

30/100

3

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)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

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

Applicant(s) B L P Gupta

Respondent(s) H. O. I. Joms

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

Advocate for Respondent(s) Case

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

12.4.02

Heard Mr.B.Malakar learned counsel
for the applicant and also Mr.B.C.Pathak
learned Addl.C.G.S.C. for the Respondents.

Issue notice on the respondents to
show cause as to why the application
shall not be admitted as prayed for .
The respondents may file reply on the
next date. Endeavour will be made to
dispose of the application on the next
date. List on 3.5.02 for Admission.

16/5/02
Member

lm

22.4.02

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

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

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

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


Vice-Chairman

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

ORIGINAL APPLICATION NO. 123 /2002.

Sri B.L.P. Gupta ... Applicant.
-vs-
Union of India ... Respondent.

I N D E X

Sl. No.	Particulars	Page
1.	Application u/s 19 of the CAT Act, 1985.	
2.	Verification	
3.	Annexure-I	
4.	Annexure-II	
5.	Annexure-III	

Filed by:


ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

Filed by
Sri B L P Gupta
Advocate
Ratna Das
11/4/02

An application under Section 19 of
the Central Administrative Tribunal
Act, 1985.

Date of filing :.

Regn. No. :

REGISTRAR.

Sri Bhagwal Lal Prasad Gupta

Work Sankar Gr.I

MSTLC Sub-Division-I/CWC

Alipurduar.

... Applicant.

-VERSUS-

Union of India & Ors
(CWC)

... Respondents.

1. Particulars of the applicant:

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

2. PARTICULARS OF THE RESPONDENT:

- i) Name & designation : Union of India - Represented
by the Superintending Engineer,
CWC/NEID Circle, Shillong.
- ii) The Executive Engineer,
NEID-III/CWC/Itanagar.
- ii) Office address of the respondents. : As above.

contd...3/-

B. P. Zantia

3.

iii) Address for service of : As above.
notice.

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

Order No. NEID-III/Adm-5/1452-60 transferring the applicant to Jang in Arunachal Pradesh.

4. Jurisdiction of the Tribunal:

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

5. LIMITATION:

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

6. FACTS OF THE CASE:

I) The applicant is working as Work Sankar Gr.I under the respondent No.2 and is presently posted at MSTLC Sub-Division, Alipurduar. He was appointed as Work Sankar-II on 23.7.75 and was posted at Gangtok (Sikkim), while working at Sikkim

contd....4/-

Bh P Gupta

4.

he was promoted to Work Sankar Gr.I on 13.3.75. The applicant worked there till 25.7.81.

II) That on 25.7.81, the applicant was transferred from Sikkim to Tipaimukh Inv Circle, Shillong where he reported his duty and he was directed to report before the Executive Engineer/CWC/Imphal on 20.8.81 he joined at Imphal wherefrom he was directed on 3.9.81 to report to Tipurmukh Investigation Sub-Division No.2 which is about 215 kms away from Imphal. The applicant joined there on 7.9.81 and worked upto 8.11.81. He was again transferred verbally to Imphal on 16.11.81 and the applicant joined at Imphal on 19.11.81 and upto 30.4.82.

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

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

contd...5/-

B L P Gupta

5.

v) That now again the applicant has been transferred to Jang vide order No. NEID-III/Adm-5/1452-60 dated 28.3.2002. The order is a collective order of transfer stated to be made in public interest at the sweet-will of the respondent No.2.

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

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

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

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

Copies of the medical certificates are annexed hereto and marked as Annexure-IC series.

contd...6/-

BL P Gupta

6.

7. LEGAL GROUND:

The applicant having worked for over 25 years at different tenure places is not required to be given tenure posting again. As per rule, tenure posting is limited as under:-

i) For staff with service of
10 years or less - 3 Years.

ii) For staff with service of
10 years or more - 2 Years.

Further, the applicant submitted a representation to the authority on 4.12.88 requesting for transfer to Bihar or any other places in Uttar Pradesh which has not been considered as yet. This fact has been stated in O.A. No.332/2001 which is pending before the Tribunal. The authority has not treated the applicant equally as has been done in case of some similarly situated persons.

8. RELIEF SOUGHT:

Under the circumstances, the applicant prays that

contd...7/-

Bh P Gupta

7.

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

9. REMEDIES EXHAUSTED:

The applicant has availed the remedies available to him.

10. MATTER NOT PENDING WITH ANY OTHER COURT OR TRIBUNAL:

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

11. PARTICULARS OF THE IPO:

Number of IPO :
Name of issue PO :
Where payable :

12. DETAILS OF INDEX:

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

contd...8/-

B. P. Gupta

8.

13. LIST OF ANNEXURES:

- i) Transfer order;
- ii) GPF withdrawal; and
- iii) Medical certificates.

VERIFICATION

I, Sri Bhagwal Lal Prasad Gupta, the applicant abovenamed do hereby verify that the statements made in paragraphs 1 to 6(I to IV and VI) 7 to 12 are true to my knowledge and those made in paragraph 6(v) are matters of records based which I believe to be true.

Bhagwal Lal Prasad Gupta
SIGNATURE

Annex - A

13
10

GRAM : CENTWATER : ITANAGAR

TEL/FAX : 0360-203510

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

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

Dated : 28.3.2002

OFFICE ORDER

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

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

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

True copy
[Signature]

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

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

(A. G. Majumdar)
Executive Engineer

Copy to

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

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

Annex - B

GOVERNMENT OF JHARKHAND
NORTH EASTERN DIV. DIVISION NO. III
P.O. NO. 144, ITANAGAR-791111 (A.P.)

NO. NEID-III/Adm-87/4637-39

Date 10-9-2001

OFFICE ORDER

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

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

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

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

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

A. G. Majumdar
Executive Engineer

Copy to:

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

*True copy
Adm*

D. Anup Guha

M.D. (Medicine)

Consultant Physician & Cardiologist

Annex- C1

10/12

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

Date 8/8/2001

Mr. B. L. P. Gupta
(C.V.C. App)

Age-48/M

Amv.

BP = 130/80
Chest / Lungs - NAD
Abd - NAD

AN + M/S pain

- T. Indom (R) 1/2 AD
- T. Durlip H 1/2 AD to Corne
- T. Nirmal 1 AD 6/7 days
- C. E. Cen 1 AD 1 AD
- T. Numbra for 1 AD 10 days
: D. Guha

Ad.

- T. Torax MT 25 1 AD 14 days

D. Guha
11/8

True copy
AD as
Advocate

(E.C.G. Done by Appointment)

Chamber :-

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

Chamber :-

Chakraborty Medical Stores
RAILWAY BAZAR
Alipurdar, Jalpaiguri.
☎ (03564) 57554
Evening - Thursday.

Chamber :-

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

Dr. Manash Bhanja Chowdhury

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

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

CONSULTANT PHYSICIAN & ONCOLOGIST

ALIPURDUAR SUB-DIVISIONAL HOSPITAL

Chamber will be closed from _____ to _____

CHAMBER

'AROGYA NIKETAN'

NEWTOWN ALIPURDUAR

Ph-55394

Visiting Hours: 6pm to 8pm

B.L.P. Gupta
48/M

Somatization

130
90

ANAL ACID / LSK
S. Lipid profile
SGPT / ALK Phosp

- Nixia-MR (1) BD (7AM/7PM)
- Spectron (2545) (1) CD (9PM)
- Full-24 (1) BD (7AM/7PM)

Reiron after (3) ~~hrs~~
(10) days

12/10/01

Tone corp
2 days



TR DIAGNOSTIC LABORATORY

Madhab More, Newtown, Alipurduar Court, Dist. Jalpaiguri

56227
56293

Sl. No. **XV - 1**

DATE: **17.7.01.**

Name **Sri B. L. P. Gupta.**

Age **48 yrs.**

Refd. by **Dr. A. Guchhait. MD.**

Sex **Male.**

REPORT OF URINE EXAMINATION

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

Albumin 278mg
Dr. Arun Guchhait MD(MBBS)
Medical Officer.
Alipurduar S. N. Hospital W. R.

Thanks for kind referral.

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

Dr. G. C. Saha
Signature of Pathologist

Tone C 2



TR DIAGNOSTIC LABORATORY

Madhab More, Newtown, Alipurduar Court, Dist. Jalpaiguri

56227
56293

Sl. No.: XV - 1

DATE: 17.7.01.

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

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

(2 hours after full meal ;

normal : less than 120.0)

Test Done on
Computerised Analysis

Allopathy

Dr. G. C. Saha
MBBS (P.M.) AFM (C.M.)
F.R.C.S.

Signature
8/8/07
Dr. Arup Guchhait MD(MB)
Medical Officer,
Allopathy Hospital (W.B.)

Thanks for kind referral.

Dr. Anup Guchhait
M. D. (Medicine)

Consultant Physician & Cardiologist

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

Date... 16/7/2001

Mr. B. L. P. Gupta
(C.W.C. A.P.O.)

Age- 48/M

BP = 140/80

Chest/gro - normal

And 42ms

• No tenderness

AN + UROT.

Adv. T. Indometh (60) 1/2 B.D.

- T. Aspirin 1 HS to Car

- T. Neurobion forte 1 amx/10 days

✓ (PP) Ergon, urine R/E

- T. Chlorbut 1 T.B.F. QM x 6 days

- T. Reserpin (175) 1 amx 5 days
Proven

Dr. Guchhait

Anti-injection

Add.

T. Cedro (100) 1 amx 5 days ✓

Dr. Guchhait

187

Add

- T. Mefran T 2 1 amx 5 days

- 1st Chlorbut water pills 10
month

Dr. Guchhait

2017

Clu. Blood
a m m c
(5700)

8/8/2001

Tone cur
RPM

(E.C.G. Done by Appointment)

Chamber :-

M/s. Gautam Traders
NEW TOWN (Opp. Amar Talkies)
Alipurduar, Jalpaiguri.
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Wednesday / Thursday & Friday.