

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 112/2002

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 112 of 2002 OF 199

Applicant(s) Shri Anil Ch. Gope

Respondent(s) U.O.I & Ors.

Advocate for Applicant(s) **Mr.A.Dasgupta, Mr.S.Chakraborty, Mr.S.Bhuyan**

Advocate for Respondent(s) **Mr.A.K.Choudhury, Addl.C.G.S.C.**

Notes of the Registry	Date	Order of the Tribunal
<p style="text-align: right;">TG 54551</p> <p>24/3/02</p> <p>AS 24/3/02</p> <p><i>Notice rejected and Court b. 2/8/02 finding the Suspension No. 1 to S to Regd. A.D.</i></p> <p style="text-align: right;">In 24/3/02</p> <p>1/No 1139 & 1143</p> <p>Dtd 23/4/02</p> <p>Service report are still awaited.</p>	5.4.02	<p>Heard learned counsel for the parties.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>Also issue notice to show cause as to why the impugned order No. 13/03/Engrs/ EIC(1) dated 1.5.01 and order No. 1066/2115/EIA dated 11.3.01 shall not be suspended during the course of this proceedings. Returnable 4 weeks.</p> <p>Mr. A.K. Choudhury, learned Advocate of C.G.S.C. accepts notice on behalf of Respondents.</p> <p>Till the returnable date the said orders dated 1.5.2001 and 11.3.01 shall remain suspended.</p> <p>List on 3.5.2002 for admission.</p>

⑦ Service report were still awaited.

334
2.5.02

Vice-Chair

(3)

Notes of the Registry	Date	Order of the Tribunal
Order dtd 31/5/02 Communicated to the parties Counsel. J.S. 31/5/02	3.5.2002	<p>Present: The Hon'ble Mr.K.K.Sharma, Administrative Member.</p> <p>Heard Mr.A.Dasgupta, learned counsel for the applicant and also Mr.A.K.Chaudhury learned Addl.C.G.S.C. for the respondents.</p> <p>The application is admitted. List the case on 31.5.2002 for order filing of written statement. Meanwhile interim order dated 5.4.2002 shall continue.</p> <p style="text-align: right;">K.L.Chakraborty Member</p>
Recd copy A.K.Chaudhury 5/5/02	31.5.02 bb	<p>Heard Mr.S.Chakraborty learned counsel appearing on behalf of the appli- cant and also Mr.A.K.Chaudhury, learned Addl.C.G.S.C. for the respondents. Mr. A.K.Chaudhury, Addl.C.G.S.C. stated that the order of transfer dated 1st May 2001 posting on transfer of the applicant from GE(1)(AF) Jorhat to GE Narangi was with- drawn. In the circumstances the applica- tion is dismissed as infructuous.</p> <p style="text-align: right;">Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

GUWAHATI.

O. A. No.

OF 2002.

Sri Anil Ch. Gope.

..... Applicant.

-Versus-

Union of India & ors.

..... Respondents.

I N D E X.

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Filed by -

Suman Chakraborty
Advocate.

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Filed by:-
Anil Ch. Gope
through
Suman Chakraborty
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

GUWAHATI.

O. No

7/2002.

PARTICULARS OF THE APPLICANT.

Sri Anil Chandra Gope,
son of Late Bhogaban Chandra Gope,
Resident of G.E., Air Force,
Jorhat, Rownish,
District - Jorhat, Assam.

PARTICULARS OF THE RESPONDENTS.

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Defence,
South Block, R.K. Puram (Defence Headquarters),
New Delhi - 11.
2. Engineer-in-Chief's Branch,
Army Headquarters,
Kashmir House, New Delhi - 11.
3. Chief Engineer,
Headquarters, Eastern Command,
Fort William,
Kolkata - 21.

April 2018

4. Chief Engineer (Air Force),
Shillong Zone, Shillong - 9.
5. Garrison Engineer (Independent)
Air Force, Jorhat - 5.

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE :-

An Order dated 1.5.2001 passed by the Chief Engineer, Eastern Command vide No. 131322/2/2001/50/03/Engns/EIC(I) whereby the applicant was transferred from GE(I) (AF) to GE Narsingi in violation of the Policy and guidelines of transfer and posting and the subsequent movement order dated 11.3.2002 issued pursuant to the abovementioned order whereby the applicant would be relieved on 15.4.02.

2. JURISDICTION OF THE TRIBUNAL :-

This application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

This application is within the period of limitation.

4. FACTS OF THE CASE.

xx

(i) That the applicant is a citizen of India and a resident of Jorhat, District - Jorhat, Assam. He is a

Citizen.....

X
Shril Ch. Gole

- 3 -

Civilian in defence force and an employee of Military Engineering Service posted in the office of GE(I) (Air Force) Joint as Store Keeper Grade-II.

(ii) That the applicant is the branch Secretary of a recognised Union - All India (MES) Barrack & Stores Cadre Association. He was elected as the Secretary of the Joint Branch of the aforesaid Union in the Annual meeting held on 29.11.2000 for a term of 2 (two) years and the new body assumed charge from 3.12.2000. The formation of the new body of the branch Association with the names of the Office-bearers and minutes of the meeting held on 29.11.2000 was communicated to the Army Headquarters AG's Branch, New Delhi & Army Headquarters Engineer-in-Chief's Branch, New Delhi vade letter dated 1.12.2000 issued by the President of the Branch Association.

A copy of the letter dated 1.12.2000 issued by the President, ABSCA, Joint Branch is annexed hereto as Annexure - I.

(iii) That the applicant was appointed on 3.3.68 as storeman and posted at Lekhapani. Thereafter he was transferred to GE, Dehjan. In the year 1984 he was

promoted.....

Shri Ch. Gope

promoted to the post of Store Keeper Gr. II and posted at GE (Air Force), Jorhat. In the year 1994 he was transferred to AGE (I) Lismakon (near Imphal) and thereafter in the month of May, 1995 he was transferred to GE 869 EWS Jokhama. He was transferred to GE(I) Air Force, Jorhat, in the month of October, 1996.

(iv) That the applicant states that his family is stationed at Jorhat. His son is a student of M.Sc. Life science in Dibrugam University and staying in Dibrugam. His daughter is doing her B.Sc., from J.B. College, Jorhat, under Dibrugam University and appeared in the Part I, final examination.

(v) That the applicant states that a policy for posting and transfer of office bearers of recognised Union or Association was formulated and circulated by Adjutant General's Branch, Army Headquarter to the Commands via their letter No. 74361/0rg.-4/(Civ) (d) dated 23.2.93 and letter No. 74361/0rg.-4/(Civ) (d) dated 4.10.93. Basic feature of the policy is that important office bearers like President, Vice-President, Secretary, Joint Secretary, Treasurer of an union or association will be protected from transfer and they may not be transferred before completion.....

Shrikhand Gopakumar

completion of their tenure as office bearers. It was also formulated that each recognised Union/Association should forward the names of five office bearers immediately on conclusion of election to the administrative authority as well as to their controlling authority and A.G.'s Branch.

Copies of the letters dated 23.2.93 and 4.10.93 are annexed hereto as Annexure - 2 & 3 respectively.

(vi) That the applicant begs to state that Military Engineer Service formulated a guideline for posting and transfer of its employees working in Group 'C' and Group 'D'. The policy so formulated was circulated by the Chief Engineer, Eastern Command vide Office Order No. 131306/1/89/Engns./EIC(I) on 31.1.96. One of the features of this guideline is that an employee who crossed 55 years of age should not be transferred from his place of posting against his will. The relevant guideline contained in the Circular dated 31.1.96 is quoted below -

"AGE FACTOR"

Persons having attained the age of 55 yrs. prior to the date of move mentioned in the posting order will

not.....

not be transferred except at their request to stations of their choice. However, if they have to move on promotion and if there is no clear vacancy in the station where they are serving, they may still be moved irrespective of the consideration of age as per instructions on move on promotion."

A copy of the order dated 31.1.96 is annexed

hereto as Annexure - 4.

(viii) That the applicant states that in spite of communicating the formation of the new body of the ABSCA, Joint Branch with the applicant as Secretary, the respondent No. 3 vide order No. 131322/2/2001/5D/03/Engrs/EIC(I) dated 1.5.2001 transferred the applicant from GE(I) AF to GE Narangi in total violation of the policy of posting and transfer dated 23.2.93.

A copy of the order of transfer issued by the respondent No. 3 is annexed hereto and marked as Annexure - 5.

(ix) That the transfer of the applicant is for some extraneous reasons and based on anonymous letter dated 1.5.01 issued in the letter head of All Assam M. E. S.

Employees'

Shrikhande

Employees' Union, Jorhat Branch, addressed to the Chief Engineer, Eastern Command, Calcutta, asking for the transfer of the applicant from Jorhat Complex. The All Assam M. E. S. Employees' Union on coming to know about the said letter from the letter dated 19.5.01 issued by the CE, HQ, Eastern Command vide letter No. 131322/2001/5D/05/Engrs/EIC(I) sought for a copy of the letter, which was provided to them by the respondents. On 6.9.2001 the Secretary, All Assam MES Employees' Union, Jorhat Branch clarified that no such letter was ever issued from their office and the letter pad used in the letter dated 1.5.01 are no longer used by the Union. It was also pointed out that the letter pad used in the letter dated 1.5.01 did have the name of Lekhapani Branch, the name of that branch is there in the letter pad of the Union. The post held by the applicant was also confirmed by the Union and pointed out the fact the applicant was entitled to the protection against transfer in terms of the policy of transfer and posting of transfer and posting dated 23.2.93 and 4.10.93.

Copies of the letter dated 1.5.01, 19.5.01 and 6.9.01 are annexed as Annexure - 6, 6A & 7 respectively.

(Ex)

Jhinch-Gotse

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(x) That the applicant being aggrieved by the order of transfer dated 1.5.01 preferred a representation through proper channel, before the Chief Engineer, Eastern Command, Kolkata on 16.5.01 for cancellation of the transfer order dated 1.5.01 by stating inter alia that he is the Secretary of All India (MES) Barrack and Store Cadre Association, Jorhat Branch and entitled to the protection from transfer in terms of the policy of transfer and posting of office-bearers of recognised Union or Association circulated by the Adjutant General's Branch vide letter No. 74361/0 ng-4/(Civ) (d) dated 23.2.93 and 4.10.93.

A copy of the representation dated 16.5.01 is annexed as Annexure - 8.

(x) That the representation of the applicant was forwarded by the GE(I) (AF) Jorhat to the Headquarters Chief Engineer (AF) Shillong vide letter No. 1066/1049/EIR dated 18.5.01 with his due recommendation. The HQ. Chief Engineer (AF) Shillong forwarded the said representation to the Chief Engineer, Eastern Command vide letter No. 81006/BS/361/EIC(I) dated 20.7.01 with his due recommendation.

Copies of the letters dated 18.5.01 and 20.7.01 are annexed hereto and marked as Annexure - 9 & 10 respectively.

(x)

(xii) That the representation of the applicant was rejected by the Chief Engineer, Eastern Command vide his letter No. 131322/2/2001/5D/25/Engrs/EIC(I) dated 14.9.01 without giving any sufficient reason. The decision of the Chief Engineer, Eastern Command was communicated to the applicant on 10.1.02 by GE(I) (AF) Jorhat vide his letter No. 1066/2072/EIA dated 10.1.02.

A copy of the letter dated 14.9.01 issued by the Chief Engineer, Eastern Command is annexed hereto as Annexure - II.

(xiii) That the applicant on receipt of the letter dated 10.1.02 preferred another representation before the Chief Engineer, Eastern Command on 18.1.02 in accordance with the provision of para 26 of the policy of transfer and posting dated 31.1.96. The applicant in his representation pointed out the problems his son and daughter would face in the event of his transfer as it would be very difficult on the part of the applicant to maintain different establishments with his low income. It was also pointed out that his children would face severe difficulties in the middle of their career as there would be complete change of syllabus under the new University. The difficulty in getting admission to colleges and University was also

pointed.....

Shillong Ch. Gofice

pointed out. The applicant further stated that he has completed 55 yrs. of age and requires constant family attention to keep himself fit. It would be very difficult on his part to stay alone in his new place of posting keeping his wife with his daughter at Jorhat. In addition to these, it was also pointed out that any change in rule regarding transfer of office bearers has not been notified by any authority to the Union/Association and any change in rule affecting office bearers of Union/Association is to be discussed and agreed at the JOM level before its implementation. The applicant requested the authority concerned to defer his posting till the end of December, 2002.

A copy of the representation dated 18.1.02 is annexed hereto as Annexure - 12.

(xiii) That the representation of the applicant was forwarded to the Chief Engineer (AE), Shillong by the GE(I) (AE) Jorhat vide his letter No.1066/2099/EIA dated 12.2.02 with the recommendation.

A copy of the letter dated 12.2.02 is annexed hereto as Annexure - 13.

(xiv) That the Chief Engineer (AE), Shillong, instead of forwarding the representation of the applicant to the

Chief.....

Chief Engineer, Eastern Command, rejected the same without considering the facts stated in the representation and the request of the applicant to defer his transfer till the end of December, 2002. The CE(AF) Shillong in his letter dated 21.2.02 to the GE(I) (AF), Jorhat, did not assign reason for rejecting the representation of the applicant. But the following remarks were passed -

- (a) Please implement posting order first immediately;
- (b) Please advise the individual to apply posting from his new duty station.

A copy of the aforesaid letter dated 21.2.02 was forwarded by the GE(I) (AF) Jorhat vide his letter No. 1066/2112/ EIA dated 9.3.02.

Copy of the letter dated 9.2.02 containing the letter of CE(AF) Shillong dated 21.2.02 is annexed as Annexure - 14.

(xv) That the GE(I) (AF), Jorhat, pursuant to the letter dated 21.2.02 of CE(AF) Shillong issued necessary movement order directing the applicant to proceed to his new place of posting as he would be relieved from his duties on 15.4.02. This movement order was issued on 11.3.02 vide order No. 1066/2115/EIA.

A COPY.....

Shrikant Gope

- 12 -

A copy of the order dated 11.3.02 is annexed hereto and marked as Annexure - 15.

5. GROUNDS WITH LEGAL PROVISIONS :-

Being highly aggrieved by the aforesaid order of transfer and the subsequent movement order issued against the prevailing guidelines and policy on transfer and posting, the applicant begs to prefer this application on the following amongst other -

- GROUND S. -

(A) That the transfer and posting of the office bearers of recognised Union or Association is regulated by the guidelines and policy formulated in this behalf. According to the prevailing rules an office bearer of any a Union or Association will not be transferred during his tenure as office bearer. The applicant in this case is the Secretary of All India (MES) Barrack & Store Cadre Association, Jorhat Branch. His election to the post of Secretary was communicated to the AG's Branch, New Delhi, and as such his transfer during his tenure as Secretary is against the existing rule. The impugned order of transfer being against the prevailing rules in force is liable to be set aside and quashed.

(B)

(B) That the transfer of the applicant is for some extraneous reason and it is due to an anonymous fake letter issued in name of the Secretary, All Assam (MES) Employees Union, on 1.5.01 asking for his transfer from Jorhat. The Union later on clarified their stand and questioned the genuineness of the letter. The respondents failed to appreciate the case and on the basis of such fake letter the applicant was transferred. Thus the transfer of the applicant was not for bona fide reasons or exigencies which required his transfer from Jorhat to GE Narrag.

(C) That the respondents did not assign any reason for which the first representation dated 16.5.01 was rejected. The respondents are duty bound to assign reasons countering the facts raised by the applicant in his representation while rejecting the same. In the instant case the first representation was rejected arbitrarily without any speaking order.

(D) That the respondents failed to consider the practical problems of the applicant and take a humanitarian approach in disposing the representation. The applicant

simply.....

* simply wanted to defer his posting till end of Dec. 2002 because of the educational problem of his children who would suffer from severe inconvenience if they have to change their syllabus in the middle of their career with change of University. The respondents failed to exercise their mind and also failed to consider the relevant provisions of the policy of transfer and posting which provides that while transferring employee due consideration should be given to the facts that transfers were not made in the middle of the academic session as far as possible.

(E) That the applicant, as per guidelines, can prefer second representation to the CE Command and the CE zone can dispose of the representation if no new facts/reasons are brought out. Thus if new facts are brought the same should be forwarded to the CE Command. In the instant case after rejection of the first representation, the applicant preferred the second representation apprising the family problems as well as his health problems to CE, Eastern Command and requested to defer his posting till end of Dec. 2002. But the CE, Shillong Zone instead of forwarding the same to the CE, Command rejected the ~~xxxxxx~~ ~~xxxxxxxx~~ representation without assigning any reason. The CE, Shillong Zone, acted arbitrarily and whimsically.

(F)

(F) That the guideline for posting and transfer circulated by the Chief Engineer, Eastern Command vide Memo. dated 31.1.96 provides that an employee on completion of 55 years of age should not be transferred and posted in any other place against his will. The applicant had crossed 55 years prior to the date of move and he did not opt for transfer in any other place. Even the transfer ~~is not~~ is not on the basis of promotion of the applicant. The transfer being violative of the existing policy in force and as such the order of transfer is liable to be set aside and quashed.

6. DETAILS OF THE REMEDY EXHAUSTED.

The applicant preferred representation before the Chief Engineer, Eastern Command on 16.5.01 and 18.1.02. Both of the representations of the applicant has been rejected without assigning any reason.

7. MATTERS NOT PENDING BEFORE ANY COURT/TRIBUNAL.

The applicant declares that no application has been filed before any court or Tribunal for adjudication of this case.

8. RELIEF SOUGHT.

The applicant, therefore, pray that this Hon'ble Tribunal may be pleased to -

(i)

Anil Ch. Lohse

- (i) Quash the order of posting/transfer issued by the Chief Engineer, Eastern Command vide his order No. 13132/2/2001/5D/03/Engs/EIC(I) dated 1.5.01 to the extent of transfer of the applicant.
- (ii) Quash the movement order issued on 11.3.02 by the GE(I) (AF) vide his order No. 1066/2115/EIA.
- (iii) To pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM RELIEF :

The applicant further prays that this Hon'ble Tribunal may be pleased to stay the operation of the movement order issued by the GE(I) AF, Jorhat vide order ~~order~~ No. 1066/2115/EIA pursuant to the transfer order dated 1.5.01 issued by the CE, Eastern Command.

10. PARTICULARS OF I.P.O.

I.P.O. No. - 7G 549585

Date - 27. 3. 02

To whom payable - Registrar CAT

Payable at which office : G.P.O., Guwahati

11. DOCUMENTS.

Particulars of the documents are indicated in the Index of this application.

VERIFICATION.....

2/
Anil Ch. Gope

VERIFICATION.

I, Sri Anil Chandra Gope, son of late Bhogobati Chandra Gope, aged about 56 years, resident of MES Colony, GE (Air Force), Jorhat, Rownish, do hereby verify that the statements made in paragraphs 4[i, ii, iv] are true to my knowledge and those made in paragraphs [ii, v, vi, vii, viii, ix, x, xi, xii, xiii, xiv, xv] are true to my information derived from records which I believe to be true.

I sign this Verification on this the 24 day of March, 2002, at Guwahati.

Anil Ch Gope
Signature of the Applicant.

Annexure - i.

✓
Service Unity Humanity.
(All India (MES) Barrack & Stores Cadre Association,
Recognised vide Govt. of India, M. of D. letter No. A/53571/
(C.I.V) (C) /4413/D/JCM Dt. 12th Sep. 1980) A Latest Regn.
No. 14(3)/90/D(JCM) dt.
JORHAT Branch. 15.7.97.

No AIBSCA/JOR/Br./76. Dated 01 Dec. 2000.

President:
Mr. K. Ahmed,
BSO.

Branch Secretary's Office.
G. M. E. (I) (AF) Jorhat,
Post :- Jorhat Airport
Jorhat-785 005 (Assam).

Vice-President To
Shri. T. K. Das,
BSO.

Army Headquarters, Bhopal
xxxxxx
AG's Branch,) Through Shri A. Munuswamy,
South Block, HQ PO.) PBO (Principal Advisor
New Delhi-110 011.) AIBSCA Cadre
Army Headquarters,) AIHQ, E-in-C's branch,
E-in-C's Branch,) Kashmir House, New Delhi-11.
Kashmir House,)
HQ PO, New Delhi-110 011.)

Cashier :
A. N. Prayag
M/Render-

ANNUAL CONVENTION/MEETING: BRANCH BODY ELECTION
: AIBSCA JORHAT BRANCH.

S.I.R,

1. The Annual convention/meeting 2000 of this branch body of the Association was held under the Chairmanship of Md. K. Ahmed, BSO, at Rowinh, Jorhat, on 29.11.2000. The minutes of the meeting and deliberation are submitted herewith for your information and necessary action please.

2. The new body of the Branch Association has been elected unanimously, the constitution given in the minutes. The New Body will start functioning w.e.f. 03rd December 2000 and are elected for two years.

3. The same is submitted herewith for your reference, perusal, record and initiating action on the points projected and put forth by the members of the Jorhat Branch.

4. Thanking in anticipation.

Enclo:- 06 sheets. As
Appx 'A' for all
the addressees.

Yours faithfully.
Sd/- Illegible.
(K. Ahmed,
B. S. O.

Copy to :-
(As per continued sheets.)

President AIBSCA.
Jorhat Branch.

Certified to be true Copy

S. Chakrabarty
Advocate

Annexure - 2.

Policy Letter.

(Office Bearer of a Recognised Association/Union).

Tele : 3018433. Aper Mahanideshikya Sangathan,
Org-4(Civ) (d)
Adjutant General Shakha,
Sena Mukhyalaya,
Addl. Dte Gen of Org/Org-4(Civ) (d)
Adjutant General's Branch,
Army Headquarters,
DHQ P.O. New Delhi - 110011.
74361/Org-4(Civ) (d).

23 Feb 93.

Headquarters

Southern Command,
Eastern Command,
Western Command,
Central Command,
Northern Command.

TRANSFER OF GOVERNMENT SERVANTS WHO ARE OFFICE
BEARERS OF RECOGNISED UNIONS OR ASSOCIATIONS
OF GOVERNMENT SERVANTS.

1. Ministry of Defence vide their OM No. 23(11)/55/1002/D (Appts.) dated 10.4.56 and OM No. 13(2)/66/D(Appts) dated 10.9.66 has clarified that the protection from posting/transfer would be available to the office bearers of recognised unions/associations in the normal circumstances wherein they are transferred in the same trade/grade from one establishment to other establishment and not on promotion-
on-posting where the individual is supposed to assume the post in the higher grade.

2.....

Original to be true Copy

*S. Chakrabarty
Advocate*

Annex. 2.

2. The statutory provisions contained in Section 2(s) of the Industrial Disputes Act 1947 also clearly postulate that any such person who is employed mainly in a managerial or administrative capacity or who being employed in a supervisory capacity draws wages exceeding Rs. 1600/- per mensem or by reason of the powers vested in him functions mainly of managerial nature is excluded from the definition of workmen. Therefore, he forfeits his privilege/benefit of being protected workmen.

3. Ministry of Defence OM No. 13(4) 60/5701/D (Appts) dated 18 Nov. 60 and numbers of important office from transfer. The protection from transfer will be restricted to a maximum of five important Office bearers viz. one President, one Vice President, one Treasurer and one Secretary (which includes General Secretary and Joint Secretary). For this purpose each recognised union/association shall forward the names of their five office bearers whom they consider as important office bearers and for whom protection from transfer is required during that particular year immediately on conclusion of their annual general body election to the administrative authority as well as to their controlling branches and AG's Branch at Army Headquarters. On receipt

of the

of the names, the administrative authority will intimate the same to the respective Record Offices with clear instructions that these important office bearers may not be transferred before completion of their tenure as office bearers. In case fresh election are not held for any reasons, whatsoever, the protection from transfer to the office bearers concerned will cease on expiry of one year from the date of last election.

4. In no case requests received for protection against transfer under the above mentioned provisions will be entertained if made after the issuance of transfer orders in respect of the individual.
5. These instructions may please be brought to the notice of all OsC of Units/installations under your control for compliance by recognised unions/associations.

SD/- xx xx

(S. R. Sathyarthi),
Up Salarkar (Shrimuk Kalyan)
Dy. Adviser (Labour Welfare)
For Adjutant General.

Annexure - 3.

Copy of HQ AG's Br. letter No. 74361/Org.-4 (C:v) (d) dated 04 Oct'93 addressed to All Commands.

TRANSFER OF GOVERNMENT SERVANTS WHO ARE OFFICE BEARERS OF RECOGNISED UNIONS OR ASSOCIATION OF GOVERNMENT SERVANTS.

1. Reference this HQ letter of even number dated 23 Feb '93 and Ministry of Defence OM No. 13(4) 60/5701/D(Apts) dated 18 Nov. '60.
2. Your attention is drawn to para 3 of this HQ letter of even number dated 23 Feb 93 under reference which provides that each recognised union/association is required to forward the names of their five office bearers whom they consider as important officer bearers and for whom protection from transfer is required immediately on conclusion of election to the administrative authority as well as to their controlling branches and AG's Branches.
3. It is further stated that this protection against transfer is available to the office bearers of recognised unions/associations only once in r/o. particulars station. Thus even if the union/association failed to provide the list as required vide para 2 above, the concerned authority should ask them to provide such list immediately and on receipt of the same an order in the form of DO Part III should immediately be published mentioning the names of the individuals and stating that they have been provided protection against transfer in respect of that particulars station for that year/term and that such protection will be available to them again for any subsequent term. Copy of the order should be forwarded to the controlling Directorate, the concerned Record Office and the AG's Branch.
4. You are requested to bring these instructions to the notice of all Commandants/OsC of Units/estts under your control for strict compliance.
5. Please acknowledge receipt.

Sd/- x x x x
(V.K. Taneja),
UP Sanhakar (Shramik Kalyan)
Dt. Adviser (Labour Welfare),
MoR Adjutant General.

S. Chakrabarty

Annexure - 4.

Tele : 2432321/2327.

Mukhyalaya Purva Kaman
HQ Eastern Command
Abhyanta Sakhia,
Engineers Branch
Fort William,
Calcutta - 21.

13106/L/ 89/Engrs/EIC (I).

31 Jan 96.

Chief Engineers

Calcutta Zone, Calcutta,
Siliguri Zone, Siliguri,
Shillong Zone, Shillong
(AE) Shillong Zone, Shillong
(OEB) Calcutta

Comdt ESD Kankinara.

POSTING/TRANSFER POLICY: GROUP 'C' AND 'D'

PERSONNEL OF THE MES.

1. The posting/transfer policy of all Group 'C' & 'D' personnel in the MES of this Command is prepared based on certain guidelines contained in Govt. of India, Min of Defence Letter No. 8(3)/92/D(appts) dated 23 Jan 94 and E-In-C's Branch, HQ letter No. 79048/EIC(I) dated 31 Aug, 94.
2. The broad principles, under which transfers of Group 'C' and 'D' civilian subordinates are to be carried out, are stipulated in Min of Def. OM No.13(1)/70R&D(Appts) dated 29 Nov 72 and 32(4)/73/D(Appts) dated 21 May 75.
3. Posting of Group 'C' and 'D' individuals loss Industrial personnel will be issued by this HQ on the following grounds :-

(a)

Chakrabarty
(S)

- (a) Administrative.
- (b) Adjustment of surpluses and deficiencies
- (c) Posting to tenure stations.
- (d) Promotion.
- (e) Mutual/compassionate grounds.
- (f) Local turnover.

POSTING ON ADMINISTRATIVE GROUNDS.

4. No individual will normally be posted to tenure stations or other normal stations on administrative grounds. Where it is considered that such a step is absolutely essential, prior approval of CE/Adm. CE Command will be obtained. The proposal should be forwarded to this HQ with a statement of case signed by CE Zone/Comdt. If the individual to be posted out on Administrative grounds happens to be due for posting to a tenure station, he will be posted out to such station, even if this involves posting out of turn. This HQ will keep E-In-C's Branch informed of such cases. In case the individual is protected against transfer, prior approval of E-In-C's Branch will be obtained.

ADJUSTMENT OF SURPLUS/DEFICIENCIES.

5. In all cases where staff are rendered surplus by reduction in the authorised strength and their re-adjustment within Comd. becomes necessary, the longest stayee in the station/complex stations will be posted out. In the

case of.....

case of posting involving Inter-Command transfers, the junior-most person in the grade within the Command will be declared surplus.

6. In the exigencies of service, situations may arise when offices/works units are asked to move en bloc to other locations. In such cases, the personnel to be moved should be selected based on their length of service in the station/complex station i.e. the longest stayee should be moved by making local adjustments.

7. In determining the longest stayee in a station/complex station, all MES Units located in that station/complex stations including satellite stations will be taken into consideration. The seniority in that station/complex station will be decided by the OE Command. Grouping of various units in a station including complex stations have already been done vide this HQ letter No. 131306/1/68/ Engns/EIC(I) dated 16. Dec. 92. Volunteers, if any will, however, be given preference in all such cases.

8. Where units/ formations are closed down due to reduction in work load, the adjustment of surplus staff will first be done in the residual formations in matter of filling up of deficiencies within overall manning level.

Thereafter.....

Annex. 4.

Thereafter the remaining surplus staff will be adjusted outside the stations as per seniority on the basis of three choices of the individuals as far as possible.

TURN OVER TENURE STATION.

9. A list of tenure stations in this Command is attached as Appx 'A'. In case a station is tenured or de-tenured its effect will not be made applicable from retrospective dates. The exercise of de-tenuring of existing tenure station in view of its improved living conditions should continue as at present. A tenure station once de-tenured may not be declared a tenure station again except in exceptional circumstances. However, declining of any station tenure or non-tenure will be decided by CE Command only.

10. The following guidelines will be strictly followed while nominating the subordinates for posting to tenure station :-

- (a) Volunteers, preferably those who have completed 3 years in a station will be given preference.
- (b) Personnel who have not done service in a tenure station since joining the MES, provided the individuals have completed 3 years stay in the station.

(d....

(d) Personnel posted to the MES under adjustment of surplus/deficiencies scheme reckon seniority for the purpose of promotion/confirmation from the date they join duty in the MES. Their seniority for posting to tenure station will also reckon from the date of joining MES.

(e) Every individual nominated for service in tenure station must complete his full tenure before being posted back to one of his choice stations. For the purpose of determining the period of stay in a tenure station, an individual must be physically present in that office for the full period of tenure excluding the period of absence of leave or otherwise. If for reasons, due to illness or extreme compassionate grounds, an individual is restrained prior to completion of his tenure, he may again be posted to tenure station after an expiry of 3 years of service. His tenure would start afresh and he is to complete the tenure of 3 years at one stretch and not for the left over period only. Unit will submit proforma particulars as per Ann. 'B' attached in respect of individuals who have actually completed/will be completing their full physical tenure service upto 30 J Un and 31 Dec. of the year. These facts should be checked thoroughly and certified by an officer under his signature just below the statement of nominal will.

(e)

(e) While calculating the physical stay at a tenure station, the period of leave availed to the extent of leave earned during stay at the tenure station will be included in the tenure period for determining the physical stay.

(f) Nomination of persons who have already done a tenure will be done strictly on the basis of their last date of return from tenure stations.

(g) The normal age limit for tenure station posting is 50 years. Subordinates over 50 years may also be posted for a shorter tenure or but none will be retained in any tenure station beyond the age of 53 years. Subordinates above 50 years of age will not be posted to high altitude/ snow bound areas and to tenure stations where the tenure is 2 years. The age for such postings will be considered as on date of signing of posting in the office of CE Command.

(h) Those posted from other Commands to this Command on compassionate grounds will not be nominated until completion of 3 years service in the choice station. This protection is not applicable to persons who have moved on mutual posting.

(i) Persons posted from other Commands on promotion will not be turned over till completion of 3 years physical stay or as per status of the tenure station. Their

Registration.....

relegation forms for turn over to their parent Command will be forwarded by indicating three or more choice stations 4 months in advance before completion of stipulated tenure period for processing with their parent Command.

(k) For individuals serving in executive offices in tenure station, maximum one year extra will be given in two spells and if they want to extend another tenure they will be shifted within the station/complex station/satellite station on staff appointment.

(l) If an individual does not apply for turn over/extension on completion of tenure liability, the tenure station where he has been serving will be treated as a tenure station as per seniority of that station/complex station.

11. CE Zone/Comdt. will forward the names of volunteers for postings to tenure stations. The volunteers will be given preference. Seniority of personnel in each category will be prepared by this HQ for posting to tenure stations.

12. Disabled/handicapped persons should not be posted to a tenure station if the disability prohibits his free movement/functioning. The case shall be decided by CE Command on merits. However, if a disabled individual is willing to go to a tenure station voluntarily he would be allowed such postings.

13. An individual serving in a tenure station may submit his choice of posting, six months before completion of his tenure, for any three stations where staff as well as executive offices are located & in three distinct places/complexes separated by at least 20 KMs. The three stations so indicated by the individual on completion of his tenure service will be treated as non-tenure station for him being his own choice stations irrespective of the location/station i.e. tenure/peice.

14. On completion of tenure, the individual will be adjusted in any one of the three choice stations given by him in the Repatriation programme. In the case of non-availability of a vacancy in any of the three choice stations, the affected person due for turnover may be allowed to remain in the tenure station till a vacancy arises in his choice station. Such employees may be given ~~the~~ the benefit of deferment for his reposting to tenure station in his next turn for such posting. The exact period for which the benefit is to be given will be decided by CE Command, based on the following norms :-

(a) Up to 6 months stay in excess of the tenure. No benefit to be given.

(b) Excess stay of more than 6 months but upto 12 months.
Deferment @ 50% of excess time (months) spent.

(c) Excess stay of over 12 months and above. Deferment 75% of excess time (months) spent.

15. In case an individual who has completed his tenure does not want to continue the tenure station, he may be repatriated to one of his three choice stations. The longest stayee from one of the choice stations who has completed three years or a volunteer may be moved out to a nearer station/choice station as far as possible where a vacancy exists to make a room for the tenure completed employees. The longest employee in that particular category will be determined by clubbing the three choice stations of the repatriatee. The longest stayee moved from a peace station for making room for adjustment of a tenure completed individual will be brought back to the same station after completion of 3 years in the new station.

16. The recruitment sector of the individuals i.e. West Bengal, North & Bengal & NER will not be inter-changeable for posting while considering moves from tenure station. The individuals serving in tenure stations in sectors of recruitment will give choice stations in those sectors only. In case posting to another sector is desired, it will only be done under compassionate grounds duly approved by compassionate board held every six months at this HQ.

POSTING FROM PEACE TO PEACE STATION.

17. An individual who is to move from one peace station to another peace station to make room for a tenure completed repatriate, should be posted to one of his three choice stations, as far as possible. This facility will not be available to other types of posting like posting on administrative grounds, promotion and so on mentioned in para 4 above. Posting zones for peace to peace station should be delimited preferably Statewise, to the extent possible.

POSTING ON LOCAL TURNOVER.

18. The local turn over posting has already been decentralised vide this HQ letter No. 131306/1/68/Engrs/ EIC(I) dated 16 Dec. 92. Posting from one unit/formation to other unit/formation, where only one unit is functioning in a station will be done by this HQ. CE Zone will forward the names of the personnel who have completed their mandatory period of 3 years, in such cases. Turnover within the unit should, however, be done every 3 years by unit Cdrs.

POSTING ON PROMOTION.

19. Staff on promotion will be adjusted in the same station (not necessarily in the same unit) provided

vacancies.....

Annex. 4.

vacancies are available based on manning level. However, if no vacancies adjusted in one of the three choice stations as far as stations, the individuals can be moved to other stations based on availability of vacancies/manning levels. In case inter Command move is necessitated, the junior most promotees will be moved out.

COMPASSIONATE POSTING/MUTUAL TRANSFER.

20. Following guidelines for compassionate & mutual postings will be followed :-

- (a) Individuals should themselves apply for compassionate postings through proper channel. Applications from relatives or those received directly would be rejected and attempts to bring outside pressure discouraged.
- (b) Applications on domestic grounds should be verified, if required, in consultation with civil authorities, if the CE/CE zone is not satisfied of the genuineness of the grounds.
- (c) Application on medical grounds should be accompanied by appropriate medical certificates from Authorised Medical Attention (where ANA is not available, from Registered Medical Practitioners) indicating the nature of illness and justification for transfer of the individual. No cases recommended with replacement will be forwarded.

(d)

Annex 4.

- (d) This HQ will order a Board of Officers to assemble every 6 months in Jan & Jul to screen the applications.
- (e) Compassionate postings shall only be effected against vacant vacancies, failing which against volunteers if any.
- (f) To avoid grant of undue benefit, it will be ensured (before compassionate/mutual transfers are accepted and orders issued) that effected persons are not due for posting to tenure stations.
- (g) All mutual postings and those on compassionate grounds will be at the expense of the individual.
- (h) Approval for Inter-Command posting on compassionate grounds/mutual basis will be issued by E-in-C's Branch.
- (i) Mutual transfer is not to be treated as a compassionate posting and no protection can be claimed by the individual.
- (k) The period of posting on compassionate grounds will be restricted to 3 years so as to accommodate other compassionate posting cases.
- (l) Travelling allowances can be paid to the individuals posted on last leg compassionate grounds

at the....

at the time of retirement only to his/her home town/ selected place of residence, subject to approval of the transferring authority who will record reasons for such postings.

(m) The compassionate postings will be ordered to a non-sensitive appointment as far as possible.

TIMING OF TRANSFERS.

21. Care will be taken to ensure that transfers during the middle of the academic year are avoided as far as possible. Exceptions should only be to meet an emergent requirement in the exigencies of service. It will be desirable to give two months time in the posting order for completion of give move to enable an individual to sort out his personal administration. However, moves on administrative grounds may be ordered giving lesser time.

AGE FACTOR.

22. Persons having attained the age of 55 years prior to the date of move mentioned in the posting order will not be transferred except at their request to stations of their choice. However, if they have to move on promotion and if there is no clear vacancy in the station where they are

serving.....

Annex. 4.

serving, they may still be moved irrespective of the consideration of age as per instructions on move or promotion (para 19).

FEMALE EMPLOYEES.

23. The female employees will also be covered by the above policy subject to the under mentioned concessions :-

- (a) Female employees are exempted from posting to the tenure stations.
- (b) They would not be posted to long distance stations even in the case of pence to pence station transfers unless female employee gives her choice of a station at a distant place.
- (c) They will be transferred from one pence station to another pence station on tenure basis (within 600 KMs. approx. at the rail/head/bus terminus) on the analogy of tenure system adopted for the male employees. Their stay will be for a minimum period of 3 years and these employees will have the privilege of exercising three choices for their posting on their return from that station including the home station.
- (d) Widows, employed on compassionate grounds appointment, would be exempted from these provisions.

VACANCIES.....

VACANCIES.

24. All posting orders will be issued by this HQ against clear vacancies. To ascertain a clear vacancy, the authorisation of particular category or ceiling on holding whichever is less will be taken into account. Vacancies will be based on sanctioned authorisation/ceiling and manning levels based on functional authorisation.

DECLARATION OF HOME TOWN.

25. As per the above policy a new recruitee should not be posted to a tenure station on first appointment, but in case he is a volunteer or he belongs to that area he can be posted there. In case he belongs to that area, this stay will not be counted towards his tenure posting, but if he is a volunteer that will be so counted.

REPRESENTATION.

26. Representations, if any, against the posting order, will be made by the affected individual within 21 days of the receipt of posting order in the concerned office who will ensure that the same is notified to the individual immediately. When the representation received through proper channel is considered and rejected by the CE Command, the concerned individual will move without any further delay. The second representation will be disposed off by the CE zone/Comdt. if no new facts/reasons i.e. other than those included in the

first.....

first application are brought out. If CE zone considers that the application is required to be forwarded to this HQ., this will be signed by CE/ACE (ks) with their specific recommendations. Thereafter once decision is given by CE Command no further representation will be entertained and the individual will be SOS within 15 days from the date of receipt of the decision of this HQ. If the individual is not satisfied with the decision of this HQ, he may represent his case to E-in-C's Branch, HQ through proper channel. However, the move of the individual will not be held up for decision from E-in-C's branch. In case the decision is pronounced in favour of the individual by E-in-C's Branch, the individual will be moved at the Govt. expenses in the first available vacancy occurring at the station mentioned in the decision of E-in-C's Branch.

27. This HQ letter No. 131406/1/2/Engrs(I) dated 27 Sep.91 stands superseded with the issue of this letter.

23. Please acknowledge.

Sd/- Illegible.

(MG Koshy),
Brig.

Addl. Chief Engineer,
for Chief Engineer.

Encs : (Three),

Copy to -

All CgWE/GEx. GE(AF) Jornt.

Annexure - 5.

POSTING ORDER NO. 14.

Tele : 222-2700.

Chief Engineer
HQ Eastern Command,
Fort William
Calcutta - 21.

131322/2/2001/5D/03/Engrs/ELC(I) 01 May 2001.

Chief Engineers,

Calcutta Zone, Calcutta
Shillong Zone, Shillong.
Siliguri Zone, Siliguri,
(AF) Shillong Zone, Shillong.
(R&D) Pkt. Secunderabad ESD Kankinara.

POSTING/TRANSFER ON TENURE TURN OVER :

SK Gde - II.

1. The following posting/transfer are hereby ordered in the
interest of state :-

Sri. MES No., Name and No. Designation.	Posted			Move Date.
	From	X	To	
2	3	4	5	
1. MES-228946 Tarapada Roy, SK Gde - II.	GE 859 EWS Calcutta.		CWE Cal- cutta.	31 May 2001.
2. MES-183858 Shri N.K. Dhar, SK Gde-II.	CWS Calcutta.		GE 859 EWS	31 May, 2001.
3. MES-263944 Shri P.K. Chakraborty, SK Gde-II.	ESD Kankinara.		GE(I) (R&D) Chandipur.	31 May, Chandipur. 2001.
4. MES-467164 Shri E.K. Routh, SK Gde-II.	GE(I) (R&D) Chandipur.		ESD Kankinara.	31 May 2001.
5. MES-235024 Shri R.K. Sharma, SK Gde.	GE, Gwahati.		GE, Khapasli.	31 May, Khapasli. 2001.

Sr/- Illegible.

SO-I (Pers).

P. T.O.

Applied to be dated (2001)

N. Chakraborty
Autograph

Annex. 5.

1	2	3	4	5
6.	MES-242428 Shri <u>A. C. Dope, SK Gde-II.</u>	GE(I) (AF) Jorhat.	GE 586 EWS GE Naramgi.	31 May, 2001.
7.	MES-232649 Shri <u>S. K. Dey, SK Gde-II.</u>	GE Tezpur.	GE 586 EP	23 Jul. 2001.

(Item Seven only).

2. MOVE will be completed in direct correspondence between the units/concerned as directed.

3. Your attention is drawn to this HQ letter No. 131306/I/89/Engr/ELC(I) dated 31 Jan 96 as amended from time to time for strict compliance.

Sc/- Illegible.

(G. Mazumdar).
Lt. Col.
SO-I (Pers)
for Chief Engineer.

Copy to -

CWE Calcutta, CWE Tezpur, CWE Shillong, HQ 136 Eks Engrs.
GE 859 EWS GE(I) (R&D) Chittagpur, GE Guwahati, GE Kharagpur.
GE(I) Jorhat, GE Naramgi, GE Tezpur, GE 586 EWS.

Internal.

ELR ELD EDP Cell Master Holder and Office Copy.

Annexure - 6.

ALL ASSAM M. E. S. EMPLOYEES' UNION.

Registered Under Indian T.U. Act, XVI of 1926.
Regd. No. 1400.

Branch Office -

Borjhar
Chania,
Dinjan,
Digaru,
Jorhat.
Kumbhigram.

Affiliated with A.I.D.E.F.
Affiliation No. 130
Head Office: BORJHAR, JORHAT-5,
Liaison Office: BORJHAR,
GUWAHATI-15.

Branch Office -
Misamari,
Mis
Narangi
Rangia
Silchar,
Tezpur.

STATION.
Ref. No.....

Date

HQ Eastern Command
Fort William,
Calcutta-21.

..... of posting Order.

Dear Sir,

We have received complain from various unit regarding posting order issued from your office and requested to rectify as early as possible otherwise affected & employees are going to CAT Guy.

As example MES/242428 Shri AC Gope SK II of GE(I) AR AF Jorhat reported in 1981. In 1983 as took a charge of IN Stock and continued to 1994. After posted to AGE I LKG again reported in 1996 and holding DIVES took to date by depriving Super B/S. AI and SK I time to time.

That he was a member of union as general from 1981 to 1994. In 1997 again took member and got cashier, as well as member of works Committee in Jun 1999 and Dec. 2000 he resigned from union and jump to AIBSCA and got sec. ship while Super B/S. I resigned. This practice done by him only save from posting Transfer. Not only this person visited your office twice in a year.

In view of the above if this person will not posted from Jorhat complex this year case will be filed by affected employees. He is controlling Issue/Receipt/Baby Indent and Chowkidar staff.

This is for your info. please.

Copy to -

CE(AF) S.Z - for info.
Army HQ.
E in C Branch.
HQ., New Delhi,
Army HQ A.G Branch,
DIP New Delhi.

BR 03.
FA 05.

Thanking you,
Sd/- Illegible.
Secy.
AAMESEU.

Parmanu Mukherjee
S. Chatterjee

Annexure - 6A.

Tele - 222-2529.

Chief Engineer,
HQ Eastern Command
Fort William,
Calcutta - 21.

131222/2/2001/5D/05/Engrs/ EIC(I)

19 May, 2001.

Chief Engineer (AF)
Shillong Zone,
Shillong.

POSTING/TRANSFER ON TENURE TURN OVER : WSK-II.

1. Ref. All Assam MES Employees Union letter dated 01 May 2001 and this HQ letter No. 131322/2001/5D/03/Engrs/ EIC(I) dt. 01 May, 2001.
2. Please instruct GE (I) (AF) Jorhat to relieve MES-242428 Shri A.C. Gope, SK-II of GE(I) (AF) Jorhat to GE Narsingi by 31 May, 2001 positively and fwd completion of SDS by 02 Jun 2001 for info of ACE(M) this HQ.
3. This may please be treated as TOP PRIORITY.

Sd/- Illegible.

Copy to :-

GE(I) (AF) Jorhat -
for strict compliance.

(R.K. Chakraborty),
Lt. Col.
SD-III (Pers),
Sd/- Chief Engineer.

1066
26/5/

BR. MR/1040, 1049,
FR /1066.

Case referred to
CE(AF) v/s E/1049.

S. Chakraborty

Annexure - 7.

ALL ASSAM M. E. S. EMPLOYEES' UNION.

Registered Under Indian T.U. Act, XVI of 1926.
Regd. No. 1400.

Branch Office -

..... Affiliated with A. I. D. E. F.
..... AFFILIATION NO. 130.

Branch Office -

.....
.....

~~Headquarters~~

Head Office : ROWTHI, JORHAT-5.

Liaison Office : BORJHAR, GUWAHATI-15.

Chairman : COM. C. RAMACHANDRAN SECRETARY : COM. M. M. SALKIA.

STATION : Jorhat- 785 005.

Date - 06 Sep 2001.

Ref. No. AA/MES/EU/JOR/2001/28.

To
Headquarters
Chief Engineer,
Eastern Command
Fort William,
Kolkata - 21.

REPRESENTATION AGAINST ANONYMOUS LETTER.

Respected Sir,

1. Xerox copy of All Assam MES Employees Union letter has been received by this Branch Union through GE (I) (AF) Jorhat. It is evident that the letter purporting which was used by the person, who has anonymously complained against the various posts held by Shri AC Gope, SK II, was an office bearer of this Branch Union. It appears that, he, who has anonymously complained, wanted to take advantages with the services at GE (I) (AF) Jorhat continuously. Further this Branch union would like to point out that the letter head used by the individual, is not at all used by any branches

of the.....

S. Chakrabarty

Annex. 7.

of the All Assam MES Employees Union now-a-days. The latest letter head of the Union comprises Lekhapani Branch, which itself proves the validity of the anonymous letter. It appears that person, who has written the letter in the obsolete letter head is belonging to the storekeeper cadre and well aware of the official abbreviations.

2. This Branch union confirms the post held by Shri A.C. Gope in the All India Barrack Stores Cadre Association, Jorhat Branch, is a unanimously elected post, which has been notified to you in advance vide Branch Association's letter dated 01 Dec. 2000.

3. This Branch union is in the view that an important Office bearer is entitled protection from posting order in accordance with AG's Br. HQ letter No. 74361/0rg.-4(Cl.v) (d) dated 23 Feb 93, 74361/0rg-4(Cl.v) (d) dated 04 Oct. 93 and your HQ letter No. 131322/270/99/93/Engrs/EIC(I) of 12 Jul 99, so that the function of the Recognised Association is not hampered due to immatured posting of an important office bearer.

4. As regards the performance of Shri AC Gope, as SK Gde II in GE(I) (AF) Jorhat is very much appreciated by all officers and his Co-staff and nothing adverse has ever come to our notices during his till date tenure in this station. The allegations reflected in the anonymous letter is thus totally false, but a personal enmity and need not be considered please.

Thanking you.

Copy to :-
Headquarters,
Chief Engineer Airforce
Shillong Zone,
Elephant Falls Camp
P.O.- Nongiyer, Shillong- 9. for information please.

Yours faithfully,
Sd/- Illegible.
(M.M. Srikar),
Secretary,
AA MES EU Jorhat Branch.

Annexure - 8.

MES - 242428

Abil Chandra Gope, SK Gde II,
C/O. G. E. (I) (AF) Jorhat,
Jorhat-785 005 (Assam),
16 May 2001.

The Chief Engineer
Headquarters,
Eastern Command,
Fort William,
Kolkata - 21. (Through Proper Channel).

POSTING/TRANSFER ON TENURE TERM OVER : AS GDE II.

Respected Sir,

1. Please refer your Headquarters posting/Transfer order bearing No. 131322/2/2001/5D/03/Engrs/ENC(I) dated 01 May, 2001.
2. In this connection, with due respect, I beg to submit the following few lines for your kind consideration and early favourable orders please.
3. That Sir, vide ser. No. 6 of above Posting Order, I stands posted to GE Narrang and move to be completed by 31 May, 2001. In this connection, I would like to place for your consideration that, I am the elected Secretary of All India (MES) Barrack-4, Stores Cadre Association, Jorhat Branch. I was elected as Secretary of Jorhat Branch of ALBSA on 01st Dec. 2000 and as per the constitution of ALBSA, Jorhat Branch, my tenure of Secretary shall remain in force w.e.f 03rd Dec. 2000 to 02 Dec. 2002.

4.....

Certified to be true Copy

X. Chakrabarty
Advocate

Annex 8.

4. Sir, in accordance with the provisions contained vide para 3 of Adjutant General's Br. AG, New Delhi letter No. 74361/0rg-4(Cl.v) (d) dated 23 Feb.93, as enshrined vide AG's Br. letter No. 74361/0rg.-4(Cl.v) (d) dated 04 Oct.93, Your Headquarters letter No. 131322/2/99/83/Engrs/ER.C(1) dated 12 Jul 99 and clauses being included in the Station Seniority list on the basis of stay of personnel for posting to Tenure/Non-Tenure Stations, an important Office bearer of Union/Association is entitled for protection from transfer. In this connection, an Xerox copy of the annual Convention of Branch Body election of ABSCA Jorhat and the resolution adopted in that Convention is enclosed herewith for your kind ready reference.

5. Sir, in view of the circumstances as enumerated above, I humbly request your honour may be kind enough to cancel my posting order at the earliest, for which act of kindness, I shall ever remain grateful to you.

Thinking you,

Yours faithfully,

SSC/- Illegible.

16/5.

Enclos:-As stated above. (Anil Chandra Gope, SK Gde II).

Advise copy to :-

Headquarters,
Chief Engineer,
Eastern Command
Fort William,
Kolkata-21.

Annexure - 2.

Tele AF: 4884.

Registered post.

Durg Abhayanta (I) (Vayusena),
Garrison Engineer (I) (Airforce),
Jorhat - 781005. (Assam).

1066/1049/AL.

18 May ' 2001.

Headquarter
Chief Engineer (AF),
Shillong Zone,
Elephant Falls Camp,
P.O. - Nongiyen.
Shillong - 09.

POSTING/TRANSFER ON TENURE TURN OVER
SK Gde II.

1. Reference HQs. CE EC Calcutta letter No. 131322/2/2001/5D/03/Engns/ELC(I) dated 10 May ' 2001.
2. An application dated 16 May ' 2001 addressed to HQs. CE EC Calcutta submitted by MES/242428 Shri AC Gope, SK Gde II of this Division, requesting to review and cancel his posting on the grounds mentioned is forwarded herewith fully recommended for consideration. Recommendation slip is also forwarded herewith please.

Sc/- Illegible.
(V. G. Murali),
Major
GE(I) (AF), Jorhat.

Enclos:- 1) Application dated
16 May ' 2001 in duplicate.
2) Xerox copy of All India
MES/Barrack & Store Cadre
Association letter No.
AI BSCH/Jor/ur/76 dated
01 Dec 2001 in duplicate.

Copy to :-

BSO (AF) Jorhat - for information with reference to
their letter No. 107/205/BS dt. 16 May, 2001.

1. *1066/1049/AL* COPY

2. *Chandrakanta
1066/1049/AL*

Annex 9.

RECOMMENDATION OF GE (AF) JORHAT ON THE APPLICATION
OF MES/242428 SIRI A. C. COPE, SK GDE II FOR REVIEW AND
CANCELLATION OF HIS POSTING ORDER.

RECOMMENDED.

SG/- Illegible.
X (VG Murrill),
Major
GE(I) (AF) Jorhat.

Station : Jorhat - 785005.

Date :- 18 May '2001.

Annexure - 30.

Tele : AF/2358.

Headquarters
Chief Engineer (AF),
Shillong Zone
Elephant Falls Camp
PO : Nonglyer,
Shillong - 793 009.

81006/BS/363/ERG(I).

Jul ' 2001.

Headquarters
Eastern Command,
Engineers Branch,
Fort William,
Calcutta - 21.

POSTING/TRANSFER ON TENURE TURN.

OVER SK II : MES-242428 SHRI AC GOPE.

1. An application dated 16 May 2001 submitted by MES-242428 Shri A. C. Gope, SK-II of GE(I) (AF) Jomhat requesting for cancellation of his posting is forwarded herewith for your further action.
2. Recommendation of ACE this HQ is also enclosed.

Sc/- Illegible.

(OM Prakash),

Maj.

SO-II (Pers).

for Chief Engineer (AF).

Encs : 14 Sheets.

Copy to :-

GE(I) (AF) Jomhat - for info wrt your letter No.
1066/1091/ERG dt. 03 Jul. 2001.

Chakrabarty

S. Chakrabarty

Annexure - i.

Tele : 222-2700.

Chief Engineer,
HQ Eastern Command
Fort William,
Kolkata - 24.

131322/2/2001/5D/25/Engrs/ELC(I). 14 Sep 2001.

Chief Engineer (AF),
Shillong Zone,
Shillong.

POSTING/TRANSFER ON TENURE TURN OVER : SK II.

1. Ref your letter No. 81006/BS/361/ELC(I) dt. 20 Jul. 2001.
2. Application dt. May, 2001 in respect of MES-242428 Shri A. C. Gope, SK-II of GE(I) (AF) Jorhat has been considered sympathetically and examined in its entirety with a view to ensure that no natural justice is denied to the individual. However, it lacks substance and has been rejected by appropriate level at this HQ.
3. Please instruct GE(I) (AF) Jorhat to despatch the individual to his new unit i.e. G.E. Naxangl forthwith and submit completion report to this HQ immediately.
4. In this connection ref. AG's Branch Army Hqs. letter No. 16042/Org. 4(A.v) (d) dated 10 Mar 99 Part 2(h).

Sd/- Illegible.
(Achintya Dass),
Lt. Col.
SD-I (Pers)
for Chief Engineer.

Copy to :-

GE(I) (AF) Jorhat - for info.

S. Chakrabarty

Annexure - 12.

MES-242428

Anil Chandra Gope,
C/O. G.E. (I) (AF) Jorhat.

18 Jan 2002.

Chief Engineer,
Headquarters
Eastern Command,
Engineers Branch,
Fort William,
Kolkata - 21.

(Thimpu Pidder Channel).

POSTING/TRANSFER ON TENURE TURNOVER: SK GDE II:
REQUEST FOR DEFERMENT.

Respected Sir,

1. Please refer your Headquarters letter No. 131322/2/2001/5D/25/Engrs/EIC(I) dated 14 Sep 2001, the contents of which communicated to me vide SK GE(I) (AF) Jorhat letter No. 1066/2072/EIA dated 10 Jan 2002.
2. In this context, with due veneration, I submit the following few lines for your kind consideration and favourable orders at the earliest please :-
3. That Sir, vide Ser No. 6 of your HQ posting order No. 131322/2/2001/5D/03/Engrs/EIC(I) dated 01 May, 2001, I stand posted to GE Narangi. I had represented on my posting, due to my involvement in the All India (MES) Barrack Stores Association, Jorhat Branch, as its Secretary.

I am.....

S. Chakraborty

Ann. 12.

I am legitimately elected as Secretary of ALBSCA on 02.12.2K. As per the constitution of the ALBSCA, the Secretary post tenure is for Two Years. The ALBSCA is a recognised Association by the Govt. of India, Ministry of Defence. The election of ALBSCA is held once in Two Years. The constitution of ALBSCA has not yet been unaltered/changed at the highest level. Contention of my representation was based on the existing rules framed for the protection rendered to the important office bearers of union/association. The changed rule position has never been notified to ALBSCA by your office or any other subordinate office, so as to bring the same to the notice of affected executive office bearers of the union/association. The withdrawal of protection from posting/transfer to an important office bearer and any changes thereon is to be considered only after the discussion at JOM level, which has not been elaborately indicated in your HQ letter in which my implementation of posting order has been insisted upon. My assumption as Secretary of ALBSCA, Jorhat Branch was notified to your HQ vide ALBSCA, Jorhat Branch letter No. ALBSCA/JOR/BR/76 dated 03 Dec. 2000. No my objection has ever been made by your HQ on this event. Had I/ALBSCA Jorhat branch been informed at the initial stage, the complication would have been averted for ever for every important office bearers and I would have been moved to

my newly.....

Annex. 12.

my newly posted station accordingly. However, since this criteria is pertaining to ABSCA constitution, I have got no other points on the issue, except to request your honour to kindly classify the issue, before a final order to relieve me is issued, considering the term of a elected secretary of a Recognised Association.

4. Secondly, I would like to place my personal problems to your kind consideration. That Sir, my family is stationed at Jorhat, before my last posting to GE 869 EWS. I had retained the married accn. at Jorhat since I was posted to a field station and at that time my children were studying in Schools and Colleges at Jorhat. After reporting to GE (I) (AF) Jorhat, on my re-posting, my children's education remained the same. Now my elder Daughter is studying in College and her final academic session is about to complete after December 2002. I have no near relatives at Jorhat. My elder son is also reading in Dibrugarh University by staying in a Private Hostel. My move now ordered by your HQ may totally damage the x career of studies of my children, as any changes in their course of study definitely effect their routine syllabus and further prospects. I had got admitted my son before my posting order is issued by your HQ. It will be a great difficult for a low paid employee to take them back to the place of posting at this

juncture.....

Annex. 12.

juncture or to manage the triple establishments, on my move to the newly posted station, which requires kind consideration at your HQ from all angles involved in this aspect.

5. In addition to the above, it is further submitted that I have already attained 56+ years of age and every stage of my life some kind of help is required from the family side to keep me fit. If I leave my wife at Jorhat to look after my daughter, my health condition may deteriorate and I would not be able to attend my family members at a distant place and altogether, it will be severe blow to the entire family, if something goes wrong in future.

6. Sir, in view of the genuine problems being faced by me, may I request your honour to kindly defer my posting upto the end of Dec. 2002 as a special case, so as to enable me to ameliorate my position and to move to the newly posted station as ordered by your HQ, for which act of kindness, I and my family members shall remain grateful to you Sir.

Thanking you.

Yours faithfully,
Sd/- Illegible.
18/Jan/02.
(Anil Chandra Gope, SK Grade II)
(MES-242428).

Annexure - 13.

Tele AF : 4884.

Garrison Engineer (S) (Vayusena)
Garrison Engineer (I) (Airforce),
Joint - 785 005 (Assm).

1066/2090/ER

12 Feb. 2002.

HQ Chief Engineer (AF),
Shillong zone,
Shillong - 09.

POSTING/TRANSFER ON TENURE TURN-OVER

SK - II.

1. Reference CE HQ EC Kolkatta signal No. 0.7040 dated 05 Jan 2002.
2. Application dated 16 May 2001 in respect of MES-242428 Shri A. C. Gope, SK Gde II has been rejected by CE HQ EC Kolkatta vide No. 131322/2/2001/50/25/Engr/ EIC(I) dated 14 Sep 2001 and finally has pressed for implementation of posting vide above cited signal and individual has been informed by this office accordingly.
3. A fresh application dated 18 Jan 2002 addressed to CE HQ EC Kolkatta through proper channel, submitted by above named individual requesting for cancellation of his posting is forwarded herewith (in duplicate). As the application is self explanatory, no comments to offer please.

Sd/- Illegible.
(VG Munnia).
Maj.
Garrison Engineer.

Encd:- 04 sheets.

Isd/ed to be true copy

S. Chaurabohy
Advocate

Annexure - 14.

Tele : AF/4884 Garrison Engineer (I) (Airforce)
Jorhat - 785 005. (Assam).

1066/2112/EI.A. 09 Mar 2002.

BSO (AF) Jorhat.

POSTING/TRANSFER ON TENURE TURN OVER.

1. Reference your letter No. 107/230/BS dated 18.01.2002.
2. In this connection a copy of HQ CE (AF) Shillong Zone letter No. 81006/9/BS/FRI/EIC(I) dated 21 Feb 2002 is forwarded herewith. Please instruct the individual to keep ready himself to proceed to his new duty station of his pt posting. Necessary movement order showing the date of SOS as on 15 Apr. 2002 is being issued shortly.

SC/- Illegible.

Enci : One.

(V. G. Maranil.)

Major,
GE (I) AF Jorhat.

Copy of HQ CE (AF) SZ letter No. 81006/9/BS/FRI/EIC(I)
dated 21 Feb 2002 addressed to GE (I) AF Jorhat.

AS ABOVE.

1. Ref Your letter No. 1066/2090/EI dated 12 Feb 2002.
2. Application dated 18 Jan submitted by MES-242428 Shri AC Gope SK Gde-II your Office has been considered and rejected by CE of this HQ with the following remarks :-
 - (a) Please implement posting order first immediately.
 - (b) Please advise the individual to apply posting from new duty station.
3. Enclosures received w/cf your letter quoted above is returned herewith for your further action.

SC/- x x x x
(James MJ)
Capt.
SO-III (Pers.)
for Chief Engineer.

Enci: (04 Sheets).

S. Chakraborty

Annexure - 15.

Tele : AF/4884. Dury Abhayanta (I) (Vayusena)
Garrison Engineer (I) (AIRforce).
Joinat - 785 005. (Assam).

A066/2115/E.R.A. 11 Mar 2002.

MES/242428.

Shri Atul Chandra Gope, SK Gde II.

POSTING/TRANSFER : SK GDE II.

1. You are hereby permanently transferred to GE Narsingi in the interest of the State.
2. Authority :- CE HQ EC Kolkata Letter No. 131322/2/2001/5D/03/Engrs/EIC(I) dated 01 May, 2001.
3. You will be relieved of your duties and SOS from this office on 15 Apr 2002 (AN). You will report to your new office after availing usual joining/journey period as admissible.
4. You will submit the following before leaving this office :-
 - (a) Clearance certificate from all concerned.
 - (b) Departure report, (d) Ration card if held and
 - (d) You will surrender your identity card to your new unit/office.

5.....

(Signature)

S. Chakrabarty

Annex 15.

5. It may please be noted that your pay and allowance for the month of Mar 2002 have been claimed by this office and for the month of Apr 2002 will be claimed by your new unit/ office after you have reported arrived there physically.

6. Certified that the individual is not involved in any disciplinary /SPE/CHI case and there is nothing else against the individual.

7. TA/DA may be had on application.

S/- Illegible.

(V. G. Murali),

Major
GE (I) (AF) Jomhat.

Distribution.

01. CE HQ EC Kolkata -
02. HQ CE (AF) Shillong zone.
03. HQ CE Shillong zone.
04. CWE Shillong.
05. CDA Narsingi, Guwahati.
06. AAO Shillong.
07. AAO GE(I) (AF) Jomhat.
08. JCDA(F) Meetzit.
09. AAO BSO (AF) Jomhat.
10. GE Narsingi.
11. BSO (AF) Jomhat.
12. Sections.

FOR GE NARANGI only.

Basic pay -	Rs. 4,500/- P.M
DA (45%) -	Rs. 2,025/- P.M.
SCA -	Rs. 120/- P.M.
Total -	<u>Rs. 6,645/- P.M.</u>
Date of birth -	31 Dec. 46.
DNI -	01 Aug 2002.
Service Book.	Centralised.
Balance of EL.	292 days.

DEDUCTION.

- (a) GPF @ Rs. 1,000/- PM (GPF A/C. No. 409675P0
- (b) CGEIS @ Rs. 30/- PM.