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4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 206/03
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Salil
17.11.17

FORM NO.4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWALATI BENCH

ORDERSHEET

Original Application : 206/03

Mise Petition No. : _____

Contempt Petition No : _____

Review Application No: _____

Applicants:- Dr. S. Singh

Respondents:- W.O.P. Jom

Advocate for the Applicants:- M. Chanda, S.N. Chakrabarti, S. Nalla

Advocate for the Respondents:- Raj

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in but not in time admission Petition is filed/ not filed C F for Rs. 50/- deposited vide IPO/Bd No 96/159327 Dated 29.8.03 <u>[Signature]</u> By Registrar <u>[Signature]</u></p> <p>Steps taken along with envelops. <u>[Signature]</u> 4/9/03 <u>[Signature]</u></p> <p>Notice is prepared and sent to Despatch Section for issues to the Respondents. <u>[Signature]</u> 16/09/07.</p> <p>Memo No= 1976 to 1979 dated 16/9/03. <u>[Signature]</u> 25/9.</p>	<p>5.9.2003</p> <p>31.10.2003</p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 24.10.2003 for admission.</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>Put up again on 1.12.2003 to enable the respondents to file written statement.</p> <p><u>[Signature]</u> Vice-Chairman</p>

(2)

No. Wls has been
biled.

M
17.12.03.

Pl. comply order
dated 18/12/03.

M
21.12.03

Copy of order dt. 18/12/03,
sent to D/Section for
issuing the same to
the learned advocate
for the parties.

Ca
24/12/03.

18.12.2003 ; Heard Mr. M. Chanda, learn-
ed counsel for the applicant and
also Mr. A. Deb Roy, learned Sr.
C.G.S.C. for the Respondents.

List on 9.1.2004 for
Admission.

Meanwhile, the respondents
may consider the choice station
posting of the applicant, since
the applicant completed tenure
in the North Eastern Region.

M
Member (A)
~~Vice~~

mb

9.1.2004 Heard Mr. M. Chanda, learned
counsel for the applicant.

The O.A. is admitted, call
for the records. Issue notice to the
parties.

List on 19.2.2004 for
orders.

M
Member (A)

mb

No. written statement
has been biled.

M
24.3.04

19.2.04 On the prayer of Mr A. Deb Roy,
learned Sr.C.G.S.C. four weeks time
is allowed to file written statement
as a last chance.

List on 25.3.04 for further order.

M
Member

pg

25.3.2004 On the plea of the learned counsel
for the respondents one month's time is
given to the respondents as a last chance
to file written statement.

List the case on 28.4.2004 for hearing

M
Member (A)

bb

No. Wls has been
biled.

M
27.4.04

28.4.2004 On the plea of learned counsel
for the respondents the case is
adjourned. No further adjournment
shall be granted on the next date.
List on 13.5.2004 for hearing.

No. 10/3 has been
billed.

30
25.5.04

K. R. Bhalachandran
Member (A)

mb

26.5.2004 On the plea of learned counsel
for the applicant list on 10.6.2004
for hearing.

No. 10/3 has been
billed.

30
9.6.04

K. R. Bhalachandran
Member (A)

mb

10.6.04 List the case of hearing on
2.7.04.

14.7.04
w/c filed by
the respondents.

K. R. Bhalachandran
Member (A)

lm

4.8.2004 List the case on 5.8.2004 for
hearing.

Ad.

K. R. Bhalachandran
Member (A)

bb

5.8.2004 Heard learned counsel for the parties.
Hearing concluded. Judgment delivered in
open Court, kept in separate sheets.

The O.A. is disposed of in terms of
the order. No costs.

K. R. Bhalachandran
Member (A)

bb

3-8-04

w/s - has been filed
by the respondent.

Sh

19.8.04

Copy of the Judgt
has been sent to MS
Office. for filing
the same to the
applicant as well as
to the Add. CSSL.
SS

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXX~~.No. 111 206 of 2003.

DATE OF DECISION 5.8.2004.

.....Dr.Sawinder Singh.....APPLICANT(S).

.....Mr.M.Chanda, G.N.Chakraborty & S.Nath.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....U.O.I.&Ors.....RESPONDENT(S)

.....Mr.B.C.Pathak, Addl.C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other Benches ?
- Judgment delivered by Hon'ble Member (A).
- 100P

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 206 of 2003.

Date of Order : This, the 5th Day of August, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Dr. Sawinder Singh
Son of Sri Harbant Singh
Medical Officer, CHS
Presently posted at 24
Assam Rifles, P.O: Wokha
Nagaland
C/o 99 APO.

. Applicant.

By Advocates Mr.M.Chanda, G.N.Chakraborty & S.Nath.

- Versus -

1. The Union of India
Through the Sectretary
to the Government of India
Ministry of Health & F.W.
New Delhi.
2. The Secretary
to the Government of India
Ministry of Home Affairs
New Delhi.
3. The Director General of Assam Rifles
Ministry of Home Affairs
Assam Rifles, Shillong.
4. The Director Director (Admn.)
Assam Rifles, Shillong. Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.

O R D E R (ORAL)

K.V.PRAHLADAN, MEMBER(A):

The applicant was appointed as Medical Officer under Central Health Services. His services was placed under the Director General, Assam Rifles and was subsequently posted in 24, Assam Rifles at Wokha, where

Contd./2

he joined on 18.3.1999. The applicant claimed that since he has completed three years of tenure posting in North East Region, he is entitled to his choice station posting in terms of O.M. dated 14.12.1983. The applicant has also pointed out to the O.M. dated 12.6.1997 issued by the Ministry of Personnel, Public Grievances & Pensions regarding posting of husband and wife at the same station.

2. Respondents have filed their written statement contesting the case of the applicant. In the written statement respondents stated that the provisions of O.M. dated 14.12.1983 was not applicable in the case of the applicant as clarified by the Ministry of Finance vide their ID No.F.11(2)/E-II(B)/2000/509 dated 27.7.2000 as the applicant was posted initially in the North East Region on his recruitment. Moreover, the provisions of the OM dated 14.12.1983 and the guidelines for posting of spouse at the same station are nothing but some guidelines that are to be followed as far as possible. However, respondents have asserted that all efforts are being made to recruit doctors on combatised basis separately for Assam Rifles and as soon as they report for duty, all the Central Health Services doctors would be released from N.E.Region in phase manner.

3. I have heard Mr.M.Chanda, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents.

4. This Tribunal vide Judgement and order dated 1.5.2002 passed in case of Rajeev Ranjan -vs- U.O.I. & Others in O.A.341 of 2001 (Annexure-8 to the O.A.) directed the respondents, which includes the Home Secretary, Govt.of India and Director General of Assam Rifles, as under:-

"to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E.Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002."

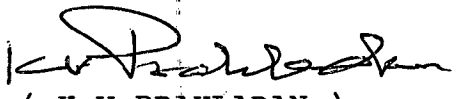
Mr.M.Chanda, learned counsel for the applicant also referred to the judgment and order dated 12.7.2001 passed in a similar case of Dr.Ujjwal Roy -vs- Union of India & Others in O.A.253 of 2001, which was allowed by this Tribunal with the direction as under:-

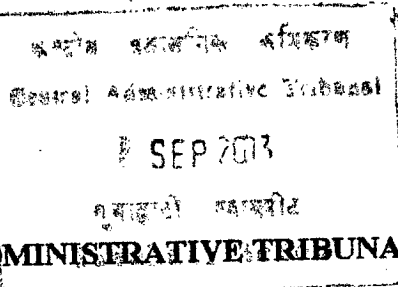
" Application is allowed with direction to the respondents to consider the case of the applicant for his transfer from North Eastern Region and posting at a place of his choice, as early as possible, preferably within 3(three) months from the date of receipt of this order."

Taking all the facts into consideration and in view of the above referred judgements, respondents are directed to consider the case of the applicant for his posting out of N.E.Region afresh and to take a decision i.e. lawful, just and equitable within a period of six months from the date of receipt of this order.

Subject to observations made above, the application stands disposed of.

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


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O. A. NO. 206/2003

Dr. Sawinder Singh

... Applicant

- Versus-

Union of India & Others

... Respondents

Lists of dates and synopsis of the case

<u>Date</u>	<u>Synopsis of particulars in the application</u>
15.02.1999-	Applicant was initially appointed under Central Health Services as a Medical Officer vides Office Memorandum dated 15.02.1999.
11.03.1999-	Applicant reported for joining at DGAR, Shillong.
18.03.1999-	Applicant joined at 24, Assam Rifles, Wokha, Nagaland.
14.12.1983-	Government of India, Ministry of Finance, Department of Expenditure issued Office Memorandum. In terms of the said O.M the central government civilian employees who are saddled with All India transfer liability are entitled to choice station posting after serving for a fixed tenure in the N.E.Region. (Annexure-1)
22.07.1998-	Government of India, Ministry of Finance, Department of Expenditure issued Office Memorandum. (Annexure-2)
12.06.1997-	Government of India, Department of Personal and Training issued an Office Memorandum, wherein it is stated that if the children are below 10 years of age and both the husband and wife are Govt. servant should be posted in the same station invariably if the posts exists in the appropriate level. (Annexure-3)
July, 2000 -	The applicant submitted representation to the competent authority for his transfer to a station of his choice.

- 09.08.2000- The representation submitted by the applicant was forwarded to the competent authority by the Commandant. (Annexure-4)
- 07.08.2002- Applicant submitted representation to the competent authority. (Annexure-5)
- 07.04.2003- Applicant submitted another representation to the competent authority praying for his transfer to a station of his choice. (Annexure-6)
- 01.05.2002- The Central Administrative Tribunal, Guwahati Bench, Guwahati, passed Judgment in O.A.No.341/2001 directing the same respondents to the similarly situated applicant in O.A.No.341/2001 to transfer in his place of choice. (Annexure-8)
- 01.05.2003- The aforesaid representation dated 7.4.2003 was forwarded to the competent authority by the Commandant. (Annexure-7)

RELIEF (S) SOUGHT FOR

The applicant humbly prays that Your Lordships be pleased to grant the following relief(s):

1. That the respondent No.1 be directed to issue order of transfer and posting in respect of the applicant either at Chandigarh/Delhi or in any other places in the state of Punjab in the light of the office memorandum dated 14.12.1983 issued by the Ministry of Finance, Deptt. Of Expenditure, Govt. of India and in terms of the options exercised by the applicant for choice station posting.
2. Costs of the application.
3. Any other relief or reliefs as entitled to the applicant under the facts and circumstances stated above as deemed fit and proper by the Hon'ble Tribunal.

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

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

Title of the Case : O.A. No...../2003

Dr. Sawinder Singh : Applicant

-Versus-

Union of India & Ors. : Respondents

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Date : 02.08.2003.

Filed by

Sunil Kumar
Advocate

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Filed by the applicant
Through Advocate Sri
G.N. Chatterjee for
29-2003

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

O.A. No. _____/2003

BETWEEN: -

Dr. Sawinder Singh
Son of Sri Harbant Singh,
Medical Officer, CHS,
Presently posted at 24, Assam Rifles,
P.O. Wokha, Nagaland,
C/o 99 APO

Applicant

-And-

1. The Union of India,
Through the Secretary to the Government of India,
Ministry of Health and F.W. New Delhi.
2. The Secretary to the Govt. of India,
Ministry of Home Affairs, New Delhi.
3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles, Shillong.
4. The Deputy Director (Admn.),
Assam Rifles, Shillong.

Respondents.

Dr. Sawinder Singh

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DETAILS OF APPLICATION

1. Particulars of order (s) against which this application is made.

This application is made praying for a direction upon the respondents for posting of the applicant in any of his choice station namely; Delhi, Chandigarh or any place of Punjab in terms of Office Memoranda No.20014/3/83-E.IV dated 14.12.1983, 1.12.1988 and 22.7.1998 issued by the Government of India, Ministry of Finance, New Delhi, and also in the light of Office Memorandum dated 12.6.1997 issued by the Government of India, Ministry of Finance, New Delhi.

2. Jurisdiction of the Tribunal..

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

3. Limitation

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

4. Facts of the Case

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Dr. Semind Singh

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4.2 That the applicant was initially appointed under Central Health Services (CHS) as a Medical Officer on the recommendation of the Union Public Service Commission made in 1996 vide memorandum No.A.12025/204/98-CHS.I dated 15.12.1999 issued by the Ministry of Health and F.W., Govt. of India.

4.3 That immediately after his appointment to the post of Medical Officer under CHS in the Ministry of Health and Family Welfare, the service of the applicant was placed under the Director General, Assam Rifles and was subsequently posted in 24, Assam Rifles at Wokha and thereafter he joined at Wokha, Nagaland on 18.03.1999 and he has been continuing thereat Wokha as Medical Officer till filing of this application.

4.4 That the applicant begs to state that the Government of India, Ministry of Finance, Department of Expenditure, granted certain improvement and facilities to the Central Government civilian employees who are posted in the North Eastern Region vide O.M. No.20014/3/83-E.IV dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure. In terms of the aforesaid O.M., the Central Government civilian employees who are saddled with All India transfer liability are entitled to choice station posting after serving for a fixed tenure in the N.E. Region. The relevant portion of the O.M. dated

Dr. Samind Singh,

14.12.1983 issued by the Government of India is reproduced below:

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

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

i) Tenure of posting/deputation.

There will be a fixed tenure of posting of 3 years at a time for officers with services of 10 years or less and of 2 years of service at a time for officers with more than 10 years of service, periods of leave, training etc. in excess of 15

Dr. Sawinder Singh.

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days per year will be excluded in counting the tenure period of 2/3 years. Officers on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the States/Union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

Copy of the O.M. dated 14.12.1983 (extract) and copies of the O.M. dated 22.07.1998 are annexed hereto as Annexure 1 and 2 respectively.

4.5 That the applicant begs to state that he has been serving in the N. E. Region for more than 3 years (completed three years on 11.03.2002) in 24 Assam Rifles and in terms of the above mentioned O.M. dated 14.12.1983 and O.M. dated 22.07.1998, the applicant is entitled to be posted to a station of his own choice since the applicant has served serving in the N.E. Region for a fixed tenure of 3 years, he has become eligible for such transfer as provided in the aforesaid Office Memorandum.

Dr Samir Singh

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4.6 That it is stated that the wife of the applicant Mrs. Neeta Singh is an employee of the State Government, posted at B.B.M.B. Hospital, Talwara since 1991 in the district of Hoshiarpur in the state of Punjab. It is relevant to mention here that the applicant has a minor daughter Miss Kajal aged about 8 years needs care of the father and mother respectively. It is submitted that the daughter of the applicant is presently staying with him at Wokha, and as a result, the wife of the applicant is now forced to stay with the applicant and in such compelling circumstances, finding no other alternative the wife of the applicant is forced to avail leave.

4.7 That it is stated that the Government of India, Department of Personnel and Training issued an Office Memorandum dated 12.6.1997 wherein it is stated that if the children are below 10 years of age and both the husband and wife are Govt. servant should be posted in a same station invariably if the post exists in the appropriate level. The case of the present applicant is squarely covered by the aforesaid O.M. dated 12.6.1997. Be it stated that the only daughter of the applicant is about 8 years and the wife of the applicant is also a Government employee. It is also categorically submitted that a large number of posts of Medical officers in CHS exists in different places in the State of Punjab. Besides the post of Medical Officers are available in Chandigarh and Delhi, CHS. Be it stated that the

Dr. Sawinder Singh

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applicant submitted his option for his posting at his choice station either at Delhi, Chandigarh or in any place in the state of Punjab to enable him to look after the welfare of the dependent family members as provided in the O.M. dated 12.6.1997.

A copy of the O.M. dated 12.6.1997 is annexed as Annexure-3.

4.8 That the applicant submitted representation in July 2000 to the competent authority praying for his transfer to a station of his choice in CHS on fulfilling the norms provided in the aforesaid O.M and accordingly applicant exercised his options for three places viz: Delhi, Chandigarh or in any place of Punjab. His application was strongly recommended by the Commandant and forwarded to the competent authority vide forwarding letter dated 09.08.2000. The applicant submitted his subsequent representation on 7.8.2002 and on 7.4.2003 and the same was forwarded vide letter No.I.120/A/2003/0679 dated 1st May 2003.

Copy of the forwarding letter dated 9.8.2000, representations dated 7.8.2002, 7.4.2003 along with forwarding letter-dated 1.5.2003 are annexed hereto as Annexure 4, and 5, 6 and 7 respectively).

4.9 That the applicant begs to state that apart from fulfilling the laid down norms for transfer to a

Dr. Sandeep Singh

station of choice i.e. having served for the required tenure of 3 years in the N.E. Region as stipulated in the O.M. dated 14.02.1983 and O.M. dated 22.07.1998 of the Govt. of India. Moreover O.M. No. 28034/2/97-Estt.(A) dated 12.6.1997, specifically provided for posting of the husband and wife in the same station, provided posts are available in the appropriate level. Since post of Medical officers are available under CHS in the state of Punjab, Chandigarh and at Delhi. Therefore there is no difficulty on the part of the respondent Union of India to accommodate the applicant at his choice station.

4.10 That the applicant begs to state that in similarly situated cases, this Hon'ble Tribunal had been kind enough to pass orders earlier directing the same respondents to transfer those applicants to the place of their choice in terms of the O.M. dated 14.12.1983 of the Govt. of India. Such order was passed in O.A. No.250/98 on 08.01.1999 in favour of the applicant Dr. N.S. Chauhan and also in some other subsequent cases like that of Dr. Sutapa Sikdar in O.A.287/2000 and vide Judgment and order dated 1.5.2002 in O.A. No. 341/2001.

A copy of the judgment and order dated 1.5.2002 is annexed as Annexure-8.

4.11 That the applicant states that there are large number of medical officers working under the Ministry of Health and Family Welfare in different regions of the

Dr. Sarinder Singh

country, therefore it is obligatory on the part of the respondents/administration to implement the office memorandum dated 14.12.1983 strictly in letter and spirit by posting other medical officers of other regions on rotation basis to enable the officers who are serving in the North Eastern Region on fixed tenure basis under the Director General of Assam Rifles who were posted by the Ministry of Health and Family Welfare to be posted in their station of choice otherwise it would be violative of Article 14 of the Constitution of India.

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

5. Grounds for relief(s) with legal provision(s):

5.1 For that the applicant has completed more than 3 years of service in Assam Rifles in the post connected with defence of India in N.E. Region.

5.2 For that the applicant has acquired a valuable and legal right for immediate transfer to a station of his choice on completion of fixed tenure of 3 years of service in the North Eastern Region in terms of O.M. dated 14.12.1983 and O.M. dated 22.07.1998 of Government of India.

5.3 For that such transfers to a station of choice have

Dr. Saurin Singh

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been allowed to other similarly situated persons on completion of 3 years of service in the N.E. Region in accordance with the O.M aforesaid.

5.4 For that the applicant was initially appointed in the Central Health Services from where he came to serve in Assam Rifles and is now due for repatriation to the Central Health Services Organisation under the Ministry of Health and Family Welfare, Govt. of India.

5.5 For that the applicant has got genuine family problems which necessitates his transfer as prayed for and on the basis of which his application for transfer was so strongly recommended by the Commandant, Assam Rifles.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal.

Representation submitted by the applicant has been ~~returned~~ ^{forwarded} by the respondents without any interference.

7. Matters not previously filed or pending with any other Court/Tribunal.

The applicant further declares that he had not filed any application, writ petition or suit regarding the

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matter in respect of which this application has been made, before any Court or any other authority of any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8: Relief(s) sought for :

Under the facts and circumstances stated in paragraph 4 above, the applicant most humbly prays for the following relief(s):

8.1 That the respondent No.1 be directed to issue order of transfer and posting in respect of the applicant either at Chandigarh/Delhi or in any other places in the state of Punjab in the light of the office memorandum dated 14.12.1983 issued by the Ministry of Finance, Deptt. Of Expenditure, Govt. of India and in terms of the options exercised by the applicant for choice station posting.

8.2 Costs of the application.

8.3 Any other relief or reliefs as entitled to the applicant under the facts and circumstances stated above as deemed fit and proper by the Hon'ble Tribunal.

Dr. Sewind Singh

9. Interim relief prayed for :

Pending disposal of this application, an observation be made that pendency of this application shall not be a bar for the respondents to issue transfer and posting order in respect of the applicant in terms of his options submitted to the authorities on 25.08.2000.

10. That this application has been filed through advocate.

11. Details of the I.P.O.

- i. I.P.O. No. : 96 J 59327 .
- ii. Date of Issue : 22.8.03 .
- iii. Issued from : G.P.O., Guwahati.
- iv. Payable at : G.P.O., Guwahati.

12. Details of enclosures

As stated in the Index.

Dr. Sanindul Singh

VERIFICATION

I, Dr. Sawinder Singh, Son of Sri Harbant Singh, Medical Officer, Central Health Services, presently posted at 24, Assam Rifles, Wokha, Nagaland do hereby verify and affirm that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and that I have not suppressed any material facts.

And I, sign this verification on this the 24th day of August, 2003.

Dr. Sawinder Singh,

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Annexure-1 (Extract)

No. 20014/2/83/E.IV
Government of India
Ministry of Finance
Department of expenditure

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

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

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

ii) Tenure of posting/deputation.

There will be a fixed tenure of posting of 3 years at a time for officers with services of 10 years or less and of 2 years of service at a time for officers with more than 10 years of service, periods of leave, training etc, in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the States/Union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended."

Sd/- S.C. MAHALIK

Joint Secretary to the Government of India

Dr. Sawinder Singh

Annexure-2(Extract)

F. No. 11(2)/97-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi dated July 22, 1998

OFFICE MEMORANDUM

Subject : Allowances and facilities for civilian employees of the Central Government serving in the states and Union Territories of North Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands - recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December, 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) *ibid* were also to apply *mutandis* to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86/E.IV/E.II (B) dated December 1, 1988 and were also extended to the Central Government employees posted to the

Attested
Sd/-
Advocate
01.09.03

Dr. S. S. S. S.

9

North Eastern Council when stationed in the North Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows :

(i) Tenure of Posting/Deputation

The provisions in regard to tenure of posting/deputation contained in this Ministry's OM No. 20014/3/83-E.IV dated December 14, 1983 read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December, 1 1988, shall continue to be applicable.

ii. Weightage for Central Depurations/Training Abroad and Special Mention in Confidential Records

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E-IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

Sd/- (N. SUNDER RAJAN)
Joint Secretary to the Government of India

No. 28034/2/97-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June 1997

OFFICE MEMORANDUM

Sub: Posting of husband and wife at the same Station.

The undersigned is directed to say that on the subject mentioned above, Government has issued detailed guidelines vide O.M. No. 28034/7/86-Estt.(A) dated 3.4.1986. 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 organization 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 organization at the same station and if no administrative problems are expected to result as a consequence.

Attested
Sd/-
Advocate
01.09.03

Dr. Savin Singh

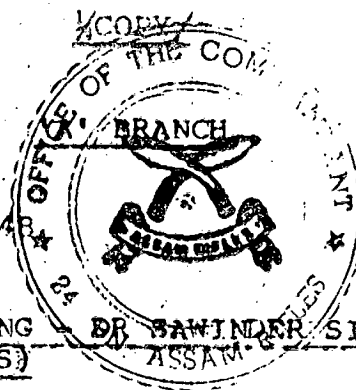
3. It is further clarified that even cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.
4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.
5. A copy of this Department's OM No. 28034/7/86-Estt. (A) Dated 3.4.86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

Sd/- Illegible
(Harinder Singh)
Joint Secretary to the Govt. of India
Tel. No. 301 1276

To

1. All Ministries/Departments of the Government of India.
2. Department of Women & Child Development.
3. The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

Dr. Sawinder Singh



11012/A-13/2000/1348

Dated 20 Aug 2000

POSTING DR. SAWINDER SINGH
MO(CHS) ASSAM RIFLES

Copy of DGAR letter No. J.14015/1-98/55/MOM-1 dt 09 Aug 2000 is sent herewith for your info please.

Sd/- X X X
(S S Juneja)
Capt
Adjt
for Comdt

Fwd to :-

MED BRANCH

(Copy of DGAR letter No. J.14015/1-98/55/MOM-1 dt 09 Aug 2000 addsd to Under Secretary to the Govt of India Ministry of Health & Family Welfare (CHS-I) Nirman Bhawan New Delhi)

AS ABOVE

Sir,

1. I am directed to forward herewith an application received from Dr. Sawinder Singh, Medical Officer (CHS) for seeking reversion to CHS.
2. It is requested that the relief of the Medical Officer be posted to Assam Rifles if request of the Officer is considered by the Ministry.
3. The Medical Officer will only be relieved on physical arrival of his relief. सत्य प्रतिलिपि
4. I am also **Certified True Copy** that the medical officer has not completed his normal tenure in Assam Rifles as Per Para 1(ix) of Ministry's letter No. A-12025/204/98-CHS.I dated 15 Feb 99.

Yours faithfully,

Dr. H. C. Bhatia
Lt Colonel
Senior Medical Officer
Assam Rifles

Sd/- X X X
(RK Bhatia)
Lt Colonel
Offg DD (Medical)
for DGAR

Attested
Smt.
Advocate
01.09.03

From : Dr. Sawinder Singh
Medical Officer (CHS)
24 Assam Rifles
C/O 99 APO

To : The Under Secretary
Government of India
Ministry of Health & Family
(Department of Health)
Nirman Bhawan
New Delhi

(Through Proper Channel)

Sub : REQUEST FOR TRANSFER TO CHS ON COMPASSIONATE GROUND

Respected Sir,

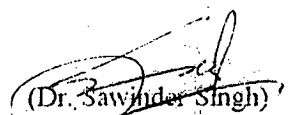
With due respect, I beg to submit the following few lines for your kind consideration and sympathetic action please. That sir, I am working as Medical Officer in 24 Assam Rifles since 11 March 99. I have completed almost three and half years in 24 Assam Rifles which is located at Wokha in Nagaland. So I have completed my tenure.

It is requested that I have already submitted my application for the posting to CHS through proper channel vide DGP letter No. 144015/1-98/55/MOM-1 dated 09 Aug 2000. But no action is taken so far.

That my aged mother is suffering from Heart disease and has to perforce manage my minor child with lot of difficulty at far away home. My wife is state Government employee and living far away from the home due to nature of service. There is nobody to look after my ailing mother and my minor child at home.

In view of the above I earnestly request your honour to kindly transfer me in any organization under CHS located in Delhi, Chandigarh and Punjab. So that I can take care of my ailing mother and able to look after my wife and minor child.

Yours faithfully,


(Dr. Sawinder Singh)
Medical Officer (CHS)
24 Assam Rifles
C/O 99 APO

Dated : 07 Aug 2002

Attested
Sawinder Singh
07.07.03

34
ANNEXURE-6 (Extract)

Tele No. :705095

REGISTERED

Bharat Sarkar
Government of India
Grih Mantranalaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Shillong-793011

I.14015/1-98/SS/MD/M-1

07 Apr 2003

The Under Secretary to the
Government of India
Ministry of Health & Family Welfare
(CHS-II)
Nirman Bhavan
New Delhi-110011

REQUEST FOR REVERSION TO CHS -

Sir,

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

Yours faithfully,

Sd/- Illegible

(S C Singh)

Colonel (Medical)

for Director General Assam
Rifles

Encl: As above

N O O

Copy to:-

1. Headquarters
Inspector General
Assam Rifles (North)
C/O 99 A P O

-for info with their letter No.
I.120/A/2003/0457 dt 11 March 03
Please.

2. M S Branch (Internal)

-for info with their letter No.
I.10024/A/MS-2003 dtd 04 Apr 03

*Attended
Sd/-
Advocate
06.09.03*

Annexure - 87
Headquarters
Inspector General
Assam Rifles (North)
C/O-99 APO 35

I.120/A/2003/ 0679

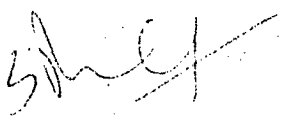
01 May 2003

Dr Sawinder Singh
Medical Officer (CHS)
24 Assam Rifles
C/O 99 APO

REQUEST FOR REVERSION TO CHS

A copy of HQ LCHP letter No. I. 14015/1-98/SS/MO/M-1
dated 07 Apr 2003 is enclosed herewith for your info please.

Encl :- 01 (one) only


(S P Mukherjee)
Maj
SO2(A)
for IG Assam Rifles

*Admitted
Lt Col
Advocate
01.09.03*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

Date of order : This the 1st day of May, 2002.

The Hon'ble Mr Justice P.H.Chowdhury, Vice-Chairman.

Dr. Rajeev Ranjan,
son of Prof. Rajendra Prasad Singh,
Medical Officer, CHS,
6, Assam Rifles,
P.O. Khunsa, Arunachal Pradesh. . . . Applicant

By Advocate Sri N.Chanda.

- Versus -

1. Union of India
through the Secretary to the
Govt. of India, Ministry of Health and F.W.
New Delhi.
 2. The Secretary to the Govt. of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
 3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles,
Shillong.
 4. The Deputy Director (Adm.)
Assam Rifles,
Shillong.
- . . . Respondents.

Sri B.C.Pathak, Addl.C.G.S.C.

ORDERCHOWDHURY J. (V.C.)

One more case of posting at a place of his choice
in terms of the Government policy. The applicant was
initially appointed under the Central Health Service (CHS)
as Medical Officer on the recommendation of the UPSC. On
his appointment to the post of Medical Officer under CHS
in the Ministry of Health and Family Welfare his services
was placed under the Director General, Assam Rifles and
he was posted in 6, Assam Rifles and he is serving in the
same place till the date of filing of this application.

Sd/-2

Attested
Sd/-
Advocate
07.09.03

He submitted application through proper channel for transferring him from Assam Rifles to CHS for posting him any of the CHS Dispensaries at Patna, Ranchi or New Delhi. On 2.9.2000 his representation was forwarded by the Commandant indicating that officer was to complete his normal tenure of three years during February 2001 in Assam Rifles and due for posting. He accordingly recommended for posting him out to one of the station chosen by him on completion of three years tenure. By Memorandum dated 25.8.2000 the DGAR was informed that application for posting of the applicant was returned unactioned as Medical Officer did not complete the normal tenure of four years in the organisation with the direction to advise the officer to submit application on completion of tenure for processing the case. The applicant assailed the legitimacy of the said order. Hence this application.

As per the prescribed norms communicated through memorandum dated 14.12.1983 in respect of facilities for civilian employees of Central Government serving in North Eastern Region and Union Territories the tenure posting is provided for three years at a time for officers with service of 10 years or less and 2 years of service at a time for officers with more than 10 years of service. On completion of fixed tenure of service the authority is to consider his posting to a station of his choice as far as possible. After completion of his tenure the applicant no doubt is entitled for consideration of his case for posting in a choice place. The respondents in its written statement however referred to the O.M. No.MoF(Espr)'s I.D. No.F.11(2)/E.11(B)/2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.83 was

contd...

not applicable to the employee on initial posting to the North Eastern Region. The policy guidelines were introduced to render justice to the employee posted on North East Region. The authority itself indicated that the applicant is entitled to be considered for getting a choice place of posting. The applicant has completed his tenure and therefore his case requires consideration.

3. Upon hearing Mr M.Chanda, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed earlier in similar O.A.315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E.Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.



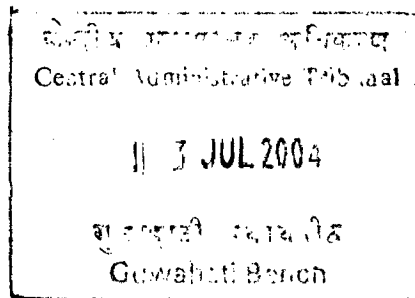
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SI/VICE CHAIRMAN

pg

[Handwritten signature]
 Joint Administrative Tribunal
 Labour and Employment Bench
 Guwahati Bench, Guwahati

*Accepted
 Advocate
 07.09.03.*



Filed by
Advocate 16/6/04
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

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

OA NO 206/2003

Dr Sawinder Singh **Applicant**

-Versus-

Union of India & Others **Respondent**

(Written Statements filed by the Respondents)

The written statements of the respondents are as follows:-

1. That a copy of the OA No 206/2003)hereinafter referred to as the "Application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar and common, the respondents have filed their written statements as common for all of them.
2. That the statements made in the application, which are not specifically admitted by the respondents, are hereby denied.
3. That with regard to the statements made in Para 1 to 3 and 4.1 of the application, the respondents have no comment to offer as the same are matter of records. Nothing is admitted which are not supported by such records.

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4. That with regard to the statements made in Para 4.2 of the application, the answering respondents state that the applicant was initially appointed vide Memo No A.12025/204/98-CHS.I dated 15.2.1999 specially for Assam Rifles and it was clearly mentioned on page 3 of the appointment letter that no request for change in the place of posting will be entertained under any circumstances. The applicant accepted the said terms and conditions of appointment letter and thereafter only he was posted in Assam Rifles. Hence, the application is not maintainable by the doctrine of estoppels, waiver and acquiescence.

**The copy of the appointment letter is annexed as
ANNEXURE – I**

5. That with regard to the statements made in Para 4.3 of the application, the respondents state that the services of the applicant were placed at the disposal of the Director General Assam Rifles because he was specifically recruited under a Special Recruitment Drive of CHS Doctors for Assam Rifles.

6. That with regard to the statements made in Para 4.4, 4.5 and 4.6 of the application, the respondents state that the provisions of the OM No 20014/3/83-E-IV dated 14.12.83 issued by the Ministry of Finance (Dept of Expenditure) is not applicable in the case of the applicant as clarified by the Ministry of Finance vide their ID No F.11(2)/E-II(B)/2000/509 dated 27.7.2000 as the applicant was posted initially in the North Eastern Region on his recruitment. Moreover, the provisions of the OM dated 14.12.83 and the guidelines for posting of spouse at the same station are nothing but some guidelines that are to be followed as far as possible. The settled position of law laid down by the Hon'ble Supreme Court is

that such guidelines may not be followed by the authorities it is so warranted for the greater public and administrative reasons.

The copy of the clarification dated 27.7.2000 is annexed as ANNEXURE – 2.

7. That with regard to the statements made in Para 4.7 of the application, the respondents state that the applicant cannot be transferred to Talwara. District, Hoshiarpur, where his wife is working since 1991 on the basis of OM dated 12.6.97 issued by the Deptt of Personnel & Trg as no post of any CHS doctor exist at Talwara. I also reiterate the foregoing statements made in this written statements.

8. That with regard to the statements made in Para 4.8 and 4.9 of the application, the respondents reassert and reiterate the foregoing statements made in this written statements and state that the applicant is not entitled to get the benefit provided by the OM dated 14.12.83 and 12.6.97.

9. That with regard to the statements made in Para 4.10 of the application, the respondents deny the correctness of the statements. In this connection the respondents state that by the order dated 1.5.2002~~3~~ passed in OA No 341/2001 filed by Dr Rajeev Ranjan, this Hon'ble Tribunal directed the respondents to consider the matter afresh for posting of Dr Rajeev Ranjan out of NE Region as expeditiously as possible in the light of the order passed in OA No 315/2001. This Hon'ble Tribunal by the order passed in OA No 315/2001 directed the respondents to explore appropriate mechanism for finding out the solution by transferring them out as per their seniority in the NE Region. Accordingly a schedule of transfer has been prepared and order of transfer are

being issued in order of seniority. Recently, the Assam Rifles have issued order of transfer to as many as five doctors out of NE Region. But the case of applicant cannot be considered like those doctors as he is not similarly situated with those doctors. However, in spite of the fact, the name of the applicant has been included in the said schedule and his name appears at serial No 34 of the said schedule.

The copy of the schedule is annexed as ANNEXURE – 3

10. That with regard to the statements made in Para 4.11 and 4.12 of the application, the respondents state that from time and again the respondents are making it clear before this Hon'ble Tribunal as in OA No 341/2001 and 315/2001 that there is acute shortage of doctors in Assam Rifles and for the said constraint it is not possible to transfer any doctor out of the NE region. However all efforts being made to recruit doctors on combatised basis separately for Assam Rifles and as soon such doctors reports for duty, all the CHS doctors would be released from NE region in phase manner. Moreover, the transfer of such doctors are discarded by the Ministry of Home Affairs vide order dated 5.9.2000.

The copy of letter dated 5.9.2000 is annexed as ANNEXURE – 4

11. That with regard to the statements made in Para 5.1 to 5.5 of the application, the respondents state that the grounds shown by the applicant are not tenable in law and in view of the facts and circumstances of the case and provisions of law, the application is liable to be dismissed with cost.

12. That with regard to the statements made in Para 6 and 7 of the application, the respondents offer no comment

13. That with regard to the statements made in Para 8.1 to 8.3 and 9 of the application, the respondents state that from the facts and circumstances of the case and provisions of law, the applicant is not entitled to any relief whatsoever as prayed for. The application being filed devoid of any merit, the same is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordship would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall be pleased to dismiss the application with cost.

VERIFICATION

I, Major KS George, aged 35 years s/o Late Mr. K. M George, working as SO2 (Legal) in the Office of the Directorate General Assam Rifles being competent and duly authorized to sign this verification, do hereby solemnly affirm and state that the statements made in written statement are true to my knowledge, information and belief and I have not suppressed any material fact. And I, sign this verification on this 14th day of June 2004.


DEPONENT

एच. जी. २ (लिगल)

SO 2 (Legal)

महानिदेशाध्यक्ष अस्सम राईफल

Directorate General Assam Rifles

शिलॉंग-793011

Shillong-793011

-6-

Annexure-I

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ANNEXURE-I

No. A.12025/204/98 -CHS.I
Government of India
Ministry of Health and Family Welfare
(Department of Health)

ANNEXURE-I

Nirman Bhawan, New Delhi - 110 011
dated the 15/2/98

MEMORANDUM

SUBJECT : SPECIAL RECRUITMENT TO THE MEDICAL OFFICERS
GRADE OF CENTRAL HEALTH SERVICE FOR ASSAM RIFLES.

.....

The Union Public Service Commission recommended
Dr. Sawinder Singh for appointment to the post
of Medical Officer in the Central Health Service on the basis of Spl. Rec
r Assam Rifles. The President is pleased to give an offer of
appointment to Dr. Sawinder Singh as Medical Officer on
regular basis under Assam Rifles.
on the following terms and conditions:-

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

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

(ii) The scale of pay of the post is Rs.8000-275-13500. The initial
pay of such candidates who are in Govt. Service will be fixed
according to the rules and those who are not in service will be
fixed at the minimum of the pay scale.

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

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

(v) Non-practicing allowances is admissible according to orders/instructions of the Government, issued from time to time.

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

(vii) He/She is required to contribute towards Central Govt. Employee's Group Insurance Scheme, 1930 at such rates as may be prescribed by the Government according to rules.

(viii) The appointment carries with it the liability to serve in any part of India or outside.

(ix) The officers shall, if so required, be liable to serve in Defence Service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training if any, provided:-

- (a) The officer shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment.
- (b) The officer shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

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

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

(xii). POST GRADUATE ALLOWANCE

A medical graduate appointed to the post of Medical Officer or Senior Medical Officer or Chief Medical Officer including Chief Medical Officer (Non-functional Selection Grade) for which possession of a recognised post-graduate qualification is not essential, shall be given over and above the pay admissible in the relevant scale, Post-Graduate allowance per month as per relevant orders/instructions, for possession recognised Post Graduate diploma(s) or Post Graduate Degree respectively specified in CHS Rules, 1996 or under the Indian Medical Council Act, 1956 (102 of 1956). The allowance shall be payable only at the rate of the allowance admissible for possessing recognised Post Graduate Degree to an officer who possess both recognised Post Graduate Degree and Diploma.

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- 3 -

- (xiii) He/She has been medically examined and found fit.
- (xiv) His/Her character and antecedents have also been got verified and there is nothing against him/her.
- (xv) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.
- (xvi) NO REQUEST FOR EXTENSION OF JOINING TIME FOR DOING POST GRADUATION OR CONTINUANCE OF POST GRADUATION WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES. THE CANDIDATES WILL HAVE TO CHOOSE BETWEEN POST GRADUATION OR JOINING THE ARMY MEDICAL SERVICE.
- (xvii) NO REQUEST FOR CHANGE IN THE PLACE OF POSTING WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES.
- (xviii) The appointment is provisional and is subject to the Caste/Tribe Certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribes/ Other Backward Classes, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for productions of false certificate.

2. The Ministry may please be informed within 30 days from the date of issue of this Memorandum whether or not the offer of appointment in Assam Rifles on the above terms and conditions is acceptable to him/her and also return the declaration. If no reply is received within this stipulated period, it will be presumed that he/she is not interested in the offer which will be treated as cancelled.

3. In case the offer is acceptable - he/she should report for duty to the Director General, Assam Rifles, Shillong - 793011

positively within 30 days from the date of issue of this Memorandum under intimation to this Ministry. If no reply is received and he/she does not report for duty within the stipulated period of 30 days the offer of appointment will be treated as cancelled.

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4. The appointment of Dr. Sawinder Singh. if provisional and is subject to following certificate(s) being verified by UPSC/this Ministry.

1. Compulsory Rotating Internship Certificate.
2. Original M.B.B.S. Degree.
3. Original SC/ST/OBC certificate in the prescribed form from the Competent Authority.

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

IN ALL FUTURE CORRESPONDENCE THE FILE NUMBER GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS BE QUOTED.

2

H. N. Yadav

(H.N. YADAV)
UNDER SECRETARY TO THE GOVT. OF INDIA
Ph. 3013968

TO

Dr. Sawinder Singh,
M.No.515, Ththari Gate,
Dogran Mohalla, Batala Dist. Gurdaspur,
PUNJAB

Copy forwarded for information and necessary action to
1. The Secretary, U.P.S.C., New Delhi with reference to
their letter No. F.1/334/95-R.I
dated 12.6.98

BY REGISTERED POST

2. The Director General, Assam Rifles, Shillong -793011.

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

(b) Dr. _____ belongs to
_____ District of State of _____.
It is requested that the
posting orders in respect of Dr. _____
posting him/her near his/her place of residence as far
as possible may be issued under intimation to this
Ministry.

(c) In terms of the provisions of office memorandum No.
350.5/2/93-Estt(D), dated 9.6.95 issued by Ministry
of Personnel, P.G. & Pensions, Department of Personnel
and Training, this offer will remain alive upto six
months only from the date of issue of this letter and
and as such he/she may not be allowed to join duty
after that. A report about his/her not joining duty
within stipulated period be sent to this Ministry soon
after the expiry of the period of six months from the
date of issue of this Memorandum to him/her.

(d) Assessment report in respect of the officer in the
prescribed form (in duplicate) every year for a period
of five years may please be sent to this Ministry.

3. The Pay and Accounts Officer,

CH3.II Section.

4. The Liaison Officer, Ministry of Home Affairs, Room No.171
5. North Block, New Delhi -

H. N. Yadav
(H.N. YADAV)
UNDER SECRETARY TO THE GOVT. OF
INDIA
Ph.3013968
Internal.445

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

ANNEXURE-2

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

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

N. P. Singh
27.7.2000
(N. P. Singh)

Under Secretary E.II(B)

FA(Health)

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

31/200

**NOMINAL ROLL OF CHS CADRE MEDICAL OFFICERS
SHOWING THEIR SENIORITY OF SERVICE IN ASSAM RIFLES**

S/No.	Name of Medical Officer	Date of joining in Assam Rifles	Remarks
1. —	Dr J R Saikia, CMO(NFSG)	24.04.82	Will be released in the year 2004
2. —	Dr BC Das, CMO(NFSG)	24.05.82	Will be released in the year 2004
3. —	Dr P K Baruah, CMO(NFSG)	23.08.82	Will be released in the year 2004
4. —	Dr R C Sonowal, CMO(NFSG)	03.06.83	Will be released in the year 2004
5. —	Dr Dhiren Engti, CMO(NFSG)	02.03.88	Will be released in the year 2004
✓ 6. —	Dr Dr D C Deori, CMO(NFSG)	04.04.88	Will be released in the year 2004
7. —	Dr Ambika Prasad, SMO	03.07.88	Will be released in the year 2004
8. —	Dr M C Bora, CMO (NFSG)	16.12.91	Will be released in the year 2004
9. —	Dr Akhilesh Prasad, CMO	27.10.92	Will be released in the year 2004
10. —	Dr R K P Singh, SMO	20.12.92	Will be released in the year 2004
11. —	Dr Gulab Chand, SMO	10.01.93	Will be released in the year 2004
12. —	Dr L Somarendra Singh, SMO	01.04.93	Will be released in the year 2004
13. —	Dr Ujjal Roy, SMO	03.05.93	Will be released in the year 2004
14. —	Dr(Mrs) S R Rumthao, SMO	05.05.93	Will be released in the year 2004
15. —	Dr O P Narayan, SMO	09.07.93	Will be released in the year 2005
16. —	Dr Girindra Roy, SMO	10.01.94	Will be released in the year 2005
✓ 17. —	Dr (Mrs) Sutapa Sikdar, SMO	24.01.94	Will be released in the year 2005
✓ 18. —	Dr T K Roy, SMO	24.03.94	Will be released in the year 2005
19. —	Dr P L Gangte, SMO	02.05.94	Will be released in the year 2005
20. —	Dr William Layam, SMO	03.05.94	Will be released in the year 2005
21. —	Dr D Sunder Rao, SMO	09.09.94	Will be released in the year 2005
22. —	Dr R Samaddar, SMO	21.10.94	Will be released in the year 2005
23. —	Dr Bansidhar Hembrem, SMO	26.10.94	Will be released in the year 2005
24. —	Dr Hari Charan Birua, SMO	28.11.94	Will be released in the year 2005
25. —	Dr (Mrs) Kiran Singh, MO	12.01.95	Will be released in the year 2005
26. —	Dr Haren Dole, CMO(NFSG)	04.06.95	Will be released in the year 2005
27. —	Dr (Mrs) Sheela Singh Taiwana, MO	08.08.97	Will be released in the year 2005
✓ 28. —	Dr Rajiv Ranjan, MO	09.02.98	Will be released in the year 2005
29. —	Dr Lanu Wapang, MO	17.02.98	Will be released in the year 2005
30. —	Dr Rajesh Gupta, MO	17.12.98	Will be released in the year 2005
31. —	Dr Mohd Mustaqun, MO	15.01.99	Will be released in the year 2005
32. —	Dr R S Rawat, MO	08.02.98	Will be released in the year 2005
33. —	Dr R N Madhukar, MO	10.02.99	Will be released in the year 2005
✓ 34. —	Dr Sawinder Singh, MO	11.03.99	Will be released in the year 2005
35. —	Dr C P Choudhary, MO	05.04.99	Will be released in the year 2005
36. —	Dr Snjiv Kumar, MO	03.05.99	Will be released in the year 2005
37. —	Dr S C Bhattacharjee, CMO	14.05.99	Will be released in the year 2005
38. —	Dr M S Panging, CMO (NFSG)	09.06.99	Will be released in the year 2005
39. —	Dr Suman Biswas, MO	10.06.99	Will be released in the year 2005
40. —	Dr Sanjay Kumar, MO	10.09.99	Will be released in the year 2005
41. —	Dr B R Deori, CMO	22.11.99	Will be released in the year 2005
42. —	Dr G P Sinha, CMO	13.03.2000	Will be released in the year 2005
43. —	Dr P K Deori, CMO	16.03.2000	Will be released in the year 2005
44. —	Dr (Mrs) S C Deori, CMO	16.03.2000	Will be released in the year 2005
45. —	Dr Rupendra Kumar, CMO	27.03.2000	Will be released in the year 2005
46. —	Dr Khagen Ramachariy, MO	24.05.2000	Will be released in the year 2005
47. —	Dr A K Sudhanshu, MO	30.08.2000	Will be released in the year 2005
✓ 48. —	Dr A K Nigam, CMO	05.10.2000	Will be released in the year 2005

4408 USICHS-II/ w

Date: 5/10/2000

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Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya

Annexure - IV

ANNEXURE-4

New Delhi, the 5th September 2000

To

The Director General
Assam Rifles
Shillong - 793011

Sub: Creation of a Medical Cadre for Assam Rifles

Sir,

I am directed to refer to your letter No. VII. 130814/Med-98/SNIC dated 18 Jun 1998 on the above subject and convey the sanction of the President for the deencumment of the posts of Medical Officers in the Assam Rifles from the CHS cadre as well as AMC cadre for the creation of a separate Medical cadre for Assam Rifles with 183 (one hundred eighty three) existing posts as under:-

Name of post with rank

No of posts
sanctioned
162

Pay Scale

(a) Floating vacancies in the grade of
AR/SMO/CMO (OG)/CMO (SG) on
CHS pattern

MO = Rs. 8,000-275-13500

SMO = Rs. 10,000-325-15200

CMO (OG) = Rs. 12,000-400-16,500

CMO (SG) = Rs. 14,300-400-18,300

(b) Dental Medical Officer
Assistant Commandant

5

Rs. 8,000-275-13500

(c) 10% Reserve
Assistant Commandant

16

Rs. 8,000-275-13500

Total :- 183

2. It is requested that all necessary steps for the creation of a separate medical cadre for Assam Rifles may please be taken immediately.

Sanction of the President is also issued for the revival of 56 (fifty six) posts of medical officer in Assam Rifles vacant for more than a year.

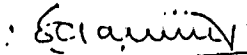
8/5/12
CHS/12

8/5/12

6/10

This issues with the concurrence of Ministry of Finance, Department of Expenditure (E-III) U.O. No 2(14)/E III/99 dated 5.9.200 and Integrated Finance Dy No. 2065/Fin.III dated 29.9.2000.

Yours faithfully,


(S C Saksena)
Desk Officer (Pers.II)

No. 1.45028/21/94.Pers.II

New Delhi, Dated the 5th September, 2000

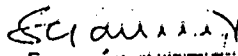
1. Copy forwarded for information and necessary action to the following with the request that Medical Officers presently posted to Assam Rifles are not withdrawn till suitable arrangement is made by way of creation of medical cadre for Assam Rifles.

(i) Ministry of Health & Family Welfare (Shri S Shridhar, US) -with reference to their letter No. A.A.11016/3/99-CHS.V dated the 5th November, 1999.

(ii) Ministry of Defence - with reference to their DO letter No. 2096/99/D(Med) dated the 11th November 1999.

2. Copy also forwarded for information to the Ministry of Finance, Department of Expenditure (E-III) with reference to their U.O. No. referred to above.

3. PPS to JIS / PPS to JS(P) / AFA (Fin III), MHA / Guard File / Recruitment Folder


(S C Saksena)
Desk Officer (Pers.II)