

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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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. 41/2002

Applicant(s) *Sh (MAB) S.R. Borthakur*

Respondent(s) *Govt & ans*

Advocate for Applicant(s) *Mr S. Dutta*

Advocate for Respondent(s) *Addl. CG Secy A.K. Choudhury*

| Notes of the Registry   | Date                                    | Order of the Tribunal  |
|---|---|--|
| <p>711 in the form<br/>C.F. 50/ disposed<br/>vide 76 550261<br/>Dated 31/01/2002<br/><i>N. Borthakur</i><br/>Dy. Registrar</p> <p><i>Steps taken. Notice prepared and sent to A/S for issuing the Respondent No 1 to 4 by Regd A/S.</i><br/><i>14/2</i><br/><i>D/No 5621365</i><br/><i>Dtd 29/2/02</i></p> <p>① Service report are still awaited.</p> <p><i>14.3.02</i></p> | <p>13.2.02</p> <p>1m</p> <p>15.2.02</p> | <p>At the request of Mr.S.Dutta learned counsel for the applicant the matter is adjourned to 22.2.02 for Admission.</p> <p>Member</p> <p>Heard Mr.S.Dutta learned counsel appearing on behalf of the applicant and Mr.A.K.Choudhury, learned Addl. C.G.S.C. for the Respondents.</p> <p>Application is admitted. issue notice on the respondents. Returnable by four weeks. List on 15.3.02 for orders.</p> <p>Issue notice on the Respondents to show cause as to why the posting of the applicant from Assam Rifles Hospital, Happy Valley, Shillong to 9 Assam Rifles shall not be suspended. In the meantime, the order of transfer dated 4.2.2002 shall remain suspended.</p> |

1m

Vice-Chairman

15.3.02

Written statement has been filed. Pleadings are completed. The case may be listed for hearing on 3.4.02. The applicant may file rejoinder if any within two weeks. The interim order dated 15.2.02 shall continue.

Vice-Chairman

lm

3.4.02

Mr. M.Chanda, learned counsel for the applicant states that he has received the written statement and would like to file rejoinder and ~~that~~ wants a short adjournment. Mr. A.K.Choudhury, learned ~~pp~~ Addl. C.G.S.C. for the Respondents objected for the adjournment because it is a transfer matter.

After hearing learned counsel for the Respondents the case is adjourned. List on 12.4.2002 for hearing. Rejoinder may be filed before three days from the date of hearing.

18.3.2002  
W/s submitted  
by the Respondents.

Order dtd 15/3/02  
Communicated to the  
Parties Commr.  
18/3

No. rejoinder has  
been filed

mb

3/4  
2.3.02

12.4.01

Heard learned counsel for the parties. Hearing concluded. Judgment reserved.

9.4.2002

Rejoinder submitted  
by the applicant in  
reply to W/s.

trd  
1.5.02

Judgment delivered in open Court.

Kept in separate sheets. Application is dismissed. No costs.

lm

Received copy  
A.K. Choudhury  
Addl. C.G.S.C.  
2/5/02

Member

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./P.A. No. 41 of 2002. . of

DATE OF DECISION 1-5-2002

Dr. (Mrs.) Sally Rachel Rumthao

APPLICANT(S)

Mr. S. Dutta

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. K. Choudhury, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE

MR. K. K. SHARMA, ADMINISTRATIVE MEMBER

THE HON'BLE

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

5.

Judgment delivered by Hon'ble MR. K. K. SHARMA, MEMBER

10 Wsh

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.41 of 2002

Date of Order: This the 1st Day of May 2002

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Dr.(Mrs.) Sally Rachel Rumthao  
Wife of Stilwell Rumthao  
Senior Medical Officer,  
Assam Rifles Hospital  
Happy Valley  
Shillong. ... .. Applicant.

By Advocate Mr.S.Dutta.

-Vs-

1. The Union of India  
Represented by the Secretary to the  
Government of India  
Ministry of Home Affairs, North Block,  
New Delhi.
2. The Secretary  
Government of India  
Ministry of Health & Family Welfare  
New Delhi-110001
3. The Director General  
Assam Rifles  
Shillong-793011
4. Under Secretary(Police) to the  
Government of India  
Ministry of Health & Family Welfare(CHH-II)  
Nirman Bhawan  
New Delhi-110001. ... .. Respondents.

Mr.A.K.Choudhury, Addl.C.G.S.C.

O R D E R.

K.K.SHARMA, MEMBER(ADMN):

By this application the applicant has challenged the order of transfer dated 4.2.2002 (Annexure 3) by which the applicant has been transferred from Assam Rifles Hospital, Happy Valley Shillong to 9 Assam Rifles, Kimin Arunachal Pradesh. The applicant has prayed for her reversion from Assam Rifles to the Central Health Service.

2. The applicant joined as Medical Officer at 21 Assam Rifles, Manipur on 5.5.1993. On 2.01.1997 she was promoted as Sr.Medical Officer and posted at Assam Rifles Hospital, Happy Valley. The applicant's husband <sup>is</sup> working in State

contd/-

Bank of India. Shillong and he was transferred to SBI Regional Office Tura. The applicant has minor children studying in Class IV, Class II and Nursery Class. The applicant submitted a representation on 2.2.1999 for reversion to the Central Health Service. It is stated that Ministry of Home Affairs vide their letter No.1.45028/02/2001/Pers II (Pers II) dated 4.1.2002 and No.1.45028/02/2000/Pers-II/(Pers. III) dated 11.1.2002 addressed to the Assam Rifles authorities advised them to release the applicant from Assam Rifles and revert her back to Central Health Service. Meanwhile, the respondents issued the impugned transfer order. The transfer order has been challenged on the ground that it is malafide and against the advice of the Ministry of Home Affairs to release and revert the applicant back to Central Health Service. The Respondents violated the advice of the Ministry of Home Affairs and acted arbitrarily and putting her to undue harassment. Hence this application.

3. Mr.S.Dutta learned counsel appearing on behalf of the applicant strongly argued that the applicant was being a member of Central Health Service and she had not been absorbed in the Assam Rifles. She has right to be reverted to her parent department and the parent department asked for reversion to the applicant. Mr.S.Dutta also relied on the office Memorandum No.28034/2/97/Estt(A) dated 12th June 1997. He argued that the husband and wife should be posted at the same Station to enable them to lead a normal family life. He also argued that there is no urgency to transfer the applicant to a far off place. He also further argued that the transfer in academic year was not justified. He also referred to the decision of Hon'ble Supreme Court reported in 1994, Supple.(II) SCC,666-Director of School Education, Madras and others, Vs.O.Karuppa

10 Ushan  
contd/-

Thevan and another in support of his contention. Mr.S.Dutta relied upon the O.A.No.412 of 2001 and O.A.No.431 of 2001 dated 27th March 2002 and stated that non-availability of substitutes could not be a ground for not reverting the applicant.

4. The Respondents have filed their written statement. Mr.A.K.Choudhury learned Addl.C.G.S.C. represented the Respondents. Mr.Choudhury submitted that the applicant was recruited through a special recruitment for Assam Rifles by Ministry of Health and Family welfare. On 25th March 1994 the applicant made a representation for posting to Imphal, on the ground that her husband was posted there. On 26.7.96 the applicant made representation for transfer to Shillong on the ground of her husband's postings at Shillong. The applicant's request was accepted, she was posted at Shillong. The normal tenure of Central Health Service cadre officers at one place is for a period of 3 years. The applicant was to complete her tenure on 02 January 2000. The applicant sought extension for one year, which was allowed. Another extension was allowed to her, up to 02 January 2002. The applicant made an application for reversion back to CHS. The application was forwarded. The applicant has completed more than 5 years at Shillong. Ministry of Home Affairs vide their letter dated 11th January 2002 have stated that they have no objection for reversion of 4 female doctors including the applicant to CHS. This can be done only when suitable substitutes are available. Mr.A.K.Choudhury learned Addl.C.G.S.C argued that the circular relating to choice posting is not applicable in the cadre of the applicant and the circular is not mandatory. The applicant had been kept at Shillong

contd/-

for more than 5 years, though normal tenure was three years. The respondents have continuously accepted the request of the applicant for posting to Shillong and had also forwarded her representation for reversion to the CHS. The applicant has been posted at Kimin as per requirement of the Respondents. Mr. Choudhury stated that due to large scale mobilization of male Doctors the female doctors have been moved to take care of the families. The respondents have no objection to the reversion of the applicant and have agreed to relieve her as soon as substitutes are available. Shri Choudhury also referred to and relied on the order dated 20th September 2002 in O.A.No.46 of 2000 which was in respect of Sr. Medical Officer in Assam Rifles. He referred to the following observations :-

posting and transfer of employees is to be left to the employers. The employers are also equally concerned with their employees."

5. I have carefully considered the submissions of the learned counsel for the applicant who has challenged the transfer from Shillong to Kimin. The applicant wants to revert back to CHS from Assam Rifles. Mr. S. Dutta learned counsel for the applicant relied on the communication dated 31.12.2001 from the Ministry of Health and referred to the following (Annexure D rejoinder).

"There are 4 female doctors posted in Assam Rifles (names mentioned below), Ministry of Home Affairs no objection for transferring the female CHS doctors is solicited."

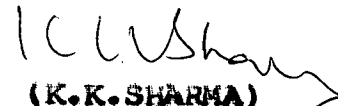
The Ministry of Home Affairs' letter dated 11th Jan. 2002 as referred earlier have mentioned that there is no objection to the reversion of four female CHS doctors which can be done only when suitable substitute is posted.

contd/-

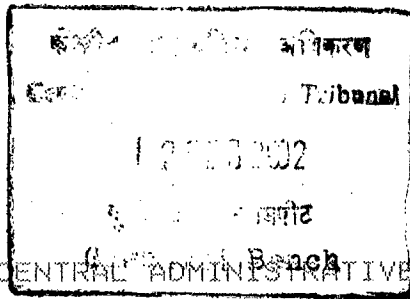


6. After carefully <sup>y</sup>hearing and on arguments of the learned counsel for the parties and perusing the records I find that the applicant has been accommodated by the respondents at her own request at Shillong for five years against the normal tenure of 3 years. The respondents have sympathetically considered the applicant's requests and the applicant was informed <sup>U that U</sup> the respondents have no objection to the reversion of applicant to CHS. Normally, this Tribunal does not interfere the transfer order unless any malafide is proved. No malafide is discernible from the records. The respondents have allowed the applicant to stay at Shillong for five years. The respondents have transferred the applicant from Shillong to Kimin, the reason given is large scale mobilization of male Doctors. There is no reason to believe that the reason is <sup>U not U</sup> correct. I find no reason to interfere with the order of transfer. The transfer is made as per requirement of the respondents.

7. The application is accordingly, dismissed. There shall however, no order as to costs.

  
(K.K. SHARMA)  
ADMINISTRATIVE MEMBER

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

Title of the case : O.A. No. 41 /2002

Dr. (Mrs.) Sally Rachel Rumthao : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Swagat Deka

Advocate

Date : 12.2.2002

Dr (Mrs) Sally Rachel Rumthao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Filed by:-  
Swrajit Dutta  
Advocate.  
12.02.02

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

O.A. No. 41/2002

BETWEEN

Dr. (Mrs.) Sally Rachel Rumthao,  
Wife of Stilwell Rumthao  
Senior Medical Officer,  
Assam Rifles Hospital,  
Happy Valley,  
Shillong.

.....Applicant

-AND-

1. The Union of India,  
Represented by the Secretary to the  
Government of India,  
Ministry of Home Affairs, North Block,  
New Delhi-110001.  
New Delhi.
2. The Secretary  
Government of India,  
Ministry of Health & Family Welfare  
New Delhi-110 001
3. The Director General,  
Assam Rifles,  
Shillong-793011

Dr (Mrs) Sally Rachel Rumthao

4. Under Secretary (Police) to the  
Government of India,  
Ministry of Health & Family Welfare (CHH-II)  
Nirman Bhawan  
New Delhi-110 001

.....Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned order of transfer under Message No. A 1504 dated 04.02.2002 transferring the applicant from Assam Rifles Hospital, Happy Valley, Shillong to 9 Assam Rifles, Kimin, Arunachal Pradesh and praying for a direction upon the Respondents to release the applicant from Assam Rifles and reverting her back to the Central Health Service as advised by the Ministry of Home Affairs under their letter No. I.45028/02/2001-Pers II (Pers II) dated 04.01.2002 and No. I. 45028/02/2001-Pers II (Pers III) dated 11.01.2002 addressed to the DGAR, Assam Rifles.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

Dr(Mrs) Sally Rachel Rumthao

4. Facts of the case.

- 4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. Further she is a member of Scheduled Tribe Community.
- 4.2 That the applicant was initially appointed as a Medical Officer in the Central Health Service (CHS) and joined at 21 Assam Rifles, Manipur (lairouching) on 05.05.1993. Thereafter, she was promoted to the post of Senior Medical Officer and was posted at Assam Rifles Hospital, Happy Valley, Shillong where she joined on 02.01.1997, and continuing in the same office till filing of this Original Application.

Copy of initial appointment letter is annexed herewith as **Annexure-I**.

- 4.3 That the applicant begs to state that her husband is working in the State Bank of India and was posted at Shillong but eventually he was transferred to SBI, Regional Office at Tura where he is working till date. The applicant has got three minor children who have been residing with her at Shillong. The eldest of the three Smti Somiron Rumtho is reading in class IV in Pine Mount School, Shillong. The second one Smti Ngayam Rumthao is reading in class II in St. Mary's Montessori School, Shillong and the third one Sri Joshsho Rumthao is only 3 years old who is reading in Nursery class in Mayfair School, Shillong.
- 4.4 That all the three children of the applicant being minor, need constant parental care and the applicant has been managing it single handed in absence of her husband at Shillong. Following the transfer and posting of her husband from Shillong to Tura it became increasingly difficult for

Dr(Mrs) Sally Rachel Rumthao

the applicant to manage and take care of her three school-going children and it became imperative on her part to stay with her husband at this crucial stage for smooth upbringing and care of her children.

- 4.5 That in the conditions stated above, the applicant felt it essential to get her reversion back from Assam Rifles to the Central Health Service (CHS) so that she may also get the scope of being posted at the same station as that of her husband or a nearby station in order to lead a normal family life due to existence of Hospitals under the CHS almost all over the country. With this in view, the applicant submitted a representation on 2.2.1999 to the Respondents praying for her reversion from Assam Rifles to the CHS since she belongs to CHS. Thereafter, she had submitted number of representations through proper channel to the Respondents praying for her reversion to CHS, which were duly forwarded by the concerned superior officers.

Copy of the representations dated 02.02.99, dated 16.05.2000, dated 05.02.2002 dated 06.02.2002 are annexed herewith as **Annexure-II (Series)**.

- 4.6 That the applicant begs to state that she had submitted the above representations on completion of her tenure in Assam Rifles in terms of her appointment letter and also indicated her places of choice under the CHS for her reversion/posting. She however, vide her application dated 30.10.2001 prayed for one year extension of posting at AR Hospital, Happy Valley, Shillong for her continuation on expiry of her tenure thereby December 2001, so that her husband by that time matures for exercising option for transfer from his new place of posting i.e. Tura.
- 4.7 That the applicant begs to state that it would be understood that the Government was kind enough to consider her request.

Dr (Mrs) Sally Rachel Remythao

for her reversion to CHS and the Ministry of Home Affairs vide their letter No. I.45028/02/2001 Pers II (Pers-II) dated 04.01.2002 and No. I.45028/02/2001 Pers-II (Pers II) dated 11.1.2002 advised the Assam Rifles authorities to release and revert the applicant back to CHS. The said letters are under the custody of the DGAR, Shillong and the applicant in spite of her best efforts, could not obtain a copy of the same. The Hon'ble Tribunal be pleased to direct the respondents to produce the aforesaid two letters of the Ministry of Home Affairs before the Hon'ble Tribunal.

- 4.8 That surprisingly, when the applicant was anxiously waiting for her release FROM THE Assam Rifles, the Respondents issued one impugned order of transfer, posting and transferring the applicant from A.R. Hospital, Happy Valley, Shillong to 9 Assam Rifles, Kimin, Arunachal Pradesh vide order dated 04.02.2002. The Respondents violated the advice of the Ministry of Home Affairs and acted arbitrarily and capriciously in an unfair and unjust manner and putting undue harassment on the applicant by way of impugned order of transfer, which was received by the applicant on 07.02.2002.

Copy of impugned order of transfer-dated 04.02.2002 is annexed herewith as **Annexure-III**.

- 4.9 That your applicant humbly submits that in the event of implementation of the impugned transfer order, the whole family of the applicant with all her three minor children will be put into extreme distress and that too at a stage when she has to be reverted back to her parent organisation i.e. CHS. As such, finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of her rights and interests by setting aside the impugned order of transfer dated 04.02.2002 and also praying for a direction upon the respondents to release the

Dr(Mrs) Sally Rachel Rynthao

applicant reverting her back from Assam Rifles to the CHS as per MHA's letters dated 04.01.2002 and dated 11.01.2002.

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

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

5.1 For that the applicant has completed her tenure in Assam Rifles and is entitled to reversion to her parent organisation i.e. CHS.

5.2 For that the MHA has considered her prayer of reversion and has advised for her release vide their letters dated 04.01.2002 and 11.01.2002.

5.3 For that the applicant is a member of Scheduled Tribe Community and legitimately expects for fair deal in such matters particularly when she is a female employee.

5.4 For that the applicant has got three minor children and she alone has to take care of them since her husband is posted at Tura.

5.5 For that the applicant, in order to ensure proper parental care of her children, needs to stay in the same station as that of her husband or at least at a nearby station.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made

Dr(Mrs) Sally Rachel Runtao



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 humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s) :

- 28
- 8.1 That the impugned order of transfer--dated 04.02.2002 be set aside and quashed.
  - 8.2 That the respondents be directed to release and revert the applicant from Assam Rifles to the Central Health Service.
  - 8.3 Costs of the application.
  - 8.4 Any other relief(s) to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

Pending disposal of this application, the applicant prays for the following relief:-

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents to stay the operation of the impugned order of transfer dated 04.02.2002 till the disposal of this application.

10. ....

Dr(Mrs) Sally Rachel Runthao

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. No. : 7G 550261  
 ii) Date of issue : 31.01.02  
 iii) Issued from : G.P.O., Guwahati.  
 iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

S. Dutta

Not asked for abrogation -  
 Right to be prevented - Parent edd askwaf for  
 diversion

No right to keep the applicants -  
 Shouru gauri - 12-6-97 - choice station hosting  
 31.12.01 Order of Health Miny to reverse Ann (S)  
 Urgency to host at far off place ?

1991 Suth. (2) SCC - 646 -  
 Dir. of Ed vs. O K Sutha -

A I C

- Choice hosting - not applicable - not mandatory  
 Kamin - male doctors - mobilized - Lady Doctors.  
 All needed for taking care of families  
 All alone accommodated in shelter  
 As soon as substitutes come they will be relieved  
 Ann. of Assam Rifle Co.

Dr (Mrs) Sally Rachel Runkhao

VERIFICATION

I, Dr.(Mrs. Sally Rachel Rumthao, W/o Shri Stilwell Rumthao, aged about ...years, working as Senior Medical Officer, Assam Rifles, Hospital, Happy Valley, Shillong, hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 12th day of February, 2002.

Dr(Mrs) Sally Rachel Rumthao  
DEPONENT

No.A.12025/ 56 /92 -CHS.I  
Government of India  
Ministry of Health & Family Welfare  
(Department of Health)

REGISTERED

New Delhi, dated the 10/4/93

MEMORANDUM

Subject:- Recruitment to the Medical Officers Grade of Central Health Service.

.....

The Union Public Service Commission recommended Dr. (Mrs.) Sally Rachel Koruth for appointment to the post of Medical Officer in the Central Health Service on the basis of Spl. of CMSE-19. The President is pleased to appoint Dr. (Mrs.) Sally Rachel Koruth as Medical Officer under the Central Health Service on regular basis under the Assam Rifles, Shillong

rectt. for/  
Assam  
Rifles

on the following terms and conditions:-

(i) The appointment is on an officiating basis only on probation for a period of two years from the date of appointment which may be extended at the discretion of the competent authority. He/She will be considered for confirmation in the Medical Officers Grade (Rs.2200-4000) after satisfactory completion of probation. The officer may be required to undergo such training as Government may prescribe. Failure to complete the period of probation to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason or reversion to substantive post on which the candidate may be retaining a lien. After the satisfactory completion of period of probation the termination will be by giving one month's notice on either side. The appointing authority, however, reserves the right of terminating his/her service forthwith or before the expiration of the stipulated period of notice by making payment to him/her for the unexpired period.

THE CANDIDATE SHOULD HAVE COMPLETED SATISFACTORILY THE COMPULSORY ROTATING INTERNSHIP BEFORE JOINING SERVICE. IN CASE WHERE THIS HAS NOT BEEN COMPLETED, ALL DETAILS SHOULD BE FURNISHED FOR CONSIDERATION OF THE GOVERNMENT.

(ii) The scale of pay of the post is Rs.2200-75-2800-EB-100-4000. The initial pay of such candidates who are in Government service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(iii) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(iv) Dearness and other allowances will be admissible according to orders of the Central Government.

.....2/-

Attested  
Jaya  
Advocate

//

/2/

(v) Non-practicing allowance is admissible at the following rates:-

| <u>Pay range</u>                           | <u>Rate of N.P.A. per month</u> |
|--|---------------------------------|
| Below Rs.3000/-                            | Rs.600/-                        |
| Rs.3000/- and above<br>but below Rs.3700/- | Rs.850/-                        |
| Rs.3700/- and upto                         | Rs.950/-                        |

(vi) The officers will be required to contribute compulsorily to the G.P.Fund in accordance with the rules in force from time to time.

(vii) The appointment carries within the liability to serve in any part of India or outside.

(viii) The officer shall, if so required, be liable to serve in Defence service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any, provided.

(a) the officer shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment

(b) the officer shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

(ix) A declaration regarding the marital status in the enclosed proforma may be sent to this Ministry immediately.

(x) On appointment, the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.

(xi) The P.G. Allowance shall be admissible at the rate of Rs.100/- and Rs.200/- per month for possessing P.G. Diploma and P.G. Degree qualification respectively to the Medical Officers and Senior Medical Officer.

(xii) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.

(xiii) NO REQUEST FOR CHANGE IN THE PLACE OF POSTING WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES.

(xiv) NO REQUEST FOR EXTENSION OF JOINING TIME FOR DOING POSTGRADUATION OR CONTINUANCE OF POSTGRADUATION WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES. THE CANDIDATES WILL HAVE TO CHOOSE BETWEEN POSTGRADUATION OR JOINING THE CENTRAL HEALTH SERVICE.

.....3/-

*Placed  
for  
Advocate*

- 3 -

2. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt. may deem necessary.

3. The Ministry may please be informed within days from the date of issue of this Memorandum whether or not the offer of appointment on the above terms and conditions is acceptable to him/her and also return the declaration. In case the offer is acceptable, he/she should report to the Director General, Assam Rifles, Shillong for posting/duty under intimation to this Ministry. If no reply is received and he/she does not report for duty within the stipulated period of 30 days, the offer of appointment will be treated as cancelled.

4. The following certificate(s) (in original) together with a copy(ies) thereof must be furnished alongwith the acceptance of the offer of appointment.

1. ~~Compulsory Rotating Internship Certificate.~~
2. Original M.B.B.S. Degree
3. ~~SC/ST Certificate in the prescribed form from~~  
the competent authority.

5. The appointment is provisional and is subject to the Caste Certificate being verified through Proper Channel and if the verification reveals that the claim to belong to Scheduled Caste is false, the service will be terminated without assigning any reason and without prejudice to such further action as may be taken under the provisions of Indian Penal Code for production of false certificate.

The appointment is subject to the result of (i) Civil Appeal No.3519 of 1984 in the Supreme Court of India and (ii) of O.A.No.619 of 1988 filed by Dr.(Smt.) S.B. Khadilkar before CAT, New Bombay Bench, New Bombay against Union of India and Others.

IN ALL FUTURE CORRESPONDENCE THE FILE NO. GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS BE QUOTED



( R.C. SHARMA )

UNDER SECRETARY TO THE GOVT. OF INDIA

To

✓ Dr.(Smt.) Sally Rachel Koruth,  
C/o Mr. I.C. Koruth,  
Nagaram Stadium Road,  
Lamlong Bazar, P.O. Imphal,  
Manipur State-795 010.

*Alleged  
Law Advocate*

No.A.12025/ / -CHS.I

Copy forwarded for information and necessary action to:-

1. The Secretary, UPSC, New Delhi w.r.t. their letter No. \_\_\_\_\_ dated \_\_\_\_\_.

2.

a) A report may kindly be sent to this Ministry within 15 days of the expiry of the last date whether or not the candidate has reported for duty. If the candidate has reported for duty, his/her charge assumption report(in triplicate) may kindly be sent to this Ministry.

b) Assessment Reports in respect of the officer in the prescribed form(in duplicate) every year for a period of five years should please be sent to this Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.

c) He/She has been medically examined and found fit. His/Her character and antecedents has been verified and nothing has been found against him/her.

3. Copy for pay and Accounts Officer,

4. CHS II Section.

5. Shri/Smt. \_\_\_\_\_

6. The Liason Officer, Assam Rifles, Room No.171, North Block, Ministry of Home Affairs, New Delhi.

SECTION OFFICER

*Attested  
Secy  
Advocate*

From : Dr(Mrs) Sally Rachel Rumthao  
Senior Medical Officer(CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong - 793 007

To : The Director General Assam Rifles  
Directorate General Assam Rifles  
Shillong - 793 011  
  
(Through Proper Channel)

Sub : REQUEST FOR TRANSFER BACK TO CHS FROM THE ASSAM RIFLES

Sir,

I am submitting herewith an application in the proper format for transfer back to the CHS for favour of your necessary action.

In this regard I have served in this magnificent Force since my appointment i.e. 05 May 1973 and as I have served more than specified tenure in the Assam Rifles, I am now placing my request for transfer back to CHS.

Your kind rendering will be deeply appreciated.

Your's faithfully,



Dr(Mrs) SR Rumthao  
Senior Medical Officer  
(CHS)  
Assam Rifles Hospital

Dated : 02 Feb 77

*Attested  
Law  
Advocate*



- 15 -

25

From : Dr(Mrs) Sally Rachel Rumthao  
Senior Medical Officer(CHS)  
Assam Rifles Hospital  
Happy Valley, Shillong - 793 007

To : The Secretary Govt of India  
Ministry of Health and Family Welfare  
New Delhi - 110 001

Subject: REQUEST FOR TRANSFER BACK TO CHS FROM ASSAM RIFLES

Sir,

I am forwarding herewith request for transfer back to CHS in the required proforma through proper channel.

In this regard I have to state that I have served in the department of Assam Rifles for more than 5 years 8 months since my appointment in this department i.e. 05 May 93. As I have served more than the specified tenure in the Assam Rifles. I would now like to be transferred back to CHS with my choice of posting preference as under :-

- (a) Post and Telegraph - Shillong(Meghalaya)
- (b) Regional Health Organisation - Shillong
- (c) Regional Health Organisation - Imphal(Manipur)
- (d) Post & telegraph/CGHS - Guwahati(Assam)

I would like to mention that my husband is an employee of the State Bank of India and presently posted at Shillong.


In view of the above, I am therefore to request you to consider my request for transfer and posting sympathetically at the earliest.

For this act of kindness I shall ever remain grateful to you.

Yours faithfully,

Shillong - 07


Date : 02 Feb 97

  
(Dr(Mrs) SR Rumthao)  
Senior Medical Officer(CHS)  
Assam Rifles Hospital  
Happy Valley - 07

*Attested  
Jen  
Advocati*

PROFORMA FOR REQUEST FOR TRANSFER

1. Name : Dr (Mrs) Sally Rachel Rumthao
2. Employee Code No : 290
3. Designation : Senior Medical Officer
4. Date of joining in CHS: 05 May 1993
5. Date of joining the organisation from where transfer is sought : 05 May 1993, Assam Rifles
6. Details the period of service rendered in other difficult area like Assam Rifles, Arunachal Pradesh, Andaman Nicobar Islands/ Dadra Nagar Haveli, Laskhadweep Islands Ministry of labour etc. : 5 Years 8 Months in Assam Rifles wef 05 May 1993
7. Reason for seeking transfer (in brief) : Serving more than specified tenure in Assam Rifles
8. Station/Organisation where transfer is desired (in order of preference) :
  - (a) Post and telegraph - Shillong (Meghalaya)
  - (b) Regional Health Organisation - Shillong
  - (c) Regional Health Organisation - Imphal (Manipur)
  - (d) Post & telegraph/CGHS - Guwahati (Assam)

  
(Signature of applicant)

Dated : 02 Feb 99

*Attested  
Law  
Advocate*

Tels No : 785095

REGISTERED

Bharat Sarkar  
Government of India  
Grih Mantralaya  
Ministry of Home Affairs  
Maharajeshwari Assam Rifles  
Directorate General Assam Rifles  
Shillong - 793011

I.14015/5-93/SRK/A-1

02 Feb 99

The Under Secretary to the  
Government of India  
Ministry of Health & F.W. (Cell)  
Nirman Bhawan  
New Delhi - 110011

REQUEST FOR TRANSFER BACK TO CHS FROM ASSAM RIFLES

Sir,

1. I am directed to forward herewith an application received from Dr (Mrs) SR Ranthao, SHO seeking reversion to CHS.
2. It is requested that the relief of the Medical Officer be posted to Assam Rifles if request of the officer is considered by the Ministry.
3. The above Medical Officer will only be relieved on physical arrival of his relief.

Yours faithfully,

(SK Suri)  
Colonel  
Deputy Director (Medical)  
for Director General Assam Rifles

03/Free  
Encl : 02 (Two) sheets.

NOO

Copy to :-

Assam Rifles Hospital  
Happy Valley, Shillong

INTERNAL

MS Branch

- for info with ref to their letter No.  
I.3601/1/MO/ARH/98-99 dated 02 Feb 99.

- for info please.

*Placed  
for  
Advocate*

- 18 -

ANNEXURE-II (Series)

From : Dr (Mrs) Sally Rachel Rumthao  
Senior Medical Officer (CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong- 7

To : The Director General Assam Rifles  
Shillong- 11

(Through proper channel)

REQUEST FOR TRANSFER BACK TO CHS FROM THE ASSAM RIFLES

Sir,


Kindly refer to my representation letter dated 02 Feb 99 requesting for transfer back to CHS (copy enclosed) which stands forwarded to Ministry of Health & Family Welfare vide HQ DGAR letter No I.14015/5-93/SRK/A/-1- dated 05 Feb 99.

In this connection as desired by Ministry, I am submitting herewith an application addressed to the Under Secretary to the Government of India, Ministry of Health & Family Welfare (CHS-II), Nirman Bhavan, New Delhi alongwith the relevant particulars in continuation of my representation for transfer and Posting for your kind action.

Thanking you.

Yours faithfully,

Dated : 16 May 2000

  
(Dr (Mrs) S-R Rumthao)  
Senior Medical Officer (CHS)

*Attested  
Senior  
Advocate*

- 19 -

29

From : Dr (Mrs) Sally Rachel Rumbhao  
Senior Medical Officer (CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong- 7  
Meghalaya - 793 007

To : The Under Secretary to the  
Government of India  
Ministry of Health &  
Family Welfare (CHS-II)  
Nirman Bhavan  
New Delhi- 110 011

(Through proper channel)

REQUEST FOR TRANSFER BACK TO CHS FROM THE ASSAM RIFLES


Sir,

I beg to state that I have forwarded my application for reverting back to CHS from Assam Rifles vide my application dated 02 Feb 99 (copy enclosed) which stands forwarded to the Ministry of Health & Family Welfare vide HQ DGAR letter No 1.14015/5-93/SRK/A-1 dated 05 Feb 99.

However keeping in view the revised norms for taking up transfer proposal as circulated vide Ministry of Health & Family Welfare circular No A.22012/20/98-CHS-III dated 30 Mar 2000, I am to request you to kindly place my request for reverting back to CHS and for posting at the preferred places as indicated in my above stated letter. I am also furnishing the necessary particulars in connection with my transfer proposal.

Thanking you in anticipation.

Yours faithfully,

  
(Dr (Mrs) Sally Rachel Rumbhao)  
Senior Medical Officer (CHS)  
Assam Rifles Hospital

Dated: 16 May 2000

*Accepted  
Jee-  
Advocate*

- 20 -

Annexure - II Ser's.

TRANSFER PROPOSALS FOR CONSIDERATION OF TRANSFER COMMITTEE

PROFORMA-I

| S/No | Name/Designation<br>DOB/SC/ST/OBC   | Date of joining<br>CHS   | Previous postings                | Gist of Representation/<br>request/reasoning etc  | Remarks |
|------|---|--|----------------------------------|---|---------|
| 1.   | Dr(Mrs) Sally Rachel<br>Rumthao<br><br>Senior Medical Officer<br>DOB - 07-11-1963<br><br>SC/ST/OBC - ST | 05-05-1993<br><br>in dept. of<br>Assam Rifles<br>as first<br>posting | continuing<br>in<br>Assam Rifles | Representation forwarded vide<br>HQ DGAR letter No I.14015/5-93/SRK/<br>A-1 dated 05 Feb 99.<br><br>I have served more than 7 years in<br>Assam Rifles till date. As my<br>husband is serving in SBI and<br>posted at Shillong, I may please be<br>posted at Shillong on reverting<br>back to CHS so that both of us<br>can jointly take up responsibilities<br>of looking after three young<br>children. |         |

Attested  
for  
Advocate

21 -  
Annexure II Serial,  
31  
Tele No. : 705095

REGISTERED

Bharat Sarkar  
Government of India  
Grih Mantreaya  
Ministry of Home Affairs  
Mahavidyalaya Assam Rifles  
Directorate General Assam Rifles  
Shillong - 793011

I.14015/5-93/SRK/M-I

31 May 2000

The Under Secretary to the  
Government of India  
Ministry of Health & F.W. (CH 5.II)  
Nirman Bhawan  
New Delhi - 110011

REQUEST FOR TRANSFER BACK TO CHS FROM  
ASSAM RIFLES

Sir,

1. I am directed to forward herewith an application received from Dr (Mrs) S R Rumthao, SMO, for reversion to CHS.
2. It is requested that the relief of the Medical Officer be posted to Assam Rifles if request of the officer is considered by the Ministry.
3. The above medical officer will only be relieved on physical arrival of her relief.

Yours faithfully,

( R S Rathes )  
Colonel  
Deputy Director (Medical)  
for Director General Assam Rifles

Encl : 04 (Four) sheets.

NOD

Copy to :-

✓ Assam Rifles Hospital  
Happy Valley, Shillong

- for info with ref to their letter No. I.3601/ARH/2000/978 dated 16 May 2000.

INTERNAL

MS BRANCH

- for info please.

2/26

Attended  
Leave  
Advocate

22 -

ANNEXURE - II (Series)

Assam Rifles Hospital  
Happy Valley  
Shillong- 7

32

05 Feb 2002

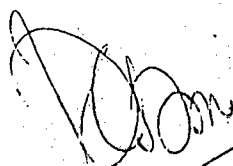
I.3601/ARH/2002/672

Mahanideshalaya Assam Rifles  
Directorate Gen Assam Rifles  
(Medical Branch)  
Shillong-11

APPLICATION : FWD OF

An application dated 05 Feb 2002 submitted by Dr(Mrs) S R Rumthac SMO (CHS) of this hospital for reverting back to CHS is fwd herewith for your necessary action please.

Encl : as above.

  
(Dr) D C Deuri)  
CMO (CHS)  
OC AR Hosp

Attested  
Jain  
Advocate



- 22 -

Annexure - II Sir's  
32

From : Dr (Mrs) Sally Rachel Rumthao  
Senior Medical Officer (CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong- 7

To : The Director General Assam Rifles  
Shillong-11  
(Through proper Channel)

REQUEST FOR TRANSFER BACK TO CHS FROM THE ASSAM RIFLES


Sir,

1. Kindly refer to my representation letter dated 02 Feb 99 (copy enclosed) requesting for transfer back to CHS which stands forwarded to Ministry of Health and Family Welfare vide HQ DGAR letter No I. 14015/5-93/SRK/A-1 dated 05 Feb 99, and I.14015/5-93/SRK/M-I dated 31 May 2000.

2. In this connection <sup>as</sup> desired by Ministry, I am submitting herewith an application addressed to the Under Secretary to the Government of India, Ministry of Health and Family Welfare (CHS-II), Nirman Bhavan, New Delhi alongwith the relevant particulars in continuation of my representation for transfer and posting for your kind action.

Thanking you in anticipation.

Your's faithfully

  
(Dr (Mrs) Sally Rachel Rumthao)  
Senior Medical Officer (CHS)  
Assam Rifles Hospital

Dated 05 Feb 2002.

*Attested  
J. J. Bhattacharya*

From : Dr (Mrs) Sally Rachel Rumthao  
Senior Medical Officer (CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong-7  
Meghalaya-793007

Annexure - II

34

To : The Under Secretary to the  
Government of India  
Ministry of Health &  
Family Welfare (CHS-II)  
Nirman Bhavan  
New Delhi-110001  
(Through proper channel)

REQUEST FOR TRANSFER BACK TO CHS FROM THE ASSAM RIFLES

Sir,

1. I beg to state that I have forwarded my application for reverting back to CHS from Assam Rifles vide my application dated 02 Feb 99 (copy enclosed) which stands forwarded to the Ministry of Health & Family Welfare vide HQ DGAR letter No I.14015/5-93/SRK/A-1 dated 05 Feb 99 and I.14015/5-93/SRK/M-I dated 31 May 2000.

2. However keeping in view the revised norms for taking up transfer proposal as circulated vide Ministry of Health & Family Welfare circular No A.22012/20/98-CHS-III dated 30 Mar 2000, I am to request you to kindly place my request for reverting back to CHS and for posting at the preferred places as indicated here under:-

- (a) CGHS dispensary, Shillong (Meghalaya)
- (b) Regional Health Organisation, Shillong (Meghalaya)
- (c) Regional Health Organisation, Imphal (Manipur)
- (d) CGHS dispensary, Guwahati (Assam)

3. I would like to mention that my husband is an employee of the State Bank of India and presently posted at Tura (Meghalaya). To this effect my humble submission and request to kindly consider my posting as per the norms of posting husband and spouse at the same centre.

Thanking you in anticipation.

Your's faithfully

*AKall*  
(Dr (Mrs) Sally Rachel Rumthao)  
Senior Medical Officer (CHS)  
Assam Rifles Hospital

Dated 05 Feb 2002.

*Attested  
Jen  
Savocati*

TRANSFER PROPOSALS FOR CONSIDERATION OF TRANSFER COMMITTEEPROFORMA-I

| S/No | Name/Designation<br>DOB/SC/ST/OBC  | Date of joining<br>CHS  | Previous postings                | Gist of Representation/<br>request/reasoning etc  | Remarks |
|------|--|---|----------------------------------|---|---------|
| 1.   | Dr (Mrs) Sally Rachel<br>Rumthao<br><br>Senior Medical Officer<br>DOB - 07-11-1963<br><br>SC/ST/OBC - ST | 05-05-1993<br>in dept of<br>Assam Rifles<br>as first<br>posting | continuing<br>in<br>Assam Rifles | Representation forwarded<br>vide HQ DGAR letter No I.<br>14015/5-93/SRK/A-1 dated<br>05 Feb 99. and<br>HQ DGAR letter No I.14015/<br>5-93/SRK/M-I dated 31 May<br>2000.<br><br>I have served more than<br>8 years in Assam Rifles<br>till date. As my husband<br>is serving in State Bank<br>of India and posted at<br>Tura (Meghalaya). I may<br>please be posted at Shillong<br>on reverting back to CHS<br>so that both of us can<br>jointly take up the<br>responsibilities of<br>looking after over<br>three minor children. |         |

Plotted  
Jas  
Advocate

Assam Rifles Hospital  
Happy Valley  
Shillong- 7

J.3601/ARH/2002/676

06 Feb 2002

Mahanideshalaya Assam Rifles  
Directorate Gen Assam Rifles  
(Medical Branch)  
Shillong- 11

APPLICATION : FWD OF

An application dated 06 Feb 2002 submitted by the undersigned Officer of this hospital for release back to CHS is fwd herewith for your necessary action please.

(Dr (Mrs) S R Rungthao)  
SMO (CHS)  
Offg OC AR Hosp

Encl : as above.

Disputed  
Law  
Advocate

- 27 -

Annexure - II

37

From : Dr (Mrs) Sally Rachel Rumthao  
Senior Medical Officer (CHS)  
Assam Rifles Hospital  
Happy Valley  
Shillong - 7

To : The Director General Assam Rifles  
Shillong- 11

(Through proper channel)

SUB : PRAYER FOR RELEASE FROM ASSAM RIFLES AND REVERSION  
BACK TO CHS

Sir,

1. It is learnt that my release order from Assam Rifles and reversion back to Central Health Service has been advised vide Ministry of Home Affairs letter No I. 45028/02/2001-Pers II (Pers II) dated 04 Jan 2002 and No I.45028/02/2001 Pers II (Pers III) dated 11 Jan 2002. To this effect I request you to kindly take up my release from Assam Rifles and transfer back to CHS on priority so that studies of my 3 (three) minor children can be planned accordingly.

2. Your kind action and favour will be highly appreciated.

Your's faithfully



(Dr (Mrs) Sally Rachel Rumthao)  
Senior Medical Officer (CHS)  
Assam Rifles Hospital

Dated 06 Feb 2002

Copy to :-

Under Secretary  
Ministry of Health & Family Welfare  
Nirman Bhavan  
New Delhi.

Attested  
J. S. Advach

- 28 -

ANNEXURE-III

24

From : HQ DGAR (MS)

DTG :

To : AC and A Rg

UNCLAS

NL Rg (South)

AR Hospital Happy Valley - by originator ✓

Info : IGAR (North)

9 Assam Rifles

A 1504

-----  
Posting Civ Med Offre (.)

firstly (.) Dr (Mrs) Sally Raichel Rumthao comma SMO  
comma AR Hospital Happy Valley hereby posted to  
9 Assam Rifles (.)

secondly (.) mov to be completed by Feb 28 (.)

thirdly (.) initiate ACR/ICR as applicable (.)

fourthly (.) intimate EDD/EDA all concerned (.)

fifthly (.) NO rat NO representation will be  
entertained (.)

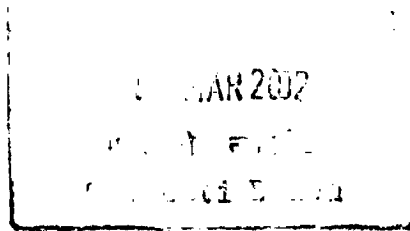
lastly (.) ack -

-----  
Col L C Patnaik, DD(MS), MS Branch Tele : 70/5006

FIRST LIGHT DAB  
Date.....07/2/2002.....  
CMO.....~~MS~~.....  
SMO/ MO.....  
Med JCO.....  
Store JCO.....  
Clerk.....

Col                     

TOR : 04 Feb 2002



Filed by:-  
Union of India & ors  
... Respondents  
through:-  
Kamen Chandra  
Amp  
Addl. C. Y. S.  
15/3/02 39

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH: GUWAHATI**

O.A NO 41 OF 2002

Dr (Mrs) SR Rumthao

Vs

Union of India and Others

**Written Statement submitted by the Respondents.**

The respondents beg to submit the Written Statement as follows: -

**BRIEF FACTS OF THE CASE**

1. That before giving out a reply to the petition the deponent herein begs to state the brief facts of the case which will be helpful in understanding the issue involved in the case.
2. That the applicant herein was appointed by the Ministry of Health and Family Welfare on 20<sup>th</sup> May 93 . She reported to this Directorate on 05 May 93 and was posted to 21 Assam Rifles. The applicant was recruited through special recruitment drive for Assam Rifles by Ministry of Health and Family Welfare. The same is evident from the appointment letter annexed by the applicant as Annexure -I of the OA. In the appointment letter it was made clear that

she will report to the Director General of Assam Rifles for further posting and duties.

3. The applicant thereafter served in 21 Assam Rifles and then made an application to Brigadier Satish Kumar then DIG Assam Rifles, B Range. In the application she inter-alia stated that as her husband is working as an accountant in state bank of India, Imphal Branch, therefore, she should be posted to 24 Assam Rifles or 30 Assam Rifles located in and around Imphal.

**A true copy of the application dated 25 Mar 1994 is attached as Annexure – I**

4. That the applicant there after made another application stating that as her husband has now got posted to Zonal Office of the State Bank of India, Dhankheti, Shillong, therefore she may be posted to Shillong.

**A true copy of the application submitted by the applicant is attached as Annexure – II.**

5. The respondents herein considered her plea with compassion and issued the order of posting to Assam Rifles Hospital at Shillong accordingly. The applicant reported for duty at Shillong on 02 Jan 1997. The postings in Assam Rifles are regulated through Standing operating Procedure issued under the directions of the Director General Assam Rifles vide letter No I. 14015/SOP-MO/89/NE/A dated 12 October 89. According to the said policy letter it has been stated in Para 4, normal tenure of CHS cadre officers at one place is for a period of 3 years.

**A true copy of Standing Operating Procedure dated 12 October 89 is attached as Annexure –III.**



6. That the applicant was to complete her tenure on 02 Jan 2000. But sensing that tenure would complete shortly the applicant submitted an application on 26 Nov 1999, wherein she stated that she be granted an extension for one year. The respondent herein after giving due consideration to her application granted the extension for one year i.e. up to 02 Jan 2001.

7. That the applicant once again prior to her completion of tenure at Shillong submitted an application with request that her husband is now working at SBI Tura and she should be granted one year extension. The respondent once again accepted her request and granted a 2<sup>nd</sup> extension up to 02 Jan 2002.

**A true copy of the application requesting for extension dated 16 Oct 2000 is attached as Annexure – IV.**

8. That the applicant in the mean time submitted an application for her reversion back to CHS. Her application were fwd to the Ministry. However, it is submitted that the Ministry of Finance issued a clarification wherein it was stated that the concessions /incentives applicable in the O.M No 20014/2/83 dt 14 Dec 83 are applicable only to those who are posted to NE States/UT of NE Region on the basis of transfer/deputation and this order does not imply to the employees who on their initial posting to NE Region.

**A true copy of the OM dated 27 Jul 2000 is attached as Annexure – V.**

9. That the applicant was recruited to serve only in Assam Rifles in NE Region and the applicant was aware of the said fact. The applicant has render a service for a period of 5 years, at Shillong though it was not in conformity with the laid down policies, however, taking the

personal problems into consideration she was given an extended tenure. It is further submitted that the Ministry of Home Affairs vide their letter No I.45028/2/2001-Pers-II/Pers-III dated 11 Jan 2002, have stated that reversion of 4 female CHS doctors be done only when suitable substitute is posted. However, no order to revert back applicant has been given. That the applicant have been given sufficient opportunity in order to enable her live with her husband, however, it will not be appropriate at this stage to interfere in the matter of transfer which have been done in the interest of service after taking into consideration the complete facts and circumstances of the cases. The Hon'ble Supreme Court has held in catena of judgement that transfer is an incident of service and should not be interfered unless the same has been made with any mala-fide intent. That the applicant could not show even remotely that the authorities have violated any rules or acted in mala fide manner in transferring the applicant to 9 Assam Rifles located in state of Arunachal Pradesh. The new place of posting at Kimin (Arunachal Pradesh) is well connected and is also having a sufficient and good education institution.

#### PARA WISE REPLY

10. That with reference to statement made in Para 1,2 & 3 are the matter of personal knowledge of the applicant, hence no comments are being offered.

11. That with reference to averments made in Paras 4.1 of the O.A the deponent begs to submit that the matter are in the personal knowledge of the applicant and as such no comments can be offered.

12. That with reference to averments made in Paras 4.2, the respondents begs to submit that the applicant was appointed by Ministry of Health and Family Welfare 20<sup>th</sup> Apr 93. The applicant

reported to this Directorate on 05 May 93 and was posted to 21 Assam Rifles. The applicant thereafter she was posted to Shillong.

13. That with reference to averments made in Para 4.3, the deponent begs to offer no comments as the matters stated herein are in the personal knowledge of the applicant.

14. That with reference to averments made in Para 4.4, the deponent begs to offer no comments as the matters stated herein are in the personal knowledge of the applicant. However, the education of children or the children being small cannot be a ground to stay the posting orders.

15. That with reference to averments made in Paras 4.5 the deponent begs to state that the applicant has made application in order to show as she wanted a reversion back to CHS, however, she was fully aware that she cannot be reverted back as she has been appointed for Assam rifles to serve in NE region. The copy of the application submitted by applicant were forwarded to the Ministry of Health, however, it was informed that until and unless the suitable relief is provided she will not be relieved.

16. That with reference to averments made in Para 4.6, the deponent begs to submit that the contention of the applicant is false and incorrect as there is no fix tenure in Assam Rifles for the Doctors recruited specially for Assam Rifles and she has to serve in Assam Rifles until she attains superanuation or a suitable relief is provided for in her place. Till such time she has to serve according to the terms and condition stipulated by Director General Assam Rifles.

17. That with reference to averments made in Para 4.7, the respondents begs to submit that statements made therein are incorrect. The Ministry have asked the views of the Directorate general Assam

Rifles for relief of the applicant as she has applied for transfer from Assam Rifles. It was informed to the Ministry that applicant cannot be released until a suitable relief has been provided for. Further, the applicant has been recruited through special recruitment drive for Assam Rifles only and thus she cannot claim her reversion as a matter of right. Further the Hon'ble CAT in OA No 46/2000 filed by Dr Girindera Ray have held that benefit of OM dt 14 Dec 1983 are not applicable to the applicant.

**A true copy of the order in OA No 46/2000 is attached as Annexure VI.**

It is also submitted that the Hon'ble Gauhati High Court Shillong Bench in WRC)No 265/2201 UOI Vs Dr Akhilesh Prasad have stayed the order of Hon'ble CAT dated 20 Jul 2001.

**A true copy of the Gauhati High Court order dated 14 Nov 2001 is attached as Annexure – VII.**

18. That with reference to averments made in Para 4.8, the respondents beg to submit that the order of transfer from AR Hospital to 9 Assam Rifles at Kimin was made in accordance with the laid policies on the subject. The respondents have acted in accordance with the policies and have not violated any rules/policies on the subject. The transfer and posting are the incident of the service and interference at this stage will cause serious and far reaching affect on the Assam Rifles. The units of the Assam Rifles are deployed in far flung areas where no proper medical cover apart from Assam Rifles Hospital available. A hospital without doctor will serve no purpose and the person who are affected the most , by non compliance of the posting of the applicant are the Jawans and their families who are fighting insurgency. It is also submitted that there are other lady doctors with

same type of pressing problems, which are also to be given due consideration.

19. That with reference to averments made in Para 4.9, the deponent begs to submit that the posting of applicant to Kimin will not cause any affect on her family as proper school are available. Further, if the applicant is desirous to live with her husband then her husband can also apply for his posting to Kimin.

20. That with reference to averments made in Para 4.10, the deponent begs to submit that the application has been made without any cause nor with any valid legal grounds. The respondents have made all out endeavour to help the applicant whenever she requested. The application is having no legal basis and should be rejected.

#### **REPLY TO GROUNDS**

21. That with reference to averments made in Para 5.1 to Para 5.5, the deponent begs to submit that the question of completion of her tenure in Assam Rifles does not arise because she has to serve in Assam Rifles till he superanuation as she has been recruited for Assam Rifles only. She has been serving in the Assam Rifles since her initial posting. It is also submitted that being a member of ST does not give any advantage in the matter of posting/transfer. The applicant is being posted to Kimin wherein she can look after her children and her husband can also posted if he so desirous. The ground for giving parental care is not valid ground. Further she has been given the sufficient extension on the same ground.

22. That with reference to averments made in Para 6 & 7 the deponent begs to offer no comments.

#### **REPLY TO RELIEF**

23. That with reference to averments made in Para 8.1 to 8.4 the deponent begs to submit that the applicant has been transferred in

accordance with the policy on the subject as such she cannot make a request for quashing of the transfer order. The respondents shall revert the applicant only if a suitable relief is posted until then she is to serve at her place of posting.

24. That with reference to averments made in Para 9 the deponent begs to submit that the stay order passed by the Hon'ble CAT may kindly be vacated and the applicant be directed to report her new place of posting.

VERIFICATION

I Major Sandeep Kumar, age 34 years, Son of Shri JP Sharma, working as Joint Assistant Director (Legal) in the Office of the Directorate General Assam Rifles being authorised to hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this 14<sup>th</sup> day of May 2002.



Deponent

स. सहायक निदेशक (बिधि)  
Joint Assistant Director (Legal)  
महानिदेशालय असम राईफल्स  
Directorate General Assam Rifles  
शिलांग - ७६३०११  
Shillong - 793011

To

Brig. Satish Kumar,  
Commander, 10-Sector  
DIG, B-Range  
Assam Rifles.

Sub:- Request for posting Dr. Sally  
Rachel Kumthao, M.A at Imphal  
from Jwalamukhi 21 Assam Rifles.

Sir,

I the undersigned respectively beg to submit this  
matter under compulsion by treating it vital and most -  
urgent as a special case on humanitarian ground.

That, I am a resident of proper Ukhrul and at present  
posted at Jwalamukhi 21 Assam Rifles post since the month  
of May, 1993. My husband Shri Stillwell Kumthao, Accountant  
(Secretariate). Our small girl with me has often been left  
behind pathetically on my tours. Our parents are at Ukhrul  
itself. Facing all the family-difficulties of ours, I am  
rather compelled to seek your personal helps for which I -  
have entrusted my brother-in-law Shri Z.V. Vakham, Advocate  
at Ukhrul for necessary steps, information etc.

Treating it as most urgent into consideration, I  
myself do hereby move with the immense hope that your good-  
self will certainly appreciate my problems in doing the -  
needful.

I henceforth fervently request you kindly to move  
the matter at high level for posting me at Imphal at  
an early date by considering it a special case on top  
priority.

Dated/Jwalamukhi  
(The 25th March, '94.)

Yours faithfully,

( *Dr. Sally Rachel Kumthao* )  
Medical Officer  
Jwalamukhi 21 Assam Rifles Post.

... (o) ...

*Attended  
AKC  
Addl Cgsc*



11

To,

The Director General Assam Rifles  
SHILLONG - 11

(Through Proper Channel.)

SUBJECT : REQUEST FOR POSTING AT SHILLONG

Sir,

I beg to state that I have been posted with 21 Assam Rifles since my appointment in May 1993 and put in request for transfer and posting with 30 Assam Rifles, 7 Assam Rifles or 20 Assam rifles, so as to enable me to stay at a closer centre where my husband, who is serving in the State Bank of India and is posted at Imphal. However, my husband, namely Stilwell Rumthao has been recently transferred and posted at there Zonal Office, Shillong. In the circumstances I am to request you to kindly arrange for my transfer and posting to Shillong so that I and my husband can stay at a same centre and jointly look after our two small kids aged 3-1/2 year and 1-1/2 year. At the same time, it will give both of us the relief from the anxieties and concern of being apart.

Thanking you in anticipation for your sympathetic consideration.

Yours faithfully,

Sd/-xxx  
(Dr(Mrs) Sally Rachel Rumthao)  
21 Assam Rifles Rear Hospital  
MO (CHS)  
C/O Manipur Range  
C/O 99 APO.

Dated 26/7/96

Copy to :-

The Deputy Director  
Medical Section, DGAR  
Shillong - for information

CTC 

सं. सहायक निदेशक (विधि)  
Joint / ss: Director (Legal)  
महानिदेशक अरुण राईपल्स  
Dir General Assam Rifles  
शिलांग 783011  
Shillong 783011

12

MEDICAL OFFICERS ASSAM RIFLESSOP1. Introduction

Cadre of Medical Officer in Assam Rifles belongs to the CHS cadre of service. The CHS under the Min of Health and Family Welfare controls the cadre and is liable to provide Medical Officer in the Force. Against the authorisation of 290 MOS under the CHS cadre only 60 Numbers of MOS are posted to this Force including 2 CMO and 15 SMO. In addition 23 doctors on adhoc basis and one CAS (I) are available. This evidently shows the magnitude of deficiency of MOS in the Force which is required to be sorted by all concerned.

2. Aim

Aim of this SOP is to streamline various service conditions of the Drs of CHS so far as it concern Assam Rifles. This SOP to be taken as a guiding principle in respect of Drs in the Force.

3. Type of Doctors held in Assam Rifles as under

- (a) CHS
- (b) A/C
- (c) Adhoc
- (d) CAS (I)

4. Posting Policy

(i) Hard or soft area - There is no hard or soft area of posting in Assam Rifles. However, there may be some better areas than others. Therefore, it will be ensured as far as possible that doctors get even opportunity to serve in better areas also if they happen to serve for more than one tenure with the Force.

(ii) Tenure - Normal tenure of MO under regular CHS cadre is for a minimum period of 3 years in the force. On expiry of above period of 3 years service one is eligible for posting out subject to para 8 of this SOP. Normal tenure for inter-cadre posting within units will also be for a minimum period of 3 years.

(iii) Compassionate Posting - CHS or Adhoc doctors posted to Assam Rifles belonging to North-Eastern region often ask for compassionate posting to Dimapur, Naginimara, Jairampur, Jorhat, Bokhira, Silchar, Agartala. But, firstly there are no authorised post of doctors in all these places, viz, Jorhat or Silchar. Secondly, most of the grounds projected for posting are of very common nature like, old and ill parents, no-body to look after parental property and so on and so forth. Due to limited areas of choice, it is not always possible to accommodate everybody's request. Further, to accommodate

(115)

13  
-2-

one doctor on compassionate ground, a number of others in the chain are to be distributed. However, as far as possible depending on the merit of the case, effort will be made to accommodate such cases.

The tenure on compassionate posting will be for 2 years only. No representation beyond this will be accepted.

5. Inter-se-seniority between CHS doctor and AMC doctors.

There is a doubt with regard to the determination of Inter-se-seniority between AMC doctors and CHS doctors. It may be noted that each Assam Rifles Bn is authorised one AMC doctor in the rank of Major. Some units are, however, holding AMC Capt in place of AMC Major. Inter-se-seniority between AMC Capt and SMO in the CHS cadre was decided by the PHA which was circulated under our circular No. Med/II-M/9-78/FE(A) dated 02 Apr 83. It shows that SMOs are senior to AMC Capt. Whereas CPO shall be senior to AMC Major in all cases.

6. Channel of correspondence/Redress of Grievances

It has come to notice that CHS doctors are often resorted to direct correspondence with the Min. of Health and Family Welfare skipping over the authority of DGR. This is contrary to the procedure of official correspondence. The CHS doctors can submit representations/application addressed to the appropriate authority but such applications, representations have to be routed through proper channel which includes local authority, intermediary authority and the Head of Department. Any correspondence violating the above mentioned norms will be viewed seriously.

As regards any grievances other than posting out, service seniority, fixation of pay and alike, representation for redress should be addressed to DGR. Representations on service matters etc., as mentioned above may be addressed to the CHS but submitted through proper channel.

7. ACR in respect of CHS doctors

The reporting period of ACR will be financial year i.e., Apr to Mar and not calendar year i.e., Jan to Dec as per Min order circulated vide Dte letter No. A/1-2395 dated 21 Mar 87. The reporting officer will be the Principal Medical Officer being the DIO Range HQ concerned and DD PC will endorse remarks as a first technical officer (FTO). In respect of the Units under direct control of DGR i.e., 17 Assam Rifles, 11 Assam Rifles etc., the reviewing officer shall be DGR (M).

14

(14) ①  
(56) ②

-3-

8. Release from Assam Rifles

The transfer out of the doctor without relief under the circumstances make the situation worse. It has, therefore, been decided in the interest of public service that no CHS doctor under posting out will be released if necessary relief is not physically provided. This has been done for the broader interest of the serving personnel, their families etc. It is expected to be understood in its true perspective rather being critical against.

(J S Dhillon)  
Lt Col  
Assistant Director (A)

rg/-

*Attended  
AK Chandra  
Haddi CGSC*

From : Dr (Mrs) Sally Rachel Rumthao  
 Senior Medical Officer (CHS)  
 Assam Rifles Hospital  
 Happy Valley  
 Shillong - 793007


To : The Directorate General Assam Rifles  
 Shillong - 793011

( Through proper channel )

Sub : EXTENSION OF POSTING ONE MORE YEAR AT AR, HOSPITAL  
ARASU, HAPPY VALLEY, SHILLONG

Sir, I beg to state that I will be completing my tenure of posting at AR, Hospital, Happy Valley, Shillong by December 2000, with extension. In this regard, I would like to request you once again to kindly extend my stay/posting at ARASU, AR Hospital, Happy Valley, Shillong by another year till December 2001 after the completion of my tenure so that I can be in proximity with my husband who is serving in the State Bank of India and presently posted at their Regional office Tura, Meghalaya. Here I would like to mention that we have three minor children which requires the effort of both of us (me and my husband) to jointly look after them and that has been possible because of our proximity of place of postings and since Zonal office of State Bank of India, which also controls the Regional office of Tura is located at Shillong, my husband has been able to visit Shillong at regular interval on official works. The appeal for continuance of my posting at Shillong has been made from my side as my husband joined at his presently place of posting i.e. Tura, in January 2000, on promotion. As such the option of posting cannot be exercised from his side at this juncture. Hence I am approaching you for the above stated extension of my tenure with hope and expectations. I shall keep up the performance and discharge of my duties as sincerely and with devotion as before, if granted.

Your's faithfully,

  
 Dr (Mrs) S R Rumthao  
 Senior Medical Officer (CHS)  
 Assam Rifles Hospital

Dated : 16 Oct. 2000

16  
Ministry of Finance  
Department of Expenditure  
E.II (B) Branch

ANNEXURE-V

41

Reference Ministry of Health & Family Welfare's O.M. No. C-17011/5/99-CHS-II dt 16.5.2000, seeking clarification for admissibility of the North Eastern Package as available to Central Government employees on their posting to NE Region, to the doctors belonging to Central Health Scheme (CHS) in terms of Finance Ministry's O.M. dated 14.12.83.

The concessions / incentives granted vide this Ministry's O.M. No. 20014/2/83- E.IV dated 14.12.83 are applicable to Central Government Employees who are posted to any state /UT of N.E. Region on the basis of transfer/deputation. This order does not apply to the employees on their initial posting in NER. As regards the issue relating to Tenure of posting of the employees posted in NER, DOPT has clarified that there is no General Policy of posting & transfer of Central Government servants working in various Ministries/Departments. The Ministries/Departments are competent to formulate their specific schemes laying down the post tenure /station tenure keeping in view the availability of manpower, functional needs, financial constraints and sensitivity of posts, etc. In case any further clarifications are desired on this issue, the matter may be taken up directly with the DOP&T.

*N.P. Singh*  
27.7.2000

(N. P. Singh)

Under Secretary E.II(B)

FA(Health)

Mof(Expr)'s I.D. No F.11(2)/E.II(B)/2000 dated 27-7-2000  
(509)

*Dir (FA)*

*W*  
31.7.2000

*Q*  
31.7.2000

*US (F-III)*

Forwarded to CHS Division for further  
necessary action.

*Clear*  
1/8/2000

CHS Division

*Attended*  
*AK*  
*Adal*  
*CGSC*

18/17

(62)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.46 of 2000

Date of decision: This the 20th day of September 2000

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

Dr Girindra Ray,  
Senior Medical Officer (CHS),  
15th Assam Rifles,  
C/O 99 A.P.O.

.....Applicant

By Advocates Mr B. Chetri & Mr K.D. Chetri.

- versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Health and  
Family Welfare Department,  
New Delhi.
2. The Secretary to the Government of India,  
Ministry of Home Affairs,  
Government of India,  
New Delhi.
3. The Director General of Assam Rifles,  
Shillong.
4. The Commandant,  
15th Assam Rifles,  
C/o 99 A.P.O.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY, J. (V.C.)

By this application the applicant has sought for a direction from this Tribunal for compliance of the O.M. dated 14.12.1983 issued by the Ministry of Finance, Department of Expenditure, New Delhi, for a choice place of posting. The applicant is a Doctor by profession working under the respondents as a Senior Medical Officer in the Assam Rifles. It has been stated that he has rendered six years of service in the North Eastern Region. It has also been stated that he has been posted in hard areas in Nagaland since 10.1.1994 till date. Presently, he is attached to

9/17/1

: 2 : 18

62

56

15th Assam Rifles at Sukhovi, Nagaland.

2. The O.M. dated 14.12.1983 is admittedly not applicable in the case of the applicant. Consideration of posting at a station of choice, according to said O.M., was provided only for those officers who come to the North Eastern Region from outside to complete their tenure posting and such choice is not available to those officers who are appointed and posted in the North Eastern Region itself. The O.M. dated 14.12.1983 was already interpreted by the Hon'ble Supreme Court in the case of Chief General Manager (Telecom), N.E. Telecom Circle and another -vs- Rajendra Ch. Bhattacharjee and others, reported in AIR 1995 SC 813. In the said decision it was mentioned that a Government employee has no legal right to insist for being posted at any particular place. Confronted with this decision, Mr B. Chetri, learned counsel for the applicant, submitted that even if the decision goes contrary to the claim of the applicant, it is a case in which the Tribunal should issue a direction on the respondents to consider his case for posting him to a near about place so that he can look after his ageing and ailing parents suffering from numerous geriatrics problems.

3. Posting and transfer of employees is to be left to the employers. The employers are also equally concerned with their employees. Mr A. Deb Roy, learned Sr. C.G.S.C., submitted that the respondents are fully aware of their responsibilities and take care of the persons employed under them as and when it is necessary. From the pleadings and records available, I also do not find any reason to issue any direction to the respondents. No illegality as such is discernible requiring interference. It will, however, always be open to the applicant to ventilate his grievances by appropriate representation before the authority. In that event the authority shall take appropriate measure to allay the grievances of the

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

Sd/VICE CHAIRMAN

Deputy Registrar  
Central Administrative Tribunal  
Guwahati Bench  
24/9/2000

- 5 -



| Date of application for the copy | Date fixed for notifying the requisite number of stamps and folios | Date of delivery of the requisite stamps & folios | Date on which the copy was ready for delivery | Date of making over the copy to the applicant. |
|----------------------------------|--|---|---|--|
| 14-11-201                        | 14-11-201  | 21-11-201   | 21-11-201                                     | 21-11-201                                      |

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND,  
MEGHALAYA, MANIPUR AND TRIPURA)  
SHILLONG BENCH  
CIVIL APPELLATE SIDE

Appeal from Y.S. P (C) No 265 (SIF) of 20

Civil Rule

Union of India & Ors

Dr. Akhlesh Prasad *Versus*

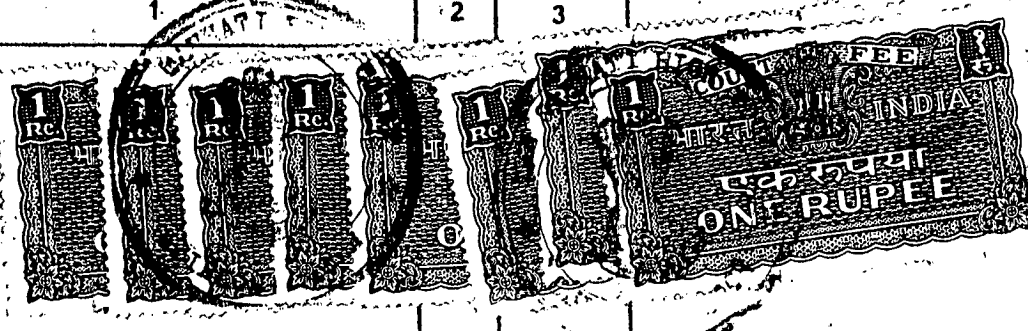
Appellant

Petitioner

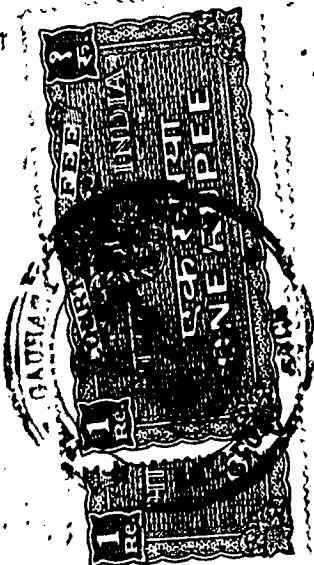
Respondent

Opposite-Party

For Appellant Mr. S. C. Bhowmik Addl C.B. & C.  
For Petitioner  
For Respondent  
For Opposite-Party

| Noting by Office or Advocate   | Serial No. | Date | Office notes, reports, orders or proceedings with signatures |
|--|------------|------|--|
| 1  | 2          | 3    |  |
|  |            |      |  |

| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signatures   |
|------------------------------|------------|------|--|
|                              | 2          | 3    | 4  |
|                              |            |      | <p style="text-align: center;"><u>B E F O R E</u></p> <p>THE HON'BLE MR.JUSTICE N.S.SINGH<br/>THE HON'BLE MR.JUSTICE B.LAMARE</p> <p>14.11.2001</p> <p>Heard Mr.S.C.Shyam, learned Addl.<br/>C.G.S.C. appearing for the petitioners.</p> <p>Let a Rule issue upon the respondent to show cause as to why an appropriate Writ should not be issued as prayed for; or why such further or other order or orders should not be passed as to this Court may deem fit and proper.</p> <p>Rule is made returnable within one month.</p> <p>The petitioners are required to take steps for service of notice upon the respondent within 3(three) days.</p> <p>Keeping in view of the related office memorandum dated 27.7.2000 issued by the Under Secretary E.II(B) of the Ministry of Finance, Department of Expenditure, E.II(B) Branch as in Annexure-V to the writ petition as an interim measure, the impugned judgment and order passed by the learned Central Administrative Tribunal, Gauhati Bench, Guwahati in C.A. No.233 of 2001 shall remain suspended until further orders of this Court. A bare perusal of the petition shows that the respondent</p> <p style="text-align: right;">Contd...P/.</p> |



| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signatures. |
|------------------------------|------------|------|---|
| 1                            | 2          | 3    | 4   |

14.11.2001

Dr. Akhilesh Prasad is now serving in Nagaland, C/O 99 APO.

In view of the above position, it would be just and proper to place this matter before the appropriate Bench i.e. the Kohima Bench of this Court.

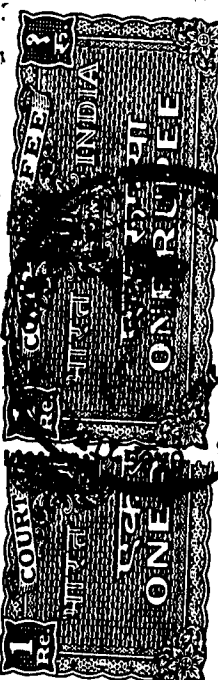
The Registry is directed to transmit the related case record to the Kohima Bench forthwith and the Registry of Kohima Bench is also directed to place the matter before the appropriate Bench for necessary orders.

*R. B. Laxmi*  
JUDGE.

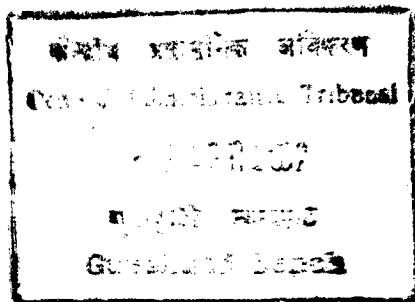
*S. S. S. S. S.*  
JUDGE.

Continued to be true copy

*[Signature]*  
Superintendent  
Bauhati Court  
Shillong Bench



Type by  
Compared by  
Read by



60

*Filed by the applicant  
through advocate  
G. M. Chakravarty on  
14-12-2002*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A. No. 41 of 2002

Dr. (Mrs.) S.R. Rumthao

-Vs-

Union of India & Ors.

-And-

In the matter of

Rejoinder submitted by the  
applicant in reply to the written  
statement submitted by the  
Respondents.

The applicant above named most humbly and respectfully  
begs to state as under :

1. That with regard to the statements made in paragraph 2,3,4,5,6 and 7 of the written statement, the applicant begs to state that she was appointed as a Medical Officer in the Central Health Services (CHS) and as such is substantively an officer of the CHS. While serving in 21 Assam Rifles, the applicant made an application for her posting at Imphal but she was instead ordered to be transferred to Phek in Nagaland in a turmoiled situation and after lot of efforts the respondents later on considered her case and posted her at Shillong as prayed by her, enabling her to stay with her husband who was posted at Shillong.

The applicant had to apply for repatriation to her parent department since under Assam Rifles, she will never get chance to join her husband and it is also humanly not possible for a female doctor to move to far-flung areas with her minor kids away from her husband thus leading to forced marital separation by way of inconsiderate transfer as has happened in the instant case.

2. That with regard to the statement made in paragraph 8 of the written statement, the applicant begs to state that the clarification issued by the Ministry of Finance as referred to, relates to choice station posting but in the instant application the applicant has not prayed for choice station posting but prayed for her repatriation to CHS only.
3. That with regard to the statements made in paragraph 9,10,11,12,13,14,15 and 16 of the written statement, the applicant begs to state that it is evident from the letter No. A.46011/34/2000-CHS(II) dated 31.12.2001 issued by the Ministry of Health and Family Welfare that the repatriation of all the remaining 52 CHS doctors who are still working in Assam Rifles are relevant to the professed policy of the Government of India as laid down vide instructions dated 14.12.1983 and it has also been clearly indicated in the said letter dated 31.12.2001 that the four female doctors including the applicant posted in Assam Rifles to be

repatriated in the first instance. As such the contentions of the respondents that the applicant has been recruited for serving only in Assam Rifles, N.E. Region and that she cannot be repatriated are irrelevant and not tenable, more particularly when a number of such similarly situated CHS doctors have already been repatriated to CHS in the meantime. Further, the respondents knowing fully well the contents of letter dated 31.12.01, deliberately issued the transfer order promptly on 4.2.02 with the only intention of manipulating the process of repatriation stated in letter dated 31.12.2001 by keeping the applicant away in an interior place like Kimin. Regarding the letter dated 11.01.02 of MHA as stated by the Respondents in para 9 of the written statement the same may kindly be produced before the Hon'ble Tribunal for clarity of facts. This apart, the respondents vide their order No. A.11014/1/96-CHS.II dated 27.7.1998 have promoted 88 CHS doctors to the post of Senior Medical Officer all of whom are equally competent and as such they can also be posted in rotation in place of the applicant particularly when the applicant being a female doctor has worked in Assam Rifles for about 9 years by now. In the said promotion order, some doctors have also been repatriated from Assam Rifles and posted in CHS.

Copy of letter No.A-46011/34/2000-CHS(II) dated 31.12.2001 and letter No. A.11014/1/96-CHS dated

27.7.1998 are annexed hereto as Annexure-IV and V).

4. That with regard to the statement made in paragraph 17 of the written statement, the applicant begs to submit that there is no mention of suitable relief for repatriating the CHS doctors in the letter dated 31.12.2001. Further, the case of Dr. Girindra Ray and the case of Dr. Akhilesh Prasad as cited by the respondents pertains to choice station posting as such is not applicable in the instant case which is resting on repatriation of the present applicant.
5. That the applicant categorically denies the statements made in paragraph 18, 19 and 20 of the written statement and begs to submit that the transfer of the applicant to 9 Assam Rifles, Kimin ignoring her distressed condition in absence of her husband and care of her minor children is against all principles of natural justice and humanitarian considerations and are vindictive and mala fide. The proposed transfer will affect the whole family of the applicant seriously and the instant application has been made bona fide and with valid legal grounds and as such deserves to be allowed with costs. The averment that the Hospital at 9 AR, Kimin is without Doctor is false and deliberate suppression of facts since there are two Doctors namely Capt. Arvind Tewari and Dr. B.R. Deuri working in the said Hospital which is the normal strength of AR Hospitals.

6. That with regard to the statements made in paragraph 21,22,23 and 24 of the written statement, the applicant most humbly submits that all the grounds and reliefs as prayed in the application are legally valid, bona fide and have been submitted for the cause of justice and as such the application deserves to be allowed with cost and in the meantime the stay order passed by the Hon'ble Central Administrative Tribunal may kindly be continued for protecting the legitimate rights and interests of the applicant.

7. In the facts and circumstances, the Original Application deserves too be allowed with costs.



VERIFICATION

I, Dr.(Mrs.) Sally Rachel Rumthao, W/o Shri Stilwal Rumthao, aged about 39 years, working as Senior Medical Officer, Assam Rifles, Hospital, Happy Valley, Shillong, applicant in the Original Application No. 41/2002, do hereby verify that the statements made in Paragraph 1 to 7 in the rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 9th day of April, 2002.

Dr(Mrs) Sally Rachel Rumthao

MINISTRY OF HEALTH & FAMILY WELFARE

Subject: Repatriation of CHS doctors from Assam Rifles.

As Ministry of Home Affairs are aware Assam Rifles used to be a participating unit of CHS. GDMO cadre with 128 sanctioned posts. In view of the difficulties in filling up these posts a decision was taken to de-cadre these posts from CHS and for creation of a separate cadre of Medical Officer for Assam Rifles.

In spite of all the posts of Medical Officers in Assam Rifles having been de-cadred from CHS, as many as 52 CHS Doctors are still working in Assam Rifles. Most of these doctors been completed more than 3 years and have been asking for transfer out of Assam Rifles.

There are also instruction of Govt. of India, date 14.12.1983 prescribing a tenure of 3 years for officers with All India transfer liability posted in NE Region and it may not be feasible for M/o. Health to resist the transfer requests of CHS Officers presently posted in Assam Bldg. for long.

In view of the above, it is requested that: -

- i) Option may be sought for CHS doctors posted in Assam Rifles. ~~As~~ Some of them may be willing to get absorbed in the newly created Assam Rifles Medical Officer Cadre.
- ii) A time schedule may be indicated for repatriation of CHS doctors from Assam Rifles.
- iii) There are 4 female doctors posted in Assam Rifles (name mentioned below). Ministry of Home Affairs's no-objection for transferring the female CHS doctors in the first instance is solicited.

| Name                              | Place which worked | Reason for seeking |
|-----------------------------------|--------------------|--------------------|
|                                   | In Assam Rifles    | transfer           |
| 1. Dr. (Mrs.) Sheila Thappa       | 1.8.07             |                    |
| 2. Dr. (Mrs.) S. Sudar            | 20.1.94            |                    |
| 3. Dr. (Mrs.) N. M.               | 2.4.25             | medical ground     |
| 4. Dr. (Mrs.) S.R. Runnithao (ST) | 5.5.93             | spouse ground      |

An early response is required in practice.

Ministry of Home Affairs

(Sri. G. H. Arora - Sr. Secretary)

MO-H&F, U.O. No. A-60116472007, CHS. D. dt 31 12 2006

(U. G. Jayasinghe)  
Deputy Secretary  
31.12.2001

For, Mr. STILWELL RUMTHAO

ANNEXURE-VAnnexure to order  
H.A. 11014/1/96-CHS.II

Dated the 17th July, 98

S.No. Name of the officer

Place of  
PostingDue date of  
promotion

1. Dr. Sudha Lachdev (277)

GNCT, Delhi 25.06.96

2. Dr. Anuradha Medoju (279)

CGHS, Delhi -do-

3. Dr. Girendra Ray (280)

Assam Rifles -do-

4. Dr. L. Ashananda Singh (281)

GNCT, Delhi -do-  
(under posting to  
RHO, Imphal)

5. Dr. Vijay Kumar Omar (283)

Assam Rifles -do-  
(under posting to  
CGHS, Allahabad)

6. ARTC Dr. S.K. Sinha (284)

Assam Rifles -do-  
(under posting to  
CGHS, Kanpur)

7. Dr. Om Prakash Narayan (285)

Assam Rifles -do-

8. Dr. Satyabrata Konar (286)

CGHS, Calcutta -do-

9. Dr. Phaskar Sen (287)

Assam Rifles -do-

10. Dr. M.S. Chauhan (288)

Assam Rifles -do-

11. Dr. L. Somendra Singh (289)

Assam Rifles -do-

12. Dr. Selly Rachel Koreth  
Rumthreo (290)

Assam Rifles -do-

13. Dr. Ujjwal Rai (291)

Assam Rifles -do-

14. Dr. Surjit Ranjan Das (294)

Assam Rifles -do-

15. Dr. Kanchan Kumar Choudhary  
(295)

GNCT, Delhi -do-

16. Dr. V.S. Tomar (297)

CGHS, Meerut -do-

17. Dr. Shafique Ahmed Khan (298)

Assam Rifles -do-

18. Dr. N. Inaoba Singh (300)

Assam Rifles -do-  
(under posting to  
RHO, Imphal)19. Dr. Chitta Ranjan Sarangi  
(301)

RHTC, Nayanagarh -do-

20. Dr. Trigendra Das (303)

Assam Rifles -do-  
(under posting to  
GNCT, Delhi)

21. Dr. Akhilesh Prasad (304)

Assam Rifles -do-

22. Dr. Surendra Pal Singh (306)

Assam Rifles -do-  
(under posting to  
CRI, Kasauli)

23. Dr. Gulab Chand (307)

Assam Rifles -do-

24. Dr. Amit Sarkar (308)

Assam Rifles -do-  
(under posting to  
CGHS, Lucknow)

...2/-

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|        |                                      |   |          |
|--------|--------------------------------------|---|----------|
| 25.    | Dr. B.S. Ramareju (311)              | CGHS, Chennai                                     | 25.06.96 |
| 26.    | Dr. Daljeet Kaur (312)               | CGHS, Delhi                                       | -do-     |
| 27. 29 | Dr. Kamal Kanti Roy (313)            | Assam Rifles                                      | -do-     |
| 28.    | Dr. L. Mohan (314)                   | CLTRI,<br>Chengalpattu                            | -do-     |
| 29. 27 | Dr. Raj Kumari Jyotibala Devi (315)  | Assam Rifles                                      | -do-     |
| 30. 29 | Dr. (Smt.) Sutapa Sikdar (318)       | Assam Rifles                                      | -do-     |
| 31. 28 | Dr. Digbijoy Dutta (319)             | GNCT, Delhi                                       | -do-     |
| 32. 10 | Dr. Tapes Kumar Bhattacharya (321)   | Assam Rifles                                      | -do-     |
| 33. 29 | Dr. Amitava Bandyopadhyay (322)      | Assam Rifles                                      | -do-     |
| 34.    | Dr. Samir Das (325)                  | CGHS, Delhi                                       | -do-     |
| 35. 31 | Dr. Daya Shankar Mishra (327)        | Assam Rifles<br>(under posting to<br>CGHS, Patna) | -do-     |
| 36.    | Dr. (Smt.) Arudhanti Das Gupta (328) | CGHS, Delhi                                       | -do-     |
| 37. 18 | Dr. Lalit Kumar Singh (329)          | Assam Rifles<br>(under posting to<br>GNCT, Delhi) | -do-     |
| 38. 18 | Dr. R.K. Priyabarti Singh (329)      | Assam Rifles                                      | -do-     |
| 39. 18 | Dr. (Kum) Mousami Swami (332)        | Assam Rifles                                      | -do-     |
| 40. 14 | Dr. Krishan Kumar Jethani (333)      | Assam Rifles<br>(under posting to<br>CGHS, Delhi) | -do-     |
| 41. 27 | Dr. Chaman Prakash (338)             | CGHS, Kanpur                                      | -do-     |
| 42.    | Dr. D. Chandra Sekhar (340)          | SVPNPA, 10<br>Hyderabad                           | -do-     |
| 43.    | Dr. V. Subramaniam (341)             | Assam Rifles                                      | -do-     |
| 44. 28 | Dr. (Kum) Kalyani Behera (343)       | Assam Rifles<br>(under posting to<br>CGHS, Delhi) | -do-     |
| 45.    | Dr. (Smt.) Jyotsana Suri (349)       | S.J. Hosp.  | -do-     |
| 46.    | Dr. B. Seshi Devi (350)              | CGHS, Hyderabad                                   | -do-     |
| 47.    | Dr. Bhagirath Kumar Vashistha (354)  | GNCT, Delhi                                       | -do-     |
| 48.    | Dr. Maninder Jeet Kaur (359)         | Dr. RML Hosp.                                     | -do-     |
| 49.    | Dr. Poonam Aggarwal (360)            | GNCT, Delhi                                       | -do-     |
| 50.    | Dr. Anita Chawla (364)               | GNCT, Delhi                                       | -do-     |
| 51.    | Dr. K.R. Lema (366)                  | CGHS, Chennai                                     | -do-     |
| 52.    | Dr. Brun Banerjee (367)              | GNCT, Delhi                                       | -do-     |
| 53.    | Dr. (Smt.) Vandana Bagga (368)       | GNCT, Delhi                                       | -do-     |
| 54.    | Dr. Yogesh Chander Porwal (372)      | CGHS, Delhi                                       | -do-     |

Alleged  
for  
Porwal

|     |                                  |  |          |
|-----|----------------------------------|--|----------|
| 55. | Dr. Arun Kumar (373)             | GNCT, Delhi                                  | 25.06.96 |
| 56. | Dr. Jasvinder Kaur (374)         | CGHS, Delhi                                  | -do-     |
| 57. | Dr. Rajinder Kumar Mishra (375)  | GNCT, Delhi                                  | -do-     |
| 58. | Dr. (Smt.) Susmita Sarkar (379)  | CGHS, Calcutta                               | 09.11.96 |
| 59. | Dr. Rahul Tiwari (380)           | CGHS, Delhi                                  | -do-     |
| 60. | Dr. Anju Manral (381)            | GNCT, Delhi                                  | -do-     |
| 61. | Dr. Rajiv Sodhi (382)            | CGHS, Delhi                                  | -do-     |
| 62. | Dr. Sangeeta Bajaj (385)         | GNCT, Delhi                                  | -do-     |
| 63. | Dr. Darshana Devi (399)          | GNCT, Delhi                                  | -do-     |
| 64. | Dr. G. Kaushalya (400)           | GNCT, Delhi                                  | -do-     |
| 65. | Dr. P.S. Ashraf (401)            | Lakshadweep                                  | -do-     |
| 66. | Dr. Sangeeta (403)               | GNCT, Delhi                                  | -do-     |
| 67. | Dr. R. Kumarvel (406)            | GOI Press, Coimbatore                        | -do-     |
| 68. | Dr. N.M. Abdullage (409)         | Lakshadweep                                  | -do-     |
| 69. | Dr. Sangeeta Khare (412)         | CGHS, Kanpur                                 | -do-     |
| 70. | Dr. Juliana Lyngwa (416)         | CGHS, Ahmedabad                              | -do-     |
|     |                                  | (under posting to Deptt. of Posts, Shillong) |          |
| 71. | Dr. Krishan Kumar (416)          | S.J. Hosp.                                   | -do-     |
| 72. | Dr. Dev Ranjan Manral (417)      | LWO, Karma                                   | -do-     |
| 73. | Dr. Tek Singh Negi (419)         | CGHS, Delhi                                  | -do-     |
| 74. | Dr. Alka Garbyal (422)           | GNCT, Delhi                                  | -do-     |
| 75. | Dr. Sudha Rani (423)             | CGHS, Delhi                                  | -do-     |
| 76. | Dr. K.P. Muthubi (424)           | Lakshadweep                                  | -do-     |
| 77. | Dr. Rajendra Ranjan (427)        | RHTC, Najafgarh                              | -do-     |
| 78. | Dr. (Smt.) Vijay Laxmi (428)     | RHTC, Najafgarh                              | -do-     |
| 79. | Dr. Nridula Gupta (430)          | GNCT, Delhi                                  | -do-     |
| 80. | Dr. E.K. Dey (431)               | GNCT, Delhi                                  | -do-     |
| 81. | Dr. V.V. Batra (432)             | GNCT, Delhi                                  | -do-     |
| 82. | Dr. (Smt.) Anil Late Batra (433) | GNCT, Delhi                                  | -do-     |
| 83. | Dr. Rakesh Kumar (435)           | Assam Rifles (yet to join)                   | -do-     |
| 84. | Dr. Vineet Kumar Choudhary (436) | GNCT, Delhi                                  | -do-     |
| 85. | Dr. N.R. Laskar (437)            | GNCT, Delhi                                  | -do-     |
| 86. | Dr. Prem Chand (438)             | GNCT, Delhi                                  | -do-     |
| 87. | Dr. Rakesh Singh (439)           | GNCT, Delhi                                  | -do-     |
| 88. | Dr. (Smt.) Ruma Sarkar (440)     | GNCT, Delhi                                  | -do-     |