Jang alongwith other workcharged staff vide office order No. NEID-III/Adm-5/1452-60 dated 28.3.2002 (Annex XII) within the same division owing to administrative exigencies and requirement of work in public interest. Hence, the allegation that he has been transferred at the sweet-will of the Respondent No.2 is false and misleading.
9. That with regard to Para 6(vi), the respondents state the issue of tenure posting does not apply to the applicant and the issue has already been examined by Hon'ble CAT in OA 123/2002 and therefore, the same issue cannot be raised again. As per

- 63 - 51

records available in this office there has been no intimation, before issue of his transfer order, that the applicant was/is a chronic heart patient. The applicant has not mentioned in his GPF application the name of disease. He applied for GPF advance for self treatment as a normal circumstances. He has also not submitted any medical reimbursement claim incurred by him for the treatment of any chronic heart ailment.

Thus, the statement submitted by the applicant is wrong and is intended to mislead the Hon'ble Tribunal.

10.

That with regard para 6(vii), the respondents state that applicant has enclosed in Annex-III of his application copies of prescription dt. 16.7.2001 [Dr. Arup Guchhait : MD (Medicine)], dt. 08.08.2002 [Dr. Arup Guchhait, MD (Medicine)] and dt. 12.10.2001 [Dr. M.B. Chowdhury : MD (General Medicine)]. Nowhere in these prescriptions the doctors have certified that the applicant is/was suffering from chronic heart ailment as claimed by him. Contrary to his claim, the following is found to have been written on the prescription dt. 16.7.2001 and 8.8.2001 :

“Chest/ CVS NAD” (prescription dt. 16.7.2001)”

“Chest cvs NAD” (prescription dt. 8.8.2001)”

SV
-44-

Information regarding above abbreviation was sought from the Medical Superintendent of Ramkrishna Mission Hospital Itanagar vide No. NEID-III/Adm-125/2002/145 dt. 03.10.2002 (**Annex XIII**). Their reply vide their No. SG-1/2573 dt. 3rd Oct., 2002 is enclosed at **Annex XIV**. It has been informed that the above mentioned "CVS NAD" stands for "Cardio Vascular System : No Abnormalities Detected". On the basis of the above, it may be concluded that the applicant is not suffering from any chronic heart ailment. Thus, applicant who is under oath, appears to be lying in an attempt to mislead Hon'ble Tribunal.

11. That with regard to Para 6(viii), the respondents state that the applicant has not made representation within the stipulated period as per the direction given by the Hon'ble CAT Guwahati Bench in their judgement dated 22.4.2002 (**Annex V**) in OA No.123/02 (M.P.62/02). His first representation dated 8.5.2002 (**Annex VI**) for modification of transfer order dated 28.3.2002 (**Annex XII**) was received on 9.5.2002. It was considered sympathetically and because of administrative exigencies and requirement of works his request could not be acceded to and the applicant was informed accordingly vide letter No. NEID-III/CB/PF-138/2682-85 dated 28.5.2002 (**Annex VII**).

12. That with regard to paras 6(ix) to 6(xi), the respondents state that the applicant made another representation dated 21.5.2002 (**Annex VIII**) received by the Respondent No.1 on 03.6.2002, the parawise reply has been given to the applicant vide this office letter No. NEID-III/Adm-125/2002/2993-95 dated 21.6.2002 (**Annex IX**).

In both of his representation, the applicant again alleged his transfer was contrary to rules/guidelines, discriminatory and malafide through these issues have already been settled by Hon'ble CAT in their judgment dt. 22.4.2002 in OA 123/2002.

In both of his representation, the applicant claimed to be a chronic heart patient without giving any documentary evidence in support of such claim. Office records also did not reveal any such evidence. When the applicant was informed of absence of such information in office records, the applicant did not give any documentary evidence in support of his claimed ailment.

In his second representation dt. 21.5.2002, the applicant stated that in case of not acceding to his request for choice place of posting, he will be compelled to leave the work site. Therefore, his attention was drawn to the conduct rules of service and he was advised to maintain at all times devotion to duty and

absolute integrity and do nothing which is unbecoming of a government servant (**Annex IX**).

In this connection, it is also respectfully submitted that the law relating to transfer is well-settled by the Hon'ble Supreme Court. Accordingly, no order of transfer is liable to be interfered unless such order is issued in gross violation of statutory rules or malafide. Mere non-observance of guidelines or office order would not amount to violation of such statutory rules. Mere allegation of malafide also shall not sustain unless there is cogent, clear evidence of malafide. It is also held that for personal difficulty, family and children, the employee should take up such matter with the administration as the administration knows well about such facts of an employee, particularly keeping in view the FR 11 and 15.

13. That with regard to Para 6(xii), the respondents state that they have taken a consistent stand as per service rules and regulations. As regards, applicants request for absorption into regular establishment, the issue has earlier been examined by Hon'ble CAT in OA No.333/01 and the same has been rejected by Hon'ble CAT Guwahati Bench vide their judgement delivered on 23.8.2002 (**Annex XI**). Moreover, this is not the issue as far as prayed relief is concerned.

14. That with regard to Para 6(xiii), the respondents state that the applicant has been transferred alongwith other persons, from MSTLCISD-I, CWC, Alipurduar to NISD, CWC, Jang (Arunachal Pradesh) on the basis of the requirement of work and administrative requirement following the prevailing service rules for workcharged employees. The allegation made by the applicant that he has been transferred as punishment is false, misleading and trying to substitute the directive of the Tribunal by his own words. Transfer is an event in the service career and cannot be challenged if the place of posting is not to the liking of an employee. There is nothing on records to show that the transfer is punitive.
15. That with regard to Para 6(xiv), the respondents state that the statement made by applicant is not correct as guidelines mentioned in the letter No. 1 (17)/96-BBB/2435-37 dated 14.10.96, marked as Annex-III of the application, are for manning the sites by workcharged establishment viz-a-viz regular establishment and there is provision for deployment of Worksarkar Gr-I/Junior Engineer at G&D Site subject to availability of staffs under the Division.

It is further submitted that the guidelines quoted by the applicant were circulated to Superintending Engineer soliciting

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their comments on them because the said guidelines are only recommendation's of an Inter Departmental Committee for review of norms of the Central Water Commission; these recommendations are not yet accepted by the competent authority.

16. That with regard to Para 7, the respondents state that facts have already been mentioned in reply to Para 6(vi), 6(viii) and 6(ix) above. Hence, the statement of the applicant is denied. After the Hon'ble CAT rejected the request of the applicant to assail the said transfer order dt. 28.3.2002 in OA 123/2002, the same issues cannot be raised again. Under the facts and circumstances of the case, there is in fact no legal ground to support the case of the applicant, hence the application is liable to be dismissed.
17. That with regard to the Statements made in para 8(i) and 8(ii), the respondents state that in view of the facts of the case and the settled law relating to transfer, the applicant is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost as devoid of any merit.
18. That with regard to the Statements made in para 9 and 10, the respondents state that on the facts of the instant case, it has no relevance at all.

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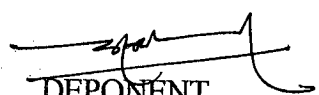
PRAYER

In the premises aforesaid, it is therefore, prayed that your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shivendra Kumar Tiwary s/o Sh. G. S. Tiwary presently working as Executive Engineer, NEI Div. III, CWC Itanagar being duly authorized and competent to swear and sign this verification, do hereby solemnly affirm and state that the statements made in Para 6,9,14,15,16&18 are true to my knowledge and belief, those made in Paras 7,8,10,11,12,13 and in written statement being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed/concealed any material facts.

And I sign this verification on this 23rd the day of Dec....., 2002 at Guwahati/Itanagar.


DEPONENT

ANNEXURE - I

15

-50-

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APPLICATION FOR ADVANCE OF T.A ON TRANSFER

- | | |
|---|--|
| 1. Name | : B. C. S. S. S. |
| 2. Designation | : W/S grade-I |
| 3. Whether temporary/Permanent | : Permanent |
| 4. Office/Station in which working | : DIST. C. I. S. D. - I, C. H. S.
A. P. S. S. S. S. |
| 5. Basic Pay + NPA + SI | : 62000.00 |
| 6. Station to which transferred | : N. I. S. D. C. H. S. Jang (A. P. S.) |
| 7. No. and Date of the transfer order | : No. 10/20/11... 15/1/2012
dt-28/03/2002 |
| 8. Details of family members alongwith their age and relationship | : Self, Wife, Son's daughter
1-12, 3-7, 22-21, 16 |
| 9. Whether the advance is required for: | : Rs. 15,000.00 |
| a. self alone or | : With family members |
| b. self and family or | : Self and family members |
| c. family alone | : Family |
| 10. Amount of advance required | : Rs. 15000.00 |

I declare that the particulars furnished above are correct.

Station : *Alf's - vancouver*
Date : *02/01/2002*

R. B. B. (RM)
Signature of the Govt.
Servant.

ANNEXURE-II

-16-

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APPLICATION FOR ADVANCE OF PAY ON TRANSFER

1. Name : B. L. P. Gupta
2. Designation and office : W/S gr I
METLC 15D-I, CWS, Alibevdian
3. Whether permanent/temporary : permanent
4. If temporary, name and designation of the permanent Government servant furnishing the surety bond : not required
5. Station in which working : METLC 15D-I, CWS, Alibevdian (W.B.)
6. Station to which transferred : METLC 15D-I, CWS, Jangal (P.)
7. Pay drawn at the time of transfer Basic pay + NPA + SF : 5000 + 2000 + 2000 = 9000
8. No. and date of transfer order : No. 10/11/2001 dt 28/03/2002
9. Whether transfer is in public interest : yes (Public Interest)
10. Amount of advance required : Rs. 12,400.00

I declare that the particulars furnished above are correct.

Station : Alibevdian
Date : 02/04/2002

B. L. P. Gupta
Signature of the Govt.
Servant.

17
Government of India
Central Water Commission
MSTLC Inv. Sub-Div. I, New Town
Alipurduar (West Bengal)
Pin. 736121.

No. MSTLCISD.I/E.II/02/ 257-60

Dated: 19/4/2002

OFFICE ORDER

Consequent upon their transfer vide E.E's letter No. NEID.III/Adm-5/1452-60 dt. 28.3.2002 the following person are hereby relieved w.e.f. 19.4.2002 (AN) with instruction to report to A.E, NISD, CWC, Jang (AP).

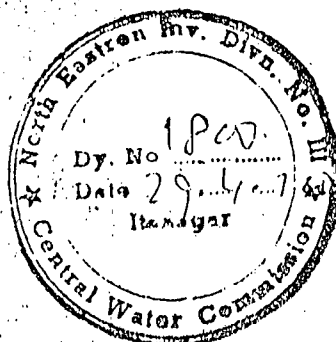
- S/Shri.
1. ✓ B.L.P. Gupta, W/S Gr.I
 2. ✓ Gopal Ch. Sutradhar, B/Man.
 3. ✓ Gopal Roy, Kh.
 4. K.K.Das, Kh.
 5. ✓ T.N. Singh, Kh.
 6. ✓ N.P. Singh, Kh.
 7. ✓ Jagidsh Singh, Kh.
 8. ✓ Rameshwar Roy, Kh.

(K.K.MISRA)

for Assistant Engineer.

Copy to:-

1. The Executive Engineer, NEID.III, CWC, Itanagar for favour of information please.
2. The Assistant Engineer, NISD, CWC, Jang for information and necessary action.
3. The J.E (HQ), MSTLCISD.I, CWC, Alipurduar for information and necessary action.
4. Person concerned.



(K.K.MISRA)

for Assistant Engineer.

No. NEID-III/Adm-5/ 248 P

dt 10.5.2002

Copy forwarded for information
and necessary act to Accounts Branch
N.E.I.D-III.CWC. Jang. (A.P)

To -18- ANNEXURE-IV -53-
The Executive Engineer
N.E.I.D.-III, CWC, Jharingar (A.P.)

Through proper channel

Sub: Submission of joining report.

- Ref: 1) N.E.I.D.-III/Adm-S/1452-60 dt 28/2/02
2) N.E.I.D.-III/CWC/JNG/16/Vol-II/2001/294-305
dt 2/04/2002
3) MSTLC/SD/E-II/02/257-60 dt 19/4/2002

Sir,
With reference to the above,
I am submitting herewith my
joining report to day 12.03.2002
(F.N.) at China Bridge
G.D. site under Jangbub-Dev.

This is submitted for your
kind information and necessary
actions please.

Yours faithfully,
R. Subbarayudu
11/03/2002

C.R.L.P. G.D. (A)
W/S Grade-I
G.D. site at China
Bridge under N.E.I.D.,
CWC, Jang/Tawang
(A.P.)

14/10/08
DR

11/5/02
SE

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 123/2002
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) B. L. P. Sanyal

Respondent(s) K. O. L. Goss

Advocate for Applicant(s) B. Malakar, P. Das

Advocate for Respondent(s) Case

Notes of the Registry | Date | ORDER OF THE TRIBUNAL

22.4.02

By this application the applicant assailed the office order No. NEIO-III/Admn-5/1452-60 dated 28.3.2002 transferring the applicant from MSTLC Inv. Sub Divn-I, CUC, Alipurduar to Jang in Arunachal Pradesh. The applicant contended that the impugned order is contrary to the policy guidelines of the transfer. It was also contended that the order of transfer ^{has} caused ^{disarray} ~~chaos~~ in the family life ^{also} by depriving him from getting the necessary medical benefits. ^{favours}

Heard Mr. B. Malakar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents. at length.

Upon hearing learned counsel for the parties, I am of the view that ends of justice will be met if a direction is given to the applicant to make a representation or appeal before the authority narrating his grievances within two weeks from today. If such representation is made by the applicant within the aforesaid period the respondents shall fairly and sympathetically consider his grievances and pass necessary order. The learned counsel for the respondents stated that the applicant has already been released. But the release, however, shall not preclude the respondents to consider the case of the applicant as per law.

With the observation made above the application is disposed of. No order as to costs.



TRUE COPY

Central Administrative Tribunal

SD/ VICE CHAIRMAN

গুৱাহাটী কেন্দ্ৰীয় প্রশাসনিক আয়তন
Guwahati Bench, Guwahati
গুৱাহাটী মহানগৰী, অসম

memo No. _____
copy for information and necessary action to -
D No. B. Malakar, Advocate, G.H.Y. Higher Court
22/04/02 B.C. Parker, Addl C.S. CAT/GHY.

23/4/02
Sd/-
22/4/02

FAX No: 0360-203510
Date: 1.02/02/2002

To

The Executive Engineer,
North Eastern Investigation Division No-III
Central Water Commission
Itanagar (Arunachal Pradesh)

Sub: Prayer for modification of transfer order
dt. 20/3/2002.

Sir,

On the above matter, I have the honour to approach your honour as per direction of the Hon'ble CAT/Guwahati Bench in OA 123/02 dt. 22/4/02. There has been some delay in filing this appeal as I was not in receipt of the CAT order.

Sir, I have served the deptt. for last about 28 years at various places out of which I spent about 10 years in tenure. Now I have my posting at Alipurduar since mid 1997. I pray that my present posting at Jang may kindly be modified on the following grounds:

(a) As I have spent a considerable period at tenure places. I need not be posted again in tenure place as per rules.

(b) I am Chronic heart patient and I have withdrawn G.P.F. money for my treatment. My posting at Jang which is a far remote place in hilly terrain I will be totally deprived of any medical facility and moreover there will be lesser oxygen zone and it will be difficult for me to sustain there.

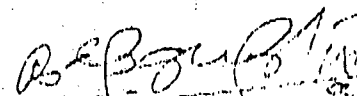
Sir, as a Govt. servant I am required to go wherever the administration desire my service to be utilised. But while making such transfer your honour is required to adhere to the prevailing rules. Transfer orders should not give rise to any discrimination. In this context, I crave to bring to your kind notice that some similar person have been continuing in a particular place for years in succession and they are not subjected to any transfer.

Contd..2/

Leaving aside those matters, I fervently request that in the greater interest of my health and my family you may kindly allow me to remain at Alipurduar or in such place where medical facility is available. You may be pleased to consider my posting at Bihar even.

Under the above, I request sympathetic consideration of my case.

Yours faithfully,


(B.L.P. Gupta)

W/S Grade-I MSTLC Inv.
Sub-Division-I, CWC,
Alipurduar (Dist. Bengal)

ANNEXURE-VII

GRAM : CENTWATER : ITANAGAR

TEL/FAX : 0300-203510

भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION
उत्तर पूर्व अन्वेषण मण्डल-3
NORTH EASTERN INVESTIGATION DIVISION NO. III
पोस्ट बॉक्स 144, इटानगर-791111 (अरुणाचल प्रदेश)
POST BOX-144, ITANAGAR-791111 (ARUNACHAL PRADESH)

No. NEID-III/CB/PF-138/ 26 82-85

Dated : 28.5.2002

To

Shri B. L. P. Gupta,
Work Sarkar Gr.I,
Through Assistant Engineer,
Nyukcharong Inv. Sub Divn,
Central Water Commission,
Jang (Arunachal Pradesh).

Sub:- Prayer for modification of transfer order dt. 28.3.2002.

With reference to your application dated 0.5.2002 received by Fax on 9.5.2002 on the above cited subject, this is to state you have not applied for modification of transfer order dated 28.3.2002 within the stipulated period fixed by the Hon'ble CAT, Guwahati Bench, Guwahati in their judgement delivered on 22.4.2002 on OA No. 123/2002 (MP-63) filed by you. In view of the above and because of administrative exigencies & convenience your request can not be accorded to.

(D. K. Tiwary)
Executive Engineer

N.I.O.

Copy to :-

1. The SuperIntending Engineer, North Eastern Investigation Circle, Central Water Commission, "Jamir Mansion", Nongshilliang, Shillong - 793 014 (Meghalaya) for kind information please.
2. The Assistant Engineer, MSTLC Inv. Sub Divn-I, Central Water Commission, Alipurduar (West Bengal) for information.
3. The Assistant Engineer, Nyukcharong Investigation Sub Division, Central Water Commission, Jang (Arunachal Pradesh). Letter addressed to Shri B. L. P. Gupta, Work Sarkar Gr.I may please be handed over to him with proper receipt and the same may please be sent for the record of this office.

(D. K. Tiwary)
Executive Engineer

23 ANNEXURE-V 23-
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ANNEXURE-VIII

To

The Executive Engineer,
North Eastern Investigation Division No-III,
Central Water Commission,
Itanagar/Chimpu,
Arunachal Pradesh

(Through Proper channel)

Sub: Prayer for modification of transfer order No. NEID-III/
Adm-5/1432-60 dated 28.03.2002.

Ref: Hon'ble 'CAT' Guwahati Bench order No. 123/2002 dated
22.04.2002.

My appeal dated 08.03.2002 through on FAX NO.
0360-203510 dated 09.03.2002.

Sir,

On the above matter, I have the honour to approach your honour as per the direction of the Hon'ble 'CAT' Guwahati Bench in original application No. 123/02 dated 22/04/2002. There has been some delay in filling this appeal as was not in receipt of the 'CAT' order.

Sir, I have served the department for last more than 28 years at various places out of which I spent about 10 years in tenure. Now I have my posting at Alipurdhwar (West Bengal) since mid 1997. I pray that my present posting at Jang (Tawang) Distt. of Arunachal Pradesh may kindly be modified on the following grounds:-

(a) As I have spent a considerable period at Tenure places. I need not be posted again in Tenure place as per rule.

(b) I am chronic heart patient and I have withdrawn from the General Provident fund money for my treatment after wards. My posting at Jang (Tawang) Distt. of Arunachal Pradesh which is a far remote place in hilly terrain I will be totally deprived of any medical facility and moreover there will be lesser Oxygen Zone and it will be difficult for me to sustain there.

Sir, as a Government servant I am required to go wherever the administration desire my service to be utilised. But while making such transfer your honour is required to adhere to the prevailing rules. Transfer orders should not give rise to any discrimination. In this context I crave to bring to your kind notice that some similar person have been continuing in a particular place for years in succession and they are not subjected to any transfer.

Leaving aside those matter, I fervently request that in the great interest of my health and my family you may kindly allow me to remain at Alipurdhwar (West Bengal) or in such Place where medical facility is available. You may be please to consider my posting at any CTC Office which is located in Bihar even.

Sir, On my joining in Nyukcharong chu Investigation sub-Division, CTC, at Jang (Tawang) Distt. of Arunachal Pradesh I have re-posted at Gauge & Discharge silt observation site at China bridge this is a very far remote vaccum place i.e. thorny Jungles going and coming by foot walking through the

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Thorny jungle and foot path way which is very short way by surrounding River and River no any communication from here to Jang and other places because completely thorny jungle nothing is available here for the human life. Purposely I have posted here for taking away of my life. When the authority well knowing that myself suffering from heart disease and being the chronic heart patient thereafter with malafide intention re-posted at Gauge & Discharge Silt Observation site at China bridge when there is no any medical facility. No any communication available even nothing for human being available thereafter posted in such place which is clearly known the motive of the authority.

Sir, placing this prayer for immediate considering my posting to Alipurduar (West Bengal) or where is the medical facility available. If not sympathetically considering my transfer from Gauge & Discharge and Silt Observation site China bridge to Alipurduar or where the medical facility available, then the myself to be compelled to leave the place of my present posting and no any other way of alternative to approach the appropriate forum for natural justice to not subjected the same again, and again, because I am facing with such malafide attitude constituted by the departmental authority since very prolonged and always driving with ill motive way and harassing maximum. These are effected due to being the part of the honesty of the applicant and not associated to the authority for his on purpose, these are associated they are providing all facility and not facing the transfer out of the Divisional head quarter and sub-Divisional head quarter the such persons also to much junior in the length of service as well as in the grade also, even no any work Sarker Grade-I, has been posted in the site works accept the applicant.

Sir, with very regretfully, I am writing that if the service of the applicant is not required in the department, you may please be recommended to the competent authority for granting the voluntary retirement with immediate effect, as the career of my school going children and my wife familiar life has completely ruins very badly, and which is resulted that now my wife suffering from the 'KIDNEY' troubles and she under the treatment in the Indira Gandhi Institute of Medical science, Patna (Bihar). Authority well knowing about my all circumstances after wards posted in the very remote and Vacuum place in the thorny jungle where no any communication nor medical facility available.

Sir, under the above compelling circumstances, I am placing this my prayer for sympathetic consideration of my case.

Yours faithfully,

(B. L. P. GUPTA)

W/S Grade-I.

Gauge & Discharge, Silt Observation, CWC,
China Bridge.

Under
Nyukcharong Chu Investigation Sub-Division, CWC,
Jang (Tawang) Distt. of Arunachal Pradesh.

Copy to:-

The Assistant Engineer, Nyukcharong Chu, Inv. Sub-Division, CWC,
Jang (Tawang) Distt. of Arunachal Pradesh for kind information and
similar necessary action please.

(B. L. P. GUPTA)

W/S Grade-I.

Gauge & Discharge, Silt Observation site
CWC, at China bridge.

ANNEXURE - IX

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GRAM : CENTWATER: ITANAGAR.

PHONE : 0360-203510

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
NORTH EASTERN INV. DIVN. III
P.D.NO.144: ITANAGAR-791111

NO. NEID-III/Adm-125/2002/2993-95

Date 21/6/2002.

To

Shri B.L.P. Gupta,
Work Sarker Gr.I,
through Assistant Engineer,
NISD, CWC, Jang (AP).

Sub :

Prayer for modification of transfer order No.
NEID-III/Adm-5/1452-60 dated 28/3/2002.

With references to your application dated 21.5.2002 on the above cited subject the parawise reply is given below :

Para-1 : Reply has already been given vide this office letter No. NEID-III/CB/PF-138/2682-85 dt. 28.5.2002.

Para-2 : (a) Workcharged establishment refers to those whose pay, allowances etc. are directly chargeable to "WORKS". Workcharged staff is employed on the actual execution of a specific work, sub-works of a specific work etc. and question of posting against tenure place is not applicable in your case. As you are working under North Eastern Inv. Division No. III, CWC, Itanagar (AP) as a workcharged staff you can be posted at any place within the jurisdiction of this office in public interest depending upon the requirement of works and administrative exigencies.

Para-2 : (b) As per records available in this office there has been no intimation, before issue of your transfer order, that you are a chronic heart patient. Thus, presence of such an ailment, that too of chronic nature, is not established on the basis of records available in this office and information furnished by you in the past.

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Para-3 : The transfer have been made as a routine administrative affair according to the administrative exigencies and requirement of works following the prevailing service rules. As such, no discrimination has been made whatsoever in effecting transfers.

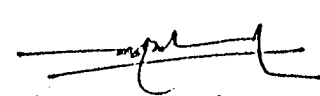
Para-4 : Your request for transfer to Bihar has already been forwarded to the competent authority vide T.O. Letter No. NEID-III/CB/PR-138/113 dated 1/6/2002.

Para-5 : You are not the only person working at China Bridge site. There are other persons who are also working there for a few past year. Hence, your allegations of malafide intention are baseless and are therefore, rejected.

Para-6 : You are posted against the sub-work of a ~~part~~ specific work as stated in para-1 above in public interest where your services are required according the rules/provisions/law recruitment rules etc. Your letter particularly insists for posting at Alipurduar where you have already served for about five years. Your such insistence is unreasonable and the grounds given by you for such insistence untenable.

Para-7 : The department has never said that your services are not required. Your transfer to Jang sub division itself implies, that your services are required under the jurisdiction of that sub division.

Your attention is invited to relevant conduct rules which state that every Government servant shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of a government servant. Therefore, you are advised to scrupulously discharge duties as assigned to you by your controlling officers from time to time.


(D. K. Tiwary)
Executive Engineer

8/c

CDM 19/6

contd.. 3..

87 ANNEXURE-17

ANNEXURE-X

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(GENERAL PETITION)

G.C.No. 147 of 1986 (P) & G.C.No. 704 of 1985
(G.C.No. 116 of 1986 - Civil Rule No. 1122 of 1983)

Shri Bhagwan Lal Prasad (Applicant)

Petitioner in both the cases.

vs.

Union of India and others.

Respondents.

PRESENT :

The Hon'ble Shri D. Pathak, Vice-Chairman.
The Hon'ble Shri S.P. Hazarika, Member.

For the petitioner in both the cases.

Mr. R.F. Sharma, Advocates.

For the respondents

Mr. S. Ali, Central Government Standing Counsel.

Date of Judgment & Order

The 21st day of January 1987.

JUDGMENT & ORDER

These two writ petitions filed by Shri B.L. Prasad (Applicant) before the Gauhati High Court, have come on transfer by operation of the provision of section 39 of the Central Administrative Tribunal Act, 1985, for adjudication. In

writ petition No. G.C. 147 of 1986 - Civil Rule No. 704 of 1985,

the petitioner has challenged the order of termination of

his service passed on 25.1.1984 by the Superintending Engineer

for Chief Engineer. (P & I) C.W.C., Shillong. In writ petition

No. G.C. No. 116 of 1986 - Civil Rule No. 1122 of 1983, the

petitioner has asked for a direction (A) to pay salary from

July, 1982 and transfer travelling allowance as may be due

to him; (B) to withdraw the wireless message dated 14.4.83

(Annexure No. 19) and to make necessary order of posting of the

petitioner; (C) to post the petitioner if possible beyond

the jurisdiction of the present Superintending Engineer;

(Respondent No. 4), and (D) to regularise the service of the

petitioner as a permanent non-technical staff. Both the

petitions are heard analogously and as such we propose to dispose

of them by a common judgment.

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2. The brief facts in petition C.C.No. 147 of 1993 C.E.No. 704 of 1993, leading to the present petition are that the petitioner was appointed as a work sarker grade II under Lower Lagyap Construction Division No.1 of Central Water and Power Commission, Government of India and posted at Gangtok (Sikkim) in the pay scale of Rs.110-180/- plus other allowances admissible from time to time vide appointment letter dated 23.7.73, issued by the Executive Engineer of the said Division. Due to his professional competence for his satisfactory service records he was promoted to Work Sarker Grade I in the project in Sikkim from 13.3.79 upto 23.7.01. During his service period there, he also received the certificates of competency and ability. By an order dated 23.7.01, the petitioner was transferred from Sikkim to Tipaimukh Investigation Circle, Central Water Commission, Shillong. The aforesaid transfer and relieving order was received by the petitioner on 26.7.01 (Sunday) at about 7.15 a.m. at his residence and he filed an application on 27.7.01 before the Executive Engineer of the said Division wherein the petitioner stated that as the petitioner was living with his family at Gangtok he may be granted/retained in the said Division at least for ten days to enable him to get train reservation but the just demand of the petitioner was not considered at all by the authority and the petitioner was compelled to take earned leave from 26.7.01 to 19.8.01. Thereafter the petitioner had reported the Superintending Engineer, Tipaimukh Investigation Circle at Shillong on 17.8.01 and submitted his joining report before the Superintending Engineer, but the Superintending Engineer directed the petitioner verbally to report to the Executive Engineer, Tipaimukh Investigation Division No. II, Central Water Commission, Imphal. The petitioner requested the Superintending Engineer, Shillong, to give order in writing but the said Engineer refused to give the order in writing. Then the petitioner....

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petitioner reported to the Executive Engineer at Imphal Divisional Office on 20.6.61 and joined his post on the same day. The petitioner worked at Imphal till 3.9.1961. But, immediately thereafter the Executive Engineer, Imphal, transferred the petitioner to Tipaimukh Investigation Sub-division No. II about 215 kilometers away from Imphal and the petitioner joined there on 7.9.61 and worked there till 6.11.1961. Thereafter, the petitioner was again transferred to Imphal vide letter dated 16.11.1961 but the petitioner ^{already} joined at Imphal on 9.11.1961 at the request of the Executive Engineer, Imphal, and the written transfer order was given later on 16.11.1961. The petitioner was again transferred to Silchar vide letter dated 24.3.62 and the petitioner had submitted an application on 29.3.62 to the Superintending Engineer, Shillong, through Executive Engineer, Imphal, wherein the petitioner stated that he may be retained at Imphal as he was staying at Imphal with his family members and two school going children had been admitted in the school recently and the wife of the petitioner was under treatment in the Regional Medical College Hospital at Imphal, but the authorities turned down the just demand of the petitioner. The petitioner was relieved on 30.4.62 from Imphal with a direction to report to the Assistant Engineer, Tipaimukh Investigation Sub-division No. III under Silchar Division vide letter dated 30.4.62 and the petitioner joined his new posting on 11.5.62 under the Assistant Engineer, Tipaimukh under Silchar Division. On 14.5.62, the Assistant Engineer, Tipaimukh directed the petitioner to join at Tuival Chuya side under Shri B.B. Nath, Supervisor and the petitioner went to the aforesaid site but curiously enough to the petitioner found it to be in a vacuum as the site was not opened at Tuival Chuya at that time. He went to Tuival Chuya covering a distance of 150 kilometers passing through thorny jungles but was surprised to see that there was no shadow of

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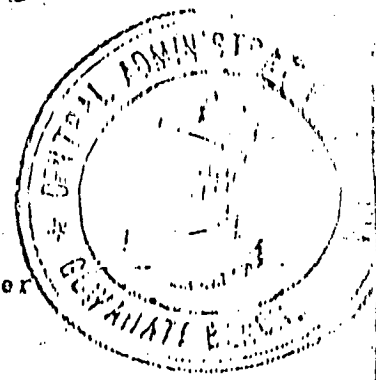
the site and the petitioner came back and reported to the Executive Engineer, Tipaimukh Investigation Division, Silchar on 29.5.1982. That the petitioner remained at Silchar till 9.6.1982 and thereafter the petitioner was again directed to report at Tuival Chuya site at 'Azoram' vide letter dated 29.5.82. Being faced with such transfers, the petitioner took leave on personal ground as he had to make arrangements for his family members who were getting harassment like anything and after availing the leave the petitioner reported for duty at Silchar Division but the petitioner was informed that the Tuival Chuya site has already closed and the petitioner was again asked to report to Khokhan gauge and discharge site vide letter dated 26.2.83. The petitioner went to Khokhan passing through jungles but he was disappointed to know that there was no site at all at Khokhan at that time. He came back from Khokhan and reported to the Assistant Engineer, Tipaimukh Investigation Sub-Division III, who instructed the petitioner to become ready to go to Khokhan vide letter dated 6.3.83. When the petitioner was ready to leave for Khokhan for the second time, the Assistant Engineer of Tipaimukh did not release him from Tipaimukh and the Assistant Engineer wrote a letter to the Executive Engineer, Tipaimukh Investigation Division No. 1 of Silchar vide letter dated 18.3.83, wherein he informed the Executive Engineer, Silchar that the petitioner had been temporarily engaged at Tipaimukh due to some urgent official works for the time being and the Assistant Engineer of Tipaimukh requested the Executive Engineer for the approval for retaining the petitioner at Tipaimukh and as the petitioner was not released from Tipaimukh, he continued to work there. The petitioner contends that his duty was at Tipaimukh till 6.4.83 and as he was not getting his salary from July, 1982, he filed an application.....

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application on 7.4.83 before the Assistant Engineer, Tipaimukh, praying for permission to leave the Head Quarter on 8.4.83 so that the petitioner may meet the Executive Engineer at Silchar for getting the salary and transfer travelling allowances but the Assistant Engineer refused to reply anything and he did not even like to talk with the petitioner. That on 16.4.83 the petitioner received a wireless message wherein it was stated that the petitioner had not joined his posting place and violated official rule and that he insulted the Engineer in-charge. The petitioner was asked to submit explanation. The petitioner submitted explanation on 15.4.83 stating that the allegation was false. The said explanation was received on 19.4.1983. On 16.4.83 the petitioner went to the office of the Executive Engineer at Silchar for informing him the fact of the non-receipt of the salary of the petitioner, but the Executive Engineer at Silchar refused to meet the petitioner and as such the petitioner had no other alternative but to file an application on 15.4.83 at Silchar stating the grievances and the refusal of the Executive Engineer to meet with the petitioner. As the petitioner was not getting his salary and transfer travelling allowances since July 1982 he had nothing to eat and maintain himself and his family members and under the compelling circumstances he filed an application before the Executive Engineer for granting leave on and from 19.4.83 stating therein to grant earned leave and any other leave with effect from 9.4.83 till the matter was settled. Thereafter the petitioner left for his native place after filing the leave application to the Executive Engineer, Silchar. On 24.9.82, the petitioner submitted an application to the Chairman through the Executive Engineer of Imphal for onward transmission wherein the petitioner had stated that due to very frequent transfer the petitioner was unable to maintain

his....

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his family being a low paid employee that the petitioner had school going children and now under transfer to Tipaimukh, the petitioner had no other alternative but to stop the education of the children as there was no school at Tipaimukh site. It is also stated in the said application that the petitioner did not have sufficient money to maintain two establishments, i.e. one for the petitioner and the other for his family, and that the petitioner may be posted to a place where the petitioner could give education to his children. That the letter dated 29.4.82 was duly received by the Executive Engineer of Imphal and the same was forwarded to the Superintending Engineer, Shillong, vide letter dated 11.5.82 but the Superintending Engineer, Shillong did not forward the said letter to the Chairman. In paragraph 27 of the petition he has a catalogue of his frequent transfers to show the vindictive nature of the opposite parties to harass him. On 2.2.83, the petitioner received a letter from the Chairman, wherein the Chairman has written as follows :

"His complaint regarding frequent transfers is also investigated. In the meantime he is advised to join the place of his posting and his request for transfer to the Circles will be considered sympathetically for other Circle."

On the advice of the Chairman the petitioner reported for his duty on 25.2.83 to the Executive Engineer, Silchar and the said Engineer told the petitioner that Tuival Chuya site had been closed and the petitioner was re-posted at Khokan in Mizoram about 500 kilometers away from Silchar and the petitioner went to Khokan by-passing-through-jungles by-walking three-days-on-foot as there is no road communication. But the petitioner was surprised to know that he was posted in a vacuum as till then the site was not opened and there was neither any sign of a hut nor any other employer was present there. He has stated that the aforesaid order shows the vindictive, malicious, capricious, arbitrary and harmful attitude of the opposite parties in transferring him to a place where the site was not opened.

He has referred to a circular No.2/10/78/W.E., dated 24.10.80 issued by the Chairman of the Central Water Commission,

where,...

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where it is stated that as regard to non-industrial establishments which are envisaged to be brought on the regular establishment, the extent of conversion of temporary posts of work charged into permanent is 90%. Therefore 50% of the work charged posts which fulfil the Central Civil Services Criteria can be safely converted into permanent posts without any formal classification into Industrial and non-Industrial. The petitioner filed an application before the Chairman of the Central Water Commission on 7.3.80 and 21.1.82 for the appointment of the petitioner to the post of Supervisor/Design Assistant in view of the aforesaid circular, but the genuine case of the petitioner was not considered whereas other work-charged employees, junior to the petitioner were appointed to the said post. The petitioner has also averred that in another circular dated 2.9.81 issued by the Ministry of Irrigation, Government of India, Central Water Commission to the effect that the authorities are to see that frequent transfers do not take place and the officers/staff should remain at the place of posting at least for three years unless the officer is promoted and posted elsewhere. But, in the present case the petitioner has been transferred nine times within a span of seven months between 25.7.81 and 26.2.83, which is a clear violation of the aforesaid circular and the Service Rules. Being faced with such predicament, the petitioner was compelled by the inevitable circumstances to file a Writ Application under Article 225 of the Constitution of India before the Gauhati High Court and the same has been registered as Civil Rule No. 1122 of 1983 and the High Court was pleased to pass an order on 25.11.1983 directing the opposite parties to pay the arrear salary within a month from the date of the receipt of the order. It is stated that the opposite parties were silent on the aforesaid representation and nothing was heard from the opposite parties till 7.4.1984, when the petitioner had received 5 letters all dated 3.1.1984 from the.....

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the Executive Engineer, Silchar, which was received by the petitioner on 7.4.84. The copies of the letter are annexed as Annexures, 41, 42, 43, 44 & 45. The petitioner has also annexed to the petition a copy of the letter dated 9.6.82 by which it is stated that the petitioner was granted earned leave for 21 days from 10.6.82 to 30.6.82 by the Executive Engineer, Silchar, vide his letter dated 9.6.82. On 19.4.84, the petitioner received the notice of the order of termination of his services vide letter dated 25.1.1984. As the aforesaid order of termination of service was not sent to his present address, the same ^{was} received only on 19.4.84 at Silguri the present address given to the authority. The petitioner submitted an appeal under Rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1955, against the order dated 25.1.1984 terminating his services. The petitioner received the order of termination only on 19.4.84 and the appeal was filed only on 28.5.84. It is contended that the order of termination is clearly in violation of Article 311 of the Constitution of India and also in violation of the principle of natural justice. It is contended that the authority had no right whatsoever to terminate the petitioner without holding an enquiry and without proper charges. Annexures 41, 42, 43, 44 and 45 show that he was still in service till the termination order was passed. The termination order shows that the order is passed by the Superintending Engineer for Chief Engineer, C.W.C., stating that the service of the petitioner shall stand terminated with effect from the date of expiry of a period of one month from the date on which the notice is served on or, as the case may be tendered to him.

3. It is submitted on behalf of the petitioner that although the order of termination is shown to be innocuous and termination simpliciter, it is in fact penal in nature and as such it is not sustainable in law as there was no enquiry held

against....

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- 9 -

against the petitioner before the order of termination was served on him.

4. The respondents 1 to 3 have filed written statement. In paragraph 3 of the written statement, it has been stated that the petitioner was a temporary employee and a member of the Work Charge staff in the project work under Lower Lagaip Hydel Project Circle, where he worked as Work Sarker, Grade I under lower Lagaip Construction Division No. 1. This Lower Lagaip Hydel Project work was completed and the Division was finally closed in July, 1961. The petitioner being a temporary employee, was to be retrenched along with the completion of the project work, but the authority on humanitarian ground transferred and posted him under Tipaimukh Investigation Circle, Shillong. As regards the frequent transfers of the petitioner, the respondents have stated in paragraph 9 of the written statement that the petitioner was transferred in public interest with immediate effect and as such the respondent No. 4 could not comply with the request made by the petitioner for his retention at Imphal by cancelling the transfer orders. In paragraph 11 of the written statement it has been stated that no order on 14.5.62 was issued to the petitioner by the Assistant Engineer to join at Tuival Chuya site as alleged by the petitioner. The petitioner did not visit Tuival Chuya site and no question of travelling at a distance of 150 kilometers through thorny jungle by the petitioner arises. In fact, instead of proceeding for opening the site at Tuival Chuya, the petitioner went on casual leave from 15.5.62 to 20.5.62. The petitioner directly came to Silchar after expiry of casual leave and he was allowed to join at Division Office at Silchar on 29.5.62 purely on his own request and to save him from unauthorised going to Silchar. At Silchar the petitioner had submitted two joining reports, one to the Executive Engineer dated 27.5.62, stating that he is joining in Division Office on 29.5.62, which was initialled by Assistant Engineer on 29.5.62 and by the Executive Engineer

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on 9.6.62. The second one is addressed to the Assistant Engineer, T.I. Sub-division No. III, saying that he is joining in the Sub-division on 29.5.62, which was initialled by the Assistant Engineer, Executive Engineer, Head Clerk on 9.6.62. By the two joining reports, he created confusion regarding his so called joining report at Silchar. In paragraph 12 of the written statement, it has been stated that the petitioner was allowed to stay at Silchar upto 9.6.62, but in the said order he was directed to join at Tuival Chuya after 9.6.62. But he again applied for leave from 10.6.62 to 30.6.62 to proceed on L.T.C. to visit a holy temple in Jammu & Kashmir. The petitioner also gave an undertaking dated 9.6.62 that he would join at the place of posting at Tuival Chuya after expiry of leave. So his leave was granted and advance payment was made as admissible under the rules. After expiry of the leave granted to him he did not honour his own commitment and did not join accordingly at Tuival Chuya, but extended his leave upto 24.2.63. In the meantime, the petitioner sent two telegraphs first one mentioning that "leave extended for two months" sent from Siliguri junction and received in Division Office on 9.7.62. No post copy in confirmation was received by the Office. The second telegram from Samastipur saying "leave extended", received in the Division on 7.9.62, without any post copy in confirmation. A doubt was created in the minds of the Department about the visit of the petitioner to the holy temple at Jammu & Kashmir.

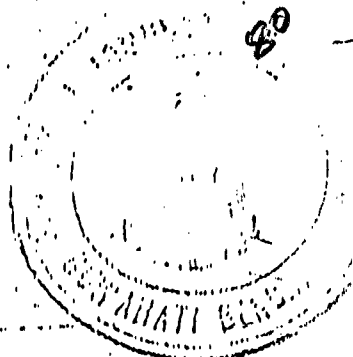
In paragraph 13 of the written statement it has been stated that after 7 months' absence from duties, the petitioner resumed his duty at Silchar on 24.2.63 by a joining report without mentioning the place. He was directed to join at Khokon as the Tuival Chuya site was already closed. But the petitioner never went to the Khokon site. The petitioner joined at Tipaimukh on 5.3.63 for non-opening of Khokon GSD site....

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site at that time and his joining report was accepted by the Department. Further, on a careful consideration of the petitioner's case, the authority reckoned his joining date with effect from 25.2.83 forenoon. In the meantime, the Assistant Engineer vide his letter dated 6.3.83, instructed the petitioner to be ready for proceeding to Khokon as soon as the site is established. The Khokon GSD site was established on 12.3.83 by the Assistant Engineer himself as the petitioner did not accompany the Assistant Engineer. Subsequently, the Assistant Engineer directed the petitioner to proceed Khokon GSD site vide letter dated 18.3.83. In paragraph 14 of the written statement, it has been denied that the Assistant Engineer did not release the petitioner to proceed to Khokon site. It is clear from the letter dated 6.3.83 which is Annexure G to the petition that the petitioner was asked to be ready to proceed to Khokon site as soon as the site is established. In paragraph 15 of the written statement it has been stated that a wireless message was sent on 13.4.83 by the Assistant Engineer, TISD-II, Tipaimukh to Executive Engineer, TID-I, Silchar that the petitioner neither joined at Khokon nor is intending to join there and insulted the Assistant Engineer badly. Subsequently, the Assistant Engineer, TISD-III was instructed by Executive Engineer TID-I on 14.4.83 through wireless to stop the petitioner's payment till he joins at his place of posting and to take effective measures in case of threaten for physical assault. Similarly, the Executive Engineer, TID-I sent another wireless message to the petitioner on 14.4.83, instructing him to submit explanation on the reports of the Assistant Engineer and any attempt for assault will be dealt severely. This fact was reported to the Superintending Engineer, TIC, Shillong by Executive Engineer, TID-I, Silchar vide his letter No. TID/FF-116/492 dated 19.4.83. The full report was received in the

Divisional.....

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Divisional Office on 22.4.83 wherein the Assistant Engineer vide his letter T15D-111/Estt-9/241 dated 9.4.83 intimated that while disbursing the payment of the staff at Tipaimukh on 7.4.83; the petitioner attempted to snatch away the Attendance Register and intended to sign. He was allowed to receive his pay upto 18.3.83, i.e. the day after which he is supposed to join at Khokon GSD site. The petitioner refused the payment and insulted him with challenge. In this letter, the Assistant Engineer enclosed the application of the petitioner dated 9.4.83 addressed to the Chairman, C.W.C., New Delhi. The charges made therein are all false and fabricated as could be seen from the report of the Assistant Engineer. No action was taken on the petition dated 7.4.83 by the Assistant Engineer as the petitioner was not at his duty place and having no authority to permit him to go to Silchar. In paragraph 17 of the written statement, it has been stated that on 9.4.83, the petitioner submitted a departure report to the Assistant Engineer, saying that he is going to his native place via Silchar due to over harassment. This was received by the Sub-divisional Clerk on 9.4.83, which was submitted to the Assistant Engineer on 17.4.83. The petitioner came to Silchar Office on 16.4.83 and tried to report to the Executive Engineer against the Assistant Engineer. The Executive Engineer told him that he may submit his points in writing through proper channel or examination in this office. So, the petitioner submitted his application dated 15.4.83. This application is annexed as Annexure 20 to the petition and that the facts stated therein are incorrect. On 16.4.83, he filed another application, stating that he is going to his native place and he will neither work under the jurisdiction of this office as well as of Circle Office. The petitioner has never gone to Khokon GSD site. His mention about the fact that the Executive Engineer has refused to meet the petitioner is not correct. In paragraph 18 of the written statement, it has been stated that the petitioner has

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been paid from the "Government" a sum of Rs. 2,615.35 under various heads. It is stated that the Department is to recover an amount of Rs. 1,823.20 from the petitioner. It is also stated that all his earlier salaries etc. have been paid regularly. In paragraph 27 of the written statement it has been stated that the behaviour of the petitioner is wholly objectionable in view of the fact that he has stolen a D.O. confidential letter dated 24.4.82 written by H.S. Banachar, respondent No. 4 to respondent No. 3 for which criminal action is warranted. No question of vindictive, malicious, arbitrary and ill motive of the authorities is there as alleged.

In paragraph 40 of the written statement, it has been stated that the petitioner being a temporary employee, a notice under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965, was served on him giving one month's time which is legal and proper. It is submitted that there is no illegality, impropriety or irregularity in terminating his service as stated above and as such the petitioner is liable to be dismissed.

5. In a counter-reply filed by the respondents on 29.10.86, it has been stated in paragraph 4 that the termination of the petitioner from service was due to his long unauthorised absence from duty with effect from 25.3.83 till the date of his termination from service. The petitioner

was asked to resume duties vide Annexure 42, annexed to the petition by the petitioner, but the petitioner deliberately

remained unauthorised absence and did not join duty. There-

after, the Superintending Engineer issued termination notice as required under rule 5(1) of the Temporary Service Rule,

though the rule has not been quoted therein vide Annexure

47 annexed to the petition of the petitioner.

6. The impugned order reads as under :

" No. NEID/2201/83/238.

Government.....

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Government of India, Central Water Commission,
North Eastern Investigation Circle, Nulhom :
Hongshillong, Shillong - 793014.

Dt. the 25th Jan/84.

NOTICE OF TERMINATION OF SERVICE :

I, hereby give notice to Shri P.L.F. Gupta that his services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the case may be tendered to him.

H.S. Rangachar,
Superintending Engineer,
for Chief Engineer (F&I)CWC

State - Shillong.

Signature of the
appointing authority.

To
Shri P.L.F. Gupta,
Work Sarkar Gr. I (absenting from duty from 25.3.84) -
Vill. Chhojan Goun,
P.O. Chhojan Harishankar,
via Turki,
District - Muzaffarpur.

On a perusal of the impugned order, it is found that the order appears to be termination of the service of the petitioner simpliciter. But the attending facts as noticed above from the pleadings of the parties, it is seen that prior to the passing of the impugned order there were allegations raised about his misconduct. Therefore, it is contended by the learned counsel for the petitioner that the foundation of the impugned order is based on some allegations of misconduct of the petitioner for which in order to punish him for those misconducts, the impugned order was passed. It is submitted that the impugned order although ex-facie an order of termination simpliciter, circumstances now disclosed it is found that the action in passing the impugned order was penal in nature. It is submitted by the learned counsel for the petitioner that in paragraph 27 of the written statement the respondents have raised allegations that the petitioner's behaviour is wholly objectionable in view of the fact that he has stolen a P.O. confidential letter dated 25.4.82 written

by.....

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by N.S. Rangachar, respondent No.4 to respondent 3 for which criminal action is warranted. This is a very serious allegation of misconduct of the petitioner. If such a serious allegation is raised by the respondents, an enquiry is to be held in order to absolve or to punish him of such serious allegation. The learned counsel has drawn our attention to paragraph 4 of the counter reply filed by the respondents on 29.10.86. The learned counsel for the petitioner has also drawn our attention to Annexure 42 to the petition. This is an Office Memo of the Executive Engineer. It reads as under :

GOVERNMENT OF INDIA : CENTRAL WATER COMMISSION
NORTH EASTERN INVESTIGATION DIVISION, F.O.
BONGKUR (PART I) SILCHAR DISTRICT
CACHAR (ASSAM)

No. MEID/WC/PF-115/4. Dated Silchar 2nd Jan'84.
MEMO

Shri B.L.P. Gupta, work sarkar - Gr. I has been absent from duty without permission since 25.3.83. He is hereby directed to resume duty at site and will be treated on unauthorised absence from duty from 25.3.83 till he resumes duty. The period of his absence will be treated dies-non for all purposes and an interruption in his service.

Sd/- S.C. Math,
Executive Engineer.

To
Shri B.L. Gupta, Work Sarkar - Gr. I.
(Absenting from duty from 25.3.1983 onwards)

On a perusal of the aforesaid memo, it is seen that there is allegation of unauthorised absence of the petitioner from duty from 25.3.83 till he resumes his duty. Here, serious allegation has been raised about his unauthorised absence. In this paragraph 4 of the counter reply referred to above, the respondents have said that the termination of the petitioner from service was due to for his long unauthorised absence from duty with effect from 25.3.86 till the date of his termination from service. This is another serious allegation which if correct called for enquiry. Without holding such enquiry, the petitioner's services cannot be terminated by invoking the provisions of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. The learned counsel has drawn to our notice the contents

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of a wireless message, which in A measure 10 to the position.
This wireless message reads as under:

" WIRELESS MESSAGE :

To
Shri B.L.P. Gupta, Work Sarkar Grade I
Khokan G & D Site.
(Through A.E. TISD - III : TITAI UKH)

IT IS REPORTED THAT YOU HAVE NOT JOINED YOUR
POSTING PLACE AND VIOLATED OFFICIAL RULE AND
INSULTED ASSISTANT ENGINEER INCHARGE (.) YOU SHOULD
SUBMIT YOUR EXPLANATION ON THE ABOVE CHARGES TO ASET.
ENGINEER TISD-III WITHIN 10 HOURS OF 15.3.84 (.) ANY
ATTEMPT BY YOU ASSAULT TO ANY STAFF WILL BE DEALT
SEVERELY (.)

SH/- S.C. Nath,
Executive Engineer

Message transmitted
to Tiptimukh on 14.4.1983
at 12.30 hrs. Schedule.

Illegible

14.4.

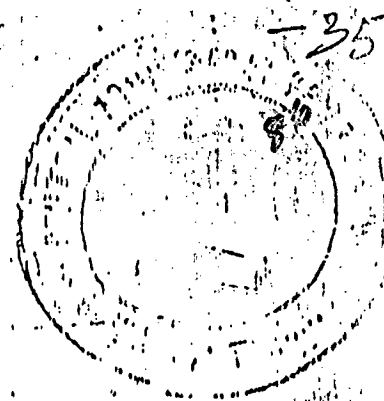
CH/VI TIDIV SILC/VI TIDIV 1107

A fair reading of the wireless message shows that the petitioner
has been charged with for not joining the place of posting,
violation of official rules and also there is allegation
of insult meted out to the Assistant Engineer in-charge. The
above allegations of misconduct if correct it was only fair
and proper to hold an enquiry, before taking any action against
him. But, instead of doing that the authorities have chosen
easy method of termination of the service of the petitioner
by passing the impugned order because they thought that the
launching of a proceeding would be a great bother or nuisance
for them. In support of his submission, the learned counsel
for the petitioner relies on three cases of the Supreme Court
in Nepal Singh vrs. State of U.P., AIR 1985 SC 84, Jarnail Singh

vrs. State of Punjab, 1986 Labour and Industrial Cases 1986
and also Anup Jaiswal vrs. Govt. of India, AIR 1984 SC 636.

7. In Nepal Singh (supra), the Supreme Court had to
consider an order of termination of a temporary Government
servant. There it was held that if the circumstances under
which the impugned order of termination of service is passed
although such order prima-facie does not put any stigma shall

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be liable to be quashed on the ground that the basis of passing of the order was on certain allegation of misconduct which can be found from the attending circumstances. In that case the appellant Nepal Singh was employed in a temporary capacity as Sub Inspector of Police. He was serving at Shahjahanpur in 1968 when the Superintendent of Police, Shahjahanpur initiated disciplinary proceedings under section 7 of the Police Act against him on the charge that while posted at Pithoragarh he had in November, 1964, contracted a second marriage while his first wife was alive and as this was done without obtaining prior permission of the Government, the appellant had violated Rule 29 of the U.P. Government Servants Conduct Rules, 1956. The appellant filed a reply and denied the charge. The oral testimony of about 12 witnesses for the prosecution and an almost equal number for the defence was recorded. But in January, 1970, the Superintendent of Police, Shahjahanpur wrote to the Deputy Inspector General of Police, Bareilly Range that as the act alleged against the appellant related to the district of Pithoragarh the disciplinary proceedings taken by him would be without jurisdiction unless there was an existing order of transferring the proceedings from Pithoragarh to Shahjahanpur. About that time the Inspector General of Police, Uttar Pradesh issued a circular letter to the Superintendents of Police throughout the State requiring them to submit a list of Sub Inspectors who fell in any of the

- following three categories:
- 1) Whose reputation and integrity is very low and/or
 - 2) Who are generally involved in scandals, like drinking, immorality, etc. which blacken the face of the U.P. Police and/or
 - 3) Everywhere they are a big problem because they encourage gambling, excise offences, brothels, criminals etc.

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The Superintendent of Police, Shahjahanpur drew up a list of such Sub Inspectors on February 3, 1970 and directed them to appear before the Deputy Inspector General of Police, Bareilly Range on February 10, 1970 during his inspection of the district. The list included the name of the appellant with the note "a corrupt officer, who is not straight-forward. Married two wives against Government Servants' Conduct Rules. Does not do his duty sincerely. Wherever he goes creates problems." The aforesaid facts were there before the authority and after that the impugned order dated 27.4.70 was passed by the Deputy Inspector General of Police, Bareilly Range purporting to be under the rules published by Notification No. 230/II-B-1953 dated January 30, 1953 that the appellant's services were not required any more and were terminated with one month's pay in lieu of notice. In the case no attempt was made after the initial enquiry to institute a proper enquiry by the appropriate authority. It was held that with the dropping of the enquiry the allegation remained unverified. The Supreme Court while setting aside the impugned order expressed in the following terms :

"We may observe that where allegation of misconduct are levelled against a Government servant, and it is a case where the provisions of Art. 311(2) of the Constitution should be applied, it is not open to the competent authority to take the view that holding the enquiry contemplated by that clause would be a bother or a nuisance and that therefore it is entitled to avoid the mandate of that provision and resort to the guise of an ex facie innocuous termination order. The Court will view with great disfavour any attempt to circumvent the Constitutional provision of Art. 311(2) in a case where that provision comes into play."

6 A. In Jarnail Singh (supra), the question of termination of appointment of certain Government servants who were appointed on ad-hoc basis was held to be bad on the ground that such order was passed on the basis of adverse remarks and allegations of embezzlement. The order of termination was held to be illegal for non-compliance of Article 311(2) of the Constitution. There the order of termination of the services

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of the petitioners was prima facie passed without casting any stigma against them. In that context, the Supreme Court held that mere form of the order is not sufficient to hold that "the order of termination was innocuous and the order of termination of the services of a probationer or of an adhoc appointee is a termination simpliciter in accordance with the terms of the appointment without attaching any stigma to the employee concerned. It is the substance of the order i.e. the attending circumstances as well as the basis of the order that have to be taken into consideration. In other words when an allegations is made by the employee assailing the order of termination as one based on misconduct, though couched in innocuous terms, it is incumbent on the Court to lift the veil and to see the real circumstances as well as the basis and foundation of the order complained of. In other words, the Court, in such case, will lift the veil and will see whether the order was made on the ground of misconduct, efficiency or not." In that case there were certain allegations of serious misconduct against the petitioners and also in the service records of the petitioners, which were taken into consideration by the Departmental Selection Committee without giving them any opportunity of hearing and without following the procedure provided in Art. 31 (2) of the Constitution of India, while considering the fitness and suitability of the appellants for the purpose of regularising their services in accordance with the Government Circular made in October, 1920. Thus, the impugned orders terminating the services of the appellants on the ground that "the posts are no longer required" were held to be made by way of punishment. The Supreme Court considered the counter-affidavit filed by the authority and took into consideration the contents of the statement made therein to come to a conclusion that....

that "the impugned order of termination of service of the petitioners had been made on the ground that there were adverse remarks in the service records of the petitioners as well as there were serious allegations of embezzlement of funds against some of the petitioners." On considering the entire matter the Supreme Court finally came to the conclusion that "the impugned orders of termination of the services of the petitioners were really made by way of punishment and they are not termination simpliciter according to terms of the appointment without any stigma." It was further held that "it is undisputed that the respondents Nos. 2 and 3 did not follow the mandatory procedure prescribed by Art. 311(2) of the Constitution making the purported orders of termination of services of the petitioners on the ground of misconduct and thus there has been a patent violation of the rights of the petitioners as provided in Art. 311(2) of the Constitution." The Supreme Court also came to the categorical finding, on considering the facts found from the entire materials that "there is no room for any doubt that the impugned order of termination of services of the petitioners had been made by way of punishment as the allegations of embezzlement of funds as well as adverse remarks in the service records of these petitioners were the basis and the foundation for not considering the petitioners to be fit for being regularised in their services in accordance with the Government Circular dated October 28, 1960."

8 In Anup Jalwal (supra), the Supreme Court had to consider a similar matter. There according to the authorities the appellant was considered to be one of the ring leaders who was responsible for the delay for which explanation was called for from all the probationers. In the explanation the appellant sincerely regretted the lapse while denying the charge of

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instigating others in reporting late. On the basis of the explanation and interview but without holding any proper enquiry the Director recommended to the Government of India that the appellant should be discharged from the service.

The Government accordingly passed an order of discharge of the appellant on the ground of unsuitability for being a member of the IPS. When this order was challenged their Lordships made the following observations :

"where the form of the order is merely a camouflage for an order of dismissal for misconduct it is always open to the Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the Court holds that the order though in the form is merely a determination of employment is in reality a cloak for an order of punishment the Court would not be debarred, merely because of the form of the order, from giving effect to the rights conferred by law upon the employees."

10. On consideration of the facts and circumstances of the case discussed above, we have no hesitation to come to the conclusion that the impugned order is passed by way of punishment on the basis of certain allegations of misconduct as noticed above for which the petitioner was not given any opportunity to prove his innocence. Therefore the impugned order is not sustainable in law. Accordingly, this impugned order is liable to be set aside which we accordingly do.

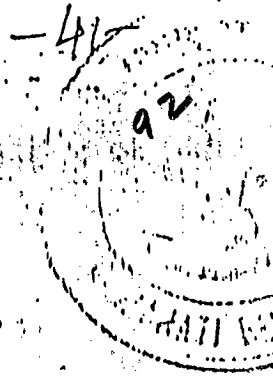
11. The other ground of challenge is that in passing the order the authorities have violated the principle enshrined in Articles 14 and 16 of the Constitution, inasmuch as, some 35 of his juniors were retained in service and the petitioner has

been singled out for discrimination by terminating his service without any reasonable cause. In the impugned order, the authority does not give any reason as to why the petitioner was thus visited with such harsh treatment which is demonstrably a case of flagrant discrimination.

12. The petitioner has filed a further affidavit on 17.9.85. In that further affidavit, the petitioner has stated in paragraph 1 that no less than 35 persons who were appointed

in Work Charge and much after his appointment were confirmed in service. He has given a list of the names of the persons annexed as Annexure 'A' to the further affidavit. In paragraph 2 of the further affidavit, the petitioner has stated that not a single employee of his category of post though appointed later than him is or was removed from service by exercise of such powers. In paragraph 3, the petitioner has stated that though the termination letter does not contain any stigma, in fact, that was passed to punish him because he incurred displeasure for his officers for reasons best known to them. It is stated that there could not be any justification to retain his juniors in service and to dispense his service except for the purpose to punish him. The respondents have filed counter reply to the further affidavit given by the petitioner. In paragraph 3 of the counter reply dated 20.10.1986, it has been stated that it is not correct that 25 persons, as stated by the applicant, who were appointed in work charged category and much after the appointment of the applicant, were confirmed in service in this circle. It is clarified that there are different circles of the Central Water Commission through out India and every such circle is headed by the Superintending Engineer, who is the appointing and dismissal authority of the work charged employees of the circle. The circle where the applicant was posted on transfer on humanitarian ground was called Tipaimukh Investigation Circle, which is now renamed as North Eastern Investigation Circle, Shillong. Every circle is a unit for seniority of work charged personnel in each

category separately. Further, no transfer of work charged employee can be made normally from one unit to another unit except in a very special circumstances with the approval of the Chief Engineer, in which case such employees are not given benefit on past services in the new unit for the purpose of seniority. That apart, work charged employees are appointed



against the Project temporarily and the moment the Project is completed, all the employees, so appointed, are retrenched if there is no scope to absorb them in other circles. It may further be stated that the 35 persons named by the applicant in this paragraph ~~are~~^{are} not there in this circle. The applicant is put to strict proof of it. In paragraph 4, it has been stated that the service of the petitioner was terminated due to his long unauthorised absence from duty with effect from 25.3.03 till the date of his termination from service. And as such, any comparison of the other employees of the same category, as made by the petitioner is irrelevant. It is stated in this paragraph that the petitioner's case stands on a complete different footing from that of other employees of the same category appointed before or after him.

13. It is submitted by the learned counsel for the petitioner that the action of the authority in passing the impugned order is clearly violative of the provision of Articles 14 and 16 of the Constitution of India. In support of his submission the learned counsel relies on *Manager, Government Branch Press vrs. D.B. Belliappa*, AIR 1979 SC 429, where the Supreme Court had to consider the termination of one temporary Government employee while retaining some others junior to him in service. In that context on those facts it was held by the Supreme Court that "the protection of Articles 14 and 16 of the Constitution will be available even to a temporary Government servant if he has been arbitrarily discriminated against and singled out for harsh treatment in preference to his juniors similarly circumstanced. In that case the service of Belliappa, a temporary Class IV employee was terminated without assigning any reason although in accordance with the conditions of his service, three other employees similarly situated, junior to Belliappa in the said temporary cadre, were retained." The order of termination was held

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to be bad as "it offended the equality clause in Arts. 14 and 16 of the Constitution." It is submitted by the learned counsel for the petitioner that the Central Water Commission is one organisation, where the employees are working under the Commission, although there are units of the Commission yet employees from one unit to another are transferable. Appointment of the employees in the Commission are transferable. It is not a fact, submitted by the learned counsel, that if an employee is working under one unit thereby he is not transferable to another unit. Even in the affidavit of the respondents, it has been stated that in exceptional cases, an employee of one unit can be transferred to another unit. It is, therefore, submitted that while none of the juniors of the same class and category are retained in service dispensing with the services of the petitioner without any justifiable causes is a case of flagrant discrimination. It is further submitted that the petitioner has been singled out for discriminative treatment by terminating his services while retaining many of the juniors to him in service.

14. We find some force in the contention raised by the learned counsel for the petitioner. But as we have already held that the impugned order is punitive in nature and sustainable in law without holding an enquiry, we do not express any opinion on the second contention raised by the petitioner.

15. The facts leading to G.C.No.116 of 1986 - C.F.No.1122 of 1983 and the facts of the petition that we have just noticed are almost identical, which have been discussed above. We do not like to burden this judgment by repeating the facts which are already stated above in the other petition. In this petition, the petitioner has asked for giving direction to the respondents (1) to pay salary from July, 1982 and transfer travelling allowances as may be due to him, (2) to withdraw the wireless

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message dated 14.4.83 and to make necessary order of posting of the petitioner, (3) to post the petitioner if possible beyond the jurisdiction of the present Superintending Engineer, and (4) to regulate the service of the petitioner as a permanent non-technical staff. The petitioner has stated that he received a wireless message wherein it was stated that the petitioner has not joined his posting place and violated official rule and that he insulted the Engineer in-charge and that he was asked to submit explanation. He has stated that the allegation raised by the aforesaid wireless message ^{dt. 14-4-83} was also and he submitted necessary explanation on 16.4.83 which was received in the Office of the Executive Engineer on 18.4.83. He has averred that on 15.4.83, the petitioner went to the office of the Executive Engineer at Silchar for informing him the fact of the non-receipt of the salary of the petitioner but the Executive Engineer at Silchar refused to meet the petitioner and as the petitioner had no other alternative he filed an application on 15.4.83 at Silchar stating the grievance and refusal to meet with the petitioner. It is stated by the petitioner that he was not getting his salary and transfer travelling allowances since July, 1982 and as such he had nothing to eat and maintain himself and his family members and under the compelling circumstances he filed an application before the Executive Engineer for granting leave on and from 18.4.83 stating therein to grant earned leave and any other leave with effect from 8.4.83 till the matter is settled. He has also complained about the frequent transfers from one place to another without considering the difficulties of the petitioner. He has stated that he was transferred nine times between 25.7.81 and 26.2.83, which is in clear violation of the circular issued by the Government of India, Ministry of Irrigation, Central Water

Commission,

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Commission, dated 2.9.81, which provides that frequent transfer would not take place and the official/staff should remain at the place of posting at least for three years unless the officer is promoted and posted elsewhere. But, in the present case, the petitioner was transferred as stated above 9 times within a span of 7 months. It is submitted that these frequent transfers ^{him} he has harassed to great extent. In the 'Miscellaneous Application No. 797 of 1983 in Civil Rule No. 1122 of 1983, before the Gauhati High Court, the petitioner prayed for some interim order. In that 'Misc. Application, the High Court passed the following order on 25.11.1983 :

"Register the application as a separate 'Misc. Case.

By this application the petitioner craves for payment of his due salary and other allowances upto 7.4.83. Mr. J.N. Sarma, learned counsel for the petitioner submits that the petitioner has not received his salary and other allowances since July, 1982, and that he has a legal right to get his salary and allowances.

Heard Mr. S. Ali, learned Sr. Standing Counsel, Central Government. If the petitioner has really worked upto 7.4.83 and there is no legal cause for refusing to grant him his salary and allowances upto 7.4.83, the respondents shall pay the arrears within a month from the date of receipt of this order.

In the result, the petition is accepted to the extent indicated above. However, liberty is granted to the parties to file application for alteration, modification or cancellation of this order, if so advised.

This disposes of the 'Misc. Case.

Sd/- K. Lahiri,
Judge.

Sd/- T.C. Das,
Judge.

On 11.1.1984, the respondents filed an application before the Gauhati High Court, praying for modification, alteration or

cancellation of the order dated 25.11.83 in 'Misc. Application

No. 797 of 1983 - Civil Rule No. 1122 of 1983. This application

was registered as 'Misc. Application No. 203 of 1984 - C.R. No. 1122 of

1983. On that 'Misc. Application, the Gauhati High Court passed the following order on 27.3.1984 :

"Register the application filed by the respondent as 'Misc. Case.

On 25.11.1983 in 'Misc. Case No. 797 of 1983, we made the following order, which is relevant for the

purpose....

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purpose of this petition. We ordered :

Heard Mr. S. Ali, learned Sr. Standing Counsel, Central Government. If the petitioner has really worked upto 7.4.63 and there is no legal cause for refusing to grant him his salary and allowances upto 7.4.63, the respondents shall pay the arrears within a month from the date of receipt of this order.

Mr. S. Ali, learned Standing Counsel, Central Government, submits that the petitioner did not work upto 7.4.63 and he is not entitled to any salary and allowances upto the said period. If in fact the petitioner Bhadrin Lal Prasad Gupta has not worked upto 7.4.63 and there exists legal cause for refusing to grant his salary and allowances upto 7.4.63, as ordered, the question of making the payment does not arise. As such, the order is very clear and requires no modification or alteration. We have examined the petitioner. We do not express any opinion on it in respect of the averments made therein nor do we accept the same as correct and/or incorrect. We hold that if the respondents think that the petitioner is not entitled to any salary or allowances at all in that event they may not pay the salary and allowances to him.

With these observations, the petition is disposed of.

Sd/- K. Lahiri,
Judge.

Sd/- T. C. Das,
Judge.

In the Misc. Application before the Garhathi High Court for modification, alteration or cancellation of the order, the respondent has given in details about the order of transfer of the petitioner from different places. In paragraph 3 of the said Misc. Application, the respondent has stated that the petitioner was transferred by the Superintending Engineer, Tipaimukh Investigation Circle, Central Water Commission, Shillong, dated 24.3.62 from Tipaimukh Investigation Division No.2, Imphal to Tipaimukh Investigation No.1, C.W.C., Silchar, with a direction for further posting at Tuival Gauge Discharge site. The Executive Engineer, Tipaimukh Investigation Division No.1, Silchar, issued the posting order to Tuival Chuya site in Mizoram. The petitioner was relieved by the Executive Engineer, Tipaimukh Investigation Division No.2, Imphal, with effect from 30th April 1962 (afternoon) with an instruction to report for duty to the Assistant Engineer,

Tipaimukh.....

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Tipaimukh Investigation Sub-division, Tipaimukh under
 Tipaimukh Investigation Division No.1, Silchar. The petitioner
 joined Tipaimukh Investigation Sub-division, Tipaimukh with
 effect from 11.5.82. On 13.5.82, the Supervisor in-charge
 informed the petitioner that he should report to Supervisor at
 Tuival Chuya site. Instead of joining the work site the petitioner
 proceeded on Casual Leave from 15.5.82 to 20.5.82. On return
 from Casual Leave the petitioner was allowed to join at Division
 Office at Silchar where he worked till 9.6.82. He was then
 directed to report to Tuival Chuya site immediately. But the
 petitioner applied for leave from 10.6.82 to 20.6.82 to proceed
 on Leave Travel Concession to Jammu and Kashmir and back. The
 petitioner gave an undertaking to join his place of posting at
 Tuival Chuya site at Mizoram after expiry of leave and the leave
 was granted with effect from 10.6.82 to 20.6.82, i.e. 21 days.
 On verification of the records, it revealed that he had only
 14 days' Earned Leave at his credit on 10.6.82. As such the
 leave order was revised and 14 days Earned Leave from 10.6.82
 to 23.6.82 and 7 days extraordinary leave from 24.6.82 to
 30.6.82 without pay and allowances was granted. As such the
 excess leave salary for the period of 7 days, i.e. 24.6.82 to
 30.6.82, is liable to be recovered from the petitioner as per
 rules. It is also stated by the respondent that after 7 months'
 absence from duty the petitioner resumed his duty at Silchar
 on 25.2.83 (forenoon) and at Tipaimukh on 5.3.83. On 6.3.83
 the petitioner was given an advance intimation that he should
 proceed to Khokan G & D site since the site is established. On
 12.3.83 the site was established by an Assistant Engineer and
 on 18.3.83 the petitioner was directed to join this site.
 The petitioner continued to stay at Tipaimukh defying the
 authority's order till 24.3.83. It is also stated that from
 25.3.83 the petitioner was willfully remained absent from duty.

(n....

- 29 -

On 13.3.83 the Assistant Engineer informed through a wireless message that the petitioner had not joined the work site nor intend to join and the petitioner had insulted him. In a subsequent report the Assistant Engineer informed that on 7.4.83 the petitioner forcibly tried to put his attendance in the Attendance Register from 25.3.83 but the Assistant Engineer did not allow him to do so. The petitioner then demanded the pay for the entire month of March, 1983, when the Assistant Engineer was prepared to give his pay upto 1.3.83, the day on which the petitioner should have joined at Jhokan site. But the petitioner refused to draw part payment for March, 1983. On 16.4.83 the petitioner came down to the Division Office at Silchar and started complaining against the Assistant Engineer and thereafter the petitioner submitted the complaints against the Assistant Engineer in writing on 16.4.83 itself stating that he is going to his native place as he has not been paid his salary for March 1983 and that he would be at his native place till he would not get the posting order out of the jurisdiction of Silchar Division as well as Tipaimukh Investigation Circle, Shillong. It is stated that since 25.3.83 the petitioner has not resumed his duty till date of filing of this Misc. Application. In paragraph 6 of the aforesaid Misc. Application, it has been stated that the petitioner has been paid excess leave salary for 7 days from 24.6.82 to 30.6.82 amounting to Rs.224.25, which is recoverable from him and the order for recovery has already been issued to him on 2.1.84 with a direction to deposit the amount within a month from the date of receipt of the order failing which penal interest shall be charged and appropriate action taken for recovery of the amount. In this paragraph, the respondent has also given the details about the payment of transfer T.A. bill. In paragraph 11, the respondents have also stated that the petitioner has not filed the petition bonafide as the following dues are recoverable from him :

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-: 30 :-

Dues :

Salary :

From 25.2.83 to
28.2.83. - Rs. 138.60

From 1.3.83 to
24.3.83 - " 739.25

Arrear AD of 3/83

... " 61.90
1.6.82 to 23.6.82. " 32.30
Rs. 992.15

Recovery :

L.T.C. advance Rs. 2500.00
(pending adjustment for want of authentic proof of having undertaken journey from Bhubaneswar to Bhubaneswar and back).

Excess T.T.A. advance drawn in May, '83 - " 91.00

Excess leave salary drawn from 24.6.82 to 30.6.82. " 224.25

Grand total Rs. 2815.35

In paragraph 12, the respondent has submitted that the petitioner wants his pay and allowances without doing any work in the Department. In fact, he desires that he should get his salaries and allowances without joining in his duty which is not permissible under the law and service rules.

On 18.2.1984, the petitioner filed another Misc. Application before the Gauhati High Court with a prayer for giving direction to the respondents to pay the salary and travelling allowances of the petitioner from July 1982 onwards and to give direction to the respondents to post the petitioner outside the jurisdiction of the respondent No.4. This Miscellaneous Application has been filed after the respondents filed the Misc. Application on 11.1.1984 with the prayer for modification, alteration or cancellation of the order dated 25.11.1983.

In this Misc. Application, the petitioner has disputed some of the contentions raised by the respondents in the Misc.

Application filed by the respondents on 11.1.1984. But the High Court did not pass any order.

15. After going through the counter-affidavit of the respondents, we find that the petitioner's salary and transfer travelling allowance had been paid to him in accordance with law. Further, no action has been taken by the authority on the wireless message dated 14.4.83 as complained in his petition and as such he should not have any grievance to make now on

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his count. The question of regularisation of his services as permanent non-technical staff lies with the authority to consider, for which we do not think that we shall be justified to give any direction. Moreover, the learned counsel for the petitioner has not advanced any submission on the aforesaid grievances at the time of hearing. At the time of hearing of the application, the learned counsel for the petitioner has only urged that we should give a direction to respondents that the petitioner should be transferred out of the jurisdiction No. 4 - Superintending Engineer, Central Water Commission, Tipaimukh Investigation Circle, Shillong, due to the harassment which was met out to him by frequent transfers by respondent No. 4 and his subordinate officers.

17. The learned counsel for the respondents submits that there was no harassment to the petitioner. All the transfer orders that were made by the respondents were in the interest of public service and transfer being the incidence of public service, such transfer order cannot give rise to any cause to seek for transferring him out of the jurisdiction of respondent No. 4. It is further submitted by the learned counsel for the respondents that no case of malafide of the respondent No. 4 has been made out calling for any action by way of giving any direction to the respondents to transfer the petitioner out of the jurisdiction of respondent No. 4.

18. After hearing the learned counsel for the parties and on going through the pleadings, we do not find any substance in the submissions made by the learned counsel for the petitioner to give a direction to the respondents to transfer him out side the jurisdiction of respondent No. 4.

On consideration of the entire matter we do not find any merit in the petition and accordingly this application is liable to be dismissed, which we accordingly do.

19. In the result, the Application No. G.C.No. 147 of 1935 - C.R.No. 704 of 1935 is allowed and the impugned order passed

by.....

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by the authority terminating the service is set aside and he shall be deemed to be in continuous service. It will however be open to the authorities to determine whether the petitioner during the interregnum was gainfully engaged, for the purpose of considering the extent of relief to which he may be entitled pursuant to our present order quashing the impugned order.

The Application No. G.C. 116 of 1985 - G.C. No. 1122 of 1983 is dismissed. In the facts and circumstances of the cases, we pass no order as to costs.

[Signature]
MEMBER : 21.1.87

[Signature]
VICE-CHAIRMAN : 21/1/87

Sarma

Certified to be true copy

[Signature]
Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench.

ANNEXURE - XI

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 333 of 2001.

Date of Order : This the 23rd Day of August, 2002.

The Hon'ble Mr K.K. Sharma, Administrative Member.

Shri Bhagwan Lal Prasad Gupta,
Work Sarkar Grade-I,
NSTLCISD-I, CWC Alipurduar (W.B)

....Applicant

By Advocate Sri B. Malakar.

- Versus -

1. Union of India,
represented by the Secretary,
Ministry of Water Resources,
Govt. of India, New Delhi.

2. The Chief Engineer,
Brahmaputra Barak Basin,
CWC, Marathan Umpling,
Shillong, Meghalaya.

3. The Executive Engineer,
NEID-III, CWC, Itanagar,
Arunachal Pradesh.

...Respondents.

By Sri A. Deb Roy, Sr.C.G.S.C.

- ORDER

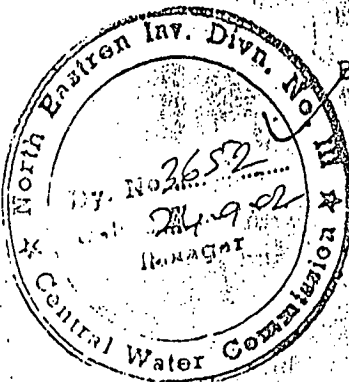
CHOWDHURY J. (V.C)

By this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has claimed the following reliefs :

(i) the applicant may be confirmed with effect from 25.7.76 and

(ii) may be given posting at Mujaffarpur Division (Bihar) or to Varanasi, Lucknow, Agra, Faridabad or Delhi.

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11/11/02

Asstt.

CM 26/9

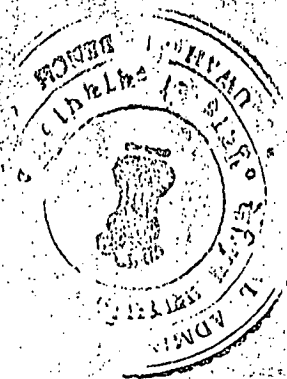
11/11/02

65- 96- 103
2. The applicant was appointed as Work Sarkar Grade-II under Central Water Commission from 24.7.75.

The applicant was promoted as Work Sarkar Grade-I with effect from 13.3.75. The applicant claimed benefit of regularisation with effect from 25.7.76. In the annexure filed with the O.A the applicant has not filed any order under which the applicant's request for regularisation was turned down. From record it is seen that the applicant had moved O.A.116/86 - C.R.No.1122/83. In earlier application the applicant claimed the benefit of regularisation as a permanent non technical staff. This application alongwith other O.A.147/85 was disposed of on 21.1.87. On the ground of regularisation the Tribunal observed as under :

"The question of regularisation of his services as permanent non-technical staff lies with the authority to consider, for which we do not think that we shall be justified to give any direction. Moreover, the learned counsel for the petitioner has not advanced any submission on the aforesaid grievances at the time of hearing."

Thus the applicant's claim for regularisation was rejected. Mr B.Malakar, learned counsel appearing for the applicant did not point out any change in factual position. His argument was that despite order dated 21.1.87 the respondents had not considered the case of the applicant for regularisation. Heard Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Deb Roy argued



16/11/87

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that the claim of the applicant for regularisation of the service of the applicant had already been considered by this Tribunal. If the applicant was aggrieved by the order of the Tribunal he should have approached a higher forum. Mr Deb Roy objected to the filing of the application on the ground of limitation and also submitted that the issue has already been heard and adjudicated upon by this Tribunal.

3. The other ground relates to the transfer of the applicant to Bihar or other stations like Varanasi, Lucknow, Agra, Faridabad and Delhi.

4. Mr B. Malakar, learned counsel for the applicant submitted that the applicant had made representation for transfer but his representation had not been considered.

Mr Deb Roy referring to the Annexure-V to the written statement submitted submitted that transfer of work charged staff are not entertained as it affects promotion

avenues of workcharged staff in the circle where they request for transfer. Mr Deb Roy also pointed out that applicant had not submitted any representation for

transfer but his wife Smt. Pawan Gupta made representation for transfer. The respondents had given

reply dated 29.8.2001 informing the applicant that the transfer of workcharged employees is not covered under the transfer guidelines. It was also informed about

rejection of the request of transfer.

contd..4

U. Ushah

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5. I have carefully considered the submission made on behalf of the parties and have gone through the material on record. The application claiming relief from 25.7.76 is hopelessly barred by limitation in view of the limitation prescribed under Section 21 of the Administrative Tribunals Act. The application ^{is} liable to be rejected on account of limitation. Moreover, legally also the claim of the applicant is not justified. The applicant had raised the same issue earlier and the claim was rejected by this Tribunal vide order dated 27.1.87. The same issue cannot be revived by filing new application. The prayer of the applicant for transfer is not covered by the transfer guidelines and he has been informed about the policy. In case the applicant is interested for a transfer on losing the benefit of seniority he may approach the respondents by a representation.

5. In the circumstances I do not find any merit in the application. Subject to the observation above, the application is dismissed. There shall, however, be no order as to costs.

Sd/MEMBER (ADMN)

ANNEXURE - XII

63

GRAM : CENTWATER : ITANAGAR

TEL/FAX : 0360-203510

भारत सरकार
GOVERNMENT OF INDIA

केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION

उत्तर पूर्व अन्वेषण मण्डल-3

NORTH EASTERN INVESTIGATION DIVISION NO.III

पोस्ट बॉक्स-144, ईटानगर-791111 (अरुणाचल प्रदेश)

POST BOX-144, ITANAGAR-791111 [ARUNACHAL PRADESH]

No. NEID-III/Adm-5/ 1452-60

Dated: 28.3.2012

OFFICE ORDER

The following W/C staff working under North Eastern Investigation Division No.III, CWC, Itanagar are hereby transferred under control of the offices shown against their names in public interest with immediate effect.

Sl. No.	Name & Designation	Present posting	Transferred to
1.	S/Shri Kanak Deka, ✓	W/S Gr.I NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
2.	B.L.P. Gupta, ✓	-do- MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
3.	S. S. Tatua,	W/S Gr.III Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
4.	Sipahi Ram, *	M.V. Driver Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
5.	Manik Dutta, ✓	Mech. Gr.I MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Kundil Inv. Sub Divn., CWC, Chapakhowa (Assam)
6.	Gurmit Singh, ✓	Mech. Gr.II MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Kundil Inv. Sub Divn., CWC, Chapakhowa (Assam)
7.	Bhim Bdr. Ghole,	Drill Helper Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)
8.	Gopal Ch. ✓ Sutradhar,	Boatman MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
9.	A. Karmakar, ✓	Khalasi NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv.Sub Divn-I, CWC, Alipurduar (West Bengal)

* Headquarters of Shri Sipahi Ram, M.V. Driver shall be treated as at Alipurduar w.e.f. 01.04.2002 (F.N.)

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166 107

Sl. No.	Name & Designation		Present posting	Transferred to
10.	S/Shri J. Chakraborty, ✓	-do-	NEID-III, CWC, Itanagar (Arunachal Pradesh)	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)
11.	T. N. Singh, ✓	Khalasi	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
12.	N.P. Singh, ✓	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
13.	Jagdish Singh, ✓	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
14.	Gopal Roy, ✓	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
15.	K.K. Das, ✓	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)
16.	Rameswar Roy, ✓	-do-	MSTLC Inv. Sub Divn-I, CWC, Alipurduar (West Bengal)	Nyukcharong Inv. Sub Divn., CWC, Jang (Arunachal Pradesh)

They shall stand relieved of their duties with effect from the afternoon of 15th April, 2002.

(A. G. Majumdar)
Executive Engineer

Copy to :-

- The Superintending Engineer, North Eastern Investigation Circle, Central Water Commission, "Jamir Mansion", Nongshilliang, Shillong - 793 014 (Meghalaya) for favour of kind information please.
- The Assistant Engineer, MSTLC Inv. Sub Divn-I, Central Water Commission, Alipurduar (West Bengal).
- The Assistant Engineer, Nyukcharong Investigation Sub. Division, Central Water Commission, Jang (Arunachal Pradesh).
- The Assistant Engineer, Kundil Investigation Sub Division, Central Water Commission, Chapakhowa (Assam).
- Accounts Branch, NEID-III, CWC, Itanagar
- The Junior Engineer (H/Q), NEID-III, CWC, Itanagar
- The Junior Engineer (D/B), NEID-III, CWC, Itanagar
- Person concerned (16 copies)
- Personal File of person concerned (16 copies)

With reference to discussions held on 27.3.2002 in Divisional office. Further posting orders of the staff posted in their Sub-division may be intimated.

ANNEXURE - XIII

65
Government of India
Central Water Commission
North Eastern Investigation Division-III
PB No. 144 : Itanagar : Arunachal Pradesh.

No. NEID-III/Adm-125/2002/115 Dated 31/10/2002

To

The Medical Superintendent,
Ramkrishna Mission Hospital,
Itanagar (Arunachal Pradesh)

Sub:- Information about medical abbreviation's generally
used in prescription.

Sir,

Some information about abbreviation's used in medical prescription is required for official purpose. I shall be grateful if you'd kindly do me the favour of furnishing the following information.

A copy of a prescription in respect of Shri B.L.P. Gupta, Workcharged Work Sarkar Gr.I, an employee of Central Water Commission is enclosed herewith. The following appears ^{to} have been written on it upon examination by the doctor:-

" Chest / CVS - NAD"

- (1) It is requested that full form of the above may kindly be given.
- (ii) It may also please be stated if the abbreviated remarks ~~in view of the above~~ can be made in case of a cronic heart patient.

Yours faithfully,

(D.K. Tiwary)

Executive Engineer
NEID - III, C. W. C
P.B. No. 144, Itanagar

Encl: As above.

Dr. Anup Guohait
M.D. (Medicine)

Consultant Physician & Cardiologist

(Ex.—House Physician in Gen. Medicine and Chest & Tuberculosis N. R. S. Medical College, Calcutta; House Physician in Paed. Medicine Dr. B. C. Roy Memorial Hospital for Children, Cal.; Resident Medical Officer in Nephrology, Institute of Medical Science, B. H. U., Varanasi; Senior Resident Medical Officer in Neurology, I. H. B. A. S., Delhi; Senior House Officer in Cardiology, Woodlands Nursing Home, Calcutta.)

Date 8/8/2001

Mr. B. L. P. Gupta
(C.B.C. D.P.O.)
Am.

- T. Indur (40) 1 1/2 MD
- T. Anup H (40) to Com
- T. Nirmal 1 MD & 7 days
- C. E. C. 1 MD & 1 day
- T. Nirmal 1 MD & 1 day

Am.
T. Toran & M.T. 1 MD & 14 days
11/8

7-130/80
Chloro + 1/2 NAD
A.D. + NAD
AN + M.S. pain

(E.C.G. Done by Appointment)

Chamber :-

M/s. Gautam Trade's
NEW TOWN (Opp. Anar Talkie)
Alipurdwar, Jalpaiguri.
(03564) 56777
After Noon - Saturday, Sunday.
Evening

Chamber :-

Chakraborty Medical Stores
RAILWAY BAZAR
Alipurdwar Jn., Jalpaiguri.
(03564) 57574
Evening - Thursday.

Chamber :-

Annappurna Medical Stores
(Beside Rajlaxmi Hotel, Near Rly. Stn.)
Alipurdwar, Jalpaiguri.
(03564) 55035
After Noon - Monday / Tuesday /
Wednesday / Thursday & Friday



Ramakrishna Mission Hospital

Ref. :

SG-1/25/3

Date :

October 3, 2002

The Executive Engineer
NEID-III, CWG
P.B. No. 114, Itanagar

Sir,

This refers to your letter No. NEID-III/Adm-
125/2002/145 dated 03/10/2002.

Please be informed that, "cvs" stands for
CARDIO VASCULAR SYSTEM and "NAD" stands
for NO ABNORMALITY DETECTED.

Regarding your second point of query, you may
please note that it is a normal practice in Medical
field to use abbreviated forms.

Thanking you,

Yours faithfully,

Vishveshananda

Swami Vishveshananda
Assistant Secretary

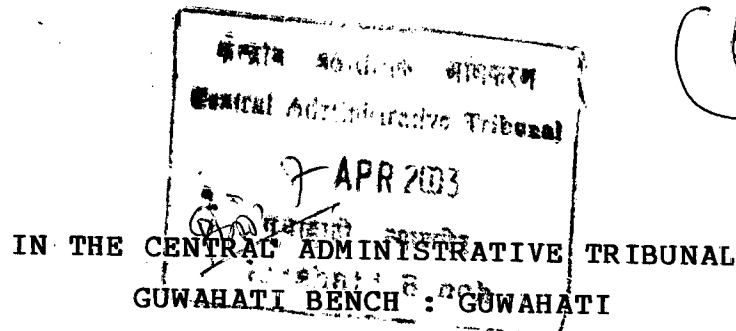
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3/2/02

DN *van*

Telephone: 0360 - 212761/212263
Telefax : 0361 - 211370
Telegram : AROGYA
P.O. ILK. MISSION
ITANAGAR 791 113
ARUNACHAL PRADESH
INDIA

ANNEXURE-X

103 No



104-

Filed by-

Sri B.L.P. Gupta

Through - Applicant
Ratul Das
Advocate

OA 281/2002

Sri B.L.P. Gupta

..... Applicant

- Vs -

Union of India & Others

..... Respondents

In the matter of :

A rejoinder filled by the applicant

I, Sri Bhagawan Lal Prasad Gupta, the applicant abovenamed do hereby solemnly affirm and state as follows :-

- (1) That I am the applicant in the OA. 281 of 2002 and as such I am fully acquainted with the facts and circumstances of the case.
- (2) That a copy of the written statement filed on behalf of the respondents has been served on me through my counsel and having gone through the same I have understood the contents therein.
- (3) That I do not admit any of the statements and averments made in the written statement save and except those which are born out by records.
- (4) That as admitted by the respondents the applicant is a regular Work Sarkar, Grade-I and vide transfer order dt. 28.03.2002 the applicant

Contd.....P/2

(105)
112

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has been posted at NISD/CWC Jang, Arunachal Pradesh, wherefrom he has been posted at G&D site at Murga Bridge, which is at a distance of about 160 kms. from Jang in the hilly terrain of Arunachal Pradesh full of jungles.

(5) That the applicant earlier filed OA No. 123/2002 challenging the transfer order dt. 28.03.2002 before this Tribunal. The Hon'ble Tribunal disposed the said application with a direction to the applicant to file a detailed representation narrating his grievances before the respondent authority and the application was accordingly disposed of vide order dt. 22.04.2002. The contention of the respondent authority that the present application is barred by the principle of res-judicata is not correct in as much as the Tribunal did not disposed OA. 123/2002 vide order dt. 22.04.2002 on merit.

(6) That with regard to the statement made in paragraph-8 of the written statement, the deponent states and contends that he has been posted on punishment at the interior jungle area where service of work sarkar, Grade-I is not at all required. The following instances will reveal the element of public interest and administrative exigencies involved in the transfer order.

1) Kanak Deka W/S I has been transferred from Itanagar to Alipurduar.

Contd.....P/3

2. : G.C. Sutradhar WC/Boatmen has been transferred from Alipurduar to Jang Sub-Division Office.

3 : S.K. Chakraborty W/S III is kept at Jang Sub-Division Office.

4 : M.C. Francis W/S I (Junior to the applicant) is kept in the sub-division office at Jang.

5 : Dhaniram Kahar Assistant Drill Operator China Bridge has been transferred to Alipurduar where there is no drilling work.

Besides, Sri K.V. Pillai W/S I is kept at Division Office, Itanagar, Sri Ganesh Chetri W/S I (junior to the applicant) is kept at Division Office, Itanagar, T. Joseph W/S III alongwith his wife, who is a T/S Khalasi are kept at Division Office, Itanagar since their appointment. All these employees have never been in work site, whereas the applicant has been sent out on administrative exigencies and public interest time and again.

(7) That with regard to the statement made in paragraph-9, the deponent states that the applicant being a regular confirmed work charged employee is entitled to all benefits enjoyed ^{by} the regular employment under the rules and as such the contention of the respondent that the rule for tenure posting does not apply in his case is

107
114

// 4 //

not correct.

The further contention of the respondent that the Hon'ble Tribunal has examined this aspect in OA. 123/2002 is against the record. The contention of the respondent that records are not available in the office regarding the illness of the applicant is not correct. The applicant has been a heart patient since 1983 and he has produced medical certificates to that effect on the following dates :-

- i) 9-2-83 :- From Luhianagar P.H.C., Patna.
- ii) 30-4-84 : From Begusarai P.H.C., Bihar.
- iii) 5-9-85 : From Muzzaffarpur P.H.C.
- iv) 30-7-89 : From Dharmanagar P.H.C. Tripura.
- v) 15-4-90 : From Sibsagar P.H.C., Assam.
- vi) 3-12-90 : From Nagaland.
- vii) 31-8-94 : From Muzzaffarpur.

Copies of medical certificates are annexed herewith and marked Annexure-A Series.

- (8) That with regard to the statement made in Paragraph-10, the deponent states that the medical certificates referred to above do not suggest that the applicant is not a heart patient. The opinion obtained from the Superintendent Ramkrishna Mission, Itanagar cannot be used against the deponent as it has been obtained without his knowledge. The

Contd.....P/5

respondent authority in the event of any doubt could have referred the deponent to face a medical board and thus obtained the medical opinion which could not be rebutted by the deponent.

(9) That with regard to the statement made in paragraph-11, the deponent reiterates his contention *That* there is no administrative exigencies and requirement of works do no permit posting of an work sarkar, Grade-I. The works can very well be done by a W/C Khalasi or W/S III.

(10) That with regard to the statement made in paragraph-12, the deponent states that the order dt. 22.04.2002 in OA.123/2002 is not an order of disposal on merit and as such there is no question of settlement of issues in that OA by the said order. On earlier occassion the deponent was transferred on 3-6-97 to Phialeng, Mizoram and this order was subsequently modified on the ground of his being a heart patient and the deponent was posted to MSTLCISD, Alipurduar.

Copies of transfer order and modification order are annexed herewith and marked Annexure-B and B₁ respectively.

(11) That the deponent cannot reconcile the statement made in paragraph-14 to the affect that besides the guidelines there is no provision for manning

// 6 //

the sites by workcharge establishment vis-a-vis regular establishment and that W/S I can be deployed at G&D site subject to availability of staff. This statement contradicts the statement that the applicant was posted on administrative exigencies and requirement of works. The further statement of the respondent to the affect that the guidelines were circulated to the Superintending Engineer soliciting comments as the guidelines were simply recommendations of an inter departmental committee of CWC which have not been accepted. In this connection it is stated that the committee for review of works of norms was set up by the 5th Central Pay Commission and such recommendations have a binding force as no comments were furnished on it since 14.10.1996.

- (12) That the deponent further states that he submitted a representation on 30.10.98 to the Chairman CWC for his transfer on the ground on his health. This representation was forwarded by the Respondent No. 2 vide Letter No. NEID-III/WC/PF-6061-62, dt. 4.12.98. This will reveal that the deponent is a heart patient.

Copies of the representation together with the forwarding letter are annexed herewith and marked Annexure-C and C₁.

- (13) That the deponent states that it is not correct to say that inter-circle transfers are not allowed. Following W/C employees were transferres from NEID

Contd.....P/7

Circle to Cauvery Division/CWC in 1999 to Bangalore.

1. Sri Antony Kurian
2. Sri V.C. Joseph
3. Sri P.V. Lavier
4. Sri K.K. Madan Mohan

All we Khalasies

Besides, one Dambarudhar Munda, W/C Khalasi was also transferred from Agartala to Sambalpur Mahanadi Division, Orissa.

Copies of the above orders are annexed hereto and marked Annexure-C and C₁.

(14) That from the above it could easily be seen that the transfer order dt. 28.03.2002 is as a measure of punishment which is required to be interfered with.

(15) That the statements made in para 1, 2, 3, 6, 8, 9, 11, 14, are true to my knowledge and those in para 4, 5, 7, 10, 12, 13, being matters and records are true to my information derive from records which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal.


Deponent

Contd.....P/8

Dr. (Major) M. P. SINHA

M.B.B.S., D.T.D.

Specialist in Chest Diseases

फेफड़ा और छाती रोग विशेषज्ञ

Phone : 50393

71, M. I. G. H.

LOHIANAGAR

PATNA-800020

9/2/83

This is to certify that
 Sri Bhagwan Lal Prasad Singh
 was suffering from Pneumonia and
 was under my treatment from
 5th July 82 to 9/2/83
 Patient has not been for
 proper treatment & investigation
 Now he is fit to resume his
 duties.

Signature

9/2/83

Regd. No. 51171 Patna

चिकित्सा पदाधिकारी,

पञ्चम मयराज हॉस्पिटल, पटना

Reference
9/2/83

Attest the Signature

Signature

9/2/83

चिकित्सा पदाधिकारी,

पञ्चम मयराज हॉस्पिटल, पटना

True copy

Ratul Das

Advocate

Dr. L. H. KUTAR

M. B. B. S. (Chor)

Reg. No. 17753

डा० लक्ष्मण कुमार

एम० बी० बी० एस० (बिहार)

रजि० न०- १७७५३

Place SAHEBPUR KATIA

BEGUSARAI

Date... 26.4.55

This is to certify that Sri
Bhagwan Lal Prasad Garia
is suffering from chest pain
and he is advised to
take bed rest, and
he is under my treatment
of investigation from
26.4.55.

Dr. L. H. KUTAR
M. B. B. S. (Chor)

True copy

Ratul Das

Advocate

सर्वे भवन्तु सुखिनः ।
सर्वे मन्त्र निरामयाः ॥

24030 (A)
243458 (R)

डॉ० जी० कुमार
Dr. G. Kumar
B.S. (C.U.), M.I. MS. (D.S.H)
M.S., M.R.S.H. (London) F.R.S.H. (London)
Surgon Incharge one & M.O.
District Hospital, MUN
Asst. Prof. D.S.S. College & Hospital, Muz
Medical Ex. L. I. C. of India, Muzaffarpur.

मिशन का समय :

क्लिनिक- जूरन हफडा, मेन रोड, मुजफ्फरपुर
सुबह १० AM. to ३ PM.
शाम ६.३० PM. to ८.३० PM.
रविवार १०.३० AM. to १ PM.
आवास- परिसर नगर, मुजफ्फरपुर
सुबह ६ AM. to १० AM.

Dated 05.9.95

To whom it may concern

Certified that Mr. Bhupen Lal. Pd.
Aged about 41 yrs 4/12 3/10 Son of Late Shri. Sub.
Muzaffar Pur (Employee of N.E.I.D.-1 C.W.C.
(Muzaffar Pur) was undergoing treatment since 08.95 to
09.95 for Acute Chest Pain. He advised to
take rest & avoid heavy labour for ever.
Now he is Physically fit to resume
his duties.

5.9.95
for the 21/09/95

True copy
Ratul Das
Advocate

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121

Dr. Anandbha Chakrabarti
M. B. B. S.
Medical Officer
Damcherra P. H. C.

Residence
C/o. AMARESH CHAKRABARTI
NAYAPARA, DHARMANAGAR

Ref No

Date 30/7/89

TO WHOM IT MAY CONCERN

This is to certify that Mr. B. L. P. Gupta 344
H. M. Son of Mr. Khoshanah 7 Dist.
Muzaffarpur (Bihar) at present residing
at Damcherra whose Reg. No. is given
below is suffering from I. H. D.
He is under my treatment for six
months. He is further advised proper
investigation and treatment in a
hospital of higher facilities to get
cure of his disease and health.

As per
30/7/89
B. L. P. Gupta

Chandra Sekh
30/7/89
Medical Officer V.C.
Damcherra Govt. P.H.C.
Dharmnagar

True copy
Ratul Das
Advocate

(114)
122

Dr. Rohini K. Dutta
M. B. B. S.
General Practitioner
Regd. No-4892 (Assam)

This is to certify that
Mr. Bhagwanlal Prasad, ^{Temp} of Tamu (Nagaland)
attended my clinic today with "Anginal
Pain" (1.4.90). He is recommended
further investigations and treatment
in a Cardiology Centre.

I advise him to avoid
service in High Altitude and damp
climate as a precautionary measure.

RD
15/4/90

Dr. Medical officer,
Health Education, Silchar.

True copy
Ratul Das
Advocate

A5

13

115
123

Handwritten: Handwritten
 Medical Officer
 Family Medical Stores
 735980

Certified that I have carefully
 examined Shri B. Bhagwan Lal
Poonad Gupta Age 35 yrs Male
 who is suffering from
 frequent attack of chest pain
 (G.H.D.) He is not improving
 to the treatment of this P.H.C.
 as I recommend him to
 change this climate & better
 to go warmer place as
 the high altitude is giving
 adverse effect on his health
 the delay may cause
 adverse effect on his health

Handwritten: Handwritten
 Medical Officer
 Family Dispensary
 3.12.90
 T.K. NANDA
 Regd No 4594 (H)

True copy
 Ratul Das
 Advocate

Ab 116 14 124

कमल कुमार

॥ सर्वे भवन्तु सुखिनः ॥

C-242113
R-243468

Kumar
B.A. (U) M.A.S. (Dohi) F.A.I.M.S.
F.S.A. (London) F.R.S.H. (London)
M.D. (Chicago) N.E.C.C.H., Muz.
J.D.S.C.H., Muz.
Chief Examiner L.I.C. of India, Muz.
M.D. (Chicago) Civil Hospital, Mon.

निवास :-
शपता जीधर, जूरत खारा
मुजफ्फरपुर
आवास :-
चबकर (सेठानी) चौक, मुजफ्फरपुर

मिलने का समय :-
सोपहर-११.४५ से २.३० बजे तक।
शाम- ६.१५ से ८.०० बजे तक।
रविवार-११.०० से १.०० बजे तक।
आवात-८.०० से ६.०० बजे मुबह।

Dated... 31.8.24

To whom it may concern

Certified that Mr. Bhupendra Lal Das
40 yrs Age B/o Sri Subbaraj Das
Kumar, Puzaffar pur was under my treatment
from 12.05.24 to 31.8.24 for Pains about
unknown origin with fever & Cough & etc.
Now He is Physically fit to resume
duties.

31/8/24
[Signature]
[Stamp]

True copy
Ratul Das
Advocate

Annex - B

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15
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Gram: SFNEC: Shillong

Phone: 230049

No. NEIC/2629/Vol-V/ 1354-60
Government of India,
Central Water Commission,
North Eastern Inv. Circle,
"Jamir Mansion", Nongshilliang,
Shillong - 793014 (Meghalaya)

Dated, the 3rd June, 1997

OFFICE ORDER

The following Work-charged staff are hereby transferred and posted with immediate effect as detailed below:

Sl. Name & Designation	Present posting	Where posted
S/Shri		
1. B.I.P. Gupta, Work Sarkar Gr.I	NEIC, Shillong	NEISD-JI, CWC, Phaileng, Mizoram
2. Hum Bahadur, Khalasi	do-	MSTLC Sub- Divn. No. J, Alipurduar
3. I.K. Singh, Khalasi	MSTLC Sub- Divn. No. J, Alipurduar	NEISD-II, CWC, Phaileng, Mizoram
4. Surojit Mazumder, Khalasi	do-	-do-
5. J.P. Singh, Khalasi	NEISD-V CWC, Shillong	NEIC, CWC, Shillong

Rajesh Dham
(Rajesh Dham) 24/6/97
Superintending Engineer

True copy
Ratul Das
Advocate

भाषित सरकार
कार्यालय अधीक्षण अभियन्ता
उत्तर पूर्व अन्वेषण परिमंडल, केन्द्रीय जल आयोग
जमीर मंशन, नोंगशिल्लियांग, जिलांग-७६३०१४
GOVERNMENT OF INDIA
Office of the Superintending Engineer
NORTH EASTERN INVESTIGATION CIRCLE, CENTRAL WATER COMMISSION
JAMIR MANSION, NONGSHILLIANG, SHILLONG-793014

No. NEIC/2009/Vol.V/1399-1407

Date 4-6-1997

CORRIGENDUM

The transfer and posting place of the incumbents at Sl.No.1,3 & 4 issued vide this office order No.NEIC/2009/Vol.V/1354-60 dtd. 3.6.97 should be "NEISD-I,CWC,Phaileng, Mizoram" instead of "NEISD-II,CWC, Phaileng, Mizoram".

All other conditions remained the same.

Rajesh Dham
(Rajesh Dham) 4/6/97
Superintending Engineer

Copy to:

1. The Executive Engineer, North Eastern Inv.Divn.No.I,CWC, Silchar for information & necessary action please.
2. The Executive Engineer, North Eastern Inv.Divn.No.III,CWC, Itanagar for information & necessary action please.
3. The Asstt. Engineer (HQ), NEIC,CWC,Shillong for necessary action.
4. The Asstt. Engineer, NEISD-I,CWC,Phaileng, Mizoram for necessary action.
5. The Asstt. Engineer, MSTLC Sub.Divn.No.I,CWC, Alipurduar for necessary action.
6. The Asstt. Engineer, NEISD-V,CWC,Shillong for necessary action.
- ✓ 7. person concerned. (Sd/- B.L.P. Gupta, w/s G-1)

True copy
Ratul Das
Adocate

GRAM: 'SENEC' SHILLONG

PHONE : (0364) 230049
FAX : (0364) 226865

NO.NEIC/2009/Vol.V/1457-63
Government of India
Central Water Commission
North Eastern Inv. Circle
'Jamir Mansion' Nongshilliang
Shillong-793014

Dated the 12 June, 97.

O F F I C E O R D E R

In partial modification of this office order No.NEIC/2009/vol-V/1354-60, dated 3.6.97 and No.1399-1407, dated 4.6.97, the place of posting of Shri B.L.P. Gupta, W/S Gr.I, should be "Manas-sankosh-Teesta -Link Canal Sub-Division No.II, Central Water Commission, Alipurduar, under North Eastern Investigation Division No.III, CWC, Itanagar" instead of North Eastern Sub-Division No.I, CWC, Phaileng, Mizoram, under NEID No.I, CWC, Silchar.

His date of relief issued vide this office order No.NEIC/2009/Vol-V/1408-14, dated 5.6.1997 will remain unchanged.

Rajesh Dham

(Rajesh Dham) 12/6/97.

Superintending Engineer.

Copy to:

1. The Executive Engineer, NEID-I, CWC, Silchar.
2. The Executive Engineer, NEID-III, CWC, Itanagar.
3. The Assistant Engineer, NEISD-V, CWC, Shillong.
4. The Assistant Engineer, NEISD-I, CWC, Phaileng, Mizoram.
5. The Assistant Engineer, MSTLC Sub-Divn.No.I, CWC, Alipurduar.
6. The Assistant Engineer, MSTLC Sub-Divn.No.II, CWC, Alipurduar.
7. Person concerned.

True copy
Ratul Das
Associate

ANNEX-C 18

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Date 4-12-98

NEID-III/WC/PF-6061-62

To,

The Superintending Engineer,
North Eastern Inv. Circle,
Central Water Commission,
Shillong-14 (Meghalaya).

Sub : Forwarding of representation of Sh. E.L.P Gupta
W/S Gr.I

.....

Sir,

The representation dated 30.10.98 submitted by
Shri B.L.P. Gupta, W/S.Gr.I presently working in MSTLCISD-I
CWC, Alipurduar which is self explanatory is sent herewith
alongwith copy meant for Chairman CWC, New Delhi and Secretary,
Ministry of Water Resources, New Delhi for further necessary
action.

Yours faithfully,

(A.G. Majumdar)
Executive Engineer

Copy to the Asstt. Engineer, MSTLCISD-I, CWC, Alipurduar
with reference to his letter No. MSTLCISD-I/E-II/98/379 dt. 30.10.98.

(A.G. Majumdar)
Executive Engineer

True copy
Ratul Das
Advocate

To
The Hon'ble Chairman,
Central water Commission,
Sewa Bhavan,
R.K. Puram,
New Delhi

Date
30.10.78

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(Through proper channel)

Sub: Prayer for transfer to Bhagwan Lal Prasad Gupta, Work Sarkar Grade-I, from North Eastern Investigation Circle, Central water Commission, Shillong (Meghalaya) to any C.W.C. offices which located at Faridabad, Delhi, Lucknow, Agra, Gauhati or in the state of Bihar. Muzaffarpur.

Hon'ble Sir,

Petitioner Bhagwan Lal Prasad Gupta, Work Sarkar Grade-I, Presently working under North Eastern Investigation Circle, Central water Commission, Shillong, since August 1981. I respected sir the humble petitioner has your honour to express the grievances as follows for your kind perusal and necessary consideration for the transfer to your petitioner.

Sir, your humble petitioner has been servicing under your honour jurisdiction since his appointment in the year July 1973 in Lower Lasyap Hydel Project circle, Central water Commission, Sikkim. Thereafter on transferred from said project to Tipaimukh Investigation Circle, Central water Commission, Shillong. Now re-named of that Circle as North Eastern Investigation Circle, Central Water Commission, Shillong. Sir, since my appointment and joining in the Department I always posted in the remotest corner of hilly stations in the state of Sikkim, Manipur, Mizoram and Nagaland where there is no proper road communications facilities, No any Medical centre, No any school facilities Nor any essential commodities facilities available but I stayed in such the places due to my postings.

Sir, due to my postings in such the hilly places and remotest corner in the aforesaid states the health of your petitioner has been lost very badly and petitioner has been suffering from chest pains troubles since it very prolongs and some other physical troubles are also developing in me which compels me to have my posting near to my home town i.e. in the Distt. of Muzaffarpur in (Bihar) or where there is proper Medical facility available but out of the high altitude locality because I got advised by the many Drs. to avoid my service in the High altitude area's for which Doctor's recommended me for further Investigation and treatment in a cardiology centre and also advised for not staying in damp climate as a precautionary measures of my life. In this connection I am also enclosing herewith the photostate copy of the Doctor's certificates for your immediate favourable order please. Doctor Ramesh Prasad Certificate dated 27.3.1988, Doctor Amitabh Chakrabarti certificate of dated 30.7.1989 and Doctor Rehini Kr. Dutta certificate of dated 15.4.1990.

Sir, circumstances being such your humble petitioner has no other alternative than to place and express the compulsion through this application to transfer the petitioner immediately from the North Eastern Investigation Circle, Central water Commission, Shillong (Meghalaya) to any other suitable places as prayed above or in the state of Bihar and thus help me in my solemn duty towards.

Contd on page (2)

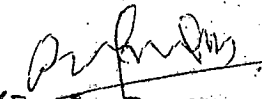
True copy
Ratul Das
Advocate

I, therefore, pray and surrender myself before your honour gracious and helpful hands for consideration of my transfer at some suitable place in the state of Bihar or U.P. as submitted above.

With full hope I place this application before your honours for immediate favourable order please.

Thanking you.

Yours faithfully,


(D. L. P. GUPTA)

30/10/98

Work Sarkar Grade-I,
Project Investigation site on River
Diku Tamu in Nagaland.
Under North Eastern Investigation Division No-I,
Central water Commission, Silchar
(ASSAM)

ANNEX-D 21
(123)
101

PHONE: 5538136
FAX: 5538136

GRAMS: HYDNETWORK
BANGALORE

NO. CD/6(2)/ADM-II/98/ 3741-50
GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
CAUVERY DIVISION
F WING, 3RD FLOOR, KENDRIYA SADAN
KORAMANGALA, BANGALORE-560 034

DATED: 12/7/99

OFFICE ORDER:

Consequent upon their transfer and posting to this division on their own interest, vide the Superintending Engineer, Cauvery & Southern Rivers Circle's Office Order No. C&SRC-2/10(3)/99/Adm II/1327-50 DT. 25-06-99, the following Work Charged Khalasis are hereby re-posted to the sites under this Division as mentioned below:

Sl. No.	Name S/Shri	Where working at present	Where re-posted
01.	Antony Kurian	Brahmaputra and Barak Basin, Shillong	Site No. 27, Bantwal, CWC, Basthi Padupu, Dakshina Kannada Karnataka-574211
02.	V.C. Joseph	-do-	-do-
03.	P.V. Xavier	-do-	Site Yennehole CWC., Karkala Taluk Dakshina Kannada Karnataka-574101
04.	A. Karthikeyan	-do-	Soth Western Rivers Sub-Division-III, Shobha Building, Bolar Main Road, Jeppu, Mangalore-575 001
05.	K.K. Madan Mohan	-do-	Site Addoor, CWC, Addoor (village) Bantwal Taluk Dakshina Kannada Dt. Karnataka

Sd/-

EXECUTIVE ENGINEER
CAUVERY DIVISION
C.W.C., BANGALORE.

OFFICE ORDER BOOK

P.T.O

True copy
Ratul Das
Advocate



भारत सरकार

भारत

D.O. NO. 1/29/91-E-XII-37
MINISTRY OF WATER RESOURCES
INDIA
NEW DELHI

January 08, 1992

Dear *Srihellar Babu*,

Please refer to your letters dated 19th July, 1991 and 5th December, 1991 regarding the transfer of Shri Dambrudhar Munda, Work-Charged Khalasi from Agartala to Sambalpur, Mahanadi Division, Central Water Commission in Orissa.

You will be glad to know that the orders to transfer Shri Dambrudhar Munda to Burla in Orissa have been issued, as desired by you.

Respectfully

Yours sincerely,

W.S.

(VIDYACHARAN SHUKLA)

Shri Srihellar Panigrahi,
Member of Parliament,
Lok Sabha,
1201 - Orissa Niwari,
Chanakayapuri,
New Delhi-110 021.

*In response to
Sr. S. K. Panigrahi
20.11.91*

*True copy
Ratul Das
Advocate*