

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 168/02.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-168/02.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 10/02/2003.....Pg. 1.....to 2 Rejected.
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 168/02.....Pg. 1.....to 17.....
5. E.P/M.P. NIL.....Pg.....to.....
6. R.A/C.P. NIL.....Pg.....to.....
7. W.S. Filed by the Respondents 1, 2, 3 and 4......Pg. 1.....to 34.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 168/2002
Misc Petition No. _____
Contempt Petition No. _____
Review Application No. _____


Applicants. Aminya Hazarika

-Vs-

Respondant(s) H.O.P. 9000

Advocate for the Applicant(s) Mr. A. Ahmed

Advocate for the Respondant(s) CGSE.

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. P. for Rs. 50/- directed vide 120/1/76574870 Dated 21.5.2002 He by <u>Registrar</u> 27/5/02 <u>PR</u>	28.5.02	Heard Mr. A. Ahmed, learned counsel for the applicant. Issue notice to show cause as to why the application shall not be admitted. Also, issue notice to show cause as to why interim order as prayed for shall not be granted suspending the posting/transfer on tenure turnover order No.1066/2182/EIA dated 20.5.2002 Returnable by three weeks. In the meantime, the operation of the said order shall remain suspended till the returnable date. List on 21.6.2002 for admission.
<u>Slips taken. All three submitted</u> <u>and sent to D/S for filing</u> <u>the Respondant No 1 to 4</u> <u>to Regd A.D.</u> <u>29/5</u> <u>JINo 15891592 dated 30/5/02</u>		 Vice-Chairman
mb		

Received case no
168/2002 by hand of
order copy.
Brd 4.6.02
3/2 Dulla

O.A. 168 of 2002

21.6.02

Heard learned counsel for the parties.

Application is admitted. Call for records. Returnable by four weeks.

List on 2.8.02 for orders.

lm

Member

2/8. Due to absence of the lawyers, the case is adjourned to 9/8/2002.

Mis
A. B. S.

9.8.02

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents prayed for two weeks' time to file written statement. Prayer is allowed. List again on 6.9.2002 for orders.

6.9.02

W/S submitted

by the Respondent

mb

Mrs. 1, 2, ~~and~~ 3 and 6.9.02

4.

Pr

lm

Member

Written statement has been filed. The case may now be listed for hearing on 4.10.02. The applicant may file rejoinder if any within 2 weeks.

Vice-Chairman

4.10.02

On the prayer of Mr A. Ahmed, learned counsel for the applicant the case is adjourned to 15.11.02.

pg

Member

15/11

Due to circuit sitting at Shillong, the case is adjourned to 20/11/2002.

Mis
A. B. S.

Note of the Registry	Date	Order of the Tribunal
	20.12.2002	Mr A. Ahmed, learned counsel for the applicant, has applied for leave from 20.12.2002 to 31.12.2002. Accordingly the case is adjourned. List it for hearing on 31.1.2003.
		K. (Shay) Member
The case is ready for hearing	nkm 31.1.2003	List again on 10.2.2003 for hearing on the prayer of learned counsel for the parties.
<u>7.2.03.</u>		Vice-Chairman
	mb	
	10.2.03	Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is rejected in terms of the order. No order as to costs.
<u>7.3.2003</u> Copy of the Judgment has been sent to the Office for issuing the order to the applicant as well as to R.C.G.S.C.		Vice-Chairman
	PJ	

Note of the Registry

Date

Order of the Tribunal

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. . *158. . of 2002.

DATE OF DECISION10.2.2003.....

.... Sri Amiya HazarikaAPPLICANT(S).

.... Sri A. Ahmed. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

.... Union of India & Ors.RESPONDENT(S).

.... Sri A. Deb Roy, Sr.C.G.S.C.. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE

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

Judgment delivered by Ho'ble Vice-Chairman.

Yes

No

-A

CENTRAL ADMINISTRATIVE TRIBUNAL? GUWAHATI BENCH. ..

Original Application No. 169 of 2002.

Date of Order : This the 10th Day of February, 2003.

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

Sri Amiya Hazarika,
S.K.II Office of the Garrison Engineer (I),
(Air Force) Jorhat,
P.O. Jorhat, Assam,
Pin 785005. . . . Applicant

By Advocate Sri A. Ahmed.

- Versus -

1. Union of India
represented by the Secretary to the
Government of India, Ministry
of Defence, New Delhi-11.
2. The Chief Engineer,
Head Quater, Eastern Command,
Engineer Branch, Fort William,
Kolkata-21.
3. The Chief Engineer (Air Force)
Shillong Zone,
Elephant Falls Camp,
Nonglyer PO,
Shillong-9.
4. The Garrison Engineer,
(Air Force) -I
Jorhat,
P.O. Jorhat, Assam,
Pin 785005. . . . Respondents.

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

O R D E R

CHOWDHURY J. (V.C)

The issue relates to posting and transfer. By the impugned order dated 20.5.2002 the applicant was transferred to GE 583 Engineering Park from GE (AF) Jorhat. This order of transfer and posting is the subject matter of this O.A. According to the applicant the transfer is contrary to the policy guidelines of transfer and posting.

2. The respondents on the other hand opposing the claim of the applicant stated and contended that the order was

passed in public interest.

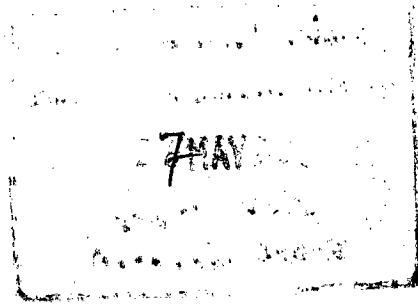
3. I have heard Mr A.Ahmed, learned counsel appearing for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length. The discretion of transfer and posting is vested with the administration who is a best judge to deploy persons in the interest of the administration. Mr Ahmed, learned counsel appearing for the applicant however, stated that as a model employer the respondents authority since introduced the policy guidelines, the authority is duty bound to follow the guidelines including the policy of spouse posting. Mr A.Deb Roy, learned Sr.C.G.S.C submitted that the case of the applicant was considered and thereafter his representation was rejected. Needless to state that an employee has no vested right to get posting in a particular place. It is for the administration to make the balancing of the factor in the area of administration. The guidelines are no doubt be adhered to but for good reasons those guidelines in a given case one may make a departure, where public interest is overwhelming. In the absence of any infringement of statutory or constitutional rights there is little scope for the Tribunal to exercise the power of judicial review under Section 19. On overall consideration of the matter I do not find any discernible grounds to make an interference under Section 19.

The application is accordingly rejected.

Interim order dated 28.5.2002 stands vacated.

There shall, however, be no order as to costs.

(D.N.CHOWDHURY)
VICE CHAIRMAN



9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 168 OF 2002.

Sri Amiya Hazarika

..Applicant.

-Versus-

Union of India & Others

.. Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1	Application	1 to 12
2.	Verification	13
3.	Annexure-A	14
4.	Annexure-B	15 to 16
5.	Annexure-C	17

Filed by

Advocate.

(A011 AHMED)

- 1 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2002.

B E T W E E N

Sri Amiya Hazarika,
S.K.II office of the
Garrison Engineer (I)
(Air Force) Jorhat.
P.O. Jorhat, Assam,
Pin- 785005.

- Applicant

-AND-

- 1] The Union of India represented
by the Secretary to the
Government of India Ministry
of Defence,
New Delhi-110011.
- 2] The Chief Engineer, head
Quarter, Eastern Command,
Engineer Branch, Fort William,
Kolkata-21.

Filed by
Amiya Hazarika
Applicant
Shri
Thang
(Abil Ahmed)
Advocate

2

- 2 -

3] The Chief Engineer (Air Force)
Shillong Zone
Elephant Falls Camp
Nonglyer PO.
Shillong-793009.

4] The Garrison Engineer,
(Air Force) (1)
JORHAT.
P.O. JORHAT, ASSAM
PIN-785005.

- Respondents.

DETAILS OF THE APPLICATION:

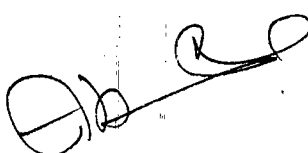
1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE:

This instant application is directed
against impugned transfer order No.
1066/2182/EIA dated 20 May 2002 issued by the
Respondents to the applicant.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION



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

4. FACTS OF THE CASE

Facts of the case in brief are given below:

4.1] That your humble applicant is citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India. He is aged about 54 years.

4.2] That your applicant begs to state that he belongs to Scheduled Caste Community. He is defence Civilian. He is working as Store Keeper Grade-II under the Respondent No.4. Earlier he served at the field areas i.e. 137 Head Quarter, 869 EWS etc. Now He is posted at his Home Town Jorhat after serving in the field areas. His wife is also working in the office of the Superintendent of Police Jorhat in Clerical Post. His two daughters are studying under Dibrugarh and Guwahati University respectively.

4.3] That your applicant begs to state he has been transferred to the Office of the Garrison Engineer 583 Engr per from his present

D. C.

- 9 -

place of posting at Jorhat vide Office Order No. 1066/2182/EIA 20 May 2002. in the said office order it is stated that he will be relieved from his present place of posting on 31st May 2002. After receiving the transfer order by the your applicant submitted representation dated 21 May 2002 before the Respondent No.4 for reconsideration of his transfer order or else he will be compelled to take voluntary retirement from his service.

Annexure-A is the photocopy of the vide Office Order No. 1066/2182/EIA 20 May 2002.

Annexure- B is the photocopy of the representation dated 21st May 2002 submitted by the applicant before the Respondents.

4.4] That your applicant begs to state that as per Ministry Personnel (Public grievances & Pensions) (Department of personnel & Training) Circular dated 24-06-1985 is had been stated that SC/ST Officer should not be posted at far of places from their native places. The relevant portion of the said Notification has been reproduced below:

“Ministries/Departments are aware that the Government, as a part of the programmer for the General welfare of the persons



belonging to the SC/STs, have provided reservation in Central Government Services accompanied by various other benefits, concessions and relaxations. The main objective for providing reservation for Scheduled Castes and Scheduled Tribes in appointment to Civil posts and services of the Government is not just to give jobs to some persons belonging to these communities and thereby, increase their representation in services but to uplift these people socially and merge them in the mainstream of the nation.

2] It has, however, been pointed out of this Department that the Scheduled Castes and Scheduled Tribes Officers, after appointment, are subject to harassment and discrimination on grounds of their social origin. It has been pointed out that SC/ST officers are sometimes transferred to far-off places and also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases.

3] In this connection, it is emphasized that servants should desist from any act of discrimination against members SC/ST communities on grounds of their

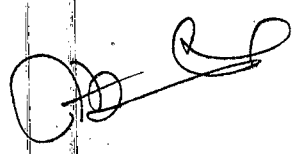
GA

social origin. It is also requested that senior Officers, including the Liaison Officers of Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

4] Ministry of Finance etc. are accordingly requested to bring the contents of this Officer Memorandum to the notice of all concerned.

Directions were given in the circular of 1985 that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. Further directions have been given if any incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

4.5] That your applicant begs to state that his wife is also working under the State Government at Jorhat. As such he is entitled to get the benefit of posting of spouse at the same station as per Government of India Office Memorandum Government of India Office Memorandum No. 28034/2 /97 Estt (A) dated 12-06-1997 issued by the Department of Personnel & Training.



Annexure-C is the photocopy of Government of India Office Memorandum No. 28034/2 /97 Estt (A) dated 12-06-1997.

4.6] That your applicant begs to state that he is now aged about 54 years. He now wants to settle his family at his Home Town at Jorhat after serving long years at field areas. He has started construction of his house at his native place. Hence at this junction it is not possible for him to leave his Home Town at Jorhat.

4.7] That your applicant begs to state that Respondents have transferred your applicant with a motive behind and also with a mala fide intention.

4.8] That your applicant begs to state that he being a poor Group C employee and also belongs to Schedule ~~Tribe~~ ^{Caste} Community and the Government of India Has issued various office memorandum and directions for upliftment of Scheduled ~~Tribe~~ ^{Caste} Community. In this regard and Government of India has instructed to all concerned not to disturb the Scheduled ~~Tribe~~ ^{Caste} community from their place of posting in their native place. But the Respondents by using colorable exercise of power harassed your applicant by posting him at far place from his native place.

[Handwritten signature]

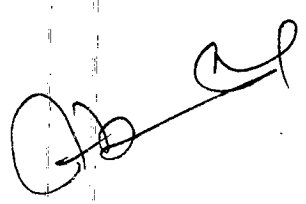
4.91 That your applicant begs to submit that your applicant will be relieved from Jorhat on 31-05-2002 by the Respondents. Hence, he has filed this Original Application before the Hon'ble Tribunal for seeking justice and also for quashing the impugned transfer order dated 20-05-2002.

4.101 That your applicant begs to submit that he along carried out his transfer order ever since his entry to the Department and he is serving the Department with ought most sincerely and with full satisfaction to the authority concerned.

4.111 That your applicant begs to submit that the Respondents have issued the Transfer Order dated 20-05-2002 against the Government Circular and Transfer Policy. Your applicant has got reason to belief that the Respondents are resorting the colorable exercise of power to accommodate their interested person.

4.121 That your applicant begs to submit that the procedure adopted by the authority in the case of the applicant is improper, mala fide, illegal and without jurisdiction.

4.131 That in view of the facts and circumstances it is a fit case for passing an interim order protecting the interest of the applicant and his family members.



4.14] That this application is filed bona fide and for the interest of justice.

5] GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For, that, due to the above reasons narrated in details the passing of the transfer order of the applicant in prime facie is illegal, mala fide, arbitrary and without jurisdiction and hence the same is liable to be set aside and quashed.

5.2] For that, the action of the Respondents is arbitrary, mala fide and discriminatory with an ill motive and as such, the impugned order at Annexure-A is liable to be set aside and quashed.

5.3] For that, the impugned transfer order is bad in the eye of law and is liable to be set aside and quashed.

5.4] For that, the applicant's case is genuine and need to be considered by the Respondent due to facts and circumstances narrated above and as such the impugned transfer order of the applicant to be set aside and quashed.

5.5] For that, your applicant being a Group-C Scheduled ^{Caste} ~~tribe~~ employee and the Government of

India has given reliefs to the Scheduled ^{Caste} ~~tribes~~ Employees regarding transfer in their own native place, the Respondents cannot deny the benefit to your applicant.

5.6] For the, in any view of the matter the action of the respondents are not sustainable and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6] DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 10 of the Administrative Tribunal Act, 1985.

7] MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

Del

8] RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition and may be direct the respondents to give the following reliefs.

8.1] That the impugned order of Transfer dated 20-05-2002 at Annexure-A transferring the applicant from Jorhat to 583 Eng Park is liable to be set aside and quashed.

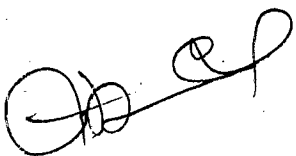
8.2] Cost of the application.

8.4] To pass any other relief of reliefs to which the applicant may be entitled and as may deem fit and proper by the Hon'ble Tribunal.

9] INTERIM ORDER PRAYED FOR:

Pending disposal of the Original Application the applicant most respectfully prays for interim order by way of suspending the order of Transfer dated 20-05-2002 at Annexure-A.

10] Application Is Filed Through Advocate.



- 12 -

11] Particulars of I.P.O.:

I.P.O NO. ~~4376~~ 574870

Date of Issue ~~27.5.2002~~ 2

Issued from Guwahati. G.P.O.

Payable at Guwahati- G.P.O.

12] LIST OF ENCLOSURES:

As stated above.

...Verification.

GO

- 13 -

VERIFICATION

I, Sri Amiya Hazarika, S.K.II office of the Garrison Engineer (I) (Air Force) Jorhat, P.O. Jorhat, Assam, Pin- 785005, do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.4, 4.6, 4.7,

4.8 - are true to my knowledge, those made in paragraphs 4.3, 4.5, —

are being matters of records are true to information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 27th day of May 2002 at Guwahati.

Amiya Hazarika

Declarant

Tele AF 4884

103/2182/EIA

MES/238098, Shri Amiya Hazarika,

SK Gde II

(Through AGE B/R (P) AF Jorhat)

Durg Abhiyanta (I) (Vayusena)
Garrison Engineer (I) (Airforce)
Jorhat - 785005 (Assam)

20 May 2002

POSTING/TRANSFER ON TENURE TURN OVER : SK GDE II

1. You are hereby permanently transferred to GE 583 Engr Park in the Interest of the State.

Authority :- HQ CE EC Kolkata letter No. 131322/2/2000/50/01/Engrs/EIC(1) dated 15-4-2000, 131322/2/2000/50/81/Engss/EIC(1) dated 04 May 2002 and CE (AF) Shillong zone FAX No. 81006/9/BS/FRI/EIC(1) dated 17 May 2002.

2. You will be relieved of your duties and SOS from this office on 21 May 2002 (AN). You will report to your new duty station after availing usual jointing/journey period as admissible.

3. You will submit the following before leaving this office :-
(a) Clearing certificate from all concerned, (b) Departure Report, (c) Ration Card if held and (d) you will surrender your identity card to your new unit/Office.

4. It may please be noted that your pay and allowances for the month of May 2002 have been claimed by this office and for the month Jun 2002 and onwards will be claimed by your new Unit/Office after you have reported arrival there physically.

5. Certified that the individual is not involved now in any disciplinary/SPE/CBI case and there is nothing else against the individual.

6. TA/DA may be had on application.

(MG Vijaya Kumar)
Major
GE (I) (AF) Jorhat

Distributions

- | | |
|-----------------------------|--|
| 1. HQ CE EC Kolkata-21 | For GE 583 EP only |
| 2. HQ CE (AF) Shillong-9 | The details pay and allowances of the individual are as under :- |
| 3. HQ CE SZ Shillong-11 | (a) Basic pay : @ Rs. 4750.00 PM |
| 4. CDA Narangi, Guwahati | (b) DA (94%) : @ Rs. 2328.00 PM |
| 5. AAO Shillong-01 | (c) SCA : @ Rs. 120.00 PM |
| 6. JCDA (F) Meerut | (d) HRA : Nil |
| 7. AAO GE I (AF) Jorhat | Tota - Rs. 7,198/- |
| 8. AGE B/R (P) AF Jorhat | GPF & subscription @ Rs. 2000/- PM |
| 9. All sub divn/section | CCEIC subscription @ Rs. 30/- PM |
| D N I : 01 Oct 2003 | |
| Balance of CL : 08 days | Balance of EL : 155 days |
| RH : 02 days | HPL : 120 days |
| Date of birth : 31 Oct 1948 | |

Amu
Date

From MES-238098 SK-II
Amiya Hazarika
GE (I) (AF) Jorhat

To Headquarters
Eastern Command (Engrs Branch)
Fort William
Kolkatta - 21

(Through proper Channel)

POSTING/TRANSFER OF 'C' GROUP
EMPLOYEES/VOLUNTARY RETIREMENT

Respected Sir,

1. Most respectfully I beg to submit the following few lines for your kind consideration and favourable action.
2. Reference to your HQ Posting Order No 33 and Letter No 131322/2/2000/SD/01/Engrs/E1C(i) dt 15 Apr 2000 (Posting Ser No 1, 7 & 8)(Triangular).
3. That I had submitted representation on 26 Apr 2000 and replied from HQs letter No 131322/2/2000/SD/08/Engrs/E1C(1) dt 07 Sep 2000 and 2nd representation on 16 Oct 2000 with referring 131306/1/SD/Engrs/E1C(1) dt 13 Jan 1996 (copy encl) but the same was returned by HQ CE (AF) SZ, Shillong vide their letter No 81006/9/BS/292/E1C dt 24 Nov 2000 addressed to GE (I) (AF), Jorhat and copy to your HQ and advice me to resubmit the application after finalisation of my discipline case and the same has now been finalised vide HQ CE (AF) SZ, Shillong letter No 81878/Amiya/109/E1 Con dt 24 Dec 2001 received by me on 21 Jan 2002 (Copy attached).
4. That according to HQ CE (AF) SZ, Shillong letter cited above I have submitted representation on 27 Jan 2002 vide AGE B/R (P) AF Jorhat letter No 107/205/E1 dt 01 Feb 2002 for consideration.
5. Where as I have been harassed in the name of above Inquiry since Mar 1993 to Jul 2001 which had finalised by CWE HQ 137 EWS, C/O 99 APO on 04 Jul 1994.
6. It is further submitted that :-
 - (a) I am staying in Govt md accn No T/70/3 under GE (I) (AF) Jorhat.
 - (b) My two daughters, one of studying at Guwahati University and Another one is studying at Dibrugarh University.
 - (c) My wife is working in locally with a small employment.

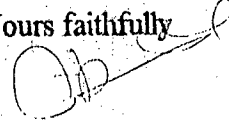
.....2

Attested
[Signature]
[Signature]

7. In this critical juncture and keeping family along with young daughters in different places I could not considered my routine duties daily. Hence I have decided my self to go on volunteer retirement if your honours would not able to revoke posting order and not to implement in the Jorhat station. Therefore I request to your good self to adjust me in the Jorhat station or I may please be sanctioned for volunteer retirement. For which act of kindness I shall remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully



Station : Jorhat - 05

Date : 21^{may} Feb-2002

Enclosures : ()

Copy to :-

AG's Branch
Army Headquarters
DHQ PO, New Delhi-11

for info and justice being a low paid civ employee.

Chief Engineer
Headquarters Eastern Command
(Engrs Branch)
Kolkatta - 21

for info in advance in convenience is regretted please.
And justice being a low paid employee.

HQ Chief Engineer (AF)
Shillong Zone
Shillong - 09

With ref to your HQ letters cited above please

Headquarters
Chief Engineer (Army)
Shillong - 11

for info please

ATC
Advocate

Copy of Office Memorandum No. 28034/2/97-Estt(A) dated 12th June, 1997 received from Ministry of Personnel, Public Grievances & Pensions (DOPP).

SUBJECT: Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide O.M.No.28034/7/86-Estt.(A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M.No.28034/7/86-Estt.(A) dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

5. A copy of this Department's O.M. No.28034/7/86-Estt.(A) dated 3.4.86 is enclosed for ready reference and guidance.

sd/-

(HARI DER SINGH)

JOINT SECRETARY TO THE GOVT. OF INDIA
Tel.No. 301 1276

Attchd
J.S.
Adm't

-18-

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

In the matter of :

O.A. No. 168 of 2002

Amiya Hazarika

..... Applicant

- - - Vs - - -

Union of India and Ors.

..... Respondents

Written Statement for and on behalf on Respondents Nos. 1, 2, 3 and 4.

I, Major MG Vijaya Kumar, Garrison Engineer (Independent), (Air Force), Jorhat do hereby solemnly affirm and say follows :-

1. That I am the Garrison Engineer (Independent), (Air Force), Jorhat and respondent No. 4 in the above case and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except what ever is specifically admitted in the written statement the other contention and statements may be deemed to have been denied. I am competent and authorised to file this written statement on behalf of all the respondents.

Filed by

6/9/02
24
(A. DEBROY)
Sr. C. C. C.
C. A. T. Guwahati Bench

1 Rep
2 - for
3 - Rn

2. That with regards to the statement made in Paragraph 1 of the application, the respondent beg to state that the posting of group 'C' and 'D' basic cadre of MES in the Eastern Command is controlled by Headquarters CE EC Kolkata. The posting order in respect of the applicant has been issued by Headquarters CE EC Kolkata as per existing policy framed vide their Headquarters letter No 131306/1/89/Engrs/EIC(1) dated 31 Jan 1996 (Annexure-1). Accordingly the movement order was issued to the applicant vide letter No 1066/2182/E1A dated 20 May 2002 (Annexure-2).
3. That the respondent have no comments to made with regards to Para 2 and 3 of the application
4. That with regards to the statement made in Para 4.1, the respondent beg to state that the date of birth of Shri Amiya Hazarika, SK Gde II is 31 Dec 1948 and the applicant is serving with GE (I) (AF) Jorhat since 23 Jan 1997.
5. That the respondent beg to state that the statement made in para 4.2, is of matter of record. The applicant had served under GE 869 EWS with effect from 24 Oct 1990 and he was posted to GE (I) (AF) Jorhat on 23 Jan 1997. As per the service documents signed by the applicant and held in the records of GE (I) (AF) Jorhat his home town is 'Reha Nowgaon, (Assam) and not Jorhat (Annexure - 3) which itself indicates that false statement furnished by the applicant before the Hon'ble CAT Guwahati. His wife is a state Government employee at

Jorhat. Out of his two daughters, one is studying in Guwahati College and another is studying under Dibrugarh University as stated by the applicant.

6. That with regards to the statement made in para 4.3, the respondent beg to state that the movement order bearing No 1066/2182/E1A dated 20 May 2002 was issued to the applicant in compliance with the posting order policies as per the posting order No 1312322/2/2000/5D/01/ Engrs/E1C(1) dated 15 Apr 2000 (Annexure-4). That with regards to the applicant's representation the respondent beg to state that the representation submitted by the applicant was conditional stating that either he should be retained in Jorhat or he should be allowed to proceed on volunteer retirement (Annexure-5). The applicant's ibid representation could not be considered (Annexure-6) because of the conditions stated therein and the applicant was advised to submit fresh representation if any in accordance with the rule position specially on one ground to redress his grievances. That the respondent beg to state that the original posting order No 131322/2/2000/5D/01/Engrs/ E1C(1) dated 15 Apr 2000 was issued 2 years back and the applicant has submitted representation against his posting at first instance vide his representation dated 26 Apr 2000 (Annexure-7). The representation of the applicant was not considered at the highest level by the authority who has issued posting order since it contained no substance. (Annexure-8) The 2nd representation of the

applicant dated 16 Oct 2000 (Annexure-9) was forwarded to the higher authority (Annexure-10) but move of the applicant was held in abeyance because the applicant was involved in a disciplinary case pertaining to store loss at his previous served station i.e. GE 869 EWS (Annexure-11). The disciplinary case against the applicant was finalised on 27 Dec 2001 (Annexure-12). The 3rd representation of the applicant dated 27 Jan 2002 (Annexure-13) was not considered by the higher authority. However, the respondent beg to state that Respondent No.4 is not the authority to consider/decide the posting order transfer.

7. That with regards to the statement made in para 4.4 the respondent beg to state that the applicant was not posted to at a far of place from his native place. As per his own statement recorded and signed in the service folder of the applicant's in which 'Nowgaon' is his native place which is an equal distance away from Guwahati and Jorhat. The applicant's posting order though was issued last 2 years back, he never represented on the grounds that he is scheduled caste by birth as such he should not be posted out. His earlier representation merely contains his wife's employment and daughter's study. The applicant served in the interior location at his previous unit at GE 869 EWS which located at Manipur without making any representation either he belongs to Scheduled Caste or his home town is at Jorhat. The present posted unit of the applicant is not far of a place from his native place i.e. Nowgaon. The place of posting of the

applicant is within the state of Assam and placed not at insignificant place. The posted place of the applicant is well flourished with the social commitments of Scheduled Caste and Scheduled Tribe communities and even State Government employees belongs to Scheduled Caster/Scheduled Tribe community are also transferred from one and to another end of Assam State and no indiscrimination was committed by the department in posting the applicant at Narangi, Guwahati. That with regards to the statement made in para 4.5 the respondent beg to state that the rule is applicable for husband and wife serving in the same department/same ministry and not for the purpose of the employee of the Central Government and the State Government.

8. That with regards the statement made in Para 4.6 the respondent beg to state that as per one of the policy the Government servant who is having 3 years left over service, are only adjusted in the nearby home town. The applicant's home town is 'Nowgaon' which remains unaltered. As regards the applicant started construction of his house stating that his home town is at Jorhat has no relevance. It is not known or put in the records by the applicant with regards his acquisition of landed property/construction of house which requires prior permission of the Government, as such the statement made at para 4.6 can not be considered and Null and Void.

9. That with regards to the statement made in para 4.7 the respondent beg to state that there is no malafide intention with regards of the posting order as the applicant was transferred after completion of his tenure at Jorhat.

10. That with regards to the statement made in para 4.8, the respondent beg to state that applicant is a poor group 'C' employee is farce but rather he is placed in the higher status of the Scheduled Caste Community because by virtue of his wife's employment in the State Government service and education he is providing to his daughters at different places and no colourable exercise of power has been used by the respondent to harass the applicant by posting him within territory of Assam state.

11. That as regards the statement made in para 4.9, the respondent have no further comments.

12. That with regards to the representation made in para 4.10, the respondent beg to state that the sincerity of the applicant may be verified duly linked with his involvement in the disciplinary case and punishment awarded (Annexure-14).

13. That as regards to the statement made in para 4.11 & 4.12 of the applicant, the respondent beg to state that the posting order has been issued strictly based on the policy and nothing has been resorted against the interested persons.

14. That with regards to the statement made by the applicant in Para 4.13 and 4.14, the respondent has no comments.

15. That with regards to the statement made in para 5.1, the respondent beg to state that neither prima facia case nor a malafied intention was involved in issuing the posting order which is issued strictly based on the policies.

16. That with regards to the statement made by the applicant in para 5.2 & 5.3, the respondent have no comments.

17. That with regards to the statement made in para 5.4, by the applicant, the respondent beg to state that applicant's case is not genuine and need not be considered because of the false documentary proof as stated above.

18. That with regards to the statement made by the applicant in para 5.5, the respondent beg to state that the applicant was given full relief being a Scheduled Caste employee, as he was not posted to a far flung area of the North East Region.

19. That with regards to the statement made by the applicant in para 5.6, the respondent beg to state that the action and the order of posting is genuine and not to be set aside/quashed.

VERIFICATION

I, Major M.G. Vijaya Kumar, Garrison Engineer (Independent, Air Force), Jorhat being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs of the application are true to my knowledge and belief, those made in paragraphs being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this the Mon day of 10 Jun 2002, at Guwahati.



Deponent

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Govt. of India.
Ministry of Law, Justice & C.A.,
Deptt. of Legal Affairs,
Branch Sectt., Calcutta.

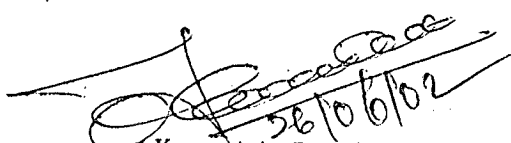
234/4, A.J.C. Bose Rd.,
Nizam Palace, 18th floor,
Calcutta-20.

The Department may refer to their Note No.1066/CAT/AH/15/E1A dated 14th June, 2002 pertaining to O.A.No.168/02 - in the matter of Amiya Hazarika-Vs-Union of India.

The enclosed draft Counter Affidavit prepared by the Id. Govt. Counsel in the aforesaid case is formally in order subject to the following:-

- 1) The officer signing and verifying the Counter Affidavit on behalf of Union of India should be authorised to do so.
- 2) The verification clause may be duly signed and added with the Counter Affidavit before filing the same in the Hon'ble Tribunal in consultation with the concerned Counsel.
- 3) That apart the correctness of facts and position as stated in the Counter Affidavit may please be carefully ensured.

All papers are returned herewith.


(Kranti Deo)

I.L.S

Asstt. Legal Adviser
Tel. No. 281-1418

Major, G.E.(I), (Air Force),
Jorhat-785005(Assam).

MOI. U.O. NO. 2072/02/Adv./Cal. Date: 26.6.02.

2432321/2327

Annexure I
486
Mukhyalaya Purvi Kaman
HQ Eastern Command
Abhiyanta Sakha
Engineers Branch
Fort William
Calcutta-21

131306/1/ 30 /Engrs/EIC(I)

31 Jan 96

Chief Engineers

Calcutta Zone, Calcutta
Siliguri Zone, Siliguri
Shillong Zone, Shillong
(AF) Shillong Zone, Shillong
(QFB) Calcutta
Comd ESD Kankinada

BR

Fz

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POSTING/TRANSFER POLICY : GROUP 'C' AND 'D'
PERSONNEL OF THE MES

1. The posting/transfer policy of all Group 'C' & 'D' personnel in the MES of this Command is prepared based on certain guidelines contained in Govt of India, Min of Defence letter No 3(3)/92/D(Appts) dated 23 Jan 94 and E-in-C's Branch, AHQ letter No 79040/EIC(I) dated 31 Aug 94.

2. The broad principles, under which transfers of Group 'C' and 'D' civilian subordinates are to be carried out, are stipulated in Min of Def OM No 13(1)/70/D(Appts) dated 29 Nov 72 and 32(4)/73/D(Appts) dated 21 May 75.

3. Posting of Group 'C' and 'D' individuals less industrial personnel will be issued by this HQ on the following grounds :-

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

POSTING ON ADMINISTRATIVE GROUNDS

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

32

ADJUSTMENT OF SURPLUS/DEFICIENCIES

5. In all cases where staff are rendered surplus by reduction in the authorised strength and their re-adjustment within Comd becomes necessary, the longest stayee in the station/complex stations will be posted out. In the case of posting involving inter-Command transfers, the junior-most person in the grade within the Command will be declared surplus.

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

7. In determining the longest stayee in a station/complex station, all MES Units located in that station/complex stations including satellite stations will be taken into consideration. The seniority in that station/complex station will be decided by the CE Command. Grouping of various units in a station including complex stations have already been done vide this HQ letter No 131306/1/63/Engrs/ElC(I) dated 16 Dec 92. Volunteers, if any will, however, be given preference in all such cases.

8. Where units/formations are closed down due to reduction in workload, the adjustment of surplus staff will first be done in the residual formations in matter of filling up of deficiencies within overall manning level. Thereafter the remaining surplus staff will be adjusted outside the stations as per seniority on the basis of three choices of the individuals as far as possible.

TURN OVER TENURE STATION

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

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

- (a) Personnel who have completed 3 years of service in a tenure station.
- (b) Personnel who have been posted to a tenure station as per the individuals' preference.

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

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

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

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

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

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

(j) Persons posted from other Commands on promotion will not be turned over till completion of 3 years physical stay or as per status of the tenure station. Their repatriation proforma for turn over to their parent Command will be forwarded by indicating three or more choice stations 4 months in advance before completion of stipulated tenure period for processing with their parent Command.

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

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

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

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

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

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

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

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

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

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

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

POSTING FROM PEACE TO PEACE STATION

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

POSTING ON LOCAL TURNOVER

13. The local turn over posting has already been decentralised vide this HQ letter No 131306/1/63/Engrs/ELC(I) dated 16 Dec 92. Posting from one unit/formation to other unit/formation, where only one unit is functioning in a station will be done by this HQ. CE Zone will forward the names of the personnel who have completed their mandatory period of 3 years in such cases. Turnover within the unit should, however, be done every 3 years by unit Ctrs.

POSTING ON PROMOTION

19. Staff on promotion will be adjusted in the same station (not necessarily in the same unit) provided vacancies are available based on manning level. However, if no vacancies are available in the station then the promotees will be adjusted in one of the three choice stations as far as possible. In case no vacancies are available in the choice stations, the individuals can be moved to other stations based on availability of vacancies/manning levels. In case inter Command move is necessitated, the junior most promotees will be moved out.

COMPASSIONATE POSTING/MUTUAL TRANSFER

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

- (a) Individuals should themselves apply for compassionate postings through proper channel. Applications from relatives or those received directly would be rejected and attempts to bring outside pressure discouraged.
- (b) Applications on domestic grounds should be verified, if required, in consultation with civil authorities, if the CWC/CE Zone is not satisfied of the genuineness of the grounds.
- (c) Application on medical grounds should be accompanied by appropriate medical certificates from Authorised Medical Attendant (where AMA is not available, from Registered Medical Practitioners) indicating the nature of illness and justification for transfer of the individual. No cases recommended with replacement will be forwarded.
- (d) This HQ will order a Board of Officers to assemble every 6 months in Jan & Jul to screen the applications.
- (e) Compassionate postings shall only be affected against clear vacancies, failing which, against volunteers if any.
- (f) To avoid grant of undue benefit, it will be ensured (before compassionate/mutual transfers are accepted and orders issued) that affected persons are not due for posting to tenure stations.
- (g) All mutual postings and those on compassionate grounds will be at the expense of the individual.
- (h) Approval for inter-Command posting on compassionate grounds/mutual basis will be issued by E-in-C's Branch.
- (j) Mutual transfer is not to be treated as a compassionate posting and no protection can be claimed by the individual.
- (k) The period of posting on compassionate grounds will be restricted to 3 years so as to accommodate other compassionate posting cases.
- (l) Travelling allowances can be paid to the individuals posted on last leg compassionate grounds at the time of retirement only to his/her home town/selected place of residence, subject to approval of the transferring authority who will record reasons for such postings.
- (m) The compassionate postings will be ordered to a non-sensitive appointment as far as possible.

..... 7/-

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TIMING OF TRANSFERS

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

AGE FACTOR

22. Persons having attained the age of 55 years prior to the date of move mentioned in the posting order will not be transferred except at their request to stations of their choice. However, if they have to move on promotion and if there is no clear vacancy in the station where they are serving, they may still be moved irrespective of the consideration of age as per instrs on move on promotion (para 19).

FEMALE EMPLOYEES

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

(a) Female employees are exempted from posting to the tenure stations.

(b) They would not be posted to long distance stations even in the case of peace to peace station transfers unless female employee gives her choice of a station at a distant place.

(c) They will be transferred from one peace station to another peace station on tenure basis (within 600 KMs approx at the rail/head/bus terminus) on the analogy of tenure system adopted for the male employees. Their stay will be for a minimum period of 3 years and these employees would have the privilege of exercising three choices for their posting on return from that station including the home station.

(d) Widows, employed on compassionate grounds appointment, would be exempted from these provisions.

VACANCIES

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

43

3.

DECLARATION OF HOME TOWN

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

REPRESENTATION

26. Representations, if any, against the posting order, will be made by the affected individual within 21 days of the receipt of posting order in the concerned office who will ensure that the same is notified to the individual immediately. When the representation received through proper channel is considered and rejected by the CE Command, the concerned individual will move without any further delay. The second representation will be disposed off by the CE Zone/Comdt if no new facts/reasons i.e. other than those included in the first application are brought out. If CE Zone considers that the application is required to be forwarded to this HQ, this will be signed by CE/ACE (ks) with their specific recommendations. Thereafter once decision is given by CE Command no further representation will be entertained and the individual will be SOS within 15 days from the date of receipt of the decision of this HQ. If the individual is not satisfied with the decision of this HQ, he may represent his case to E-in-C's Branch, AHQ through proper channel. However, the move of the individual will not be held up for decision from E-in-C's Branch. In case the decision is pronounced in favour of the individual by E-in-C's Branch, the individual will be moved at the Govt expense in the first available vacancy occurring at the station mentioned in the decision of E-in-C's Branch.

27. This HQ letter No 131306/1/2/Engrs/ElC(I) dated 27 Sep 91 stands superseded with the issue of this letter.

23. Please acknowledge.

MG Koshy
(MG Koshy)

Brig
Addl Chief Engineer
for Chief Engineer

Encls : (3)

Copy to :-

All CSE/CEs *CE (AF) To what*

44

X 31-

Appendix 'A'

(Ref to HQ Eastern Command,
Engrs Branch letter No 131306/
1/39 /Engrs/EIC(I) dated
31 Jan 96).

LIST OF TENURE STATIONS OF CHIEF ENGINEER EASTERN COMMAND

S/No	Name of the station	Name of concerned CWE/CE Zones	Date from which the stn has declared as tenure stn	Auth of declaring tenure stn
1	2	3	4	5
1.	All stations in Nagaland, Mizoram, Tripura, Arunachal and Manipur states: (2 years)	CE Shillong Zone	01.01.33	CEEC letter No 131306/1/293/ Engrs/EIC(I) dated 10 Dec 82.
2.	Borjar (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
3.	Chabua (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-
4.	Charduar (3 years)	CWE Tezpur/ CE Shillong Zone	01.01.33	-do-
5.	Balipara (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-
6.	Digaru (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
7.	Dinjan (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-
8.	Gauhati (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
9.	Jorhat (3 years)	CWE Jorhat/ CE Shillong Zone	01.01.33	-do-
10.	Kumbhigram (3 years)	HQ 137 WE/ CE Shillong Zone	01.01.33	-do-
11.	Lekhapani & Lekhabali (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-

1	2	3	4	5
12.	Missamari (3 years)	CWE Tezpur/ CE Shillong Zone	01.01.33	CEEC letter No 131306/1/293/ Engrs/EIC(I) dated 10 Dec 32
13.	Missa (3 years)	CWE Tezpur/ CE Shillong Zone	01.01.33	-do-
14.	North Lakhimpur (3 years)	-do-	01.01.33	-do-
15.	Narangi (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
16.	Rangiya (3 years)	-do-	01.01.33	-do-
17.	Silchar (3 years)	HQ 137 WE/ CE Shillong Zone	01.01.33	-do-
18.	Shillong (3 years)	CWE Shillong/ CE Shillong Zone	01.01.33	-do-
19.	Tezpur incl Solmara (3 years)	CWE Tezpur/ CE Shillong Zone	01.01.33	-do-
20.	Amarbari (3 years)	-do-	01.01.33	-do-
21.	Bhalkmara (3 years)	CWE Jorhat/ CE Shillong Zone	01.01.33	-do-
22.	Bagrakot (3 years)	CWE Bengdubi/ CE Siliguri Zone	01.01.33	-do-
23.	Hasimara (3 years)	CWE Binnaguri/ CE Siliguri Zone	01.01.33	-do-
24.	Palong (3 years)	CWE Bengdubi/ CE Siliguri Zone	01.01.33	-do-
25.	Gangtok (3 years)	CWE Bengdubi/ CE Siliguri Zone	01.01.33	-do-
26.	Singarshi (2 years)	CWE Barrackpore/ CE Calcutta Zone	01.01.33	-do-

2/82

46

Tele AF 4884

1060/ 2182 /EIA

MES/238098 Shri Amiya Hazarika,

SK Gde. II

(Through AGE B/R (P) AF Jorhat)

Durg Abhiyanta (I) (Vayusena)
Garrison Engineer(I)(Airforce)
Jorhat - 785005 (Assam)

20 May'2002

POSTING/TRANSFER ON TENURE TURN OVER : SK GDE II

1. You are hereby permanently transferred to GE 583 Engr Park in the Interest of the State.

Authority :-HQ CE EC Kolkata letter No. 131322/2/2000/50/01/ Engrs/EIC(I) dated 15-4-2000, 131322/2/2000/5D/ 81/Enges/EIC(1) dated 04 May'2002 and CE(AF) Shillong zone FAX No.81006/9/BS/FRI/EIC(1) dated 17 May'2002.

2. You will be relieved of your duties and SOS from this office on 21 May'2002 (AN). You will report to your new duty station after availing usual jointing/j ourney period as admissible.

3. You will submit the following before leaving this office :-
(a) Clearing certificate from all concerned, (b) Departure Report, (c) Ration Card if held and (d) you will surrender your identity card to your new unit/Office.

4. It may please be noted that your pay and allowances for the month of May 2002 have been claimed by this office and for the month Jun 2002 and onwards will be claimed by your new Unit/Office after you have reported arrival there physically.

5. Certified that the individual is not involved now in any disciplinary/SPE/CBI case and there is nothing else against the individual.

6. TA/DA may be had on application.

(MG Vijaya Kumar)
Major
GE(I)(AF) Jorhat

Distributions

1. HQ CE EC Kolkata-21	For GE 583 EP only
2. HQ CE(AF) Shillong-9	The details pay and allowances of the individual are as under :-
3. HQ CE SZ Shillong-11	(a) Basic Pay : @ Rs. 4750.00 PM
4. CDA Narangi, Guwahati	(b) DA (@49%) : @ Rs. 2328.00 PM
5. AAO Shillong-01	(c) SCA : @ Rs. 120.00 PM
6. JCDA (F) Meerut	(d) HRA : Nil
7. AAO GE I)(AF) Jorhat	Total Rs. 7,198/-
8. AGE B/R (P) AF Jorhat	GPF & subscription @ Rs. 2000/- PM
9. All sub divn/Section	CGEIC subscription @ Rs. 30/- PM
D N I : 01 Oct 2003	
Balance of CL08. days	Balance of EL ...155. days
RH02. days	MRK HPL...120. days

Date of birth : 31 Oct 1948

Annexure-3

IN LIEU OF A.T.C.4 (Revised)

1. Name (in full) Shri AMIYA HAZARIKA
2. Permanent Home Address (in full) Vill: Naggaon, po: Dishaldari
(Raha) Dist: NOWGONG (ASSAM)
3. Father's name (and also husband's name
in the case of a woman Government
servant) and residence. Shri Malin Ch. Hazarika
Add: as in Item No.2.
4. Nationality (if not a citizen of India,
number and date of the certificate of
eligibility granted by the Government
of India). Indian
5. If a member of Scheduled Caste, Scheduled
Tribe, particulars of Caste/Tribe. Scheduled Caste
6. Date of birth by Christian Era as nearly
as can be ascertained. 31st Dec 1948
7. Educational qualifications passed HSLC in 1969 from
Board of Secondary Education
Assam
8. Exact height by measurement (without shoes) 5' - 6"
9. Personal mark for identification A cut mark on the left
side of the eye.
10. Left hand thumb and finger impressions of
(non-gazetted) officer if he is not
literate enough to sign his name in English,
Hindi or other regional language.

Little finger

Ring finger

Thumb

Middle finger

Fore finger

11. Signature of the Government servant

sd/- Amiya Hazarika

12. Signature and designation of the head of
the Office or other attesting Officer.

sd/- BSO.
GARRISON ENGINEER
JORHAT DIVISION

Note :- (1) The entries on this page should be renewed or re-attached at least
every five years, and the signatures in lines 11 & 12 should be
dated. Finger prints need not be taken afresh every five years
under this rule.
(2) For additional entries in respect of Government servants of
the Police Departments, please see page 32.

C.T.C.

[Signature]
Capt.

101

Amchali-3

922778

GENERAL PROVIDENT FUND

SUBSCRIBER NOMINATION

When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below who is a member of my family as defined in Rule 2 of the General Provident Fund (DS) Rule 1962 to receive the amount that may stand to my credit in the fund in the event of my death before that amount become payable of having become payable has not been paid.

Name and address of the nominee in the event of subscriber's death	Relationship with subscriber with age	Continuities on the happening of the nomination shall become invalid	Name address and relationship of the person(s) if any to whom the right the right of the nominee shall pass in the event of his proceedings the superannuations
--	---------------------------------------	--	---

Mrs Shanti Bora
Hazarika
vill - Mazgaon
PO - Raha
Dist - NAGAVAN
(Assam)

Wife
48 yrs

Death
or
Divorce

Kumar
Jogmaya
Hazarika
(daughter)
D/B - 26.10.79

Dated this 08 day of Sep 1999 at GILAP Jorhat

Two witness

1. M. H. Hazarika (ASH)
2. M. H. Hazarika (ASH)

(Signature of subscriber)
Name : AMIYA HAZARIKA
MES No : 238098
Desig : SIC II
Office : G.E.U. (A/F) JORHAT
Date : 08.9.99

Verified &
extd
AHO

COUNTERSIGNED

BSO
Offr AGRI-1
Engineer (I) (AF) Jorhat
For Engineer (AF)

POSTING ORDER NO. 33

TELE : 222-2700

HQ Eastern Command
Engineers Branch
Fort William, Calcutta - 21

131322/2/2000/5D/ 01 /Engrs/EIC(I)

15 Apr 2000

Chief Engineer

Calcutta Zone, Calcutta
Siliguri Zone, Siliguri
Shillong Zone, Shillong
(A/F) Shillong Zone, Shillong

POSTINGS/TRANSFERS ON TENURE TURN OVER: SK GDE II

1. The following postings/transfers are hereby ordered in the interest of state:-

Srl No	MES No, Name & Designation	Posted From	To	Move date
1	2	3	4	5
1.	MES/234751 Shri Jagjneswar Das, SK Gde II	GE 583 E/P	GE Tezpur	30.4.2000
2.	MES/228945 Shri DK Paul, SK Gde II	GE 869 EWS	GE Umroi	On completion of 3 Yrs Service.
3.	MES/207542 Shri BN Chatterjee, SK Gde II	CDS(I) Barrackpore	GE Binnaguri	13.5.2000
4.	MES/211070 Shri RN Dam SK Gde II	GE 585 ESP	CDS(I) Barrackpore	30.4.2000
5.	MES/211013 Shri GC Mondal, SK Gde II	GE Khaprail	GE 585 ESP	30.4.2000
6.	MES/216370 Shri Bharat Ch Baruah, SK Gde II	GE Binnaguri	GE Khaprail	30.4.2000

Lt Col
SO I (Pers)

....2/-

POSTING ORDER NO. 33
Page No. 2

1	2	3	4	5
7.	MES/228764 Shri Kremlin Kharkonger SK Gde II	GE Umroi	GE (A/F) Jorhat	30.4.2000
8.	MES/238098 Shri Amiya Hazarika SK Gde II	GE (A/F) Jorhat	GE 583 E/P	30.4.2000
9.	MES/232594 Shri Bhaben Ch Sharma, SK Gde II	GE Tezpur	GE Umroi	30.4.2000

(Item Nine (9 Nos) Only)

3. Move will be completed in direct correspondence between the fms/unit concerned as directed.

4. Your attention is drawn to this HQ letter No. 131306/1/39/Engrs/EIO(I) dated 31 Jan 96/amended from time to time for strict compliance.

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

Copy to:-

- | | |
|--------------------------|------------------------|
| 1. CWE Shillong | 10. GE 869 EWS |
| 2. CWE Tezpur | 11. GE Umroi |
| 3. HQ 137 Wks Engrs | 12. COS(I) Barrackpore |
| 4. CWE (Sub) Barrackpore | 13. GE Binnaguri |
| 5. CWE Bangloli | 14. GE 583 E/P |
| 6. HQ 136 Wks Engrs | 15. GE Khaprail |
| 7. CWE (A/F) Guwahati | 16. GE (A/F) Jorhat |
| 8. GE 585 BSP | |
| 9. GE Tezpur | |

Internal

EID, EIR, E/O Cell, Master Folder & Office Copy

19
36-
Annexure-5
51

From MES-238098 SK-II
Amiya Hazarika
GE (I) (AF) Jorhat

To Headquarters
Eastern Command (Engrs Branch)
Fort William
Kolkatta - 21

(Through proper Channel)

POSTING/TRANSFER OF 'C' GROUP
EMPLOYEES/VOLUNTARY RETIREMENT

Respected Sir,

1. Most respectfully I beg to submit the following few lines for your kind consideration and favourable action.
2. Reference to your HQ Posting Order No 33 and Letter No 131322/2/2000/SD/01/Engrs/E1C(i) dt 15 Apr 2000 (Posting Ser No 1, 7 & 8)(Triangular).
3. That I had submitted representation on 26 Apr 2000 and replied from HQs letter No 131322/2/2000/SD/08/Engrs/E1C(1) dt 07 Sep 2000 and 2nd representation on 16 Oct 2000 with referring 131306/1/SD/Engrs/E1C(1) dt 13 Jan 1996 (copy encl) but the same was returned by HQ CE (AF) SZ, Shillong vide their letter No 81006/9/BS/292/E1C dt 24 Nov 2000 addressed to GE (I) (AF), Jorhat and copy to your HQ and advice me to resubmit the application after finalisation of my discipline case and the same has now been finalised vide HQ CE (AF) SZ, Shillong letter No 81878/Amiya/109/E1 Con dt 24 Dec 2001 received by me on 21 Jan 2002 (Copy attached).
4. That according to HQ CE (AF) SZ, Shillong letter cited above I have submitted representation on 27 Jan 2002 vide AGE B/R (P) AF Jorhat letter No 107/205/E1 dt 01 Feb 2002 for consideration.
5. Where as I have been harassed in the name of above Inquiry since Mar 1993 to Jul 2001 which had finalised by CWE HQ 137 EWS, C/O 99 APO on 04 Jul 1994.
6. It is further submitted that :-
 - (a) I am staying in Govt md accn No T/70/3 under GE (I) (AF) Jorhat.
 - (b) My two daughters, one of studying at Guwahati University and Another one is studying at Dibrugarh University.
 - (c) My wife is working in locally with a small employment.

32

2

7. In this critical juncture and keeping family along with young daughters in different places I could not considered my routine duties daily. Hence I have decided my self to go on volunteer retirement if your honours would not able to revoke posting order and not to implement in the Jorhat station. Therefore I request to your good self to adjust me in the Jorhat station or I may please be sanctioned for volunteer retirement. For which act of kindness I shall remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully

Station : Jorhat -- 05

Date : 21 May 2002

Enclosures : ()

Copy to :-

AG's Branch
Army Headquarters
DHQ PO, New Delhi-11

for info and justice being a low paid civ employee.

Chief Engineer
Headquarters Eastern Command
(Engrs Branch)
Kolkatta - 21

for info in advance in convenience is regretted please.
And justice being a low paid employee.

HQ Chief Engineer (AF)
Shillong Zone
Shillong - 09

With ref to your HQ letters cited above please

Headquarters
Chief Engineer (Army)
Shillong - 11

for info please

Tel: 3320012/
4134

1066/2184/01A

Postmaster is
Chief Clerk (Air Force)
Chillinghane
Elephant Falls Camp
Bombyer Post
Chillinghane-2

Ann-xm-6 37 2184
Speed Post
Murg Nishiyanta (S) (Va. Adena)
Garrison Engineer (I) (Air Force)
Post-735 975 (A33AM)
21 May 2002

B 2183
F

REPLY TO/TRANSMISSION NO. 1066/2184/01A: SK II

1. Referring to your document re Fax Transmission No 1066/2184/01A dated 17 May 2002.
2. In this connection, it is submitted that, in compliance with your Postmaster's Fax Transmission cited above, 1066-2184/01A Shri Nishiyanta, SK Gde II of this division has been served with Government Order bearing No 1066/2184/01A dated 20 May 2002, showing the G.O. date w.e.f 31 May 2002. (Copy enclosed herewith for ready reference).
3. In this context, a copy of the application dated 21 May 2002, submitted by Shri Nishiyanta, SK Gde II is enclosed herewith for your information.
4. It is further submitted that the individual has mentioned two different conditions in his application, viz-a-viz, either to adjust him at Jorhat Station or to permit him to proceed on voluntary retirement. As such, he has been advised to submit a fresh application on the specific ground to redress his grievances.

(H.C. Vijaya Kumar)
Major
Garrison Engineer

1066-2184/01A

1066-2184/01A

1066-2184/01A Sub Dava - please refer your letter to 107/2184/01A dated 21 May 2002, under which the application of 1066-2184/01A Shri Nishiyanta, SK Gde II has been sent to this office.

1066-2184/01A Sub Dava - please refer your letter to 107/2184/01A dated 21 May 2002, under which the application of 1066-2184/01A Shri Nishiyanta, SK Gde II has been sent to this office. Enclosure: 02

From :

MES/238098
Shri Arniya Hazarika , SK-II
C/o GE (I) (A/F) Jorhat

To :

HQ Eastern Command
Fort William, Calcutta -21

(Through proper channel)

Sub : POSTING / TRANSFER ON TENURE TURN OVER : SK-II

Respected Sir,

1. Reference your HQ Posting Order No 33 and letter No 131322/2/2000 5D/01/Engrs/EIC (I) dated 15 Apr 2000.
2. Most respectfully I beg to state the following few lines for favour of your kind consideration and necessary action please.
3. That Sir, I am neither senior most nor junior most in the office of GE (I) (AF) Jorhat as well as Jorhat complex. In this context I pointing out that MES/242428 Shri AC Gope , SK-II who join ed in this office in 1996 and myself reported on 2nd Feb 1997 under direction of CAT Guwahati (which may please be verified from record at your end) Case no 106/90 dt 1.1.97
4. That Sir, I have been directed by your HQ on 15-04-2000 and completion of my move 30-04-2000 accordingly which is possible for me at present as I am explaining some domestic problem.
 - (a) My wife is working in the office of Supdt of Police, Jorhat
 - (b) My daughter is studying in Cl- XII in the KV Air Force Jorhat.
 - (c) My family and members staying MES Accn No T/70/3 in the office complex.
5. That , if at all my posting from my present unit is required to be materialised I may please be adjusted in the office of GE Jorhat 4 Nos of SK-II vacancies exists since long.
6. In view of the above you are requested to look in to the aforesaid small request and I may not to be disturbed by SOS till senior most will not move , for this act of kindness I shall remain grateful to you .

Thanking you in anticipation sir.

Yours faithfully,

(Arniya Hazarika , SK-II)

Dated : 26 Apr 2000

Advance copy by Read post to :-

1. Lt Col G Mazumdar, SO I (Pers)
C/O Eastern Command
Engrs Branch
Fort William , Calcutta -21

- Advance information in convenience in regretted please

2. Com. MM Saikia
Office Secretary
HQ AAMES EU Jorhat

- For information and requested him to take up the matter to Gen Secy AIDEF and the concerned authority

File : 222-2700

Annexure-8

893

Chief Engineer
HQ Eastern Command
Fort William, Calcutta-21

131322/2/2000/5D/08/Engrs/EIC(I)

67 Sep 2000

GE(AF) Shillong Zone

801/13,813,892
1023

POSTING/TRANSFER ON TENURE TURN OVER
SK GDE-II

1. Refer your HQ letter No 31006/9/BS/252/EIC(I) dated 05 Jun 2000.

2. Application dt 26 Apr 2000 in respect of MES/233093 Shri Amiya Hazarika, SK-II of GE(I)(AF) Jorhat has been considered sympathically and examined in entirety with a view to ensure that no natural justice is denied to the indl. However it lacks substance and has been rejected by ACE(M) this HQ.

3. However the move of the indl be withheld till finalisation of disciplinary case against him. You are requested to ensure that disciplinary action be finalised before 31 Oct 2000.

4. In this connection it is also stated that the posting of MES/242423 Shri AC Gope, SK-II of GE(I)(AF) Jorhat has not been considered as he is a elected member of works committee.

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

Copy to :-

GE(I)(AF) Jorhat

743
755
BR 780
FR 896 1033
1023

FROM :-

MES/238098

SHRI AMIYA HAZARIKA, SK-II
C/O GE (I) AF JORHAT
JORHAT-5 (ASSAM)

To

Headquarters
Eastern Command
Engineers Branch
Fort William
Calcutta-21

(Through proper Channel)
POSTING/TRANSFER 'C' GROUP EMPLOYEES, MES

Respected Sir,

Reference your HQ posting order No. 131322/2/2000/SD/01/Engrs/Elc(1) dated 15 Apr' 2000.

2. Representation submitted on 26 Apr' 2000 to materialise the posting at GE Jorhat instead of 583 EP where 04 Nos SK-II clear vacancy exist. But the appeal has been rejected by your honour vide letter No. 131322/2/2000/SD/08/Engrs/Elc(1) dt. 07 Sep' 2000 which was informed me on 26 Sep' 2000.
3. That Sir, again I am approaching with the following to consider my case.
4. That Sir, I had been detained at field area from 24 Mar'93 to 22 Jan' 97 on administrative ground where I was not proved guilty now. In this connection, your kind attention is drawn to your HQ posting order No. 31 Srl No. 14 & 15 and letter No. 131322/2/93/SD/01/Engrs/Elc(1) dt. 24 Mar' 93 which has been implemented by GE 869 EWS, C/O 99 APO vide Movement order No. 1209/48/Elc dt. 22 Jan' 97.
5. In view of the above, you are requested to consider my case under the Para -14 of HQ posting order No. 131306/1/80/Engrs/Elc(1) dt. 31 Jan' 96 *(Copy enclosed herewith)* and oblige.

Thanking you in anticipation Sir,

Yours faithfully,

Dt : 16 Oct'2000

Encl - As above

Advance copy for information to :-

HQ CE EC Calcutta
Calcutta-21

- for information in advance in convenience is regretted please.

(A Hazarika, SK-II)

Tele AF : 384

1036/ Q /EIA

Headquarter
Chief Engineer(AF)
Shillong zone
Elephant Falls Camp
Nonglyer
Shillong - 39

Brig Alhiyanta (I) (Vayusena)
Garrison Engineer(I) (Airforce)
Jorhat - 785005
30 Oct'2000
(Assam)

POSTING/TRANSFER : SUBORDINATES

1. An application dated 16 Oct'2000 submitted by MES-238098 Shri Aniya Hazarika, BK Cde 11 of this division, requesting for deferment of his posting to GE 583 EP is forwarded herewith in duplicate duly recommended for your further action please.

2. The following comments are offered :-

Para 2

1) The above named individual is stand posted to GE 583 EP vide HQ CE EC Calcutta letter No. 131322/2/2000/SD/01/Engrs/EIC(1) dated 15-4-2000.

11) The appeal submitted by the individual requesting for adjustment in Jorhat complex has been rejected under HQ CE EC Calcutta letter No.131322/2/200/5D/08/Engrs/EIC(1) dated 07 Sep'2000.

Para 3 - No comments.

Para 4

The individual was posted to this division from GE 869 EWS C/O 99 APO vide HQs CE EC Calcutta letter No.131322/2/93/SD/01/Engrs/EIC(1) dated 24 Mar'93 and relieved by GE 869 EWS vide movement order No.1209/48/EIE dated 22 Jan'97. Thus the individual has been detained by his previous unit, GE 869 EWS (Field area) for a period from 22-3-93 to 22-01-97.

3. In view of the above, the individual has claimed consideration as per para 14 of HQs CE EC Calcutta letter No 131306/1/80/Engrs/EIC(1) dated 31 Jan'96. Recommendation slip is also forwarded please.

Encls:- As above

(VG Murali)
Major
GE(I)(AF) Jorhat

B/763,893.

25 43- 58
RECOMMENDATION OF GE (I) (AF) JORHAT ON THE APPLICATION
DATED 16 OCT'2000 IN RESPECT OF MEC-238059 SHRI AMIYA
HAZARIKA, SK GLE II FOR DEFERMENT OF HIS POSTING AS PER
PARA 14 OF HQS CE FC CALCUTTA LETTER NO. 131306/1/80/
ENGRS/EIC(I) DATED 31 JAN 1996

RECOMMENDED/NOT RECOMMENDED

Station : Jorhat - 5
Date : 30 Oct'2000

(VG Murali)
Major
GE (I) (AF) Jorhat

Tele : AF/2358

Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp
PO Nonglyer
Shillong - 793009

81006/9/BS/ 292 /EIC(I)

Nov 2000

GE(I) (AF) Jorhat

POSTING/TRANSFER : SUBORDINATES

1. Refer your letter No. 1066/921/EIA dated 30 Oct 2000.
2. MES/238098 Shri Aniya Hazarika, SK-II of your division is involved in disciplinary case/Court of Inquiry, which is not yet been finalised. His application can only be forwarded to HQ CE EC, Calcutta after finalisation of Court of Inquiry.
3. In view of above the application dated 16 Oct 2000 received under your above letter is returned herewith.

(Om Prakash)
Major
SO II (Pers)
for Chief Engineer (AF)

Encls : As above (06 sheets)

Copy to

HQ Eastern Command
Engineers Branch
Fort William
Calcutta - 700 021

- For information.

BR | 921

F62 | 929, 2110

ARTICLE - I

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT
OF CHARGES FRAMED AGAINST MES-238098 SHRI AMIYA HAZARIKA, SK-II
OF GE (I) (AF) JORHAT

1. MES-238098 Shri Amiya Hazarika, SK Gde II, while functioning as Custodian of MES Stores at Det Dimapur under AGE (I) Leimakhong (Merged into GE 869 EWS wef May 95) from Sep 92 to Jun 94 was found blameworthy for loss of following Govt Stores costing Rs 40,500/- (Rupees forty thousand nine hundred only) during handing/taking over of charge of custodian MES Stores at Dimapur during the Month of Jun 94 :-

(a) Angle Iron 75 mm x 75 mm x 6 mm = 2.034 MT

(b) CGI Sheet 3000 x 800 x 0.63 mm = 0.068 MT

2. During the course of Handing/Taking over of charge of the Custodian of MES Stores between the said Shri Amiya Hazarika, SK Gde II and Shri AC Gope, SK Gde II, physical verification of Angle Iron 75 mm x 75 mm x 6 mm and CGI Sheet 3000 x 800 x 0.63 mm and verification of ledger balance, a discrepancy of 2.434 MT angle iron and 0.068 MT CGI Sheet was revealed. The said Shri Amiya Hazarika, the then custodian of MES Stores agreed to the signed for the deficiency of stores costing Rs 40,900/- (Rupees forty thousand nine hundred only).

3. Thus, MES-238098 Shri Amiya Hazarika, SK Gde II by his above acts failed to maintain absolute integrity and devotion to Government duty thereby has violated the Provisions contained in Rule 3 (1) (i) & (ii) of CCS (Conduct) Rules 1964.

CONFIDENTIAL

CONFIDENTIAL

Tele : 223900/2358

Amn-Xm-11
46-
61
Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp
Nonglier Post
Shillong - 793 009

961
81878/18/960/ElCon

GE (I) (AF) Jorhat

22 Oct 99

DISCIPLINE : MES-238098 SHRI AMIYA
HAZARIEA, SK GDE -II OF GE (I)(AF)
JORHAT (MISSING MES STORES AGE (I)
LEIMAKHONG)

1. Original copy of CE (AF) Shillong Zone Memorandum bearing No 81878/18/960/ElCon dt 22 Oct 99 is fwd herewith for handing over to MES-238098 Shri Amiya Hazarika, SK Gde II. His dated acknowledgement for having received the said memorandum along-with the reply may be obtained in triplicate and forward to this HQ for our further necessary action.

2. Please ack.

Encls : (four Sheets)
(64)

(Om Prakash)
Maj
SO II (Pers)
for Chief Engineer(AF)

CONFIDENTIAL

Rai/*

73

C. 106 / DISCP/AM/SKH/EIC

CONFIDENTIAL

Tele : 223000/2230

Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp
Nonglier Post
Shillong - 793 009

81372/18/260/E1Con

22 Oct 99

MEMORANDUM

1. The undersigned proposes to hold an inquiry against MES-238098 Shri Amiya Hazarika, SK Gde-II under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. MES-238098 Shri Amiya Hazarika, SK Gde-II is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. MES-238098 Shri Amiya Hazarika, SK Gde-II is further informed that if he does not submit his written statement or defence on or before the date specified in para 2 above, or does not appear in person before the undersigned authority or otherwise fail to reflect on the charges, the undersigned authority will proceed to hold an inquiry on the basis of the charges as stated in the enclosed statement of articles of charge.

5. A condition of MES-238098 Shri Amiya Hazarika, SK Gde-II is invited to Rule 20 of CCS (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. To

6. The undersigned is aware of the fact that Shri Amiya Hazarika, SK Gde-II is aware of the charges and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

7. The receipt of the Memorandum may be acknowledged.

Sd/- x x x x x

(DS Thukral)
Brig
Chief Engineer (AF)

MES-238098 Shri
Amiya Hazarika, SK-II

(Through CF (I) (AF) Jorhat)

CONFIDENTIAL

30 58:—
CONFIDENTIAL

Annexure-12

Als - 14

Tele : 223900/2238


Headquarters
Chief Engineer (AF)
Shillong Zone
Elephant Falls Camp
Nonglier : PO
Shillong : 793 009

81878/18/Amiya/ A C C / E I Con

24 Dec 2001

ORDER

1. WHEREAS disciplinary proceedings were instituted against MES-238098 Shri Amiya Hazarika, SK-II under Rule 14 of CCS (CC&A) Rules 1965 vide HQ CE (AF) Shillong Zone Memorandum No 81878/18/960/EICon dt 22 Oct 99.
2. AND WHEREAS, inequity was held to inquire into the charges framed against the said Shri Amiya Hazarika, SK-II
3. AND WHEREAS, the undersigned after careful consideration of the inquiry report and all other relevant documents on records has come to the conclusion and the said 238098 Shri Amiya Hazarika, SK-II is guilty for violating Rule 3 of CCS (Conduct) Rules 1964.
4. NOW THEREFORE, the undersigned in exercise of the powers conferred upon him under Central Civil Service (Classification Control & Appeals) Rules 1965 and Govt of India, Min of Def Order No 5(14)/79/D(Lab) dated 16 Aug 1979 imposed upon the said Shri Amiya Hazarika, SK-II the penalty "with hold one increment of pay without cumulative effect" from the date of publishing the awarded penalty
5. This order shall take effect from date it is served upon the said Shri Amiya Hazarika, SK-II or is deemed to have been served upon him.
6. The receipt of this order will be acknowledged.


(HK Dadhich)
Brig
Chief Engineer (AF)

10

MES-238098
Shri Amiya Hazarika, SK-II
(Through CE (I) (AF) Jorjhat)

CONFIDENTIAL

Tele : AF/4884

Annexure - 13
2110
Garrison Engineer(S)(Vayusena)
Garrison Engineer(I)(Airforce)
Jorhat - 785 005 (Assam)

1066/ 2110 /E1A

08 Mar 2002
64

HQ Chief Engineer (AF)
Shillong Zone
Shillong - 09

POSTING/TRANSFER : SUBORDINATES

F/928
1. Reference your HQ letter No. 81006/9/BS/292/EIC(I) dated 24 Nov 2000.

2. MES-238098 Shri Amiya Hazarika, SK II of this unit was involved in a disciplinary case/court of inquiry. An application dated 16 Oct 2000 addressed to CE HQ EC Kolkata submitted through proper channel by the individual returned vide your HQ letter under reference with direction to resubmit the same after finalisation of disciplinary case/court of inquiry. Since the case has now been finalised, a fresh application dated 27 Jan 2002 addressed to CE HQ EC Kolkata through proper channel submitted by the individual is forwarded herewith duly recommended.

Encl : 04 Sheets

(V G Murali)
Major
Garrison Engineer(I)AF

BR | 928, 2109
FR | 2139

From : HES-288093, SK II
ABIV, Bhadrak
Gt (1) (AF)
Jorhat - 785 006

Ann-XM-13

To

Headquarters
Eastern Command (General Branch)
Fort William
Kolkata - 21

(Through Proper Channel)

POSTING/TRANSFER 'C' GRADE EMPLOYEES : HES

Respected Sir,

1. Reference to your Headquarters Posting Order No. 131322/2/
2406/2/1/Engrs/EC(1) dt 15 Apr 2006 (Triangular Posting Order).

2. In this connection, I submit the following few lines for
your kind consideration and necessary favourable orders.

(a) That Sir, it is come to my knowledge that serial No.
07 of above posting order under reference, Shri KRISHN
THAKUR, SK II of Gt, Gndd who is my reliever applied
for retention at Shillong area and has been considered
by your honour.

(b) That Sir, I had been detailed at field area from
24 Mar 1997 to 22 Jan 1997 vide your Headquarters favour
Posting Order No. 31, Serial No. 14 & 15 and letter No
131322/2/2/2/1/Engrs/EC(1) dt 24 Mar 1997 which has
been implemented by Gt, 200 Engr Works Section, C/O 99 APO
vide their movement order No. 120/43/2-R dated 22 Jan 1997.

(c) That Sir, it has also been come to my knowledge that
SK II and SK I vacancies are exist in the Office of Gt,
Jorhat.

3. In view of the above, you are requested that to consider
my case and to adjust me in the Jc that area under your Hq
Posting Order Policy No. 131322/2/2/2/1/Engrs/EC(1) dt 24 Jan 1997
Para 12, for which act of this kindness, I shall remain grateful
to you please.

Thanking you.

Yours Faithfully,

Station : Jorhat

Date : 27 Jan 2006

Signature :-

Headquarters
Chief Engineer (AF)
Shillong

(HES-288093 AMIVA BHADRAK, SK-II)

1. For info please.
2. Your office is requested to fix my
case to Jc, Eastern Command, (General),
Kolkata as intimated vide letter No. 2-006
C/O 10/2/2006(1) dt 29 May 2006 for their
consideration.

33 51- 66
RECOMMENDATION OF GE (I) (AF) JORHAT ON THE APPLICATION
DATED 27 JAN 2002 IN RESPECT OF MES-238098 SHRI AMIN
HAZARIKA, SK GDE II FOR REVIEW AND CANCELLATION OF HIS
POSTING ORDER

RECOMMENDED / NOT RECOMMENDED
✓

Station : Jorhat - 5

Date : 08 Mar Feb 2002

(V G Murali)
Major
GE (I) (AF) Jorhat

CONFIDENTIAL

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST
MES-238098 SHRI AMIYA HAZARIKA, SK GDE-II
GE (I) (AF) JORHAT

1. MES-238098 Shri Amiya Hazarika, SK Gde-II while functioning as Custodian of MES Stores at Det Dimapur under AGE (I) Leimakhong (Merged into GE 869 EWS wef May 95) from Sep 92 to Jun 94 failed to perform his duties as SK Gde-II which resulted into loss of CGI Sheet 3000 x 800 x 0.63 mm to the tune of 0.068 Metric Tones and Angle Iron 75 mm x 75 mm x 6 mm to the tune of 2.434 Metric Tones costing Rs 40,900/- at the time of physical verification of stores during handing over of charge. Said Shri Amiya Hazarika, SK Gde-II had agreed to and signed for the said discrepancy in the Handing/Taking over documents on 07 Jun 94.
2. Thus MES-238098 Shri Amiya Hazarika, SK Gde-II by his above acts failed to maintain absolute integrity and devotion to Govt duty thereby has violated the Provisions contained in Rule 3 (1)(i)&(ii) of CCS (Conduct) Rules 1964.

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