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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Q.A.T.A No. 261/2003

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 261 / 2003.

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Name of the Applicant(s): Sri S.K. Nagarwal

Name of the Respondent(s): Union of India & Ors.

Advocate for the Applicant:- Mr. A. Chakraborty

Advocate for the Respondent:- Shy. SC

Notes of the Registry	date	Order of the Tribunal
This application is in form but not in time. Condonation of Petition is filed / not filed. C F for Rs. 50 deposited vide IPO/BD No. 11CA 387016 Dated 20/11/03.	21.11.2003	Present : The Hon'ble Mrs. Lakshmi, Swaminathan, Vice-Chairman. The Hon'ble Sri S.K. Naik, Administrative Member. Heard learned counsel for the parties. Orders passed separately.

*Ships taken with
enclosed.*
20/11/03
mb
20/11/03
20/11/03

Beal
Member

VS
Vice-Chairman

15.12.03

copy of the Judgment has been sent to the office for issuing the same to the applicant as well as to the Shy. standing counsel for the Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original application No. 261 of 2003.

Date of Order : This the 21st Day of November, 2003.

The Hon'ble Mrs Lakshmi Swaminathan, Vice-Chairman.
 The Hon'ble Mr S.K.Naik, Administrative Member.

Sri Suresh Kumar Nagarwal,
 Deputy Chief Engineer/Safety,
 N.F.Railway, Maligaon,
 Room No.3, Bridge View Officers Rest House,
 N.F.Railway, Maligaon,
 Guwahati.

...Applicant

By Advocate shri A.Chakraborty.

- Versus -

1. Union of India,
 represented by the General Manager,
 N.F.Railway, Maligaon,
 Guwahati-11.
2. The General Manager(P)
 N.F.Railway, Maligaon,
 Guwahati-11.
3. The Chief Engineer,
 N.F.Railway, Maligaon,
 Guwahati-11.

....Respondents

By Advocate Sri J.L.Sarkar.

O R D E R (ORAL)SMT L.SWAMINATHAN (V.C)

Heard Shri A.Chakraborty, learned counsel for the applicant.

2. In this application, the applicant has challenged the action of the respondents in issuing repeated transfer orders, i.e. orders dated 2.6.2003, 10/13.10.2003 and finally the order dated 15.10.2003, transferring the applicant from Katihar (KIR) to Maligaon (MLG).

3. Shri A.Chakraborty, learned counsel for the applicant has submitted that the applicant had submitted various representations against the aforesaid frequent transfers, including the representation dated 23.10.2003. Thereafter, this O.A has been filed on 20.11.2003. He has submitted that the respondents have acted in a mala fide manner in

frequently transferring the applicant without ^{any} rhyme or reason, ^{vs} causing personal hardships to the applicant ~~and the fact that~~ ^{vs} the applicant's wife is working at Kendriya Vidyalaya, Farraka near Malda. According to the applicant, these frequent transfer orders show the mala fide intention of the concerned officers to transfer the applicant from one place to another. He has also submitted that as a dutyful Government servant, the applicant ~~had~~ no doubt carried out the latest transfer order but he is aggrieved by this transfer order. Hence this application. He has also submitted that the his case may be considered, keeing in view the Government policy/instructions for placing the husband and wife at the same station, as far as possible, which he alleges has been violated in the present case.

4. Shri J.L.Sarkar, learned counsel for the respondents has submitted that in the circumstances of the case, the respondents will consider the request of the applicant made in the aforesaid representation, in accordance with law, rules and instructions on the subject for which he prays for some time.

5. We have considered the pleadings and submissions made by the learned counsel for the parties. In the facts and circumstances of the case, we dispose of this O.A. with ^{vs} the following directions :-

(i) Respondent No.2 shall consider the aforesaid representation of the applicant, as well as the grounds taken by him in the O.A., in accordance with law, relevant rules and instructions. He shall pass a reasoned and speaking order within one month from the date of receipt of a copy of this order with intimation to the applicant,

(ii) if any grievance survives liberty is granted to the applicant in accordance with law.

No order as to costs. *rs.*

S.K. Naik

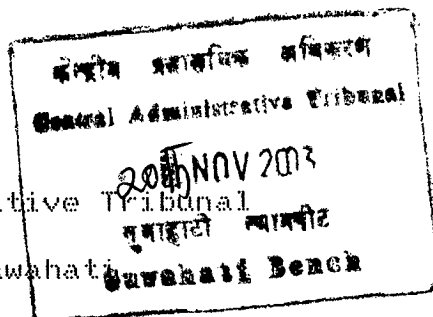
(S.K. NAIK)
ADMINISTRATIVE MEMBER

L. Swaminathan

(L. SWAMINATHAN)
VICE CHAIRMAN

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati



O.A. No. 261 /2003

Shri Suresh Kr. Nagarwal

----- VS -----

Union of India & Ors

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

28.04.1997	The applicant joined Railways in Group "A" service and was posted at N.F. Railways.
1998	The applicant got married. His wife was a permanent Delhi Govt. School Teacher. After that the applicant and his wife prayed to the Railway Authorities for transfer of the applicant at Delhi without any result and hence she had to resign from Job.
2001	The wife of the applicant again got a job in Kendriya Vidyalaya at Malda.
March, 2002	On request to post at the working station of spouse the applicant was transferred and posted at Malda.
30.05.2003	On being empanelled for promotion to JAG the applicant prayed for his posting at Malda.
02.06.2003	By Order dated 2.6.2003 the applicant was promoted as JAG and posted as Sr.DEN/Katihar. Katihar is 280KM from Malda.
03.06.2003	Against the above order the applicant preferred an appeal.

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Filed by
P. Chakrabarti
D.O. No.
20/11/2003

12/13.06.2003 The respondents rejected the prayer of the applicant and passed a non-speaking order.

14.07.2003 The applicant joined at Katihar.

18.07.2003 Railway Board considered his case favourably and intimated the decision of the Board to the respondents for the posting of the applicant at Malda.

10/13.10.2003 The respondents have suddenly transferred the applicant from Katihar to Maligaon, Guwahati vice Shri Anil Kumar.

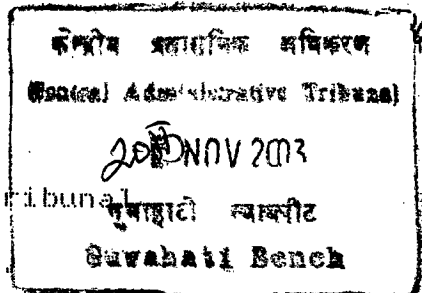
13.10.2003 The applicant made representation for reconsideration of the above transfer order without any reply.

15.10.2003 The respondents passed another transfer order superseding the earlier order and transferred the applicant from Katihar to Maligaon vice Shri J.S.Meena.

23.10.2003 The applicant prayed to continue him at Katihar till he receives the reply of his representation dated 13.10.2003 but he was ordered to be released and joined at Maligaon.

07.11.2003 The applicant as a disciplined officer carried out the above order and joined at Maigaon.

The applicant prayed for his posting at the same or nearer station of the place of his wife's working so as to lead a normal family life. It is mentioned that the applicant has a child of aged about 2 years. His prayers on the above ground were turned down violating the guidelines of transfer and posting husband wife at the same station of the Railway Board issued by circular No. R.B. No.E(O) III/98/PL/4 dated 8.5.1998.



S.K. Nagarwal

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 261 /2003

Shri Suresh Kr NagarwalApplicant
----- Versus -----
Union of India & OrsRespondents

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Filed by:

(Anupam Chakraborty)

ADVOCATE

Anupam Chakraborty
20/11/03

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 261 /2003

Sri Suresh Kumar Nagarwal,
working as Deputy Chief
Engineer/Safety in N.F.
Railway posted at Maligaon,
Room No. 3, Bridge View
Officers Rest House, N.F.
Railway, Maligaon, Guwahati.

Applicant

- Vs. -

1. Union of India
represented by the General
Manager, N.F. Railways,
Maligaon, Guwahati-781 011.
2. The General Manager (P),
N.F. Railway, Maligaon,
Guwahati - 781 011.
3. The Chief Engineer,
N.F.Rly, Maligaon, Ghy-11.

Respondents

Details of the Application :

1. Particulars of the order against which the application is made :

The application is made:

- i) For enforcement of the policy and norm of posting of the applicant (Group-A Officer) at same station of working of his wife or available at the relevant station as laid

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Filed by the applicant
S.K. Nagarwal
through A. Chakraborty
Dated: 20/11/03

down in Railway Board's circular No. R.B. No.E(O)III 98/PL/4 dated 8.5.1998.

ii) For setting aside and modifying the impugned Office Order No.47/2003 (Engg./TT & CD) of transfer and posting of the applicant dated 15.10.2003.

2. Jurisdiction:

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

3. Limitation:

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

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant is an Indian Railway Service Engineer (for short IRSE) of 1995 batch. He joined Railways on 28.04.1997 in Group 'A' service and was posted at N.F. Railways. It is stated that the applicant has all India transfer liability. In the year 1998 the applicant got married to Smt. Rakhi Nagarwal who was a Trained Graduate Teacher in a Delhi Government School on a permanent posting. Her service was not transferable out of Delhi and hence the applicant and his wife both requested to the Railway Board for transfer of the applicant to Delhi, i.e. at the station of working of his wife, in order to lead normal family life.

The said request of the applicant and his wife was not replied to by the Railway Board for which the family life of the applicant remained disturbed for four years. It is very unfortunate to state that the wife of the applicant ultimately had to resign from her permanent Government job for leading a normal family life.

4.3 That while the applicant was working as Divisional Engineer/Works at Maligaon, Guwahati his wife got an appointment in Kendriya Vidyalaya at Malda Town as Trained Graduate Teacher. The applicant, therefore, requested the respondents for his transfer and posting at Malda Town in construction organisation of N.F. Railways. The respondents were very kind and sympathetic to the applicant and after about one year of the said request the applicant was posted as XEN/Con-II/Malda in March 2002. Due to the above delay of one year the wife of the applicant could not join in Kendriya Vidyalaya at Malda Town (as the post was already filled up) instead she could join at Farraka which is about 35 Km from Malda Town. It is stated that the applicant has a child aged about 2 years.

4.4 That the applicant was empanelled for promotion to Junior Administrative Grade (for short JAG) on ad-hoc basis. The applicant by letter dated 28/30.05.2003 made an appeal to the respondents for his posting on promotion at Malda Town or at a place falling in West Bengal but without any result. The applicant stated in his said letter that his wife is working in Kendriya Vidyalaya in 'Kolkata' region and her transfer within the same region is easier than inter-regional transfer. In view of the above the applicant

prayed for his posting either at Malda Town or at a place in West Bengal (like New Jalpaiguri, New Coach Bihar, Alipur Duar Junction) so as to lead a normal family life without disturbing the service career of his wife.

Copy of the letter dated 28/30-05-2003 is enclosed as Annexure-A.

4.5 That it is stated that accepting the 5th Pay Commission Report, the Railway Board has emphasised that where posts at appropriate level exist in the organisation at the same station, the husband and the wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, specially till the children are ten years of age. The Railway Board has issued strict instructions to adhere the above mentioned instructions by R.B. NO. E(NG)I-97/TR/28 dated 5.11.1997. However, the said concession was initially made available in cases where wife is a Railway servant.

It is further stated that after 5th pay commission report the Government of India [Department of Personal and Training (for short DOPT)] has also reiterated that all Ministries/Departments should strictly adhere to the guidelines already laid down in O.M. No.28034/7/86-Estt(A) dated 3.4.1986 while deciding the request for posting of husband and wife at the same station and should ensure that such posting is invariably done especially till their children are 10 years of age, if the posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to

result as a consequence. It has further been clarified that even in case where only wife is a Government servant concession elaborated in para 2 of the O.M. would be admissible to the Government servant.

The Railway Board by circular No.E(O) III 98/FL/4 dated 8.5.1998 has also decided that the aforesaid guidelines as laid down by the DOFT should be followed mutatis mutandis in case of Group 'A' and Group 'B' Railway officers also subject to posts at appropriate level being available at the relevant station and no administrative problems arise out of such posting. This circular has indeed superseded the aforesaid circular dated 5.11.1997 and under this circular concession is available even if the wife is not a Railway servant.

Copy of the Page No.135 from the book "Railway Establishment Rules & Labour Laws" by B.S. Mainee, edition 2001 containing the contents of the above said circulars is enclosed as Annexure-B.

4.6 That the respondents did not consider his above said appeal dated 28.05.2003 nor gave any reply to the same, and by Office Order No.22/2003 (Engg.) dated 02.06.2003 promoted the applicant to JAG on ad-hoc basis and posted as Sr.DEN, Katihar. It is stated that Katihar is under Patna Region. The above transfer and posting order is against the normal practice and procedure of Railways as explained above. The applicant filed an appeal dated 03.06.2003

against the said transfer and posting on the ground of his wife's service at West Bengal and also narrating all the difficulties which would occur due to the above transfer.

Copy of the Office Order dated 02.06.2003 is enclosed as Annexure-C.

Copy of the Appeal dated 03.06.2003 is enclosed as Annexure-D.

4.7 That the aforesaid appeal of the applicant was rejected by the respondents and directed the applicant by Office Order No.202E/1/772(0) dated 12/13-06-2003 to report to Katihar Division for duty immediately. This office order dated 12/13-06-2003 is in reply to the applicant's said appeal dated 03.06.2003. The respondents have passed the said order dated 12/13.06.2003 mechanically and without application of mind. The respondents have failed to cite any reason for not granting his prayer in compliance with the policy of posting husband wife in same station and passed the said cryptic and non-speaking order dated 12/13.06.2003.

Copy of the Order dated 12/13.06.2003 is enclosed as Annexure-E.

4.8 That the, applicant thereafter joined as Senior DEN/I/Katihar on 14.07.2003. The applicant also made prayers for his posting at Malda on the ground of his wife's working station at Farrakka to the higher authorities. It is stated that his prayer was under consideration of the higher authorities including the Railway Board and the Railway

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S.K. Nagarnwal

Board was, pleased to consider his case favourably and by letter No.OSD/ME/Gaz./03 dated 18.07.2003 intimated the decision of the Board to the respondents for the posting of the applicant at Malda.

4.9 That the respondents have thereafter suddenly and surprisingly by office order No.43/2003(Engg) dated 10/13.10.2003 transferred the applicant from Katihar to Maligaon and posted him as Dy.CE/BD/Maligaon vice Shri Anil Kumar. It is mentioned here that the applicant could work in Katihar only for about 3 and 1/2 months, and has again been transferred by the above order for the reason best known to the respondents within a very short period.

Copy of the Order dated
10/13.10.2003 is enclosed as
Annexure-F.

4.10 That the applicant by representation dated 13.10.2003 made an appeal to the respondents for reconsideration of the said transfer order dated 10/13-10-2003. The applicant also stated in his above representation dated 13.10.2003 that he and his family are undergoing deep mental disturbance due to such frequent transfers and also stated that this transfer order will result into loss of the job of his wife because his wife will not be able to stay alone at Farraka with their little child and her transfer to Guwahati is also not possible due to the transfer rule of Kendriya Vidyalaya. The applicant also for the appraisal of the respondents for reconsideration of his above transfer listed his achievements made in his short

S.K. Nagawad

spell of service at Katihar.

Copy of the representation dated 13.10.2003 with the list of achievements are enclosed as Annexure-G.

4.11 That the applicant begs to state that he has not yet received any reply to his aforesaid representation dated 13.10.2003 but another Office Order No.47/2003(Engg./TT &CD) dated 15.10.2003 which is purported to supersede the earlier transfer Order dated 10/13.10.2003 and transferred and posted the applicant as Dy.CE/Safety/Maligaon vice Shri J.S.Meena. The respondents by this transfer order accommodated the above said Shri Anil Kumar at Maligaon and transferred the applicant vice Shri J.S.Meena who has been transferred to Katihar.

Copy of the Office Order dated 15.10.2003 is enclosed as Annexure-H.

4.12 That the applicant by office Note No.SKN/2003/008 dated 23.10.2003 prayed the Divisional Railway Manager, Katihar to continue him as Sr.DEN/I/Katihar till he receives any reply of the said appeal dated 13.10.2003 from the respondent No.2. But the applicant was ordered to be released immediately to carry out his order at new place of posting at Maligaon from Katihar. The applicant as a disciplined officer carried out the order and Joined as Dy.CE/Safety/Maligaon on 07.11.2003.

Copy of the Office Note dated

23.10.2003 is enclosed as
Annexure-I.

4.13 That the applicant respectfully begs to state that all the above said frequent transfer orders have been passed for reasons other than interests of administration and official exigencies. These have been prompted by reasons known to the respondents and such reasons are extraneous to the cause of administrative interests. Moreover, all the above orders have been passed violating norms of transfer and posting. Malice in law is patent in the facts and circumstances of the case.

4.14 That the applicant humbly begs to project the instances of promotion and posting of the officers of N.F.Railways at the same place and continuation of their service at the same station for year after year, in the tabular form as under:

Name	Before Promotion	After Promotion	Tenure on same station
D.R. Tembhurney	XEN/C/APDJ	Dy.CE/C/II/APDJ	4 years
Pradeep Kumar	XEN/C/MLG	Dy.CE/C/MLG	3 years
M.K.Bhaskar	DEN/I/TSK	SrDEN/Co.or/TSK	4 years
Sandeep Kumar	DEN/II/KIR	SrDEN/L/KIR	3 years
Suresh Prabhu	XEN/C/JPZ	Dy.CE/C/JPZ	3 years
Om Prakash	XEN/C/LMG	Dy.CE/C/LMG	5 years
Ravi Kalbande	AEN/I/LMG	DEN/II/LMG	5 years
Sanjeev S Abnave	XEN/LM/MLG	Dy.CE/LM/MLG	3 years
Rajiv Kumar	AEN/I/MLG	DEN/I/MLG	1 year

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S.K. Nagarwal

The applicant states that he has no grievance against the above officers for their posting at same stations. He has cited the above examples to demonstrate that his transfer and posting at Maligaon is not in the interests of administration and the orders speak of discrimination. It is further stated that his prayer for posting at the same station of working of his wife should have been considered in terms of the guidelines of the Railway Board which in no way would have come into the way of administrative interests.

4.15 That the applicant begs to state that he has demanded justice but the same has been denied to him and he has no other alternative or efficacious remedies other than the instant application to this Hon'ble Tribunal.

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

5. **Ground for reliefs with legal provisions.**

5.1 For that the respondents have transferred the applicant without following the guidelines in terms of the Railway Board Circular No.E(0)III 98/PL/4 dated 8.5.1998.

5.2 For that the respondents' actions are not justified and bad in the eye of law as well as in facts.

5.3 For that malice in law and malice in fact is patent in the facts and circumstances of the case.

5.4 For that the applicant is the sufferer of the frequent transfer of his job which can not be camouflaged under the guise of administrative interest.

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5.5 For that the action of the respondents is the result of arbitrariness and whimsical and offends Article 14 and 16 of the constitution of India.

5.6 For that the unjust and unfair treatment in the action of the respondents is explicit.

5.7 For that in view of the matter the applicant is entitled to the reliefs sought for.

6. Details of the remedies exhausted

The applicant declares that he has preferred appeal dated 13.10.2003 without any result and there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter.

7. Matters not previously file or pending with any other court

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution. However, he has preferred an appeal as explained above.

8. Reliefs sought for

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The impugned Office Order No.47/2003(Engg/TT/8CD) be set aside/modified and the applicant posted under policy of transfer and posting of spouse.

8.2 The transfer and posting of the applicant be

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S.K. Nagarwal

considered at the station/relevant station of working of his wife.

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. Interim Relief

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 The transfer and posting of the applicant be considered at the nearer station of working of his wife.

9.2 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

10. This application is filed through the Advocate.

11. Particulars of Postal Order:

- i) IPO No : 1102 387016
- ii) Date of Issue : 20/11/03 .
- iii) Issued from : CHY -
- iv) Payable at : CHY .

12. List of Enclosures

As per Index.

Verification

Verification

I, Suresh Kr. Nagarwal, son of Ram Dhan Nagarwal, aged about 33 years, working as Dy.CE/Safety/Maligaon in N.F.Rly do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 20th day of November, 2003.

S.K. Nagarwal

Annexure-A

— 14 —

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Dated:-28-05-03

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To,

The General Manager
N.F. Railway/Construction.

Sub:- An appeal regarding posting in view of spouse in job.

Respected Sir,

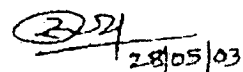
May I have the privilege to request before your kind honour the following points:-

1. I am working as XEN/Con-II/MLDT. Recently I have been promoted to JAG.
2. My wife is working as TGT (Maths) in Kendriya Vidyalaya, NTPC, Farrakka. Farrakka is 35 Kms away from Malda Town. Before coming to construction organization I was working as DEN/W/MLG. When my wife was offered an appointment in Kendriya Vidyalaya, Malda Town (which was later changed to Farrakka) I requested for transfer to construction organization and posting at Malda Town (open line has no post of Sr. Scale at Malda Town). The then Pr. Chief Engineer, GM/Con, CE/Con-2 and CE/Con-5 all were very kind to me and obliged me by posting me as XEN/Con-II/MLDT in March-2002.
3. Before my wife was appointed into Kendriya Vidyalaya she was working as TGT in a Delhi Government school since before our marriage. Her job was non-transferable. We tried our best for four years to get me transferred to Delhi because she was working there on a non-transferable post but anyhow we were unable to convince the Railway Board authorities. My family life remained disturbed for four years. Finally she attempted for fresh appointment in Kendriya Vidyalaya and succeeded the selection procedure. The Kendriya Vidyalaya job is having all India transfer liability/facility.
4. In view of the above may I request before the GM that I will be very much grateful to the GM if I am retained in construction organization and posted either at Malda Town or a place falling in West Bengal (if it is convenient for the GM). Same as railways have zones, the Kendriya Vidyalaya Sangathan is having "regions". Presently my wife is in "KOLKATA" region under which all KVs of West Bengal fall. Transfer within region is relatively easy but inter-regional transfer is as tough as inter-zonal transfer in the railways. If I am posted at a place in West Bengal (like NJP, NCB, APDJ) my wife will be able to get a transfer to that place (there are many KVs located at and around these places and they fall in the same "KOLKATA" region) and continue with her job. And my family life will also not get disturbed once again.

I apologize to the GM if I have bothered the GM with this appeal. I am very grateful to the GM for imparting his valuable time to this appeal. I would have appeared personally before the GM for making this appeal had I not been at Railway Staff College, Vadodara undergoing training of MDP course, which will end on 13-06-03.

With best regards.

Yours Sincerely,


28/05/03

S.K. Nagarwal,
XEN/Con-II/MLDT, (Presently at Railway Staff College, Vadodara)

Affected
Kendriya
Vidyalaya
Sangathan

Group 'B' officers can be transferred from one railway to the other on their own requests. Such requests should be sent to the Railway Board accompanied by declaration for acceptance of the bottom seniority, vigilance/D.A.R. clearance and consent of the concerned railway to accept the transfer. Complete bio-data of the officers should also be given. [R.B. No. E(O) III-89-AE/122 of 21-6-1989] (N.R., S.N. 9923).

Since an employee on first appointment will be on probation for a period of two years after which the administration will decide on the basis of his performance whether he is to be retained in service or his services are to be terminated, it will, therefore, be not correct to transfer such employee at his request from one railway to another railway/Division/Seniority Unit during the period of 2 years service in the initial recruitment grade.

The aforesaid condition of two years service may not be applicable in cases of staff transferred from the Railway to Northern Railway and similarly in the case of mutual exchange. [R.M. Northern Railway Circular No. 940-E/O-V(EIV) dated 29-1-1991] (N.R., S.N. 10317 and 104448).

Posting of Wife and Husband:—Accepting the Fifth Pay Commission Report, the Railway Board has decided to reiterate the existing instructions regarding the need to post the husband and wife at the same station. It has, therefore, emphasised that where posts at appropriate level exist in the organisation at the same station, the husband and the wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, specially till the children are ten years of age. The Railway Board has, therefore, issued strict instructions to the Railways to adhere to the existing instructions while deciding the requests of the employees for posting of husband and the wife at the same station. In those cases where wife only is a Railway servant, the aforesaid concession will be available to the Railways servant. (R.B. No. E(NG) I-97/TR/28 dated 5-11-1997). (R.B.E. No. 147/97)—(N.R.S. No. 11484).

Government of India (DOPT) has reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M. No. 28034/7/86-Estt(A) dated 3.4.1986 while deciding the request for posting of husband and wife at the same station and should ensure that such posting is invariably done especially till their children are 10 years of age, if the posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence. It has further been clarified that even in case where only wife is a Government servant concession elaborated in para 2 of the O.M. would be admissible to the government servant.

The Railway Board has also decided that the aforesaid guidelines as laid down by the DOPT should be followed *mutatis mutandis* in case of Group 'A' and Group 'B' railway officers also subject to posts at appropriate level being available at the relevant station and no administrative problems arise out of such posting. [R.B. No. E(O) III 98/PL/4 dated 8.5.1998] (N.R., S.N. 11584).

5. Transfer of Scheduled Caste/Tribe Employees :—Transfer of S.C. and S.T. employees should be confined to their native districts or adjoining districts or places, where the administration can provide quarters. These instructions should be followed to the maximum extent possible, subject, of course, to the exigencies of service.

Noted
Checked
Sd/-

for Shri S.K.Nagarwal

N.E.RAILWAY

OFFICE ORDER No.-22/2003(Engr.)

The following transfer and postings are ordered with immediate effect:-

1. Shri S.K.Nagarwal, XEN/CON, on being empanelled for promotion to JAG on ad-hoc basis, is promoted to JAG(ad-hoc) and posted as Dy.CE/M/MLG by utilising the vacant work-charged post of Dy.CE/M/MLG.
2. Shri S.K.Nagarwal, XEN/CON, on being empanelled for promotion to JAG on ad-hoc basis, is promoted to JAG(ad-hoc) and posted as Sr.DEN/TKIR against existing vacancy.
3. Shri S.P.Deshmukh, DEN/MLG, on being empanelled for promotion to JAG on ad-hoc basis, is promoted to JAG(ad-hoc) and posted under GM/CON/MLG.
4. Shri K.Jha, DEN/MLRNY, on being empanelled for promotion to JAG on ad-hoc basis, is promoted to JAG(ad-hoc) and posted under GM/CON/MLG.
5. Shri J.S.Meena, XEN/Safety MLG, on being empanelled for promotion to JAG on ad-hoc basis, is promoted to JAG(ad-hoc) and posted as Dy.CE/Safety MLG by utilising the vacant work-charged post of Dy.CE/TK-II/MLG.

This issues with the approval of competent authority.

(S.K.Choudhury)

APC GAZ

for GENERAL MANAGER(P)

Date. 02-06-2003

No. E.28331 Pt.-XVIII(O)

Copy for information and necessary action to :-

1. GM/CON/MLG

2. PCE, CTE, CGE, CBE, CPDE, CFO, CVO/MLG.

3. FA&CAO/TA, PF/MLG ; FA&CAO/CON/MLG

4. All DRMs, All Sr.DENs. All DFMIs.

5. PS to GM/CON/MLG; PCE, ASY to AGM

6. GS/TRA, INTREU/MLG ; SPO/CON/MLG.

7. OSTO-Bill; 8. Officers concerned.

(S.K.Choudhury)

APC GAZ

for GENERAL MANAGER(P)

Attested
Shri S.K.Nagarwal
Sr.DEN/TKIR

(By fax and e-mail)

To.

Dated:-03-06-03

The General Manager
N.F. Railway.

Sub:- An appeal regarding posting in view of spouse in job.

Respected Sir,

May I have the privilege to request before your kind honour the following points:-

I am working as XEN/Con-II/MLDT. Recently I have been empanelled for JAG. I have come to know that I am likely to be posted as Sr. DEN//KIR. This decision of the administration might be having some good and reasonable ground but it is going to result into a **bolt from blue** for me because my wife will have to quit her job. The following facts may kindly be perused.

1. My wife is working as TGT (Maths) in Kendriya Vidyalaya, NTPC, Farrakka. Farrakka is 35 Kms away from Malda Town and she commutes daily between Farrakka and Malda. When my wife was offered an appointment in Kendriya Vidyalaya, Malda Town (which was later changed to Farrakka because of delay in joining on account of delay in my transfer to Malda) I was working as DEN/W/MLG. I requested for transfer to construction organization and posting at Malda Town (open line has no post of Sr. Scale at Malda Town). The then Pr. Chief Engineer, GM/Con, CE/Con-2 and CE/Con-5 all were very kind to me and obliged me by posting me as XEN/Con-II/MLDT in **March 2002 (only one year back)**.
2. Before my wife was appointed into Kendriya Vidyalaya she was working as TGT in a Delhi Government school since before our marriage. **Her job was non-transferable**. We tried our best for four years to get me transferred to Delhi because she was working there on a non-transferable post but anyhow we were unable to convince the Railway Board authorities. My family life remained disturbed for four years. Finally she had to quit that job and strived hard for fresh appointment in Kendriya Vidyalaya and got selected as TGT at KV/Malda.
3. Now if I am posted at KIR my wife will have **no option but to quit her job (which she earned hard)**. Because, same as railways have zones, the Kendriya Vidyalaya Sangathan is having "regions". Transfer within region is quite easy but **Inter-regional** transfer is as tough as **Inter-zonal** transfer in the railways. My wife is presently in "**KOLKATA region**" and not yet completed one complete session. The KIR falls under "**Patna region**". Therefore, her transfer to Kendriya Vidyalaya/KIR (inter-regional transfer) is almost impossible. My family life will get disturbed once again if she wants to continue with her job at Farrakka.

It is my appeal with folded hands to the honourable GM that there are many officers (**already working in open line**) who are competent and willing to go as Sr. DEN//KIR hence the administration will have no difficulty in leaving me. On the other side, I will be suffered if posted as Sr. DEN//KIR and with this feeling of suffering I will not be able to do justice with this assignment. I will be very grateful to the GM if I am allowed to continue in construction organization where I may be posted at a place, which is falling under **KOLKATA region** (i.e. West Bengal) of Kendriya Vidyalaya Sangathan where my wife will get transferred easily. I would have appeared personally before the GM for making this appeal had I not been at Railway Staff College, Vadodara undergoing training of MDP course, which will end on 13-06-03.

With best regards and many thanks to the GM for imparting valuable time of GM to this appeal.

Yours Sincerely,

S.K. Nagarwal
03/06/03

S.K. Nagarwal,

XEN/Con-II/MLDT (Presently at Railway Staff College, Vadodara.)

Copy to: Principal CE/N.F. Railway for kind consideration please.

*Request not
Kendriya
Adm. control*

RECEIVED
S.P.O. NO. 11
MLQ/GHY-11

N.E. RAILWAY

Office of the
General Manager(P)
Guwahati-11

Date. 12-06-03

T3

No. 202E/1/772(O)

To,
Shri S.K. Nagarwal,
XEN/Con-II/MLDT.

Sub:- An appeal regarding posting in view of spouse
in job.

Ref:- Your appeal, dtd. 03-06-03.

Reference above, your appeal for posting in JAG(ad-hoc) in
Construction Organisation as well as in West Bengal area has been
considered by the competent authority, but has not been agreed to.

You are ,therefore, directed to report to KIR Division for duty
immediately as Sr.DEN/I/KIR in terms of this office order
No.-22/2003(Engg.), dtd.02-06-03.

Vijay
(P.K. Singh)
Dy.CPO/GAZ
for GENERAL MANAGER(P)

Admitted
12/06/03
Advocate

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Annexure - 12
F

Sri S.K. Nagarwal, 28
Sr. DEN/1/KIR

N.E. RAILWAY

OFFICE ORDER No. - 43/2003(Engg.)

The following transfer and postings are ordered with immediate effect:-

1. Shri S.K. Nagarwal, Sr.DEN/1/KIR, is transferred and posted as Dy.CE/BD/MLG vice Shri Anil Kumar.
2. Shri Anil Kumar, Dy.CE/BD/MLG, is transferred and posted as Sr.DEN/1/KIR vice Shri S.K. Nagarwal.

This issues with the approval of General Manager/N.E.Rly.

(Signature)
(P.K. Singh)
Dy. CPO/GAZ
for GENERAL MANAGER(P)

No. EC83/31 Pt. XVIII(O)

Date. 10.10.2003

Copy for information and necessary action to :-

1. PCE, CPO, CVO, CTE, CBE, CGE, CPDE/MLG.
2. FA&CAO/EGA, PF/MLG.
3. DRMDRM(P)/KIR.
4. Sr.DEN/Co-ord/KIR.
5. DFM/KIR.
6. PS to GM/CE, AS to AGM.
7. GS/NFREUNTRM/MLG.
8. OS/EO-Bill.
9. Officers concerned.

(Signature)
(P.K. Singh)
Dy. CPO/GAZ
for GENERAL MANAGER(P)

Attested
(Signature)
(Signature)

— 20 —
(By fax)

Date: 13.10.2003

To,

General Manager,
N.F. Railway,
Maligaon.

Sub: - An appeal for reconsideration of transfer order.

Ref: - (1) Office Order No. 43/2003 (Engg.) circulated vide No. E/283/31/
Pt. XVIII (O) Dated 10-10-03
(2) Office order No.22/2003 (Engg.) Dated 02-06-03.
(3) My Representation dated 03-06-03.
(4) Dy. CPO/GAZ letter No. 202E/1/772 (O) Dated 13-06-03.

Respected Sir,

May I request before your kind honour that only three months back I was posted as Sr. DEN//KIR vide Ref.(2). I submitted an appeal vide Ref. (3) and requested to post me at Malda Town in view of my wife serving at Kendriya Vidhyalaya. But the request was not accepted and it was communicated to me vide Ref.(4). Consequently I took charge of Sr. DEN//KIR and since then I have been religiously discharging my duties to the satisfaction of my immediate controlling officers. My achievements of this short tenure of 2½ months are listed in enclosed **annexure-1**. The achievements are more than proportionate targets set by the HQ.

I am totally shocked and unable to understand what has sparked my sudden transfer, **which will result into loss of job of my wife because she will not be able to stay alone at Malda/Farrakka with small child and she will not be transferred to Guwahati being only ten months in the present job.** My family and I are undergoing deep mental disturbance due to such frequent transfers. In view of the above I request before your kind honour to kindly reconsider the latest transfer order issued on 10-10-03, and let me continue with Sr. DEN//KIR post.

Thanking you in anticipation,


DA:- List of Achievements in two sheets.

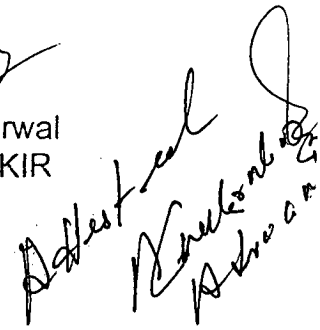
Yours Sincerely,


S. K. Nagarwal
Sr. DEN//KIR

Copy to :-

1. Pr. CE/MLG:- For kind consideration please.
2. Dy. CPO/Gaz/MLG


S. K. Nagarwal
Sr. DEN//KIR



Achievements of Sh. S.K. Nagarwal, Sr. DEN//KIR and his team, in a short duration of 2½ Months only

1. The **Katihar-Kuretha** section was having very poor riding. Speed restriction of 75 KMPH was imposed throughout the section. The section was made good within short period of 15 days by distressing of complete section, STP of complete section and rectifying other defects.
2. All the overaged wooden turnouts of **Labha** station yard replaced by new concrete sleepers fan shaped turnout within very short duration and minimum speed restriction for 25 days only. Complete track renewal of two turnouts each was done manually within a traffic block of 3 hrs including fixing of all glued joint and signaling work. This was a record in the history of N.F. Railway. Even the T-28 machine takes more time. Speed on new turnout relaxed to normal within 26 days, exactly as per **Indian Railway Permanent Way Manual**. Earlier the speed restriction used to continue for more than three months (e.g. Pranpur Road yard, Kurial Yard and Azamnagr Yard). The quality of work was excellent which gave smooth riding over the turnouts at full speed. **For this excellent work the Pr. Chief Engineer has given cash award to the team.**
3. Track renewal of 6 KM completed despite disturbances by bad weather.
4. The number of speed restrictions and total time loss reduced considerably. For example the section **Surajkamal-Kanki** was having SR and incomplete track renewal work since one year. The incomplete work completed and speed restriction eased out.
5. Record number of 17000 concrete sleepers from factories lifted and transported to work sites defeating all odds of poor roads due to monsoon. Fittings for track renewal also got carried from paces as distant as Asansol. Progress of Track renewal works increased.
6. Work of construction of additional line at **Singhabad yard**, which was lingering since one year was completed within short period.
7. Foot to foot survey of all the sections having broken Steel Trough sleepers got done, broken sleepers identified and rectified to ensure safety of trains.
8. **Bridge No. 32**, a major bridge, between **Eklakhi-Kumarganj** which was in very critical condition and earned lot of defame to railways in the media was saved from any accident, and made safe by timely action and accurate monitoring. This bridge forms the main link between NJP-Sealdah. Had timely action not been taken the traffic between NJP-Sealdah could have come to halt for months.
9. Many possible accidents (e.g. rail fractures, weld failures, and rain cuts) were averted by alert staff, which was inculcated into them through frequent day and night footplate inspections, and regular counseling & motivation. Conscious towards safety improved in the staff tremendously.

*Respected
Nagarwal
Advocate*

— 22 —

5

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Annexure-1

10. Work of fixing of Glued Joints and replacement of steel trough sleeper with PSC sleeper, in connection with MACL signaling at Kumedpur was completed within short duration.
11. Unserviceable wooden sleepers on two numbers of Major bridges replaced with new Steel Channel sleepers in a record short duration.
12. Tenders of many important works pending for months were finalized to streamline the works.
13. Survey of all the weak welds requiring protection got conducted with accuracy, data analysed in scientific manner and based on that concrete steps (arrangement of materials & equipments, finalisation of tenders etc.) taken which will make it possible to complete the work of fixing Joggle Fish plates on all the weak welds by 30 Nov. 2003, the target date.
14. Progress of works invigorated. Many track renewal works lying dead were restarted in full swing.
15. Office working improved by improving transparency and speedy disposal of files.
16. Staff educated to use machines like Hydraulic rail Tensor etc. which has become essential for maintenance of Modern track. Direct communication with lower level field staff made, their problems solved and they are motivated, and encouraged to do their best.
17. Encroachments on railway land at Azamnagar station removed.
18. Quality of works and transparency in works, departmental as well as contractual, improved tremendously.
19. Record number of ballast rakes unloaded with no detentions hence increasing the throughput of the division.
20. Work of replacement of old 6.1 m span steel girders with Pre-stressed concrete girders streamlined. Tenders for this work were hanging since last two years, but now finalized within two weeks. This work is a major safety related work which is monitored by railway board.

All this is achieved in a span of only 2 and ½ months, the monsoon months, which are otherwise considered non-working season. This was possible only with dedication, accurate planning, clear vision and good knowledge of work. The progress achieved as per above is more than the target set by the HQ and more than what is achieved by the predecessors on the same post and by the other DIVISIONS of any other division of N.F. Railway.

Handwritten signature and initials:
M. K. ...
D. K. ...
P. K. ...

N.E.RAILWAYOFFICE ORDER No.-47/2003(Engg./TT&CD)

The following transfer and postings are ordered with immediate effect:-

1. Shri S.K.Nagarwal, Sr.DEN/KIR, is transferred and posted as Dy.CE/Safety/MLG vice Shri J.S.Meena.
2. Shri J.S.Meena, Dy.CE/Safety/MLG, is transferred and posted as Sr.DEN/KIR vice Shri S.K.Nagarwal.

This is in supersession of this Office Order No-43/2003(Engg.), dtd. 10-10-03.

This issues with the approval of competent authority.

(P.K.Singh)
Dy.CPO/GAZ
for GENERAL MANAGER(P)

No.E/283/31 Pt.-XVIII(O)

Date. 15-10-03

Copy for information and necessary action to:-

1. PCE, CPO, CVO, CBE, CTE, CGE, CPDE, CSO/MLG.
2. FA&CAO/EGA, PF/MLG.
3. DRM, DRM(P)/KIR.
4. Sr.DEN/Co-ord/KIR, DGM(G)/MLG.
5. DFM/KIR.
6. PS to GM/PCE, ASY to AGM.
7. GS/NFREU, NFRMU/MLG.
8. OS/EO-Bill.
9. Officers concerned.

(P.K.Singh)
Dy.CPO/GAZ
for GENERAL MANAGER(P)

Shri S.K. Nagarwal
Shri J.S. Meena
Advocate

Office Note:

No. SKN/2003/008

Dated:- 23-10-03

1. Vide Office Order No. 43/2003 (Engg.) circulated vide No. E/283/31/Pt. XVIII (O) Dated 10-10-03 I was transferred to Dy. CE/BD/MLG and then to Dy. CE/Safety vide No. 47/2003 (Engg. /TT & CD) Dated 15-10-03.
2. Vide my letter No. NII dated 13-03-03 I appealed to the GM for allowing me to continue as Sr. DEN//KIR in view of that my wife is working at Kendriya Vidyalaya, Farakka. Copies of letter were also sent to Pr. CE/MLG and Dy. CPO/G/MLG. Copy of the letter along with fax receipt and messenger receipt are enclosed.
3. No reply has been received from HQ against my request. At the time of my last transfer from XEN/C/II to Sr. DEN//KIR vide Office order No.22/2003 (Engg.) Dated 2-06-03 when I requested for posting at Malda Town in view of my wife serving at Kendriya Vidyalaya, Farrakka the a reply was given to me by GM/P vide Dy. CPO/GAZ letter No. 202E/1/772 (O) dated 13-06-03 rejecting my request. (Copy of the letter is enclosed at Annexure-2)
4. I am hopeful that my request as mention in 2 above is under active consideration of the GM and I am expecting a reply within next two- three days.
5. In view of the above I would like to continue as Sr. DEN//KIR till such time a communication is received from HQ on my appeal.

DA :-

- a. Receipts of fax and messenger of my appeal.
- b. Letter of rejection from GM (P) at the time of last transfer.

S.K. Nagarwal
Sr. DEN//KIR

To,

DRM/KIR

Sr. DEN/C/KIR

Discussed with Secy to GM & DRM.
on date.

Since Sh. J.S. Meena, has already reported at KIR vice Sh. Nagarwal and 13 days have also passed since his reporting at KIR, Sh. Nagarwal should be released immediately to carryout his other assignment of posting.

Sr. DEN/C/KIR

23/10/03
2000 H.S.

Sh. S.K. Nagarwal
Sh. J.S. Meena

As ordered above Sh. J.S. Meena may take over the charge of Sr. DEN/C.

Sr. DEN/C

23/10/03
2030 H.S.