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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 239/2003

R.A/C.P No.

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 239/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Sri Harbhajan Singh

Respondants: - M. O. I. Son.

Advocate for the Applicants: - Mr. M. Chanda, Mr. Gm Chakraborty

Advocate for the Respondants: - Mr. S. Naha, Mr. S. Choudhury,
CGSC A.K. Chaudhry

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

This application is in
form but not in time
Condonation Petition is
filed / not filed C F
for Rs. 50 deposited
vide IPO 194/2002/993
Dated 20.10.03

29.10.2003

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

Issue notice to show case as to why
the application shall not be admitted.
Returnable by four weeks.

List on 28.11.2003 for admission.

Pendency of this application shall
not preclude the respondents to consider
the case of the applicant for choice
posting against any vacant post of
Deputy Director including the post likely
to be fall vacant due to retirement on
superannuation of Sri B.N. Tripathy on
31.10.2003.

By, Registrar

28/10/03

Vice-Chairman

Order dt. 29/10/03

mb

and Notice sent to 28.11.03
D/Section for issuing
to respondents.

no Bench today
Adm to 17.12.03

D/No 2210-2213

Dated 3/11/03

3/11/03

17.12.2003

The application is admitted.
List the matter for orders on
19.1.2004.

ICR [Signature]
Member (A)

mb

19.1.04 No Single Bench
today. Adjourn to 11.2.04

18/20
1/2

16.2.2004

On the plea of the learned coun-
sel for the applicant the case is
fixed for hearing on 3.3.2004.

ICR [Signature]
Member

bb

3.3.2004

On the plea of the respondents list
this case on 10.3.2004 for hearing.

ICR [Signature]
Member (A)

bb

10.3.2004

On the plea of counsel for the
applicant list on 19.3.2004 for hearing

ICR [Signature]
Member (A)

mb

19.3.04

Heard learned counsel for
the parties. Judgment delivered in
open Court. Kept in separate sheets.
Application is allowed. No costs.

ICR [Signature]
Member

24.3.04

Copy of The
order has been
sent to the DfEE.
for issuing the
line to the Applicant
as well as to the
ADD. C.G.C.

H.S.

Recd
MA [Signature]
25/3/04

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 239 of 2003

DATE OF DECISION 19.03.04.....
BENCH OF JUDGES

.... Shri Harbhajan Singh,APPLICANT(S).

Sri Manik Chanda
..... ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

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

Mr.A.K.Choudhury, Addl.C.G.S.C.
..... ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR.K.V.PRAHALADAN,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 Ho'ble MEMBER(A)

Dr

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 239 of 2003.

Date of Order : This the 19th Day of March, 2004.

The Hon'ble Mr K.V.Prahladan, Administrative Member.

Shri Harbhajan Singh,
Deputy Director (Legal Metrology)
Regional Reference Standard Laboratory,
Department of Consumer Affairs,
Government of India,
Zoo Narengi Road, Gitanagar,
Guwahati-781024.

...Applicant

By Advocate Sri Manik Chanda.

- Versus -

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan, Delhi-110001.
 2. The Secretary,
Ministry of Consumer Affairs and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan.
 3. The Additional Secretary/Under Secretary,
Ministry of Consumer Affairs and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi-110001.
 4. The Director (LM)
Department of Consumer Affairs,
Krishi Bhawan,
New Delhi-110001.
- ...Respondents.

By Sri A.K.Choudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

K.V.PRAHLADAN, MEMBER(A)

This is an application for choice posting in terms of Government of India, Ministry of Finance O.M. dated 14.12.1983.

2. The applicant is a Deputy Director working in Regional Reference Standard Laboratory, Guwahati for about last 3 years. He has made a request for his transfer to Delhi due to the fact that his family is there and he has many liabilities. As per the instruction of the Finance Ministry O.M. dated 14.12.1983 a Central Government civilian

low

employee on completion of 2 years tenure posting in North Eastern Region is entitled to a choice posting. One post of Deputy Director appears to be available at Delhi and the applicant can be posted there.

3. Heard Sri M.Chanda, learned counsel for the applicant and Sri A.K.Choudhuri, learned Addl.C.G.S.C for the respondents at length.

4. The plea of the respondents that they are going to "initiate disciplinary proceeding against the applicant" and therefore in public interest it has been decided not to transfer him out of Guwahati. It is not made clear what public interest is served by keeping the applicant in Guwahati or how the intended disciplinary proceedings will be hindered or hampered if the applicant is posted to Delhi or Faridabad. The administration is required to work for the welfare of its officials and should not only act but also appear to be act in a just and fair manner.

5. Considering the facts and circumstances of the case, ^{can be} ~~direct~~ the applicant ^{can be} to make a fresh representation narrating his grievances to the respondents within one month from today. If such representation is filed within the time stipulated the respondents are directed to consider his choice posting sympathetically keeping in mind the Ministry of Finance O.M. dated 14.12.1983 within three months from the date of receipt of the representation.

The O.A. is accordingly allowed to the extent indicated. No order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O.A. No. 239 /2003

Shri Harbhajan Singh

-vs-

Union of India & Ors.

-AND-

In the matter of :

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

The humble applicant above named most humbly and respectfully state as under: -

1. That the applicant categorically denies the statements made in paragraph 3,4,6,7,8 and 9 of the written statement and further beg to state that vested circle in the Department is working against the interest of present applicant and the complains were connected at the instance of those vested circle in the office in spite of the repeated request, the case of the applicant was not considered favourably by the respondent so far his posting at Guwahati is concerned. And it is now transpired from Para 3 of the written statement that posting of the applicant is itself punitive in nature and on that score alone the same is liable to be set aside and quashed.

The contention of the respondents made in paragraph 6,7 and 8 is categorically denies to the extent that the request of the applicant for choice station posting has not been conceded in public interest. But it is specifically submitted that the request of the present applicant for choice station posting has been denied to protect the right and interest of sri. B.N.Dixit the then deputy director and

X
Filed by me applicant -
Sufficient Substantive
Advocate
19.03.04
10:43:04

for protecting the interest of Sri. B.N.Tripathi and the mere perusal of written statement it would be evident that the respondents in one hand submitting that the post of deputy Director operating at delhi is temporary and the said post is meant for Ahmedabad. But surprisingly even after retirement of Sri B.N.Tripathi who was initially accommodated on 13.10.2003 denying the benefit of choice station posting to the present applicant. But surprisingly even after retirement of Shri B.N.Tripathi the post is still operating at Delhi by promoting Sri S.khan. Therefore it is quite clear that the respondents deliberately denying the benefit of choice station posting to the present applicant by retaining the persons of their choice who never posted in North Eastern region. But the legitimate claim of the applicant have been thrown out on the alleged ground of complaints. In this connection it may be stated that if there is any complain against the applicant the, respondents are at liberty to initiate necessary disciplinary proceeding under the relevant rules. But choice station posting cannot be denied to the applicant on the alleged ground of misconduct . the statement of no vacant post is deliberate mis-leading statement.

2. That your applicant categorically denies the statement made in paragraph 10,11,12,14,15,16 and 17 of the written statement and further begs to state that the applicant is quite eligible for choice station posting as such the said benefit cannot be denied to the applicant. The statement of the respondents that his case was not considered in public interest is a deliberate mis-leading statement. In fact his case was not considered with the sole intention to accommodate Sri. B.N.Tripathi and Sri S.khan and oteher interested persons who never wanted to be posted at North eastern region. The vacant post of deputy Director which is available at Delhi cannot be blocked in the manner it is stated in the written statement by promoting Shri S.Khan on ad-hoc basis. Ad-hoc promotion is no promotion. However if necessary Sri S.khan may be promoted on ad-hoc basis and posted at Guwahati to accommodate the applicant in terms of the O.M.dated 14.12.1983.

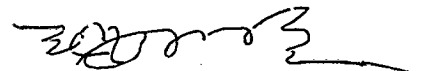
In the circumstances stated above this application deserved to be allowed with cost.

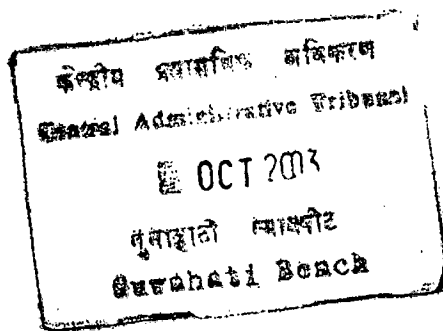
VERIFICATION

I, Sri Harbhajan Singh S/o Late Sundar Singh, aged about 53 years, working as Deputy Director, office of the Regional Reference Standard Laboratory, Zoo-Narengi Road, Guwahati, Assam, do hereby verify that the statements made in Paragraph 1 to 9 and ~~6 to 12~~ are true to my knowledge and ~~those made in Paragraph 5 are true to my legal advice~~ and I have not suppressed any material fact.

And I sign this verification on this the 19th day of March, 2004.

Signature





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O. A. NO. 239 / 2003

Sri Harbhajan Singh.

... Applicant

- Versus-

Union of India & Others

... Respondents

Lists of dates and synopsis of the case

Date

Synopsis of particulars in the application

01.12.1983- Applicant was initially joined as Meterological Assistant.

14.12.1983- Govt. of India, Ministry of Finance, New Delhi issued O.M conferring benefit of choice station posting on completion of fixed tenure by the civilian central government employees as a special privileges for service in N.E. Region. (Annexure-1 Series)

22.07.1998- Govt. of India, Ministry of Finance, New Delhi issued O.M conferring benefit of choice station posting on completion of fixed tenure by the civilian central government employees as special privileges for service in N.E. Region. (Annexure-1 Series)

Nov, 1999- Applicant was transferred and posted in Regional Reference Standard Laboratory at Guwahati.

May, 2000- Applicant joined at RRSL, Guwahati.

09.11.2000- Applicant submitted representation on compassionate ground for posting at Faridabad.

05.01.2001, 12.09.2001, 26.03.2002, 17.05.2002, 18.07.2002, 13.05.2003, 06.06.2003, 18.06.

2003, 31.07.2003, and 11.09.2003 - The applicant submitted several representations on several dates to the competent authorities for posting at Faridabad or at New Delhi on compassionate ground as well as in terms of the policy decision contained in the O.M dated 14.12.83 as well as 22.07.1998 but to no result.

(Annexure-III & IV)

10.06.2003- One Sri B.N.Dixit, Asst. Director was accommodated and adjusted at Faridabad vide notification dated 10.06.2003 on his promotion to the post of Deputy Director in violation of Govt. policy laid down in O.M dated 14.12.1983, 22.07.1998 in suppression of the claim of the present applicant.

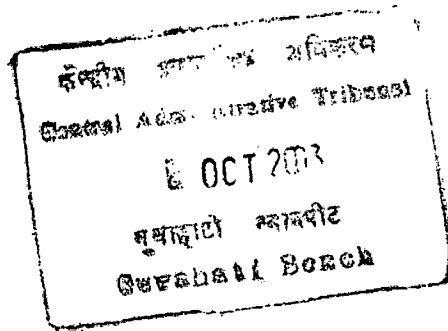
(Annexure-V)

31.10.2003- A post of Deputy Director going to fall vacant in the headquarter office in Delhi due to retirement on superannuation of Sri B.N.Tripathi, Deputy Director.

RELIEF (S) SOUGHT FOR

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

- 12
1. That the respondents be directed to consider the case of the applicant for choice station posting in Delhi in terms of the Office Memoranda dated 14.12.1983, 22.7.1998 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi with immediate effect against the post going to fall vacant on retirement on superannuation of Sri B.N.Tripathy, Deputy Director, New Delhi.
 2. That the respondents be directed not to fill up or shift the post of Deputy Director which is going to fall vacant due to retirement on superannuation of Sri B.N.Tripathy on 31.10.2003 till consideration of the case for choice station posting of the applicant.
 3. Costs of the application.
 4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal deem fit and proper.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the case : O. A. No 239 /2003

Sri Harbhajan Singh : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Surjit Choudhary
Advocate

Date 28/10/2002

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

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

O. A. No. 239 /2003

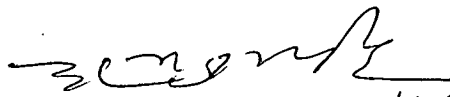
BETWEEN

Sri Harbhajan Singh
Deputy Director, (Legal Metrology)
Regional Reference Standard Laboratory,
Department of Consumer Affairs,
Government of India,
Zoo-Narengi Road, Gitanagar,
Guwahati-781024

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi-110001.
2. The Secretary,
Ministry of Consumer Affairs and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan,


21/10/2003

- 2
15
3. The Additional Secretary, / *Under Secretary*
Ministry of Consumer Affairs and Public Distribution,
Department of Consumer Affairs,
Krishi Bhawan,
New Delhi-110001
 4. The Director (LM)
Department of Consumer Affairs,
Krishi Bhawan,
New Delhi-110001

...Respondents.

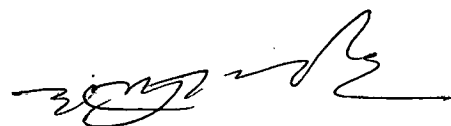
DETAILS OF THE APPLICATION

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

This application is made praying for a direction upon the respondents to consider the case for choice station posting of the applicant either at Faridabad or in New Delhi in terms of the Office Memorandum dated 14.12.1983, 1.12.1988 and 22.7.1998.

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. The applicant belongs to Scheduled Caste community and he is presently working as Deputy Director in the office of the Regional Reference Standard Laboratory, (for short R.R.S.L.) in the department of Consumer Affairs, Government of India.

4.2 That your applicant was initially joined in the department on 1.12.1983 as Meterological Asstt. And posted at Ranchi in the Indian Institute Legal Meterology and deputed in the same Institute as Asstt. Professor (Gazetted Group A post) since February 1990 to January 1993. Thereafter he was promoted to the post of Asstt. Director Legal Meterology in the same scale and category and posted at Headquarter, New Delhi. The applicant was selected as Deputy Director in the same Department through direct recruitment since 13 November, 1997 and posted as Deputy Director at Ahmedabad in the state of Gujrat.



21/10/2023

4.3 That your applicant while working as Deputy Director at Ahmedabad he was transferred and posted at Guwahati in the public interest in the month of November, 1999, however the applicant could not able to join the office of the Regional Reference Standard Laboratory in the month of ~~February~~ ^{May}, 2000 at Guwahati.

4.4 That your applicant has already rendered more than ~~twenty~~ ^{nineteen} years of service in the department under the respondent Union of India.

4.5 That your applicant begs to state that he is having six children including four daughter presently who are studying in school and colleges at Delhi. The wife of the applicant is sick and suffering from chronic allergy and as such she is required to come frequently from Ahmedabad for her medical treatment. It is relevant to mention here that the family of his younger brother's are also dependant on the applicant who are residing at Delhi as because the younger brother of the applicant was expired in the month of June, 1999. The eldest daughter of the applicant is marriageable. Therefore it is difficult on the part of the applicant to look after the dependant family members staying in far away at Guwahati. As such, the applicant all along praying before the competent authority for his choice station posting either at ^{R.R.S.L.} Faridabad, or (Weights and Measure Unit), Delhi or Head^qquarter (Consumer Protection Unit) Delhi.

[Handwritten signature]

4.6 That the Government of India, Ministry of Finance, Department of Expenditure, New Delhi issued an Office Memorandum bearing No. 20014/2/83/E.IV dated 14.12.1983 wherein it is stated that a civilian central government employee posted from outside the North Eastern Region on completion of fixed tenure of 2 years entitled to a choice station posting and the said benefit/privileges contained in the said office memorandum dated 14.12.1983 was extended by the Government of India vide Office Memorandum dated 1.12.1988 and also by Office Memorandum dated 22.7.1998.

In view of the aforesaid Office Memorandum the present applicant has acquired a valuable legal right for posting in any of his choice station. Be it stated that the applicant has completed about 20 years of service as well as he has completed the fixed tenure of posting in the N.E.Region and thereby acquired a valuable and legal right for choice station posting.

Copies of extract of Memorandum dated 14.12.1983 and 22.7.1998 are annexed hereto as Annexure-I series.

4.7 That your applicant being a loyal Government employee carried out the order of transfer and posting and joined at Guwahati in the month of ~~February~~^{May}, 2000. However on 9.11.2000 the applicant submitted a representation addressed to the Secretary/Addl. Secretary, Govt. of India, department of Consumer

Affairs, New Delhi praying inter alia for his posting at the then existing vacant post of Deputy Director (L.M.) at Faridabad. In the said representation the applicant stated that his family members are living in his permanent house ^{at Seha. ~~near~~} near ~~at~~ Noida (U.P.), therefore he is facing a lot of difficulties in continuing the education of his children. Moreover the young brother of the applicant has expired in the month of June 1999 and the family members of his younger brother are also dependent upon the applicant.

A copy of the representation dated 9.11.2000 is annexed hereto as Annexure-II.

- 4.8 That your applicant after his posting at Guwahati submitted a series of representations on different dates namely 5.1.2001, 21.3.2001, 12.9.2001, 26.3.2002, 13.5.2003, 17.5.2002 and 18.7.2002 which was duly forwarded vide letter dated 18.7.2002 by the Assistant Director, office of the R.R.L, Guwahati. In those representations the applicant inter alia stated for consideration of his posting at Faridabad on compassionate ground and also indicated the policy decision and privileges/priority granted by the Government of India, vide Memorandum dated 14.12.1983 for the central government employees serving in the North Eastern Region. In the representation dated 12.9.2001 the applicant also stated the prolonged serious ailment of his wife. But those representations did not yield any result in spite of the fact that a clear vacancy was

existed at the relevant time at Faridabad in the cadre of Deputy Director.

Copies of the representations dated 5.1.2001, 21.3.2001, 12.9.2001, 26.3.2002, 17.5.2002 and 18.7.2002 are annexed as Annexure-III series.

4.9 That your applicant being highly disappointed for non consideration of his posting either on compassionate ground or on the basis of the guidelines indicated in the O.M. dated 14.12.1983 submitted several reminders dated 6.6.2003, 18.6.2003, 31.7.2003 and 11.9.2003 addressed to the Secretary/Addl. Secretary/Joint Secretary, Department of Consumer Affairs, Krishi Bhawan, New Delhi. In the said representations the applicant also urged for his posting either at Headquarter, Delhi or R.R.S.L., Faridabad as early as possible.

Copies of the representations dated ^{13.5.2003} 6.6.2003, 18.6.2003, 31.7.2003 and 11.9.2003 are annexed hereto as Annexure-IV series.

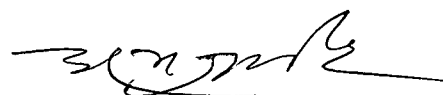
4.10 That it is stated that by the notification bearing letter No. F.No.A-12011/3/2003/Estt.dated 10.6.2003 one Sri B.N. Dixit was promoted to the post of Deputy Director and accommodated in the same station at Faridabad without considering the case of posting of the present applicant at Faridabad in total violation of Government Policy laid down in the O.M. dated 14.12.1983, 22.7.1998. It is relevant to mention here

that the competent authorities were well aware regarding the prayer of the present applicant for choice station posting at Faridabad. But deliberately the authority have chosen to accommodate Sri B.N.Dixit in supersession of the claim of the present applicant.

A copy of the Notification dated 10.6.2003 is annexed hereto as **Annexure-V**.

4.11 That it is stated by the applicant in his representations dated 31.7.2003 and 11.9.2003 categorically stated that his legitimate claim for choice station at Faridabad is being deliberately denied by accommodating Sri B.N.Dixit. However, the respondents did not take any steps for consideration of his choice station posting on completion of fixed tenure for two years in North Eastern Region. It is categorically submitted that the applicant has completed fixed tenure of two years long back in the North Eastern Region.

4.12 That it is stated that one Sri B.N. Tripathy, Deputy Director presently working in the headquarter office in Delhi is going to be retired on superannuation on 31.10.2003. As such there will no difficulty on the part of the respondents to accommodate the applicant Delhi/New Delhi in the post of Deputy Director which is going to be vacated very shortly i.e. on 31.10.2003 by Sri B.N.Tripathy, Deputy Director. The applicant is



apprehending that the said post of Deputy Director which is going to fall vacant on 31.10.2003 may be filled up or shifted by the respondents to frustrate the legitimate claim for choice posting of the applicant. Therefore Hon'ble Court be pleased to pass an appropriate interim direction to the effect that the said post should not be filled up or shifted without leave of this Tribunal or till disposal of this Original Application other wise the present application will become infructuous and the same will cause irreparable loss and injury to the present applicant.

4.13 That it is stated that the applicant has acquired a valuable legal right for consideration of choice posting in view of the Office Memorandum dated 14.12.1984, 22.7.1998 issued by the Government of India, therefore Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for choice station posting in the post which is going to fall vacant on 31.10.2003 due to retirement on superannuation of Sri B.N.Tripathy, Deputy Director.

4.14 That it is stated that similar issues has been dealt by this Hon'ble Court in a series of cases wherein appropriate directions were passed by this Hon'ble Tribunal for consideration of choice station posting namely in O.A. No. 341/2001 decided on 1.5.2002 as well as Hon'ble High Court in W.P.C. No. 3577/99 decided on 16-12-2002 in the case of Sri B.Mengani Vs. U.O.I. & Ors. As such the present applicant is entitled to

similar relief as has been granted to other similarly situated civilian central government employees so far as the choice station posting is concerned. copy of the order dated 1.5.2002 and 16.12.2002 are enclosed as Annexure VI and VII respectively.

4.15 That this application is made bonafide and for the cause of justice.

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

- 5.1 For that, the applicant has completed two years fixed tenure in North Eastern Region long back in terms of the O.M. dated 14.12.1983 and 22.7.1998.
- 5.2 For that, the applicant has acquired a valuable and legal right for consideration of his choice station posting in terms of the O.M. dated 14.12.1983 and 22.7.1998.
- 5.3 For that, Government of India, Ministry of Finance, Department of Expenditure granted special privileges and incentives to the civilian central government employees for serving in the North Eastern Region, as such the applicant is entitled to be considered for his choice station posting on priority basis.
- 5.4 For that, Sri B.N.Dixit has been accommodated by the respondents at Faridabad in total violation of the instructions contained in the O.M. dated 14.12.1983 and 22.7.1998 in supersession of the claim of the applicant.

5.5 For that, one post of Deputy Director is now going to fall vacant on 31.10.2003 due to retirement on superannuation of Sri B.N.Tripathy as such there is not difficulty on the part of the respondents to accommodate the present applicant in New Delhi.

5.6 For that, Children of the applicant are studying in School and Colleges at New Delhi as such physical presence of the applicant is necessary for their smooth continuation of education.

5.7 For that the wife of the applicant is suffering from chronic serious ailment.

5.8 For that the applicant submitted several representation to the competent authority but the same did not produce any result.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

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

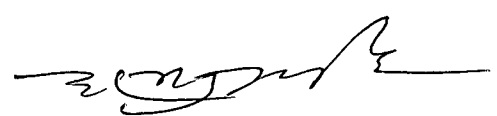
The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of

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

- 8.1 That the respondents be directed to consider the case of the applicant for choice station posting in Delhi in terms of the Office Memoranda dated 14.12.1983, 22.7.1998 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi with immediate effect against the post going to fall vacant on retirement on superannuation of Sri B.N.Tripathy, Deputy Director, New Delhi.
- 8.2 That the respondents be directed not to fill up or shift the post of Deputy Director which is going to fall vacant due to retirement on superannuation of Sri B.N.Tripathy on 31.10.2003 till consideration of the case for choice station posting of the applicant.
- 8.3 Costs of the application.



8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents not to fill up or shift the post of Deputy Director which is going to fall vacant due to retirement on superannuation of Sri B.N.Tripathy on 31.10.2003 till consideration of the case for choice station posting of the applicant.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No. : 96702993.
ii) Date of Issue : 20.10.03
iii) Issued from : G.P.O. Guwahati
iv) Payable at : G.P.O. Guwahati.

12. List of enclosures.

As given in the index.

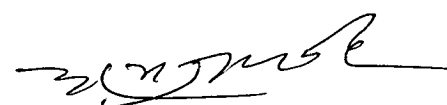
VERIFICATION

I, Sri Harbhajan Singh S/o Late Sundar Singh, aged about 53 years, working as Deputy Director, office of the Regional Reference Standard Laboratory, Zoo-Narengi Road, Guwahati, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 28th day of October, 2003.



Signature



Annexure-1 (series).

No.20014/2/83/B.IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 14th Dec'83

OFFICE MEMORANDUM

Sub : 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 State of Assam Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control 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 service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to

*Approved
for
Adm. Secy*

30

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

Joint Secretary to the Government of India

Attis Jal
Advocate

31
Annexure-3 (Serial)

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 *mutatis 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

*Disturbed
for
Revision*

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 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

By HAND

HARBHAJAN SINGH
DY. DIRECTOR
R.R.S.L. GUWAHATI

Dt:- 9-11-2000

To,

The Secretary / Addl. Secretary
Govt. of India
M/o Consumer Affairs & Public Distribution
Deptt. Of Consumer Affairs
Krishi Bhawan New Delhi - 110001

Sub: Request for my Transfer from R.R.S.L. Guwahati to R.R.S.L. Faridabad against the post of Dy. Director (L.M.), presently lying vacant at Faridabad.

Sir,

With humble request I pray you the followings for your kind consideration:

- (i) I am a permanent resident of Delhi and my family members are living in my permanent house at A-983, Gharoli Dairy Colony, Mayur Vihar Phase-III, which is near Noida, (U.P.)
- (ii) I am facing a lot of difficulties from my family sides, as my wife does not keep well and is always ill. My four daughters are school going childrens, facing lot of difficulties in respect of their education.
Sir, as you may be well known that in the absence of a father, children always feel helplessness in their educational front.
- (iii) My eldest daughter is of marriageable age and I have to devote the enough time, and effort to search a suitable match and get her marriage. Since I am resident of Delhi, therefore I would be interested to get her married in Delhi area.
- (iv) Sir, I am to express here with sorrow that my younger brother has passed away last year in June 1999 and his family (his wife & two children) are dependant on me and are living with my family at Delhi. That way I am to look after my big joint family with a responsibility.
- (v) Even being a permanent resident of Delhi, I have already rendered my 10 years service at I.I.L.M. Ranchi (Bihar) & 2 year service at R.R.S.L. Ahemadabad far away from my home.

Sir, under the above stated circumstances I am bound to come and see my family frequently after every month which result a huge amount of loss of money & time. This is a great loss not only to me but also to the Govt. That way, I am at present, working under stress.

Sir, you are therefore, requested to consider my Transfer Application and oblige by transferring me to the post of Dy. Director R.R.S.L. Faridabad which is incidentally lying vacant at present.


Yours faithfully

(HARBHAJAN SINGH)

Dy. Director, R.R.S.L. Guwahati.

Distd
Jm
Dy. Director

Annexure - III
(Series)

By hand of 

HARBHAJAN SINGH
DY. DIRECTOR
R.R.S.L. GUWAHATI
DT: 05-1-2001

To,

The Secretary / Addl. Secretary
Govt. of India
M/o Consumer Affairs & Public Distribution
Deptt. Of Consumer Affairs
Krishi Bhawan New Delhi - 110001

Sub: Request for my Transfer from R.R.S.L. Guwahati to R.R.S.L. Faridabad against the post of Dy. Director (L.M.), presently lying vacant at Faridabad.

- Ref: 1. My earlier application of dt. 11-9-2000 on the same subject.
2. Ministry's advertisement no. Emp. News 2-8 Dec. 2K, No. A-11011/6/99-Estt. Davp 6770 (8) 2000 EN 36/16.

Sir,

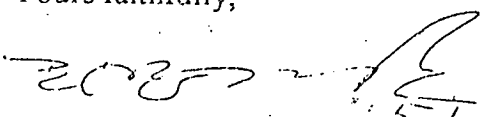
Kindly refer to my earlier representation letter of dt. 11-9-2000 (copy enclosed) and reference of Ministry's advertisement no. Emp. News 2-8 Dec. 2K, No. A-11011/6/99-Estt. Davp 6770 (8) 2000 EN 36/16. I may be allow to draw your kind attention in this regard on the subject cited above as:

- (i) That at present the M/o CA&PD has published two post of Dy. Director (L.M.) under the Ministry CA&PD on deputation basis vide advt. No. Emp. News 2-8 Dec. 2K, No. A-11011/6/99-Estt. Davp 6770 (8) 2000 EN 36/16.
- (ii) Sir, keeping in view my family problems as mentioned in my earlier application (copy enclosed) you are requested to make the selection of both the Dy. Directors (L.M.) under the Ministry of CA&PD in such way that one of them could be appointed at R.R.S.L. Guwahati, so that my transfer from Guwahati to R.R.S.L. Faridabad may be possible and materialised to overcome my family problems.

I myself and my family would be grateful forever to you for your kind consideration of my Transfer from Guwahati to R.R.S.L. Faridabad.

WITH COMPLIMENTS & BEST WISHES OF A HAPPY & PROSPEROUS NEW YEAR 2001 !!!

Yours faithfully,


HARBHAJAN SINGH
(Dy. Director)
R.R.S.L. Guwahati

5/1/2001
मेल्ड/Dispatched
उपभोक्ता मामल विभाग
Deptt. of Consumer Affairs
कृषि भवन/Krishi Bhawan
नई दिल्ली/New Delhi

Distd
for
Advoca
P/K

By - Harbhajan Singh

HARBHAJAN SINGH
DY. DIRECTOR
R.R.S.L. GUWAHATI
DT: 27/03-2001

To,

The Additional Secretary
Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Deptt. Of Consumer Affairs
Krishi Bhawan New Delhi - 110001.

Sub: Request for my Transfer from R.R.S.L. Guwahati to R.R.S.L. Faridabad against the post of Dy. Director (L.M.), presently lying vacant at Faridabad.

- Ref: 1. My earlier application of dt. 11-9-2000 on the same subject. (copy enclosed)
2. Subsequent application dt. 05.01.2001 on the same subject. (copy enclosed)

Sir,

Kindly refer to my earlier representation letter of dt. 11-9-2000 (copy enclosed) and reference of Ministry's advertisement no. Emp. News 2-8 Dec. 2K, No. A-11011/6/99-Estt. Davp 6770 (8) 2000 EN 36/16. I may be allow to make a humble request to you in this regard that

1. The ministry of C.A., Food & P.D., Deptt. Of C.A. is having a vacant post of Deputy Director (Legal Metrology) at R.R.S.L. (Regional Reference Standard Laboratory) Faridabad.
2. I am facing a lot of family problems as I have expressed you personally you during my few minutes talking with you in your office and the same has been represented in my earlier applications. Copy enclosed may please be seen.

Sir,

It is a further humble request to you kindly look into the matter at your level and consider my case of transfer from R.R.S.L., Guwahati to R.R.S.L., Faridabad.
I myself and my family would be grateful of you forever for your this kind consideration.

Thanking you

Yours faithfully,

HARBHAJAN SINGH
(Dy. Director)
R.R.S.L. Guwahati

Attended
for
H.R.S.L.

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs
Regional Reference Standard Laboratory, Guwahati

Dated the 12 September, 2001.

To

✓ The Secretary/Additional Secretary,
Government of India
M/o Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs,
Krishi Bhavan,
New Delhi.

Subject : Request for transfer from RRSL Guwahati to RRSL Faridabad/HQ, Delhi.

Sir,

I have to made a humble request to your goodself that;

My wife is seriously ill and suffering with stone disease which has been diagnosed from Lok Nayak Jay Prakash Narayan Hospital, New Delhi. The doctors of the hospital (Urology Department) have advised to get the operation of this disease done within few months (copy of the prescription enclosed).

The treatment and the recovery of her may take much more time nearly six months or so. My children are facing a lot of difficulty in my absence.

Under the situation I am compelled to visit Delhi frequently on long leave to look after her and for getting her treated. My frequent up and down trip from Guwahati to Delhi is resulting in a huge expenditure on my part and also affecting the working of the Guwahati Laboratory.

Hence Sir, you are requested to consider my request sympathetically and to pass your kind order of my transfer from RRSL Guwahati to RRSL Faridabad/HQ Delhi.

My family and I would be ever grateful to you for your kind favour.

Yours faithfully,

(Harbhajan Singh)

Deputy Directory, RRSL, Guwahati.

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To

The Director (201), Ministry of Consumer Affairs, New Delhi (110001)

3A

HARBHAJAN SINGH
DY. DIRECTOR
R.R.S.L. GUWAHATI
DT: 26/12/2001

To,

The Director (H.O.)
The Adl. Secy of Secy to the
Off. of Economic Affairs Govt of India
Kirti Bhawan, New Delhi

Sub: Request for my Transfer from R.R.S.L. Guwahati to R.R.S.L. Faridabad against the post of Dy. Director (L.M.), presently lying vacant at Faridabad.

Sir,

With due respect I have a humble request for your kind consideration that:-

1. I have joined to the office of Regional Reference Standard Laboratory (RRSL) Guwahati on 1st May, 2000 vide Ministry Order No.- A-22011/2/99-Esst. dt. 30th November, 1999. That way I am going to complete my service period of 2 years on 1st May, 2002 in the North East Region as per rules for Govt. Servant Servicing in North East Regions.
2. My family is living at my home town Delhi / Village / Last place of posting. My wife always remains sick due to which my family is always disturbed and facing lot of problems. My school going daughters (13, 15, 17) feel humiliated in my absence. I have applied many times for my transfer because of my this crucial problems.
3. My elder daughter ⁽²¹⁾ is marriageable. I have to arrange her marriage. It is being very difficult for me to arrange her marriage because of my posting at so far distance place like Guwahati.
4. The post of Dy. Director (L.M) R.R.S.L. Faridabad is lying vacant since long back, about 3 years and is still vacant. There is no problem if the Ministry is pleased to transfer me from R.R.S.L. Guwahati to R.R.S.L. Faridabad. I may be transferred to the stated post of Dy. Director from R.R.S.L. Guwahati to R.R.S.L. Faridabad.

Keeping the view of the above stated points, it is a humble request to your goodness to look into the matter at your level and help me to be with my family to look after them properly.

I myself and my family would be ever grateful for this kind consideration.

Thanking you

Yours faithfully,

HARBHAJAN SINGH
(Dy. Director)
R.R.S.L. Guwahati

Agg's
Advocate

Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Regional Reference Standard Laboratory Guwahati
(Near BSF Camp, Opp. TUSAR Company)
Zoo -Narangi Road, Geeta Nagar, Guwahati -24

Date:17-05-2002.

To,

The Addl. Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Krishi Bhavan, New Delhi-110001

(Through Proper channal)

Subject:-Request for my transfer from R.R.S.L.Guwahati to R.R.S.L. Faridabad or H/Q Delhi.

Ref: - My earlier Application of dated 26-03-2002.

Sir,

With reference to the subject cited above I may be allowed to invite your kind attention that:

I am working at R.R.S.L. Guwahati since 1st May ,2000 as the Dy. Director (LM).

I have completed my two years service tenure as per Govt. rules laid down in FR/SR Part.-I (General Rules) , Appendix-9 , under the heading "INCENTIVES FOR SERVING IN REMOTE AREAS. "
[G.I. M.F.No.20014/3/83-E,IV,,dated the 14th December,1983, read with.....
.....and O.M.No.11(2)/97-EII(B),dated the 22nd july 1998.]
(Pl. see the heading I(i) Tenure of posting/deputation. Copy enclosed)

This Order is being followed by the other Central Govt. Departments , like C.P.W.D. ,with a positive intention irrespectively the length of service of the concerned officer and with a soft corner treating it particularly as a Difficult Service In Remote Areas (e.g . a circular of C.P.W.D. may pl. be seen. copy enc.)

PTO. "2"

Submitted for perusal

(2)

The ministry / Department may like to adopt a time bound transfer policy in respect of R.R.S.L. Guwahati being a station of REMOTE LOCALITY of N. E. States.

Further, I like to invite your kind attention towards the Seniority List of the Dy. Directors (LM) working in this department. Some of the Dy. Directors are such officers **who never faced the transfer in their whole service life of this Department.** The matter may be looked in to in this regard at your level.

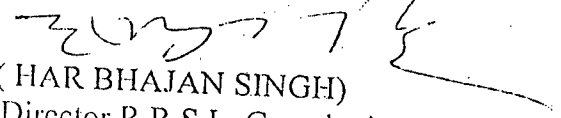
Sir, I am facing many domestic problems as I have explained to your good self through my earlier applications of dated 26-03-2002. My problems are genuine and are with valid reasons / grounds for your kind consideration. (My earlier application of dated 26-03-2002, may please be seen with your sympathetic kind consideration. Copy enc. here with)

The post of the Dy. Director (LM) at R.R.S.L. Faridabad is lying vacant since long back. The Ministry may like to transfer me on this post at Faridabad or at H/Q Delhi as the Ministry think fit.

With all the facts stated above, I pray to your good self to consider the matter of my Transfer and oblige me and my family for your kind consideration.

Thanking you.

Yours faithfully,



(HAR BHAJAN SINGH)

Dy. Director R.R.S.L. Guwahati

Enclosures:

- (1) Copy of Govt. Order No.11(2)/97-EH(B) dated 22nd July 1998
- (2) " " " O.M. No.29/1/97-EC.1 dated 05th May 1999.
- (3) " Seniority List No.A-23011/2/2002-Estt.dt.6th March 2002
- (4) " My Application of dated 26-03-2002

No. RLG-1(3)/2001/22
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Regional Reference Standard Laboratory Guwahati
(Near BSF Camp, Opp. TUSAR Company)
Zoo - Narangi Road, Geeta Nagar, Guwahati -24

Date: 17-05-2002.

To,

The Addl. Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Krishi Bhavan, New Delhi-110001

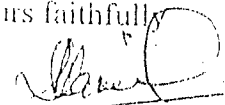
Subject: Application of Shri Harbhajan Singh, Deputy Director (LM) for transfer -reg.

S.r,

I am to forward herewith the application in origin of Shri Harbhajan Singh, Deputy Director (LM), RRSL Guwahati for your necessary and needful.

Encl: As above

Yours faithfully



(J.N. Prajapati)

Assistant Director (LM)

C/c

Copy to:

Shri Harbhajan Singh, Deputy Director (LM), RRSL Guwahati --24

Dist. Secy
Guwahati
17/5/02

To,

The Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Krishi Bhavan, New Delhi-110001

(Through Proper channel)

Subject:-Request for my transfer from R.R.S.L.Guwahati to R.R.S.L. Faridabad or H/Q Delhi.

Sir,

With reference to the subject cited above, I may be allowed to draw your kind attention towards my genuine problems as stated below:

I have completed my two years service tenure, as per rule servicing to North-East region, on 1st May 2002.

My family is facing many problems in my absence at my home town Delhi. My wife remains always sick and because of my posting at so far distance she is unable to get her treatment properly. My long distance posting at Guwahati is the only reason of her helplessness.

There are my three school going daughters in Delhi living with their mother. They feel always humiliated in the absence of their father.

My (fourth) elder daughter (21) is marriageable. I am facing the difficulty to arrange her marriage due to the reason of my posting at Guwahati.

With all the problems I and my whole family is living with a tension full life.

It is therefore a prayer to your good self to look in to the matter at your level and pass an order of my transfer from Guwahati to Faridabad or H/Q Delhi.

I and my family would be ever grateful to your good self for this kind consideration.

Yours faithfully,

Dated:18-07-2002

(Signature)
(Har Bhajan Singh)
Dy. Director, R.R.S.L. Guwahati

(Signature)
18/07/02

*Attended
Dy. Director
R.R.S.L. Guwahati*

Regel JV

No. RLG-1(3)/2002-78

Government of India

Ministry of Consumer Affairs, Food & Public Distribution

Department of Consumer Affairs

Regional Reference Standard Laboratory Guwahati

(Near BSF Camp, Opp. TUSAR Company)

Zoo -Narangi Road, Geeta Nagar, Guwahati -24

Date: 18-07-2002.

To,

The Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Krishi Bhavan, New Delhi-110001

Subject: Application of Shri Harbhajan Singh, Deputy Director (LM) for transfer -reg.

Sir,

I am to forward herewith the application in origin of Shri Harbhajan Singh, Deputy Director (LM), RRS� Guwahati for your necessary and needful.

Encl: As above

Yours faithfully

(J.N. Prajapati)

Assistant Director (LM)

Copy to: --

Shri Harbhajan Singh, Deputy Director (LM), RRS� Guwahati --24

Attended
for
Advo. cell

No. RLG-1(3)/2002--79

Government of India

Ministry of Consumer Affairs, Food & Public Distribution

Department of Consumer Affairs

Regional Reference Standard Laboratory Guwahati

(Near BSF Camp, Opp. TUSAR Company)

Zoo-Narangi Road, Geeta Nagar, Guwahati -24

Date: 18-07-2002.

To,

The Adml. Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Krishi Bhavan, New Delhi-110001

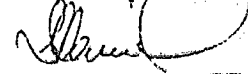
Subject: Application of Shri Harbhajan Singh, Deputy Director (LM) for transfer -reg.

Sir,

I am to forward herewith the application in origin of Shri Harbhajan Singh, Deputy Director (LM), RRSL Guwahati for your necessary and needful.

Encl. Attached

Yours faithfully,



(J.N. Prajapati)

Assistant Director (LM)

Copy to:--

Shri Harbhajan Singh, Deputy Director (LM), RRSL Guwahati --24

Delivered
for
signature

NO. RLG-1 (4)/2001/ -68

Government of India

Ministry of Consumer Affairs, Food & Public Distribution

Department of Consumer Affairs

Regional Reference Standard Laboratory Guwahati

(Near BSF Camp, Opp. TUSAR Company)

Zoo-Narangi Road, Meeta Nagar, Guwahati-24

Dated 06/06/2003

To,

The Joint Secretary (Administration), to the Govt. of India
Ministry of Consumer Affairs and PD,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi-110001.

Subject:- Forwarding of the TRANSFER APPLICATION of Sh. Har Bhajan Singh ,
Dy. Director, R.R.S.L. Guwahati

Respected Madam,

I am forwarding the Transfer Application of Sh. Har Bhajan Singh , Dy. Director
R.R.S.L. Guwahati for your necessary and needful action at your end.

With kind regard.

Yours faithfully,

Enc. As Above

(J. N. Prajapati)
Assistant. Director (LM)

Regional Reference standard Laboratory, Guwahati-4

Pls. send
for
approval

45

Reminder

Dated 06-06-2003

To,

The Joint Secretary to the Govt. of India

M/o Consumer Affairs, Food and Public Distribution

D/o Consumer Affairs, Krishi Bhawan, New Delhi-110001.

Subject:- Request for Transfer

Respected Madam,

Kindly refer to my application of dated 13-05-2003, personally given to you in your chamber . (Copy enc.) . No Action is taken So Far, from the ministry sides in this regard. Further under the compelled situations I would like to make a prayer before you that I require my transfer to H/Q DELHI or R.R.S.L. FARIDABAD as soon as possible.

It is a humble request before you kindly to take the necessary action in respect of my transfer to the above stated place .

An early action is solicited.

Yours Faithfully,

(Har Bhajan Singh)

Dy. Director R.R.S.L. Guwahati

06/06/2003

Attended
Jm.
Adhvani

Dated 10-06-2003

To,

The Additional Secretary to the Govt. of India

M/o Consumer Affairs, Food and Public Distribution

D/o Consumer Affairs, Krishi Bhawan, New Delhi-110001.

(Through Proper Channal)

Subject:- Request for Transfer

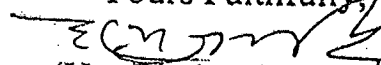
Respected Madam,

With due respect I would like to invite your kind attention that I have given my Transfer Application on dated 13-05-2003, personally to the Joint Secretary (Dr. J.S. Gupta), Administration, in her chamber. (Copy enc.) with subsequent reminder on 06-06-2003. But No Action is taken So Far, from the ministry sides in this regard. Further under the compelled situations I would like to make a prayer before you that I require my transfer to H/Q DELHI or R.R.S.L. FARIDABAD as soon as possible.

It is a humble request before you kindly to take the necessary action at your level in respect of my transfer as desire to the above stated place.

An early action is solicited.

Yours Faithfully,



(Har Bhajan Singh) 10/06/2003

Dy. Director R.R.S.L. Guwahati

RLG-1(4)/2001/82

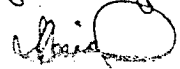
dtel. 19.06.03

To
The Add. Secretary to the Govt. of India
M/o C.A., Food and PD
Krishi Bhawan, New Delhi-110001

Respected Madam,

I am to forward herewith an application of Sh. H.B. Singh DD(LM) RRSL GHY. for his transfer from GHY. to RRSL Faridabad or H.Q. submitted for necessary action at your end.

Yours faithfully,



Assistant Secretary

Regional

Zoo-Mangal

Attended
for
Advocate

By hand

Date 31-07-2003

To, *Addl Secretary*
The Secretary to the Govt. of India

M/o Consumer Affairs, Food & Public Distribution
D/o Consumer Affairs, Krishi Bhawan, New Delhi

Subject :- My Transfer to the R.R.S.L. Faridabad reg.
Ref:- Notification No. F. No /12011/3/2003 dated 10th June, 03 & my representation
Dt 11th July, 03.

Sir,

With reference to representation of dated 11th July, 2003 (c.e enc) in respect of my
"transfer" to the place of choice (Faridabad) as per rules laid down (c.e. Enc.) I
would like to invite your kind attention that

- (a) Your intervention is essential and required to do a Justice to me in this matter. It
is necessary and essential to overcome the social -partiality prevailing in the
administration of the ministry neglecting my all the previous request applications
(c.e.Enc.).
- (b) An order of transfer may please be issued to post me at R.R.S.L. Faridabad and
replace Sh. B.N. Dixit, Dy director, recently promoted at the same place, to some
where else.

Sir,

It is my further prayer before you to look into the matter with your sympathetic
kind consideration to provide a natural justice to me, a socially and economically
poor officer working under your ministry. I, self with my family would be ever
grateful of your kind consideration.
An early action is solicited

Enc. Above

Yours faithfully

[Signature]
(Har Bhajan Singh) 31/07/2003

Dy. Director R.R.S.L. Guwahati

By.
31/7/03
Deptt. of Consumer Affairs
कृषि भवन/Krishi Bhawan
नई दिल्ली/New Delhi

*Attested
for
Advocate*

By Hand

Confidential

Date : 11th Sep. 2003

To

✓ The Addl. Secretary/ The Secretary to the Govt. of India
M/o Consumer Affairs, Food & Public Distribution
Dept. of Consumer Affairs, Krishi Bhavan, New Delhi

Sub. : Transfer of Sh. Har Bhajan Singh Dy. Director from R.R.S.L. Guwahati to R.R.S.L. Faridabad or H/Q Delhi.

Representation against the Ministry's Notification No. F. No. 12011/3/2003 - Esst. dt. 10th June 2003 in respect of posting of Sh. B.N. Dixit Dy. Director (L.M) at R.R.S.L. Faridabad.

- Ref.:**
- (i) My representation of Dated 13-05-2003 (Copy Encl.) addressed to the Jt. Secretary Ministry of Consumer Affairs.
 - (ii) My Subsequent reminder of dt. 06/06/2003 to the Jt. Secretary Ministry of Consumer Affairs. (Copy Encl.)
 - (iii) My request for refer dt. 18/06/2003 forwarded to the Addl. Secretary to the G.O.I. on dt. 19/06/03. (C.C. Encl.)
 - (iv) My Subsequent representation to the Addl. Secretary/The Secretary to the G.O.I dt. 11/07/03 with ref. to notification No. F No. 12011/3/2003 - Esst. dt. 10/06/03. (Copy Encl.)
 - (v) My further representation of dt. 31/07/03 on the same matter as in (iv). (Copy Encl.)

2
11/9/03
सदर/ए.एस.ओ. से
मार्फत भवन भवन
✓ **Madam/Sir,**
Deptt. of Consumer Affairs.
Krishi Bhavan.

Further to my representation submitted to your honour on dated cited above on the same subject matter, I would like to invite your kind attention that :

- (a) Notwithstanding my representation to the Joint Secretary (Admn.) (Smt. Dr. J.S. Gupta) submitted on dt. 13th May 2003 with subsequent reminder on Dt. 06/06/03, the Administration of Consumer Affairs Dept. has intentionally posted Sh. B.N. Dixit as Dy. Director (L.M) at the same place of his last place of posting R.R.S.L., Faridabad vide Notification No. F. No. 12011/3/2003 Esst. dt. 10th June 2003, where he was working as Asst. Director (L.M) for last 3 years. Whereas I was the bonafide candidate to be transferred to Faridabad since I had completed my Tenure of Two years at Guwahati in January 2003 in North-East Region, the hardest Zone in India as per DOPT's directions.

Distressed
Smt. Dr. J.S. Gupta
Advocate 4/12

The notification in respect of posting of Sh. B.N. Dixit at Faridabad is a part of the partial behaviour prevailed in the Dept. of Consumer Affairs, Govt. of India, specially in the Directorate of Legal Metrology exercised by the existing Director of Legal Metrology. It shows that the Administration of the Ministry is not willing to transfer me on the basis of unfair recommendation made by the Director (L.M). The posting of Sh. B.N. Dixit as Dy. Director (L.M) at the same place as to his prior posting as AD(LM) at Faridabad is nothing but the result of partial behavior exercised by the Director (L.M) in his Department. He doesn't like to see me in the Department. He is neglecting all my services rendered at Guwahati or elsewhere.

The above fact shows that the Legal Right of Sh. Har Bhajan Singh Dy. Director (L.M) R.R.S.L., Guwahati for his transfer from Guwahati to his place of choice like R.R.S.L., Faridabad has been denied to him illegally. (Please see the DOPT Rules Let Down for the officers servicing in the North East Region).

Ministry's Notification No. F.No. 12011/3/2003 dt. 10th June 2003 under question has completely overridden the rules and regulations laid by the DOPT Govt. of India in respect of the facilities given to the officers servicing in North-East Region.

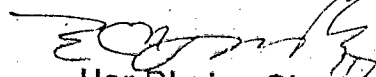
I would like to request your honour that the vacant post which ought to have been given to me, has been biasedly filled by appointment of Sh. B.N. Dixit at the same place of his last place of posting and thus injustice has been done to me.

Therefore, it is a humble request and a prayer to your honour that :

1. I have the first and the foremost right as I had applied to the post earlier and had completed my tenure in January, 2003. While :
2. Sh. B.N. Dixit should on promotion should have been posted outside Delhi

Submitted for your kind consideration and perusal please.


Your's faithfully


Har Bhajan Singh

(Dy. Director R.R.S.L. Guwahati)

M/o Consumer Affairs Food & PD, Deptt. of Consumer Affairs
Zoo-Narangi Road, Geeta Nagar Opp. Tusar Co.
Near B.S.F. Camp Guwahati-24, Ph.: 0361-2410209

Delhi Home Address : - A-983, Gharoli Dairy Colony
Mayur Vihar Phase - III, Delhi - 110096, Ph.: 011-22616447


Sh. B.N. Dixit

To

- 36 -

Annexure - IV (Serial)
30

The Joint Secretary to the Govt. of India,
Ministry of Consumer Affairs, Food & Public Distribution,
Department of Food & Public Distribution,
Krishi Bhawan, New Delhi - 110001.

(THROUGH PROPER CHANNEL)

Subject :- Request for Transfer

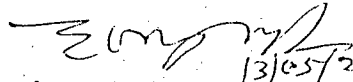
Madam

Under the compelled situation, I would like to have a humble request before you on the basis of the following :-

- (i) I have completed my three years' tenure as on 1st May 2003 at Guwahati. It is one year more than the normal tenure of 2 years prescribed and as per rule laid down for the Government servant posting in the North-east States.
- (ii) My family is living in my Hometown, i.e., Delhi. My wife remains ill and requires my help. The family members are, therefore, also facing a lot of difficulties in my absence.
- (iii) The Education of my daughters is being fully disturbed. My daughters feel humiliated and helpless without father.
- (iv) My elder daughter is in marriageable age. I am to arrange her marriage for which I require a sufficient time. From Guwahati, it is not possible for me to manage & arrange her marriage.

It is a request to you kindly to consider my prayer and issue an order of my transfer to Hqrs. Delhi or to RRSL, Faridabad immediately. I myself and my family would be ever grateful for your kind consideration.

Yours faithfully


(HARBHAJAN SINGH)
13/05/2003
DY. DIRECTOR
RRSL, GUWAHATI

31/8/03
कुषि भवन/Deptt. of Consumer Affairs
नई दिल्ली/New Delhi

Date :- 13th May 2003.

Attested
for
Signature

सेवा में,

दिनांक: 13.05.2023

संयुक्त सचिव (प्रशासन) भारत सरकार
उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय
उपभोक्ता मामले विभाग, कृषि भवन नई दिल्ली

विषय— स्थानान्तरण के लिए आवेदन।
महोदया,

आपसे नम्र निवेदन करना चाहता हूँ कि,

(1) मैं 1 मई 2003 को अपनी सेवा के तीन वर्ष पूरे कर लिए हूँ जो कि पूर्वोक्त राज्यों में सेवा काल के मापदण्ड से जो नियमानुसार 2 वर्ष निर्धारित है, एक वर्ष अधिक है।

(2) मेरा सम्पूर्ण परिवार मेरे गृहनगर दिल्ली में रह रहा है। मेरी अनुपस्थिति में मेरे परिवार को अत्यन्त कठिनाइयों का सामना करना पड़ता है।

(3) मेरी अनुपस्थिति में मेरी पुत्री की शिक्षा-दीक्षा भी ठीक प्रकार से नहीं हो पा रही है। वे अपने को असहाय महसूस करती हैं।

(4) मेरी बड़ी पुत्री शादी योग्य है। मुझे उसकी शादी के लिए दिल्ली में अधिक समय की आवश्यकता है। गुवाहाटी से ऐसा सम्भव नहीं है।

(5) मेरी पत्नी को तबीयत अक्सर खराब रहती है। वे मेरी सहायता की आकांक्षा रखती हैं।

उपरोक्त परिस्थितियों में मेरा आप से हाथ जोड़कर निवेदन है कि मेरा तुरन्त स्थानान्तरण दिल्ली मुख्यालय अथवा क्षेत्रीय निदेशमाल प्रयोगशाला परीक्षा केंद्र करने की कृपा की जाए। मैं और मेरा परिवार आपका सदा आभारी रहेगा।

आपकी

हस्ताक्षर

13/05/2023
उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय

13/05/23
नियंत्रण/Despatch
उपभोक्ता मामले विभाग
उपभोक्ता मामले विभाग
कृषि भवन नई दिल्ली

(TO BE PUBLISHED IN THE GAZETTED OF INDIA, PART-I, SECTION-2)

Government of India
Ministry of Consumer Affairs, Food & Public Distribution
(Department of Consumer Affairs)

Krishi Bhawan, New Delhi,
Dated the 10th June, 2003.

NOTIFICATION

F.No.A-12011/3/2003-Estt.: The President is pleased to promote Shri B.N.Dixit, a regular Assistant Director (LM) in the Department of Consumer Affairs, as Deputy Director (Legal Metrology) in the scale of pay of Rs.10000-325-15200 on regular basis with effect from the forenoon of 5th June, 2003. On his promotion as Deputy Director (Legal Metrology), Shri Dixit is posted in Faridabad Regional Reference Standard Laboratory.

S.K. Nayak
[S. K. NAYAK]

UNDER SECRETARY TO GOVT. OF INDIA

To
The Manager
Government of India Press
Faridabad (Haryana)

(Two copies in original with Hindi version)

Copy forwarded to:

- ✓ 1. The Pay & Accounts Officer, D/o Consumer Affairs.
2. Shri B.N.Dixit, Deputy Director (Legal Metrology), RRSI Faridabad.
3. Director (Legal Metrology).
4. PS to M/CA, F&PD/ PS to MOS(CA).
5. Sr. PPS to Secretary CA/PS to AS-CA/PS to EA/PS to JS-CA.
6. Vigilance/Hindi/B&F Sections/W&M Unit.
7. Personal File/Service Book of Shri B.N.Dixit, Deputy Director (LM)
8. Guard File.

*Attended
for
to be notified*

2 4 6 8
2 5 7 9

CENTRAL MEMBERSHIP BOARD FOR THE CENTRAL GOVERNMENT SERVICE.

Original Application No. 331 of 2001.

Date of order is this the 1st day of May, 2002.

The Hon'ble Mr. Justice D.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 H. 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.

ORDER

CHOWDHURY 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
were 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.

Contd..2

*Selected
for
service*

53

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 25.9.2000 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 the 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 H.Chandra, 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.

TRUE COPY
सिद्धि

SI/VICE CHAIRMAN

pg

सचिव, न्यायिक आयोग
सचिव, न्यायिक आयोग
सचिव, न्यायिक आयोग
सचिव, न्यायिक आयोग
सचिव, न्यायिक आयोग

| Date of application for the copy. | তারিখ Date fixed for notifying the requisite number of stamps and folios. | Date of delivery of the requisite stamps and folios. | Date on which the copy was ready for delivery. | Date of making over the copy to the applicant. |
|-----------------------------------|------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| 20/12/02 | 20/12/02 | 20/12/02 | 21/12/02 | 21/12/02 |

-41-

Annexure -
6 VII

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA MIZORAM AND ARUNACHAL PRADESH)

WRIT PETITION (C) NO. 3577 OF 1999

Shri Bhagwan Menghani
Senior Accounts Officer,
Office of the Inland Water Authority of India,
Ministry of Surface Transport,
Government of India,
Parameswari Building,
5th Floor, Chatribatri, A.T. Road,
Guwahati - 781 001.

..... PETITIONER

-VERSUS-

1. Union of India,
Through Secretary to the Govt. of India,
Ministry of Surface Transport,
Government of India, Parameswari Building,
5th Floor, Chatribari, A.T. Road,
Guwahati - 781 001.

2. The Chairman,
Inland Waterways Authority of India,
B-109/112
Commercial Complex, Section 18,
NOIDA (UP).

3. Deputy Secretary,
Inland Water Ways Authority of India,
Minister of Surface Transport,
Government of India,
Head Office B/109-112,
Commercial Complex, Section-18
(Dist. Gautam Budh Nagar)
PIN 201301, Uttar Pradesh.

4. Shri S. Jayaraman,
Chief Accounts Officer,
Inland Water Ways Authority of India
B-109-112, Commercial Complex,
Section 18, Noida,
Uttar Pradesh - 201301.

..... RESPONDENTS

*Assisted
by
Advocate*

21/12

P R E S E N T
THE HON'BLE MR. JUSTICE D. BISWAS

For the petitioner : Mr. B.K. Sarma,
Mr. M. Chanda, Advocates.

For the respondent : Mr. C. Choudhury,
C.G.S.C.

Date of hearing : 16.12.2002

Date of Judgment and : 16.12.2002
Order

JUDGMENT AND ORDER
(ORAL)

Heard Mr. B.K. Sarma, learned Counsel for the petitioner assisted by Mr. M. Chanda, learned counsel and also Mr. C. Choudhury, learned Central Government Standing Counsel for the Union of India.

2. This petition has been filed controverting the legality and validity of the order of transfer dated 11.6.1999 (Annexure-5) and consequent release order of the same date. By the aforesaid order of transfer the petitioner who was serving as Senior Accounts officer in the Head Quarter Office at Noida was transferred to Guwahati. The challenge is on the ground that the advertisement issued pursuant to which the petitioner was appointed was meant for staff in the Head Quarter of the Inland Waterways Authority of India which is at Noida. According to Shri B.K. Sarma, learned Senior Counsel the petitioner pursuant to the above advertisement offered his candidature and on selection and appointment joined the post at Noida with the expectation that he would be allowed to continue there till superannuation. Besides, Shri Sarma, further pointed out that the petitioner in a departmental proceeding initiated against the respondent No.1 deposed against the latter. It was on his evidence that

[Handwritten signatures and text]
B.K. Sarma
M. Chanda
Advocates

the respondent No.1 was imposed with a penalty in that departmental proceeding. Out of vengence, the respondent No.1 initiated the proposal for transfer of the writ petitioner to Guwahati in his personal file which is contrary to the procedure of office administration.

3. Materials on record clearly justify the above submission of the writ petitioner. The advertisement (Annexure-1) and the order of penalty imposed on the respondent No.1 vindicate the grounds on the premises of which the writ petition has instituted.

4. It would appear that the order of the writ petitioner was issued on 11.6.1999 and the petitioner assumed duties at Guwahati without loss of time. By now he has completed three years. Therefore, it would be of no consequence at this belated stage to interfere with the order of transfer which has been complied with.

5. Shri Sarma submitted that the office Memorandum dated 14th December, 1993 provides for transfer and posting of civilian employee of the Central Government posted in the States and Union Territories of North Eastern Region to posting of his choice. The relevant provisions of the aforesaid office Memorandum, Shri Sarma, submits render the writ petitioner eligible for reconsideration for is choice posting. The relevant provision of the office memorandum dated 14th December, 1983 is quoted below :-

"1) Tenure of posting/deputation :-

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

✓

2/11/2
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6. There was no dispute at the bar that the aforesaid memorandum is applicable in respect of the Inland Waterways Authority of India and hence, on completion of two years in the North Eastern Region the petitioner is entitled to consideration for posting to a place of his choice. Infact, the respondent authority has also given choice of posting to other employees, namely, Shri M.K. Saha, Director, Shri S.K. Sharma, Senior Accounts Officer and Shri Mahesh Kumar, U.D.C. In the facts and circumstances of the case, this Court is of the opinion that the petitioner's case for transfer to a place of his choice (Noida) is just and proper.

7. This writ petition is disposed of with the direction to the respondents, particularly, Respondent No.2, the Chairman, Inland Waterways Authority of India to consider the representation of the writ petitioner submitted on 10.6.2002 in accordance with the provisions of the Memorandum dated 11th December, 1983 and pass appropriate orders for his transfer to a place of his choice (Noida) within a period of two months from the date of receipt of a copy of this judgment.

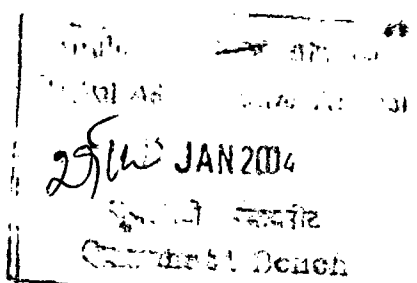
The petitioner is permitted to submit a copy of this Judgment along with other necessary documents to the Chairman immediately.

Sd/- S. Biswas
Judge

P.N. 22778
20/12/02

RECEIVED TO BE TRUE COPY
Kishna Kishan Sharma
Date 21st day of Dec. 2002
Superintendent (Copying Section)
Cauhati High Court
Authorized U/S 76, Act I, 1973

7/10
2-11-12



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::GUWAHATI

In the matter of :-

O.A.No.239 of 2003

Sbi Harbhajan Singh ... Applicant

-Versus-

Union of India & Others

... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF RESPONDENTS
NOS. 1,2,3 & 4.

I, S.K. Nayak, Under Secretary to the Government of India, Ministry of Consumer Affairs, Food and public Distribution, Department of Consumer Affairs, New Delhi, do hereby solemnly affirm and say as follows :-

1. That I am the Under Secretary to the Govt. of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, New Delhi and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.
2. That the Respondents have no comments to the statement made in paragraph 1 to 3 of the application.
3. That with regard to the statements made in paragraph 4.1 and 4.2 of the application, the respondent have no comments save as what appears from record. The applicant was appointed as a direct recruit Deputy Director (Legal Metrology) in this Department on 13-11-1997. His initial posting was in the Regional Reference Standards Laboratory (RRSL), Ahmedabad.

Contd..p/2-

Enclage
17/12/03

एस. के. नायक/S. K. Nayak
Ministry of Consumer Affairs,
New Delhi

However, on receipt of several complaints against him and in view of his maladministration of the laboratory, the applicant was transferred from Ahmedabad to the new laboratory being set up in Guwahati, in November, 1999. The applicant refused to accept the transfer orders citing family reasons. He also moved the Ahmedabad Bench of the Hon'ble Tribunal for staying the transfer order from Ahmedabad to Guwahati. However, the Hon'ble Tribunal dismissed the OA and directed the applicant to follow the orders in this regard. Finally, the applicant joined in the RRSI, Guwahati in May, 2000.

4. That with regard to the statement made in paragraph 4.3 of the application, the respondent beg to state that the averments made by the applicant are denied. The applicant himself caused delay in his joining in the RRSI, Guwahati.

5. That the respondent have no comments to the statements made in paragraph 4.4 and 4.5 of the application.

6. That with regard to the statements made in paragraph 4.6 of the application, the respondent beg to state that the applicant has completed over 2 years in the RRSI, Guwahati and as per Department of Expenditure's OM dated 14-12-1983 and instructions issued thereafter, he has become eligible in January, 2003 (after excluding the periods of leave in excess of 15 days for each year of tenure completed) for transfer to a place of his choice as far as possible. However, his request for transfer to either New Delhi or Faridabad, as places of his choice posting, have not been acceded to in public interest due to reasons given in subsequent paras.

7. That with regard to the statements made in paragraph 4.7 of the application, the respondent beg to state that the same letter submitted by the applicant, dated 11-9-2000 was received in this Department. The points made in his representation were examined and since the period of his service in the RRSI, Guwahati was short, it was decided in public interest that the request of the applicant for his transfer from Guwahati could not be acceded to. A copy of the reply sent to the applicant is annexed hereto as ANNEXURE-I.

C O n t d . . . p / 3 -

Smdayee 17/12/03
 Mr. P. S. ...
 Mr. H. ...
 Ministry of Food and ...
 Dept. of ...
 Mr. ...

8. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that the applicant thereafter submitted a plethora of representations on his transfer from Guwahati. These were considered and a consolidated reply was sent vide this Department's letter No.A-22011/2/98-Eett. dated 12-8-2002, wherein it was stated that the request of the applicant for transfer from Guwahati could not be acceded to as he had not yet completed 2 years of posting in the RRSI, Guwahati after excluding the period of leave availed of by him during his posting in RRSI, Guwahati. A copy of the letter is annexed hereto and marked as ANNEXURE-II.

9. That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to state that the state of representations submitted by the applicant post August, 2002 were also examined. The matter regarding the transfer of the applicant from Guwahati was also taken up by the National Commission for Scheduled Castes and Scheduled Tribes. A reply was since sent to the National Commission wherein it was informed that it has not been found possible to transfer the applicant from Guwahati as there was no vacant post of Deputy Director (Legal Metrology) available and as the instructions provide that such requests for choice posting are to be considered as far as possible. A copy of the letter is annexed hereto and marked as ANNEXURE-III.

10. That with regard to the statements made in paragraph 4.10 of the application, the respondents beg to state that the averments made by the applicant in this para are denied. The claim of the applicant for transfer to a place of his choice was considered but it was decided to retain Shri B.N. Dixit, on & his promotion as Deputy Director (Legal Metrology), in RRSI, Faridabad in public interest. The applicant has been found wanting in several quarters during his posting in the RRSI, Guwahati, which has delayed the commissioning of the laboratory, the only one of its kind in the entire North Eastern Region. This prompted the Department to remove the charge of Head of Office from the applicant and gave the charge to his immediate subordinate. During this period, several complaints received against the applicant, for his alleged acts of omission and commission during his posting in the RRSI, Ahmedabad were being examined/enquired from Vigilance angle. Due to the gravity of the charges made against the applicant, it is proposed to initiate disciplinary proceedings against the applicant. Thus in public interest, it was decided not to transfer the applicant from Guwahati for the time being.

11. That with regard to the statements made in paragraph 4.11 of the application, the respondents beg to state that the averments made by the applicant in this para are denied. For reasons stated in para 10 above, the request of the applicant for transfer to a place of his choice was not acceded to even though he had become eligible under the relevant Government instructions for his choice posting.

12. That with regard to the statements made in paragraph 4.12 and 4.13 of the application, the respondents beg to state that the averments made by the applicant in this para are denied. The post of Deputy Director (Legal Metrology) in the RRSI, Ahmedabad is being temporarily operated from New Delhi. On retirement of Shri B.N. Tripathy on 31-10-2003, who had been promoted as DD(LM) against this above post, on purely ad-hoc basis, the post has been filled up again on ad-hoc basis, by promoting the next junior person below Shri B.N. Tripathy, Shri A.S. Khan. This is only a temporary arrangement, as in the foreseeable future, the post may once again be operated from Ahmedabad, where it actually belongs. It would thus not be desirable to transfer the applicant against this post, as the applicant, if he is transferred against this post may alongwith the post need to be shifted to Ahmedabad, from where in the first instance he was transferred & to Guwahati on receipt of several complaints on his official conduct and acts of omission and commission committed by him during his posting in the RRSI, Ahmedabad.

13. That the respondents have no comments to the statements made in paragraph 4.14 of the application.

14. That with regard to the statements made in paragraph 5.1 to 5.8 of the application, the respondents beg to state that the averments made by the applicant in these paragraphs are disputed and denied. The Government instructions dated 14-12-1983 on tenure policy applicable to Central Government employees posted in the North Eastern Region and amendments made thereafter, provide that request for transfer to a place of choice on completion of their tenure of 2/3 years, excluding the period of leave availed of in excess of 15 days for each year, are to be considered as far as possible. Thus, it is not binding on the Government to accept every such request for choice posting. Public interest is always the guiding factor.

That the request of the applicant for transfer to Faridabad was considered at the time it was decided to retain Shri B.N. Dixit, on his promotion to the grade of Deputy Director (Legal Metrology) in the RRSI, Faridabad.

That the applicant during his posting in the RRSL, Guwahati for over 3 years has done precious little to ensure early commission of the Laboratory, which is the first such Laboratory being set up in the entire North Eastern Region catering to all the industrial units set up in the North East, and being set up at a considerable cost to the exchequer.

That the applicant has been absenting himself unauthorisedly during his posting in the RRSL, Guwahati on several occasions. The recalcitrant attitude of the applicant has put the Government to a lot of embarrassment on several occasions. This prompted the Department to remove the charge of Head of Office from the applicant and give it to his immediate subordinate. The applicant till date has not shown any inclination for taking up the technical work of the laboratory, which is presently being operated from a rented building.

That the conduct of the applicant, who is a direct recruit Group 'A' officer, during his posting at RRSL, Guwahati has done little to justify his transfer from Guwahati.

That the Department proposes to initiate disciplinary proceedings against the applicant for his alleged acts of omission and commission during his posting in the RRSL, Ahmedabad.

That the post of Deputy Director (Legal Metrology) in the RRSL, Ahmedabad is being temporarily operated from New Delhi. On retirement of Shri B.N. Tripathy on 31-10-2003, who had been promoted as DD(LM) against this above post, on purely ad-hoc basis, the post has been filled up again on ad-hoc basis, by promoting the next junior person below Shri B.N. Tripathy, Shri A.S. Khan. Being a temporary arrangement, as in the foreseeable future, the post may once again be operated from Ahmedabad, it is not desirable to transfer the applicant against this post, as the applicant, if he is transferred against this post, may alongwith the post need to be shifted to Ahmedabad, where in the first instance, he was transferred from Ahmedabad to Guwahati on receipt of several complaints on his official conduct and acts of omission and commission committed by him during his posting in the RRSL, Ahmedabad, for which the Department proposes to initiate disciplinary proceedings.

That the representations made by the applicant on his transfer have all been considered and decision taken not to accede to the request for his choice posting to either New Delhi or Faridabad in view of submissions made herein above.

14. That the respondents have no comments to the statements made in paragraph 6 & 7 of the application.

15. That with regard to the statements made in paragraph 8 of the application, the respondents beg to state that in view of submissions made herein above, it is prayed to the Hon'ble Tribunal not to pass any orders on the relief(s) sought for by the applicant being inadmissible, as in public interest it has been decided not to accede to the request of the applicant for his choice posting to either New Delhi or Faridabad.

16. That with regard to the statements made in paragraph 9 of the application, the respondents beg to state that the post of Deputy Director (Legal Metrology) held by Shri B.N. Tripathy till his retirement, on ad-hoc basis is sanctioned for the RRSL, Ahmedabad and as a temporary arrangement is being operated from New Delhi. The post has been filled up again w.e.f. 31-10-2003 (AN) on ad-hoc basis by promoting the next junior of Sri B.N. Tripathy, Shri A.S. Khan. Since this is only a temporary arrangement, the post may be operated from New Delhi only for a short time and may be shifted back to the RRSL, Ahmedabad. The applicant, had been transferred from RRSL, Ahmedabad to RRSL, Guwahati on receipt of several complaints on his official conduct and acts of omission of commission during his posting in Ahmedabad. Hence, it would not be desirable to post the applicant against this post. It is thus requested that the Hon'ble Tribunal may not pass any orders on the temporary relief sought for by the applicant.

17. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

V E R I F I C A T I O N

I, S.K. Nayak, Under Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Deptt. of Consumer Affairs, New Delhi 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, these made in paragraphs 2 - 16 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 17 th day of December, 2003.

DEPONENT

7 - 51 - Annexure-I 65

No.A-22011/2/98-Estt.
Government of India
Ministry of Consumer Affairs, Food & Pub. Distribution
Deptt. of Consumer Affairs

Krishi Bhawan, New Delhi
Dated the 8th November, 2000

OFFICE MEMORANDUM

Subject: Representation of Shri Harbhajan Singh,
Deputy Director(LM), regarding his trans-
fer from Guwahati to Faridabad.

The undersigned is directed to refer to Shri Harbhajan Singh, Deputy Director(LM) RRSL, Guwahati representation dated 11.9.2000 on the subject noted above and to say that his request for transfer to Faridabad has been considered and not acceded to in public interest.

S. K. Nayak
(S.K. Nayak)

Under Secy. to the Govt. of India

Shri Harbhajan Singh,
Deputy Director(LM),
Regional Reference Standards Laboratory,
Guwahati.

Attested
AK Chandra
Addl. C. G. S. G.

52 By Hand 66 62

15 (SH)
11-9-2000
25/6/2000

HARBHAJAN SINGH
DY DIRECTOR
R.R.S.L GUWAHATI
DC 11-9-2000

To: The Secretary / Addl Secretary
Govt. of India
M/o Consumer Affairs & Public Distribution
Deptt. Of Consumer Affairs
Krishi Bhawan New Delhi - 110001

Sub: Request for my Transfer from R.R.S.L. Guwahati to R.R.S.L. Faridabad against the post of Dy. Director (L.M.), presently lying vacant at Faridabad.

- Sir,
- With humble request I pray you the followings for your kind consideration:
- (i) I am a permanent resident of Delhi and my family members are living in my permanent house at A-983, Gharoli Dairy Colony, Mayur Vihar Phase-III, which is near Noida, (U.P.)
 - (ii) I am facing a lot of difficulties from my family sides, as my wife does not keep well and is always ill. My four daughters are school going childrens, facing lot of difficulties in respect of their education.
Sir, as you may be well known that in the absence of a father, children always feel helplessness in their educational front.
 - (iii) My eldest daughter is of marriageable age and I have to devote the enough time and effort to search a suitable match and get her marriage. Since I am resident of Delhi, therefore I would be interested to get her married in Delhi area.
 - (iv) Sir, I am to express here with sorrow that my younger brother has passed away last year in June 1999 and his family (his wife & two children) are dependant on me and are living with my family at Delhi. That way I am to look after my big joint family with a responsibility.
 - (v) Even being a permanent resident of Delhi, I have already rendered my 10 years service at I.I.L.M. Ranchi (Bihar) & 2 year service at R.R.S.L. Ahemadabad far away from my home.

Sir, under the above stated circumstances I am bound to come and see my family frequently after every month which result a huge amount of loss of money & time. This is a great loss not only to me but also to the Govt. That way, I am at present, working under stress.

Sir, you are therefore, requested to consider my Transfer Application and oblige by transferring me to the post of Dy. Director R.R.S.L. Faridabad which is incidentally lying vacant at present.

Yours faithfully
HARBHAJAN SINGH
Dy. Director, R.R.S.L Guwahati.

43/88/2000
26/9/2000
for Estt Section
DS
2nd Section
26/9
Ms SK
14/9
so (Bos)
14/9/2000

Attested
Addl. G. S. O.

9
- 53 -
Annexure-II 63

By Registered Post

No.A-22011/2/98-Estt.
Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

Krishi Bhawan, New Delhi.
Dated the 12th August, 2002.

To

Shri Harbhajan Singh
Deputy Director (Legal Metrology)
Regional Reference Standards Laboratory
Guwahati

Sub: Request for transfer from RRSL, Guwahati to RRSL, Faridabad

Sir,

I am directed to refer to letter addressed to Hon'ble Minister of State for Public Distribution by Smt. Kala Kaur, wife of Shri Harbhajan Singh, Deputy Director (Legal Metrology) requesting for transfer of her husband from RRSL, Guwahati to RRSL, Faridabad and to say that it has not been found possible to accede to the request as Shri Harbhajan Singh has not yet completed 2 years service at RRSL, Guwahati after excluding the period of leave taken by him at RRSL, Guwahati. ~~It is, however, informed that on completion of 2 years of service at RRSL, Guwahati by Shri Harbhajan Singh, excluding the leave period, the Department can consider the request.~~ *The request for transfer can be considered.*

He Additional

2. This issues with the approval of Secretary, Consumer Affairs.

Yours faithfully,

Srinagar
(S.K. Nayak)

Under Secretary to the Government of India

Copy to:-

1. Smt. Kala Kaur, A-983, Gharouli Diary Colony, Mayur Vihar Phase-III, Delhi-110 096.
2. Shri V.K. Saxena, PS to MoS (PD) w.r.t. his note dated 14-6-2002. The Hon'ble Minister may please be suitably informed of the above.

Attested

AK Chandra
Addl. C. G. S. O.

Srinagar
(S.K. Nayak)

Issued
26/8



सत्यमेव जयते

सत्यमेव जयते

Ms. SATWANT REDDY
ADDITIONAL SECRETARY

Tel. : 23383027

Fax : 23386575

Annexure III

भारत सरकार
उपभोक्ता मामले, खाद्य एवं
सार्वजनिक वितरण मंत्रालय
(उपभोक्ता मामले विभाग)
नई दिल्ली - 110001

GOVERNMENT OF INDIA
MINISTRY OF
CONSUMER AFFAIRS, FOOD AND
PUBLIC DISTRIBUTION
(DEPARTMENT OF CONSUMER AFFAIRS)
KRISHI BHAWAN,
NEW DELHI - 110001

D.O.No.A-22011/6/2002-Estt.

August 4, 2003

Dear Shri Premkumar,

Kindly refer to your D.O. letter No.H-3/Food/-6/2003-SSW-IV dated 11th July, 2003 regarding transfer of Shri Harbhajan Singh, Deputy Director (LM) in RRSL, Guwahati to either Delhi or Faridabad.

2. Shri Harbhajan Singh joined in RRSL, Guwahati in May, 2000. However, he was found to be taking leave frequently. In the last 3 years, he has availed leave for 214 days. As per instructions issued by the Ministry of Finance, the two years period of stay in North East Region is to be computed after excluding the periods of leave exceeding 15 days availed of by the officer. Thus, Shri Harbhajan Singh, Deputy Director (LM) has become eligible for his transfer from Guwahati in January, 2003.

3. The instructions provide that choice posting on completion of 2 years tenure in North East Region is to be given as far as possible. At present, there is no vacant post of Deputy Director (LM) vacant either in Weights & Measures Unit at Delhi or in the Regional Reference Standard Laboratory, Faridabad.

4. In the circumstances, it has not been found possible to transfer him from Guwahati to either Delhi or Faridabad for the time being.

With regards,

Yours faithfully,

(Satwant Reddy)

Attested

Addl. C. G. S. C.

Shri R.M.Premkumar
Secretary
National Commission for SC/ST
5th Floor, B-Wing
Lok Nayak Bhawan
New Delhi - 110 003