

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 383/2002

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....04.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 1.0.3.2002.....Pg. X.....to No separate order issued
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....283/02.....Pg. 1.....to 33.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

sterile
4.12.17

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 383/2002

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) Sri Subrata Kumar Das

-Vs-

Respondent (s) U.O. 1 & OMO.

Advocate for the Applicant (s) Mr. B.P. Katak, Mr. N. Bonah

Advocate for the Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Contempt Petition is filed / not C.F. for Rs. 50/- paid vide I.P. No 76-575051 Dated 4-12-2002.</p> <p>Dy. Registrar.</p> <p>SK Karhjee SOLT</p> <p>Steps taken by the applicant.</p> <p>Excess money for Rs 5/- not observed. Notice preferred and sent to the respondent No. 156 by Regd. H.D. on 11/12 Envelope not received.</p> <p>D/No 3324 to 3329 dt 13/12/02</p>	<p>5.12.02</p>	<p>Heard Mr. B.P.Katak, learned counsel for the applicant and also Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>Issue notice of motion. Returnable by two weeks.</p> <p>The applicant has not been relieved so far. He made a representation to allow him to continue in Assam circle till his posting to place of his choice. Considering all aspects of the matter, the respondents are directed to maintain status quo till the next date.</p> <p>List on 20.12.2002 for admission.</p> <p>K. C. Shaw Member</p>

mb

Order dtd. 20/12/02
Communicated to the
Parties Counsel.

23/12

20/1/03

NO H/S has been
filed.

20/1/03

20.12.02

List on 21.1.2003 for
admission to enable Mr. B.C.
Pathak, learned Addl. C.G.S.C.
for the respondents to obtain
necessary instructions on the
matter.

Interim order dated 5.12.2002
shall continue.

Member

Vice-Chairman

mb

21/11 Single Bench did not sit today.
The case is adjourned to 24/1/2003.

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

Order dtd. 24/1/03
Communicated to the
Parties Counsel.

27/1

put up after four weeks to enable
the respondents to file written statement
In the meantime interim order dated
5.12.2002 shall continue.

List on 21.2.03 for order.

Vice-Chairman

pg

21.2.2003

Application is admitted. No fur-
ther notice need to be issued. The res-
pondents may file written statement, if/
any within four weeks from today.

List the case on 28.3.2003 for
order.

Vice-Chairman

bb

Notes of the Registry

Date

Order of the Tribunal

12.3.2003

Copy of the order
has been sent to the
Office. for issuing
the same to the applicant
as well as to the
Mr. C.G.P.C.

JL

10.3.2003

Mr.N.Borah, learned counsel
for the applicant, has stated that
the applicant has obtained the re-
lief as prayed for. In that view of
the matter he does not want to
press the application.

Accordingly the application
is dismissed as not pressed.


Vice-Chairman

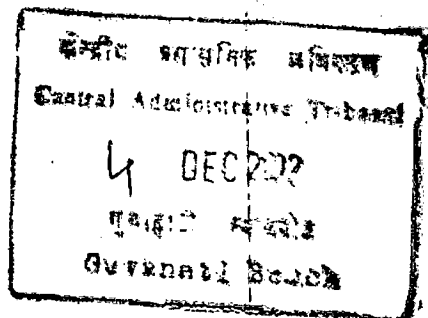
bbp

DISTRICT - KAMRUP

O.A. 383/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

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



O.A. 383/2002

Sri Subrata Kumar Das

..Petitioner

-Vs-

The Union of India & ors.

..Respondents

INDEX

<u>Sl.No.</u>	<u>Particular</u>	<u>Page</u>
1.	Original Application	1 to 19
2.	Verification	20
3.	Annexure-A	21
4.	Annexure-B	22 to 28
5.	Annexure-C	29
6.	Annexure-D	30
7.	Annexure-E	31
8.	Annexure-F	32
9.	Annexure-G	33

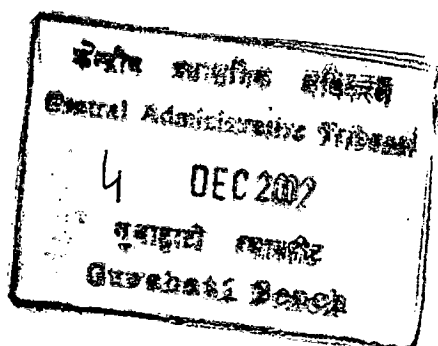
Filed by

(N. Borah)
Advocate

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

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



BETWEEN

Sri Subrata Kumar Das,
S/o Late N.C. Das,
Working as Deputy General Manager
(Operation) C.G.M. Telecom (Assam
Circle) Resident of LB-3-1,
Notbama House Flat, Ulubari,
Guwahati-38.

Applicant

-vs-

1. The Union of India,
represented by Chairman,
Telecommunication Department
Sanchar Bhawan, 20 Ashoka
Road, New Delhi.
2. The Bharat Sanchar Nigam Ltd.,
Statement Building,
New Delhi-1,
represented by the Chairman
cum Managing Director.
3. The Dy. Director General
(Personal) B.S.N.L.,
Corporate Office Sanchar

Card

Filed by the
applicant for
S.K. Das through
Niran Baruah
Advocate. &
(NIRAN BARUAH)

Subrata Kr Das

Bhawan, 20 Ashoka Road,
New Delhi-110001.

4. The Chief General Manager
Telecom West Bengal Telecom
Circle, Calcutta-7600001.
5. The Chief General Manager
Assam Telecom Circle, Ulubari,
Guwahati.
6. Deputy General Manager,
West Bengal Telecom Circle.

..Respondents

The humble application of the
applicant abovenamed -

DETAILS OF APPLICATION :

1. PARTICULARS OF ORDER(S) AGAINST WHICH THIS
APPLICATION IS MADE :

Order issued under Memo No. S.F/TC/P-9/JAG/2002 dated 5.10.2002 issued under the signature of Deputy General Manager (ADMN), Office of the Chief General Manager Telecom, West Bengal Circle, Kolkata-700001, transferring the applicant to posting at the office of the General Manager, Kolkata as Deputy General Manager (Plg).

(Impugned Order)

(Annexure-'F' Pge-32)

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That, the applicant is a citizen of India and as such entitled to all the rights and privileges guaranteed under the Constitution of India and other laws of the land. The applicant was appointed as Assistant Divisional Engineer, Telegraph (Planning) and posted at Guwahati in the Office of District Manager, Telecom, on 1.3.1990 after completion his probation period. Thereafter, the applicant was promoted to the post of Telecom District Engineer and posted at Kharagpur on 5.9.1992, in the Kharagpur Telecom District. Thereafter, the applicant was transferred to Calcutta and posted as Divisional Engineer Telegraph (Installation) on 22.2.1994 and accordingly the applicant

Contd...

Subscribed by Mr. Das

joined as such. The applicant was again transferred Assam Telecom Circle on 21.6.96 and posted as Divisional Engineer (Installation) at Guwahati. The applicant was again transferred in the post of Divisional Engineer (D-Tax) to Jorhat in the month of August 1996 and accordingly he joined there. Thereafter the applicant was transferred to Maharashtra Circle and he was posted at Panbhans Telecom District under Maharashtra Telecom Circle in the post of Divisional Engineer in the month of August 1997. The applicant got the officiating promotion as Telecom District Manager Panbhans under Maharashtra Telecom Circle. The applicant got his regular promotion to the post of Deputy General Manager (Admn. & Planning) Telecom and posted at Asansol under Asansol Telecom District on 1.4.1998. The applicant states that he was again transferred to Guwahati on 9th July 2000 and posted as Deputy General Manager (Operation) at the Office of Chief General Manager Telecom (Guwahati) Assam Circle and accordingly the applicant joined at Guwahati on 11.9.2000. The applicant has been working in the present place of posting at Guwahati till date. The applicant respectfully states that he has completed a total period of 2 years 2 month at a stretch.

10
See Encl. Mr. Das

To be precise the applicant has already completed 2 years of tenure on 11.9.2002 at Guwahati in the present post. Be it stated here that applicant available leave for 26 days during this period.

A copy of the aforesaid Transfer Order dated 19th July 2000 is annexed hereto and marked as Annexure-A.

(Annexure-A, Pge-21)

- 4.2 That, the applicant respectfully states that a Government of India, Ministry of Finance, Department of Expenditure has granted certain allowances & facilities for civilian employees of the Central Government serving in States and Union Territories of North Eastern Region for their improvement vide Office Memorandum No. 20014/3/83-E.IV dated 14.12.83 issued by the Government of India, Ministry of Finance Department Expenditure. In terms of the aforesaid memorandum the Central Government Civilian employees who are saddled with all transfer liability are entitled to choice station posting. In accordance with the Office Memorandum Ministry of Finance, the Central Government Civilian Employees who have rendered more than 10 years service are entitled to choice

Contd...

station posting on completion of 2 years of fixed tenure in the North Eastern Region and Central Government Employees whose length of service is less than 10 years are entitled to choice station posting on completion of 3 years of fixed tenure in North Eastern Region. The present applicant has already completed more than 6 (six) years of service in the North Eastern Region and therefore the applicant is entitled to be posted at his choice station posting on completion of his fixed tenure service in the North Eastern Region. The relevant portion of the said Office Memorandum dated 14.12.1983 issued by Ministry of Finance is quoted as follows :

See last page

"Subject : Allowances and facilities for civilian employees of the Central Government serving in the States and Union territories of North Eastern Region improvement thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the states of Assam, Meghalaya, Manipur, Nagaland, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for sometime. The

Government had been engaging the attention of the Government for same time. The Government had appointed a committee under the Chairmanship of Secretary, Department of personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in this Region and to suggest suitable improvements to recommendations of the committee have been carefully considered by the Government and the President is now please to decide as follows :

Secy to Govt. Mr. A. S.

1. Tenure of Posting/deputation:

There will be a fixed tenure of posting of 3 years at a time of officers with service of 10 years or less and of 2 years as a time for officers with more than 10 years of service. Period of leave, training etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the

States/Unions Territories of the North Eastern Region will generally be 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended."

Therefore, in terms of the Office Memorandum issued by the Government of India, Ministry of Finance dated 14.12.1983, the applicant is entitled to a posting to a station of his choice. The aforesaid Memorandum was issued in order to attract the Central Government Civilian Officers having all India Transfer liability for rendering service in the North Eastern Region. The special incentive has been granted by the Government to the Central Government employees, who were completed the fixed tenure posting, making them entitled to get the fruits of the aforesaid office memorandum dated 14.12.1983.

A copy of the Office Memorandum dated 14.12.83 is annexed hereto and marked as **Annexure-B.8B**,

(Annexure-B, Pge.- 22 to 28)

4.3 That, the applicant respectfully states that on several occasions he applied for transfer and posting under the rules to any of the following places.

- i) Durgapur Division
- ii) Burdwan Division
- iii) Birbhum (Suoci)
- iv) Purulia and
- v) Maldah.

However, the applicant has not been transferred to any of the aforesaid places. The applicant vide his application dated 12.3.2002 requested for his transfer to any of the following places of posting in order of preference.

- i) Purulia
- ii) Durgapur
- iii) Bankura
- iv) Maldah
- v) Suri
- vi) Burdwan

The aforesaid application of the applicant was duly forwarded by the Assistant General Manager (Administration) B.S.N.L., Ltd. office of the C.G.M. Telecom, Assam Telecom Circle to the Senior Deputy Director General (Personnel) B.S.N.L., Corporate Office, Snachar Bhawan, 20 Ashoka Road, New Delhi with his recommendation of the competent authority vide his letter No. ESTQ-2/518/01-02/39 dated 18.4.2002.

Sulendra Kr Das

Copies of the aforesaid forwarded letter dated 18.4.2002 and the application dated 12.3.2002 are annexed hereto and marked as **Annexure-C & D** respectively.

(Annexure-C&D, Pge-29&30)

- 4.4 That, the applicant respectfully states that by Order No.314-6/2-2 pers-4 (Pt) dated 4.9.2002 the personal I Section of the B.S.N.L. Ltd. (Corporate Office) New Delhi issued transferred orders of 8 officers in Jr. Administrative 'Grade of ITS Group-A' among whom the applicant was also one. In the aforesaid order the applicant transfer posting has been shown as West Bengal.

A copy of the aforesaid Order dated 4.9.2002 is annexed hereto and marked as **Annexure-E**.

(Annexure-E, Pge-31)

- 4.5 That, the applicant respectfully states that in pursuance of the aforesaid Order dated 4.9.2002 (Vide annexure-E) the Chief General Manager Telecom, West Bengal Circle, Kolkata was pleased to post the applicant as D.G.M. (Planning) in the Office of the General Manager, Kolkata vide Memo No. SF/TC/P-9/JAG/2002 dated 25.10.2002.

See back Mr. P. S.

A copy of the aforesaid Order dated 25.10.2002 is annexed hereto and marked as Annexure-F.

(Annexure-F, pge-32)

4.6 That, the applicant respectfully states that when the applicant came to know about his transfer to the office of the General Manager, Bharat Sanchar Nigam Ltd., Kolkata, he was at a loss as to what to do in view of the fact that Kolkata was never his choice of posting and his choice of posting in order of preference (1) Purulia, (2) Durgapur, (3) Bankura, (4) Maldah, (5) Suri and (6) Burdwan, through he is entitled to his choice of posting after completion of his tenure in terms of Office Memorandum dated 14.12.83 (vide Annexure-B). The applicant had submitted several applications for a place of posting of his choice, but unfortunately the respondent authority never paid heed to his prayer. The applicant's wife is a Sr. Lecturer in a College situated at Durgapur and a transfer to a place of posting of applicant's choice would have given some relief to his wife. The applicant therefore, submitted an application on 28.10.2002 to the Chief General Manager Telecom, Assam Telecom Circle, Guwahati with a copy to the Chief

17
Mr Des
Seelab

General manager Telecom, West Bengal Telecom Circle, Kolkata requesting them to transfer and post him any one of the places of his choice and not to release from the present place of post of posting till then. The applicant in fact in his application giving his choice of posting informed the authority that he is ready to wait till the vacancy arises in any one of his choice of posting.

A copy of the aforesaid representation dated 28.10.2002 is annexed hereto and marked as

Annexure-G. (Page - 33)

- 4.7 That, the applicant respectfully states that he completed in his tenure posting in the North Eastern Region in terms of the office memorandum dated 14.12.83 (vide Annexure-B) and in that view of the matter he is entitled to be transferred and posted to his choice station. This Hon'ble Tribunal may therefore be pleased to direct the respondents to transfer and post the applicant to his choice station in terms of the provisions laid down in aforesaid memorandum. The applicant further states that he is ready to be in the present place of posting till any vacancy arises in his choice station, if no vacancy is available now.

4.8 That, the applicant states that there is no justification whatsoever in refusing to give posting of his choice after completion of his tenure posting in the North Eastern Region and the right has been accused to the applicant for getting the choice posting in terms of the policy laid down by the Government of India which is made applicable to Bharat Sanchar Nigam Limited, a Government of India undertaking issued vide Office Memorandum dated 14.12.1983 (vide Annexure-B) and which is still in force. The Respondent authority more particularly the Deputy General manager (Administration), Office of the Chief General Manager Telecom, West Bengal has issued the order posting dated 5.10.2002, without giving the applicant the posting of his choice to which is entitled to and thereby has violated the Office Memorandum dated 14.12.83 without any justifiable reason. The applicant in fact informed the authority that he is ready to wait till the vacancy arises in any of place of posting of his choice.

4.9 That, the applicant states that as he has already informed the authority vide his several applications including the application dated 12.5.2002, that he is ready to wait the vacancy arises in the place of

See Encl. Mr. J. S.

choice in terms of the quarry made by the authority, there is no reason to transfer and give posting to the applicant as Deputy General Manager (Planning) in the Office of the General manager Kolkata as the same was not his choice of posting. The applicant if compelled to joined in the transferred place of posting in pursuant to the transfer order dated 25.10.2002 (vide Annexure-F) he will be deprived from the right to seek his posting at a place of his choice in terms of the policy decision contended in the Office Memorandum dated 14.12.1983. The authority having adopted the policy decision cannot violate the some refuse to the applicant posting at a place of his choice.

See Mr. Das
See Mr. Das

4.10 That, the applicant states that he is still serving as Deputy General Manager (Operation), Office of the Chief General manager, Assam Telecom Circle at Guwahati and has not been released in terms of the order of Transfer & Posting dated 4.9.2002 and 25.10.2002.

4.11 That, the applicant respectfully states that this application is made bonafide and for the ends of justice.

Yours faithfully
[Signature]

5. GROUND FOR RELIEF WITH LEGAL PROVISION :

5.1 For that, the applicant has completed more than 7 years at service in the North Eastern Region and he is entitled to his choice of posting in terms of Office Memorandum No. 20014/3/83-E.IV dated 14.12.83 (vide Annexure-B).

5.2 For that, the respondent authorities discriminated against the applicant and violated the transfer and posting policy by non considering of the transfer & posting of applicant to his choice station.

5.3 For that, the representation of the applicant had not been considered by the authorities, which is against service jurisprudence and administrative fair-play.

5.4 For that, the applicant has acquired a valuable and legal rights for immediate transfer after completion of his tenure to his choice station in terms of the office memorandum dated 14.12.83 (vide annexure-B).

5.5 For that, there is no justification whatsoever in refusing to give posting of applicant choice after completion of his tenure posting in North Eastern Region and the right has been accrued to the applicant

See below Mr. J.S.

for getting the choice of posting in terms of the policy laid down by the Government of India which is made applicable to Bharat Sanchar Nigam Limited, a Government of India undertaking issued vide office memorandum dated 14.12.1983 (vide Annexure-B) and which is still in force. The Respondent authority more particularly the Deputy General Manager (Administration), Office of the Chief General Manager Telecom, West Bengal has issued the order posting dated 5.10.2002, without giving the applicant posting of his choice to which is entitled to and thereby has violated the office memorandum dated 14.12.83, without any justifiable reason. The applicant in fact inform the authority that is to ready to wait till the vacancy arises in any of the place of posting of his choice.

See back Mr. Das

- 5.6 For that, the applicant has already inform the authority vide his several applications including the application dated 12.5.2002 that he is ready to wait the vacancy arises in the place of his choice in terms of the quarry made by the authority, there is no reason to transfer and give posting to the applicant as Deputy General Manager (Planning) in the office of the General Manager, Kolkata as the same was not his

choice of posting. The applicant if compelled to joined in the transferred place of posting in permanent to the transfer order dated 25.10.2002 (vide Annexure-F) he will be deprived from the right to seek his posting at a place of his choice in terms of the policy decision contended in the Office Memorandum dated 14.12.83. The authority having adopted the policy decision cannot violate the same and refuse to the applicant posting at a place of his choice.

- 5.7 For that, applicant is still scanning as Deputy General Manager (Operation), Office of the Chief General Manager, Assam Telecom Circle at Guwahati and has not been released in terms of the order of transfer & posting dated 4.9.2002 and 25.10.2002.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant states that he has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal. Representations through proper channel were submitted by the applicant but no action has been initiated by the respondents.

See Order Mr. J. S.

7. MATTERS NO PREVIOUSLY FILED OR PENDING WITH ANY
OTHER COURT

The applicant further declares that he had not filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above the applicant prays for the following reliefs-

8.1 That, the Hon'ble Tribunal may be pleased to quash and set aside the Impugned Order issued under Memo No. SF/TC/P-9/JAG/2002 dated 25.10.2002 (vide Annexure-F).

8.2 That, the Chief General Manager Telecom, West Bengal Telecom Circle, Kolkatta be directed to give posting to the applicant in any of the place of posting of his choice. Under West Bengal Circle in terms of the policy contained in the Office Memorandum dated 14.12.83 in permanent to the order of transfer dated 4.9.2002 issued by the Sr. Deputy Director General (Personnel).

Sd/-
for JAG

Yours faithfully

8.3 That, the respondent No.5 may be directed not to release the applicant till the issuance of an order of posting the applicant to place of posting of his choice by the authority in definite time frame.

8.4 To pass any order or orders as the Hon'ble Tribunal deem fit and proper under the facts and circumstances of the case.

9. INTERIM RELIEF PRAYED FOR :

In the interim the respondent authorities may be directed not to release the applicant from the present place of posting at Guwahati as Deputy General Manager (Operation), Office of the Chief General Manager, Assam Telecom Circles, Guwahati.

10. -----

The application has been filed through advocate.

11. PARTICULARS OF THE I.P.O.

I.P.O. NO. : 76575057
 Date of Issue : 4/12/02
 Issue from : Disput Sambalaya P.O. Office.
 Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

26

VERIFICATION

I, Sri Subrata Kumar Das, son of Late N.C. Das, aged about years, working as Deputy General Manager (Operation), C.G.M. Telecom (Assam Circle) do hereby verify that the statements made in paragraphs 7, 8, 9, 10 & 11 are true to my knowledge and those made in paragraphs 1, 2, 3, 4, 5 & 6 are records. I believe to be true and I have not suppressed any material fact.

Subrata Kumar Das

Date - 04-12-2002

Signature of the Applicant

Place - *Gauhati*

-21-

Annexure - A

Government of India
Department of Telecom Services
Office of the G M Telecom, 233, Apcar Garden, Asansol-713 304

Momo No. GMT/ASL/Staff/2000-01/

Dated at Asansol, the 09.08.2000.

Sub: Transfer and posting in the cadre of JAG of ITS Group "A".

In pursuance of DTS, New Delhi memo No.314-1/2000-STG-III dated 20-07-2000 & conveyed by the CGMT, Calcutta memo No.SF/TC/P-9/JAG/2000 dated 09.08.2000, Shri S K Das (Staff No. 8552), DGM(P&A), O/O G M Telecom, Asansol is hereby released & struck off from the strength of Asansol SSA on the A/N of 10.08.2000 with direction to report to the CGMT, Assam Telecom Circle, Guahati. He is requested to hand over the charges of DGM(P&A) to Shri D Chatterjee, Director(O&M), Durgapur.

Necessary charge report may be sent to all concerned.

(Signature)
09/8/00
(N Sarkar)

Divisional Engineer(Admn)
For G M Telecom, Asansol-713 304

Copy to:-

- 1) The Chief G M Telecom, W B T Circle, 1, Council House Street, Calcutta-1.
- 2) The Chief G M Telecom, Assam Telecom Circle, Guahati, Assam.
- 3) The G M Telecom, Asansol.
- 4) Shri S K Das, DGM(P&A), Asansol.
- 5) Shri D Chatterjee, Director(O&M), Durgapur - He is requested to take over the charge of DGM(P&A), Asansol from Shri S K Das, in addition to his normal duties.
- 6) The DFA, O/O GMT Asansol.
- 7) The ADG(SGT), Department of Telecom Services, Sanchar Bhawan, ND-1.
- 8) The DE(Admn), O/O GMT Asansol.
- 9) The CAO, O/o GMT Asansol.
- 10) P/ File of the Officer.

(Signature)
09/8/00
(N Sarkar)

Divisional Engineer(Admn)
For G M Telecom, Asansol-713 304

Certified

True Copy

Certified to be True Copy

Advocate

Advocate

MEMORANDUM

NO. 20014/3/83-E.IV
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE

New Delhi, the 14th December

OFFICE MEMORANDUM

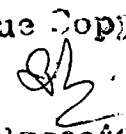
Subject : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region -improvements thereof.

The need for attracting and retaining the service of competent officers for service in the North-Eastern Region, comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follow :-

(i) Tenure of posting/deputation :

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years

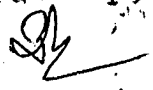
Certified to be True Copy


Advocate

or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

Certified to be True Copy.


Advocate.

-24-

Annexure - B - 10 - 30

ANNEXURE-I

No. 20014/3/83-E.IV
Government of India
Ministry of Finance
Department of Expenditure

THE SECRETARY
TO THE GOVERNMENT
OF INDIA
- OCT 1991
MINISTRY OF FINANCE, GOVERNMENT OF INDIA
ASST. SECY. (FINANCE) - 781001

New Delhi, the 14th December, 1983.

OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region - improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows:-

(1) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(11) Weightage for Central deputation/training abroad, and special mention in Confidential Records.

Satisfactory performance of duties for the

....2/....

Certified

Signature

4/11/91
(VIB)

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Adm

prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of -

- (a) promotion in cadre posts;
- (b) deputation to central tenure posts; and
- (c) courses of training abroad.

The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North East.

A specific entry shall be made in the C.R. of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) Allowance :

Central Government civilian employees who have all India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs.400/- p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

(iv) Special Compensatory Allowance :

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.1982 in the case of Assam.

2. Manipur

The rate of allowance will be as follows for the whole of Manipur :-

Pay upto Rs.260/-	Rs.40/- p.m.
Pay above Rs.260/-	15% of basic pay subject to a maximum of Rs.150/- p.m.

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Advocate.

3. Tripora

The rates of the allowance will be as follows:-

(a) Difficult Areas

25% of pay subject to a minimum of Rs.50/- and a maximum of Rs.150/- p.m.

(b) Other Areas

Pay upto Rs.260/- Rs.40/- p.m.

Pay above Rs.260/- 15% of basic pay subject to a maximum of Rs.150/- p.m.

There will be no change in the existing rates of Special Compensatory Allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowance admissible in specified areas of Mizoram.


(v) Travelling Allowance on first appointment :

In relaxation of the present rules (S.R.105) that travelling allowance is not admissible for journeys undertaken in connection with the initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 400 kms. for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for journey on transfer :

In relaxation of orders below S.R.116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

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(vii) Road mileage for transportation of personal effects on transfer:

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in North-Eastern Region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In cases the option is for the latter alternative, the cost of travel for the initial distance (400 Kms./160 Kms.) will not be borne by the officer.

Officers drawing pay of Rs. 2250/- or above, and their families, i.e., spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air-travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(x) Children Education Allowance / Hostel Subsidy:

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance upto class XII will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside, without any restriction of pay drawn by the Government servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

Contd...5

Certified by

[Signature]

Advocate.

-28-

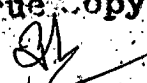
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- 14 -

- 5 -

2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.
3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 2006.
4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North-Eastern region will be withdrawn from the date of effect of the orders contained in this Office Memorandum.
5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.
6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

(S.C. MAHALIK)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

To,
All Ministries/Departments of the Government of India,
etc. etc.
Copy (with spare copies) to C. & A.G., U.P.S.C. etc.

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Advocate.

29-

Annexure - C

BHARAT SANCHAR NIGAM LIMITED.
(A Govt. of India undertaking)
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM
ASSAM TELECOM CIRCLE: GUWAHATI-781 007.
=====

ESTQ-2/518/01-02/39

Dated at Guwahati, 18.04.02.

To

Sri J.K. Chhabra
Sr. Dy. Director General (Pers)
BSNL, Corporate Office
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110 001.
~~~~~

Sub: Prayer for transfer from Assam Telecom Circle to  
West Bengal Telecom Circle on completion of tenure  
case of Sri Subrata Kumar Das, DGM (OP), O/O CGMT  
Guwahati in Assam Telecom Circle.

Kindly find enclosed herewith an application for  
tenure transfer in duplicate in respect of Sri Subrata Kumar Das  
DGM (OP), O/O CGMT Assam Circle, Guwahati. The officer joined this  
circle on 11.09.2000. He has requested for his transfer from  
Assam Telecom Circle to West Bengal Telecom Circle on completion  
of his tenure. The case has been recommended with suitable sub-  
stitute by the competent authority at this end.

Enclo: As Above.

ga/-  
(A.K. Chelleng)  
Asstt. General Manager (Admn)

Copy to:-

- ✓ 1. Sri Subrata Kumar Das, DGM(OP), O/O CGMT Assam Circle,  
Guwahati for information please.
2. File no. STES-1/164 for record please.

T/P78

For CGMT Assam Circle, Guwahati

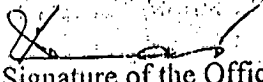
Certified to be a true copy

Advocate.

**BHARAT SANCHAR NIGAM LIMITED**

**APPLICATION FOR TENURE TRANSFER OF GAZETTED OFFICER**

1. Name of the Officer : **SUBRATA KUMAR DAS**
2. Staff No. : **08552**
3. Cadre to which belong : **ITS Group "A"**
4. Present post or position : **Jr. Administrative Grade(DGM(O))**
5. Date of joining in Assam Circle : **11<sup>th</sup> September '2000.**
6. Date of completion of tenure : **11<sup>th</sup> September '2002.**
7. Period of leave availed during tenure : **26 days.**
8. Circle to which transfer is sought for : **West Bengal Telecom Circle.**
9. Place of posting desired in order of preference : (i) **PURULIA**  
(ii) **DURGAPUR**  
(iii) **BANKURA**  
(iv) **MALDAH**  
(v) **SURI**  
(vi) **BURDWAN**
10. Whether willing to be transferred to any other circle outside Assam in case it is not possible to post him at the circle of his choice. If so, in which order of preference. : **West Bengal Circle only**
11. Any preference for the month of release in January to June. : **No.**
12. Whether in case it is not possible to post him to the next of his choice for want of vacancy or for any other reason he would like to be transferred out of Assam Circle on completion of tenure or he would wait for sometime till vacancy arises in the Circle of his choice. : **Ready to wait till vacancy arises.**
13. Any other information : **Posted in tenure station for third time but "the place of choice" was never considered in my favour**



Signature of the Officer

Designation: **Dy. General Manager(O)**

O/o the C.G.M., Assam Telecom Circle, Guwahati-7

Place: **Guwahati**

Date: **12<sup>th</sup> March '2002**

Recommendation of the Head of the Circle :

**Certified to be True Copy**

  
**Advocate.**

-31- Annexure-E 2/7

730

**BHARAT SANCHAR NIGAM LIMITED**

CORPORATE OFFICE  
(PERSONNEL - I SECTION)

R. No. 102/B, Statesman House, 48-B, Barakhamba Road, New Delhi-1

No. 314-6/2002-Pers.-I (Pt)

Dated: September 04, 2002.

**ORDER**

**Subject: - Transfer and Postings in JAG of ITS Group 'A'.**

On completion of their tenure, the following officers in the grade of JAG of ITS Group 'A' are hereby transferred with immediate effect and until further orders:

| S. No. | Staff No. | Name of the officer.<br>( S/Shri) | Present<br>posting | Posting on<br>transfer |
|--------|-----------|-----------------------------------|--------------------|------------------------|
| 1.     | 8552      | SUBRATA KUMAR DASS                | ASSAM              | WEST BENGAL            |
| 2.     | 70121     | M. HANUMANTHA RAO                 | BIHAR              | AP                     |
| 3.     | 20326     | AKHILESH GUPTA                    | GUJARAT            | MP                     |
| 4.     | 70063     | UJAGAR SINGH                      | J & K              | PUNJAB                 |

2. Further, the Transfer and Posting of the following officers in the grade of JAG of ITS Group 'A' are hereby ordered with immediate effect and until further orders:

| S. No. | Staff No. | Name of the officer<br>( S/Shri) | Present<br>posting | Posting on<br>transfer |
|--------|-----------|----------------------------------|--------------------|------------------------|
| 1.     | 8194      | P. K. SIKDAR                     | WEST BENGAL        | ASSAM                  |
| 2.     | 8102      | P. V. SATYANARAYANA              | AP                 | BIHAR                  |
| 3.     | 8244      | A. K. SRIVASTAVA                 | MP                 | GUJARAT                |
| 4.     | 8233      | MADAN MOHAN                      | PUNJAB             | J & K                  |

3. The officer who is posted out of tenure circle may be relieved only after completion of prescribed tenure period.

4. The leave, if any requested by the officers, who are under transfer, should not be allowed. If any officer desires leave, he can apply for it to the Competent Authority only after joining the new posting and the Competent Authority will sanction leave, if it is considered justified, in the normal course.

5. Charge reports may be furnished to all concerned.

This issues with the approval of competent authority.

(J. B. Jain)

Certified to be a true copy Assistant Director General (Pers.I)

Cont..2/-

Advocate.

3/7

-: 2: -

No. 314-6/2002-Pers.-I (Pt.)

Dated: September 04, 2002.

Copy to: -

1. Director (HRD) BSNL Board New Delhi.
2. Sr. DDG (Pers.)/ Joint DDG (Pers.)/ADG (Pers.I) BSNL CO.
3. CGM(s) AS/WB/BR/AP/GUJ/MP/J & K/PB Telecom Circle.
4. DDG (Estt)/Dir (ST-I)/ADG (SGT)/ADG (STG-III), DoT.
5. Officer (s) concerned/CAO (s) concerned.
6. Sr.CA to Adv (HRD), DoT.
7. SO (Pers.I)/All Assistants (Pers.I), BSNL CO
8. Spare copy/Order Bundle.

*Rajiv R. Singh*  
24/09/02

(Rajiv R. Singh)  
Section Officer (Pers.I.)

- 32 -

Annexure 'F'

|                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BHARAT SANCHAR NIGAM LIMITED</b><br>(A Govt. of India Enterprise)<br>O/O The Chief General Manager, West Bengal Telecom. Circle,<br>1, Chatterjee House, 5, Clive Row, Kolkata - 700 001 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Memo No. SF/TC/P-9/JAG/2002

Dated at Kolkata the 25<sup>th</sup> October 2002

Subj:- Inter Circle transfer and Posting in the grade of JAG of ITS Gr. A

Inter Circle Transfer and Posting

In pursuance of BSNL ND, Memo No. 314-6/2002-Pers.-1(Pt) dtd.04.09.2002, the CGM Telecom West Bengal Circle, Kolkata is pleased to issue the following Inter Circle Transfer and Posting Order in the Grade of JAG of ITS Gr. A.

| Sl.No. | Name of the Officer    | Staff No. | Present Posting   | Posting on Tfr.           | Remarks          |
|--------|------------------------|-----------|-------------------|---------------------------|------------------|
| 1.     | S/Sri Subrata Kr. Dass | 8552      | DGM, Assam Circle | DGM(Pig.) O/o GM, Kolkata | Existing vacancy |

2. Necessary charge report may be sent to all concerned.

(D.K.Biswas)  
Dy. General Manager (Admn.)  
O/o the Chief G.M. Telecom  
W.B. Circle, Kolkata - 700 001

Copy forwarded for information and necessary action to:

1. The Chief G.M. Telecom., Assam Circle, Guwahati.
2. The GM (D), Circle Office, Kolkata
3. The G.M., Kolkata
4. The ADG (Pers-I), BSNL Corporate Office, Statesman House, Barakhamba Road, New Delhi-1
5. The officers concerned.
6. The CAO (CA), 5, Clive Row, Kolkata-700 001.
7. The PA to CGMT, W.B. Circle, Kolkata.

(S.L. Bhattacharya)  
Asstt. Director for Telecom (S-I)  
For Chief G.M. Telecom  
W.B. Circle, Kolkata - 700 001

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Advocate

33

Annexure - 'G'

40

To  
The Chief General Manager Telecom  
Assam Telecom Circle, Ulubari, Guwahati, Assam

(Through proper channel)

Sir,

Sub:- Place of posting as per my choice in West Bengal Telecom on completion of tenure at Guwahati (Assam)

Current ref. : My application dated 5/9/2002 forwarded to CGMT, WB Telecom vide CGMT Assam letter no STES-3/18/Pt-iv/104 dated at Guwahati-9/9/2002

I would like to intimate you that I am not intending to get release presently from Assam Telecom Circle to Calcutta under WB Circle vide letter issued by office of CGMT, WB Telecom no SF/TC/P-9/JAG/2002 dated at Kolkata, 25/10/02 in connection with place of posting at Calcutta. Calcutta is not a place under my choice as opted in earlier applications for getting place of posting on completion of tenure period in Assam.

In earlier applications it was mentioned Durgapur division - as first choice, Burdwan division - as second choice and Birbhum / Purulia / Maldah districts - the next priority choices for considering the place of posting under WB Telecom Circle on completion of tenure period in Assam.

Moreover, my wife being a lecturer in UGC grant aided college at Durgapur is suffering much to manage family for want of male member,

I as a matter of justice and eligibility condition of N E Region fillings for tenure postings would again request you to transfer and post me in any one of places as mentioned above and also I would request you not to release me from Assam unless I get one of places under choices.

Kindly do needful.  
Waiting for favorable action.

Yours sincerely,

S R DRS

DGM (OP) at Guwahati

Office of CGMT, Assam Circle

Date—28/10/2002

Copy to — CGMT/WB Telecom Circle: In reference to telephonic talk with you on 25/10/2002 kindly do needful in my favour in respect to above.

Certified to be a true copy  
Advocate.