

50/100

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 90/2003

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SECTION OFFICER (Judl.)

Kalish

16.11.07

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 90/2003

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) Shri Siba Prasad Neog.

- Vs. -

Respondent (s) CCOI 2 OAS.

Advocate for the applicant (s) Mr. Adil Ahmed.

Advocate for the respondent (s) CASE.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time Condonation Petition is filed / not filed C F. for Rs. 50/- deposited vide H.O. No. <u>76/605448</u> Dated <u>16/03/03</u>.</p> <p><i>[Signature]</i> By. Registrar</p> <p>Steps taken. <i>[Signature]</i> 29/4/03</p> <p>Notice prepared and sent to SAs for using the resumption chart No. 1 to 3 by Regd. A/D. <i>[Signature]</i> 8/5/03</p> <p><u>D/N. 981/983 dtd 14/5/03</u></p> <p>No reply has been filed.</p> <p><u>20</u> 5.6.03.</p>	<p>30.4.2003</p> <p>mb</p> <p>6.6.2003</p> <p>mb</p>	<p>Heard Mr. A. Ahmed, learned counsel for the applica- nt.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 6.6.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>List again on 25.6.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>

25.6.2003

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A. K. Choudhury, learned Addl. G.G.S.C. for the respondents at length.

The applicant in this application sought for direction for posting him at Guwahati for the domestic reasons. In the application the applicant contended that since 1999 the applicant was serving Tinsukia leaving a minor daughter, his wife and his old ailing mother.

Transfer and posting of an employee is within the competent of the employer. Basically it is considered by the employers in the interest of administration. It is all within the discretionary jurisdiction of the employers.

✓

Notes of the Registry

Date

Orders of the Tribunal

25.6.2003

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents at length.

The applicant in this application has sought for direction his posting at Guwahati on domestic grounds. In the application the applicant contended that since 1999 he was serving at Tinsukia leaving a minor daughter, his wife and his old ailing mother.

Transfer and posting of an employee is within the competence of the employers. Basically it is the managerial function of the employers to up keep the administration. It is all within the discretionary jurisdiction of the employers. Mr. A. Ahmed, learned counsel for the applicant mainly focussed on the domiciliary front confronted by the family of the applicant. In my view, such problems of the employees are to be taken care of by the authority.

Considering the facts and circumstances of the case and upon hearing learned counsel for the parties, I am of the view that ends of justice will be met if a direction is issued to the applicant to file representation. Accordingly, the applicant is directed to file a representation before the authority narrating his grievances within a month from the date of receipt of the order. If such representation is made by the applicant it is directed ^{upon} the authority

Notes of the Registry

Date

Orders of the Tribunal

25-6-03

15.7.2003

Copy of the order
has been sent to the
Office for issuing
the same to the L/Adm
for the parties.

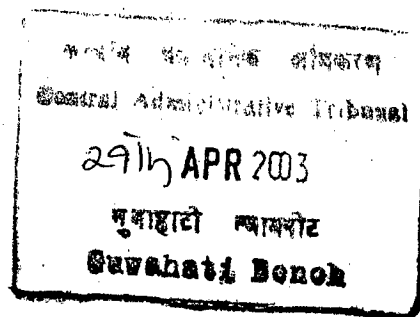
MB

mb

to consider the case of the applic-
ant and pass a reasoned order as
per law within two months from the
date of receipt of the representat-
ion.

The application is accordin-
gly disposed of. No order as to
costs.

Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. OF 2003.

Shri Siba Prasad Neog -Applicant.

-Versus-

The Union of India & Ors. -Respondents.

I N D E X

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Filed by

Advocate. (For ANNEXED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. OF 2003.

B E T W E E N

Sri Siba Prasad Neog

-Applicant

-Versus-

The Union of India &

Others -Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A Photocopy of Working
Certificate of the
applicant's wife.

Annexure-B Photocopy of School
certificate of the
applicant's daughter.

X

~~Q~~

Annexure-C Photocopy of medical
certificate of the mother of
the applicant.

Annexure-D Photocopy of transfer order
dated 04-04-1997.

Annexure-E Photocopy of Medical Leave
certificate of the applicant.

Annexure-F Photocopy of representation
dated 01-05-2001 submitted by
the applicant to the
respondents.

Annexure-G Photocopy of representation
dated 15-03-2002 submitted by
the applicant's wife to the
respondents.

Annexure-H Photocopy of Office
Memorandum dated 12-06-1997
regarding posting of husband
and wife at same station.

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This Original application is made for seeking a direction from this Hon'ble Tribunal for transfer of the applicant from Tinsukia to any office at Guwahati under the Respondents as per Office Memorandum dated 12th June 1997 regarding posting of husband and wife at the same station to lead a peaceful life.

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Filed by
Shri Siba Prasad Neog
Applicant
through
Asst. - AMED Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. _____ OF 2003.

BETWEEN

Shri Siba Prasad Neog,
Son of Sri Umesh Chandra Neog,
Inspector of Central Excise,
Makum Range,
Office of the Superintendent of
Central Excise, Tinsukia,
P.O.- Tinsukia,
Dist.-Tinsukia, Assam.
-Applicant.

-AND-

1. The Union of India represented by the
Secretary to the Government of India
Ministry of Finance, New Delhi-I.
2. The Chief Commissioner, Eastern Zone,
Custom and Central Excise,
Custom House, Kolkata-1.

[Handwritten signature]

3. The Commissioner, Central Excise,
Morelo Building, Shillong,
P.O.-Shillong, Meghalaya.

-Respondents.

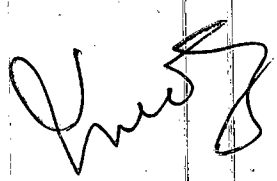
1) DETAILS OF THE APPLICATION

I) PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE:

This application is not made against any particular ^{order} but has been made against the action of the Respondents for not considering for Transfer of the applicant from Tinsukia to Guwahati. Hence, the applicant has prayed before this Hon'ble Central Administrative Tribunal seeking a direction from this Hon'ble Tribunal to the Respondents to consider the case of the applicant for his posting at Guwahati.

2) JURISDICTION OF THE TRIBUNAL

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



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3) LIMITATION

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4. 1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicant was appointed as Central Excise Inspector in the year 1976 and he joined his duties on 22-07-1976 under the Respondents. The applicant is presently working as the Inspector of Central Excise, Makum Range under the Superintendent of Central Excise, Tinsukia. He is the senior most Inspector of Central Excise.

[Handwritten signature]

4:3] That your applicant begs to state that his wife is working as Executive Secretary, Voluntary Health Association Of Assam, Guwahati. It is a Non-Governmental Organization (NGO). The said organization does not have any other office in any other part of Assam. The applicant has also 1(one) minor daughter who is studying in the Holy Child School at Guwahati in Class-V. Besides his daughter the mother of the applicant is also residing with him at Guwahati. The mother of the applicant has undergone a by-pass surgery of heart and she requires constant care and attendance. Her condition is critical.

Annexure-A is the photocopy of working certificate of the applicant's wife.

Annexure-B is the photocopy of school certificate of the applicant's daughter issued by the concerned authority.

Annexure-C is the photocopy of Medical certificate of the applicant's mother issued by Dr. Banajit Choudhury, MD.

4.4] That your applicant begs to state that he was transferred from NOR Range to Makum

[Handwritten signature]

3

- 5 -

Range, Tinsukia vide Order No. C.No. II(2)1/ET/ACG/96/1934-62 dated 07-04-1997. Unfortunately, your applicant suffered from T.B. and he was seriously ill. He had to take leave from 16-07-1997 to 04-06-1999. In the mean time, he approached the Respondents for reconsidering his transfer from Makum Range to Guwahati due to his ill health and also due to his mother's condition and other family problems. It may be stated that he is the only male member to look after the entire family members including his ailing mother at Guwahati. The condition of his mother and his wife's service at the above said NGO it is not possible for the applicant to shift his family to Tinsukia. Hence, he requested the concerned authority for reconsideration of his transfer to GUWAHATI. ~~Tinsukia~~. The Respondent authorities verbally assured him to bring him back to Guwahati after completion of his tenure of two years at Tinsukia. Accordingly, he accepted his transfer to Tinsukia and joined at Tinsukia on 07-06-1999.

Annexure-D is the photocopy of transfer order No. C.No. II(2)1/ET/ACG/96/1934-62 dated 07-04-1997.

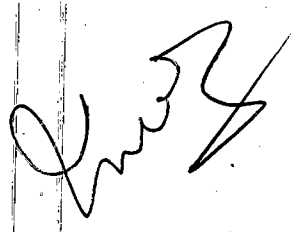
[Handwritten signature]

- 6 -

Annexure-E series are the photo copies of medical certificates of leave submitted by the applicant before the authorities.

4.5] That your applicant begs to state that after completion of his tenure at Tisukia your applicant submitted his representation dated 01-05-2001 through proper channel to the Respondent No. 3 which was forwarded by the Assistant Commissioner Central Excise, Tinsukia vide No. C. No. II(29)1/ET/ACT/97/2269 dated 17-05-2001. But, surprisingly, the Respondent No. 3 did not take any step in this matter. After that he again submitted various representations before the authority concerned. Lastly, the wife of the applicant also filed representation before the Respondent No. 3 on 15-03-2002 for reconsideration of transfer of the applicant from Tinsukia to Guwahati. But the Respondent No. 3 did not take any step in the matter and all the representations are lying pending before the Respondent No. 3.

Annexure-F and G are the photocopies such representations.



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4.6) That your applicant begs to state that as per Office Memorandum of the Govt. of India issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personal Training) vide No. 28034/2/97-Estt.(P) dated 12th June 1997 it has been clearly stated that husband and wife may invariably posted together in order to enable them to lead a normal family life and look after the welfare of the children. It may be worth to mention here that the above said NGO, where the wife of the applicant is serving, has no other branch in the State of Assam. As such, question of transfer of the applicant's wife does not arise. Hence, the applicant is entitled to take benefit as per Office Memorandum dated 12th June 1997 issued by the Govt. of India for posting of husband and wife at the same station.

Annexure-H is the photocopy of extract Office Memo. Dated 12th June 1997.

4.7) That your applicant begs to state that as per verbal assurance of the Respondent No. 3 your applicant joined in his post at Tinsukia and obeyed the order of the Respondents in spite of his acute medical and family problems.

Pw 58

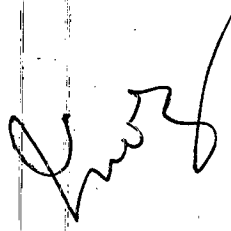
16

- 8 -

4.8) That your applicant begs to state that he is ready to join in any office at Guwahati. There are vacancies available at Guwahati. Some of his office colleagues are over staying at Guwahati for many years without any transfer.

4.9) That your applicant begs to state that your applicant is also legally entitled for transfer to Guwahati as per Govt. of India Memorandum regarding husband and wife posting at same station to lead a normal family life. Moreover, your applicant's mother is seriously ill and she needs constant medical care and there is none to take care of the mother of the applicant except the applicant himself. But the Respondent authority knowing fully about this fact they did not transferred the applicant to Guwahati or they did not care to give reply to the representation submitted by the applicant and his wife. As such, finding no other alternative the applicant has compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.10) That the applicant begs to state that the action of the respondents is illegal, arbitrary, mala fide and also not sustainable before the eye of law as well as in facts.



4.11] That your applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favorable place.

4.12] That your applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

4.13] That your applicant submits that the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a mala-fide intention only to deprive the applicant from his legitimate right.

4.14] That your applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

[Handwritten signature]

4.15] That your applicant submits that the Respondents have violated the fundamental rights of the applicant.

4.16] That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the applicant.

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

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala-fide, arbitrary and without jurisdiction.

5.2] For that, the Respondents have not considered the Office Memorandum of the Government of India regarding transfer, posting of husband and wife at the same station to lead a normal family life.

[Handwritten signature]

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- 5.3] For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the same benefit.
- 5.4] For that, the Respondents have violated the Article 14, 16 and 21 of the Constitution of India.
- 5.5] For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.
- 5.6] For that, in any view of the matter the action of the respondents are not sustainable in the eye of law and as well as fact.

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

6. DETAILS OF REMEDIES EXHAUSTED :

[Handwritten signature]

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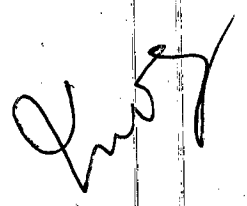
That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relives



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B

sought for by the applicant may not be granted and after hearing the parties and the cause or causes that may be shown your Lordships may be pleased to dispose up this application on the admission stage and may be pleased to direct the Respondents to give the following relives:

- 8.1] That the Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the applicant for posting at any office at Guwahati from Tinsukia.
- 8.2] To pass any other relief or relives to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3] To pay the cost of the application.
- 9) INTERIM ORDER PRAYED FOR:

The applicant in this stage has not prayed any interim order but the

[Handwritten signature]

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Honorable Tribunal may be pleased to pass any order or orders as deem fit and proper.

10] Application Is Filed Through Advocate.

12] Particulars of I.P.O.:

I.P.O. NO. 76605448

Date Of Issue 16.03.2003

Issued from Guwahati G.P.O.

Payable at Guwahati

13] LIST OF ENCLOSURES:

As stated above.

...Verification.

[Handwritten signature]

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VERIFICATION

I, Shri Siba Prasad Neog, Son of Sri Umesh Chandra Neog, Inspector of Central Excise, Makum Range, Office of the Superintendent of Central Excise, Tinsukia, P.O.- Tinsukia, in the District of Tinsukia, Assam do hereby solemnly verify that the statements made in paragraphs No. 4.1, 4.2, 4.7 to

4.10 are true to my knowledge, those made in paragraphs No. 4.3, 4.4, 4.5, 4.6
— are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 29th day of April, 2003 at Guwahati.

Siba Prasad Neog

Declarant



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ANNEXURE - A

VOLUNTARY HEALTH ASSOCIATION OF ASSAM

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To Whomsoever it May Concern

This is to certify that the undersigned is currently serving as Executive Secretary of Voluntary Health Association of Assam, a voluntary organisation having its office at Guwahati.

The job is of a permanent nature and is full-time. Besides which the undersigned is overall in-charge and is responsible for the functioning and management of the organisation's programmes and activities.

The organisation does not have any other office in any other part of the state.

Ruchira Neog

(Ruchira Neog)
Executive Secretary
VHA of Assam.

Executive Secretary,

VOLUNTARY HEALTH ASSOCIATION OF ASSAM

Attest
[Signature]
Advocate

HOLY CHILD SCHOOL
KRISHNANAGAR
GUWAHATI-781003
ASSAM

21/6/02

TO WHOM IT MAY CONCERN

This is to certify that Miss.....*Meghna Neog*.....is a student of this school, studying in class.....*V*.....during the scholastic year.....*2002*..... Her date of birth according to the Admission Register is

Her conduct is good.

S. Mary Joseph
Headmistress

Head Mistress,
Holy Child School
GUWAHATI-

Attended
Jil
Advocate

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ANNEXURE - C

DR BANAJIT CHOWDHURY, M.D.

Residence :

Dr. S.K. Bhuyan Road
Guwahati - 781 001

Chamber :

Md. Tayabulla Road
Dighalipukhuri (East)
Guwahati - 781 001

Phone :

548640 (Resi & Chamber)

To whom it may concern

16/3/99

This is to certify that Mrs.
Nirmali Neog, w/o Sri S.P. Neog is
suffering from Ischaemic Heart Disease
with frequent angina for last 6 years.
Presently her condition has deteriorated
and she requires constant medical
and personal attention. She should stay in
Guwahati for proper medical care.

16/3/99

HEART CARE

GUWAHATI CENTRE

16/3/99
GUWAHATI - 781 001
Telephone : 548640

E.C.G. (Computerised) Cardiac Stress E.C.G. (Computerised) Test (Treadmill), Echocardiography
(2 D. & M. Mode), with Colour Doppler Studies, 24 Hours Ambulatory Holter Monitoring
(Dynamic E.C.G.) on Appointment

Consulting Hours (Chamber) :

9-00 a.m. : 10-00 a.m. • 4-00 p.m. : 7-00 p.m. • Sunday Closed

Attended
J.C. Advaita

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ANNEXURE-D

OFFICE OF THE ASSISTANT COMMISSIONER: CENTRAL EXCISE: GUWAHATI

ORDER
DATED 4TH APRIL, 1997

In pursuance of Extt. Order No. 31/97 dated 3.2.97 commu-
nicated under C.NO.II(3)2/ET.III/97/5709-26(A) dated 6.2.97
and subsequent modified order No. 70/97 dated 31.3.97 communi-
cated under C.NO.II(3)2/ET.III/97/8029-80(A) dated 31.3.97
the following Inspectors at present posted to the Central
Excise, Guwahati are hereby relieved on 9.4.97 (A.N) with dire-
ction to join at their new place of posting.

Sl. NO.	Name	Present place of posting	New place of posting.
1.	K.N. Choudhury	Jagiroad Range	Service Tax Cell Guwahati Central Excise Division.
2.	J. Rajbongshi	P.B.C.-I Range	Service Tax Cell Guwahati Central Excise Division.
3.	N.C. Talukdar	Borpeta Road Range	P.B.C.-I Range.
4.	Ramendu Dutta	Adjudication Branch.	Mangaldai Range.
5.	G.F. Das	Welfare Branch	Mangaldai Range.
6.	S. Baruah	P.B.C.-I Range	Mangaldai Range.
7.	Madan Baruah	Law Branch	Luding Range.
8.	K.R. Nath	Nowgaon Range	Dhubri Range.
9.	B.C. Nath	Barpeta Road Range	Chapaguri A.E. Dhubri Central Division.
10.	S.P. Neog	NOR Range	Makum Range.
11.	D.K. Sharma	Nowgaon Range	Tezpur C.E.F.
12.	A.C. Roy	Audit Br.C.E., Ghy	Amingaon Range Guwahati.

Sd/-
(J.P. GOSWAMI)
ASSISTANT COMMISSIONER: CENTRAL EX.
GUWAHATI
Dated: 7/4/97

C.NO.II(2)1/ET/ACG/96/1934-62

- Copy forwarded for information and Necessary action to:-
1. The Assistant Commissioner, (Hqrs.), Customs and Central Excise, Shillong.
 2. The Assistant Commissioner,
 3. Shri S. P. Neog, Imp. & Ex. for compliance.
 4. The Bill Branch/Accounts Branch, Central Excise, Ghy.
 5. The Supdt.

(J.P. GOSWAMI)
ASSISTANT COMMISSIONER,
CENTRAL EXCISE : : : : GUWAHATI

Atty Cl
Advocate

- 20 -
C-2

ANNEXURE
(2)

**MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR
COMMUTATION OF LEAVE.**

Signature of the Govt. servant _____

[Signature]

I, Dr. J. N. Talukdar after careful
personal examination of the case hereby certify that Shri/Smti.

Siba Prasad Negi whose signature is given
above, is suffering from Pul. T.B. and

I consider that a period of absence from duty of 90 (Ninety) days
with effect from 16.7.97 to 15.10.97 is

absolutely necessary for the restoration of his/her health.

[Signature]

17/10/97

R. No. 3625 (ANN)

Authorised Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.

DR. J. N. TALUKDAR

M.B.B.S. (Gen), D.T.C.D. (Delhi)

Specialist in T.B. chest diseases

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant _____

I, Dr. _____

do hereby certify that I have carefully examined Shri/Smti. _____

_____ whose signature is given above
and find that he/she has recovered from his/her illness and is
now fit to resume duties in Government service. I also certify
that before arriving at this decision, I have examined the
original medical certificate(s) and statement(s) of the case
(or certified copies thereof) on which leave was granted or
extended and have taken these into consideration in arriving at
my decision.

dated:-

Members of the Medical Representative

1.

2.

Civil Surgeon/Staff Surgeon/Authorised
Medical Attendant/Registered Medical
Practitioner.

[Signature]

[Signature]

b..o0o..d

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MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE.

Signature of the Govt. servant _____

I, Dr. J. N. Talukdar after careful personal examination of the case hereby certify that Shri/Smti. Siba Prasad Neog whose signature is given above, is suffering from PT - T.B and I consider that a period of absence from duty of 90 (Ninety) days with effect from 16.10.97 to 14.1.98 is absolutely necessary for the restoration of his/her health.

Authorized Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.

DR. J. N. TALUKDAR

M.B.B.S. (Gen), D.T.C.D. (Delhi)
Specialist in T.B. chest diseases

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant _____

I, Dr. _____ do hereby certify that I have carefully examined Shri/Smti. _____ whose signature is given above and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

dated:-

Members of the Medical Representative

- 1.
- 2.

Civil Surgeon/Staff Surgeon/Authorised Medical Attendant/Registered Medical Practitioner.

Attest
[Signature]

- 22 -
(572)

30

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR
COMMUTATION OF LEAVE.

Signature of the Govt. servant _____

I, Dr. J. N. Talukdar after careful
personal examination of the case hereby certify that Shri/Smti.
Siba Prasad Nayak whose signature is given
above, is suffering from T.B. and
I consider that a period of absence from duty of 90 (Ninety) days
with effect from 15.1.98 to 15.4.98 is
absolutely necessary for the restoration of his/her health.

J. N. Talukdar 16/1/98 P. No. 3625 (A.H.C.)
Authorized Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.

.....
DR. J. N. TALUKDAR
M.B.B.S. (Gau), D.T.C.D. (Delhi)
Specialist in T.B. chest diseases

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant _____

I, Dr. _____
do hereby certify that I have carefully examined Shri/Smti. _____
_____ whose signature is given above
and find that he/she has recovered from his/her illness and is
now fit to resume duties in Government service. I also certify
that before arriving at this decision, I have examined the
original medical certificate(s) and statement(s) of the case
(or certified copies thereof) on which leave was granted or
extended and have taken these into consideration in arriving at
my decision.

dated:-

Members of the Medical Representative

- 1.
- 2.

Civil Surgeon/Staff Surgeon/Authorized
Medical Attendant/Registered Medical
Practitioner.

b...oOo...d

Attest
Adverse

- 23 -
CMB

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR
COMMUTATION OF LEAVE.

Signature of the Govt. servant _____

I, Dr. J. N. Talukdar after careful
personal examination of the case hereby certify that Shri/Smti.
Siba Prasad Neog whose signature is given
above, is suffering from Pal. T.B and
I consider that a period of absence from duty of 90 (Ninty) days
with effect from 16.4.98 to 15.7.98 is
absolutely necessary for the restoration of his/her health.

20/7/98
P. No. 3625
(A.N.C.)
Authorised Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.

.....
DR. J. N. TALUKDAR
M.B.B.S. (Gau), D.T.C.D. (Delhi)
Specialist in T.B. chest disease

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant _____

I, Dr. _____
do hereby certify that I have carefully examined Shri/Smti. _____
whose signature is given above
and find that he/she has recovered from his/her illness and is
now fit to resume duties in Government service. I also certify
that before arriving at this decision, I have examined the
original medical certificate(s) and statement(s) of the case
(or certified copies thereof) on which leave was granted or
extended and have taken these into consideration in arriving at
my decision.

dated:-

Members of the Medical Representative

- 1.
- 2.

Civil Surgeon/Staff Surgeon/Authorised
Medical Attendant/Registered Medical
Practitioner.

b..o0o..d

Attested
J.N. Talukdar

20-24-
C-13

32

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE.

Signature of the Govt. servant _____

I, Dr. J. N. Talukdar after careful personal examination of the case hereby certify that Shri/Smti. Siba Prasad Nayak whose signature is given above, is suffering from T.B. and I consider that a period of absence from duty of 90 (Ninty) days with effect from 16.7.98 to 13.10.98 is absolutely necessary for the restoration of his/her health.

J. N. Talukdar
17/7/98

~~Authorised Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.~~

..... **DR. J. N. TALUKDAR** M. 3625 (A.H.C.)
M.B.B.S. (Gen), D.T.C.D. (Delhi)
Specialist in T.B. chest diseases

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant _____

I, Dr. J. N. Talukdar do hereby certify that I have carefully examined Shri/Smti. Siba Prasad Nayak whose signature is given above and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

dated:-

Members of the Medical Representative

1. _____
2. _____

~~Civil Surgeon/Staff Surgeon/Authorised
Medical Attendant/Registered Medical
Practitioner.~~

b...oCo...d

DR. J. N. TALUKDAR
M.B.B.S. (Gen), D.T.C.D. (Delhi),
Specialist in T.B. chest diseases

M. 3625 (A.H.C.)

Atte. Eel
Jel
Adhate

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR
COMMUTATION OF LEAVE.

Signature of the Govt. servant

[Signature]

I, Dr. S. KAKATI

after careful

personal examination of the case hereby certify that Shri/Smti.

Sibaprasad Negi

whose signature is given

above, is suffering from Hepatitis with Jaundice and

I consider that a period of absence from duty of about 3 months

with effect from 1-1-99 to 28-3-99 is

absolutely necessary for the restoration of his/her health.

[Signature]
1-1-99
Regd No 10039

Authorised Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner

DR. SARAT KAKATI

MBBS MRCP

Consultant Physician,

Regd. No. 10039

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant

I, Dr. _____

do hereby certify that I have carefully examined Shri/Smti. _____

_____ whose signature is given above

and find that he/she has recovered from his/her illness and is

now fit to resume duties in Government service. I also certify

that before arriving at this decision, I have examined the

original medical certificate(s) and statement(s) of the case

(or certified copies thereof) on which leave was granted or

extended and have taken these into consideration in arriving at

my decision.

dated:-

Members of the Medical Representative

1.

2.

Civil Surgeon/Staff Surgeon/Authorised
Medical Attendant/Registered Medical
Practitioner.

b..oCo..d

[Signature]
Admte

Copy

34

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE.

Signature of the Govt. servant

[Signature]

I, Dr. S. KAKATI after careful personal examination of the case hereby certify that Shri/Smti. Siba Prasad Neog whose signature is given above, is suffering from Hepatitis with Jaundice and I consider that a period of absence from duty of about two months with effect from 29-3-99 to 4-6-99 is absolutely necessary for the restoration of his/her health.

Page No 0039

[Signature]
29-3-99

Authorized Medical Attendant,
Hospital/Dispensary or other
Registered Medical Practitioner.

DR. SARAT KAKATI
MBBS MRCP
Consultant Physician,
Regd. No. 10329

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY.

Signature of the Govt. servant

[Signature]

I, Dr. S. KAKATI do hereby certify that I have carefully examined Shri/Smti. Siba Prasad Neog whose signature is given above and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

dated:- 5-6-99

- Members of the Medical Representative
1. SARAT KAKATI
 - 2.

Civil Surgeon/Staff Surgeon/Authorised Medical Attendant/Registered Medical Practitioner.

b...oOo...

DR. SARAT KAKATI
MBBS MRCP
Consultant Physician,
Regd. No. 10329

Page No 0039

Adm
Adm

C.NO.II.(29)1/ET/ACT/97/2269.

- 27

Dated: 17.5.01

The Additional Commissioner(P&V),
Customs and Central Excise,
Shillong.

Sir,

Subject: Forwarding of representation for transfer
submitted by - Shri S.P. Neog, Inspector.

A representation dated 01.05.2001 submitted by Shri

S.P. Neog, Inspector of this Division for transfer to Guwahati addressed
to the Commissioner, Central Excise, Shillong is forwarded herewith for
favour of your kind perusal and necessary action.

Encls : 3 sheets.

Yours faithfully,

(A . K . ROY)

ASSISTANT COMMISSIONER
CENTRAL EXCISE, TINSUKIA.

Attn: 1
Jil Advocate

- 28 -

ANNEXURE - F

To
The Commissioner,
Central Excise,
Shillong.

Date : 01-05-2001

36

(Through Assistant Commissioner Central Excise Tinsukia).

Sir,

Sub :- Representation for transfer to Guwahati.

Consequent to the commissioner's verbal order to report on duty, with diligent compliance, I reported on duty and submitted my joined report to the superintendent C.E. Makum Range on 7-6-99. The Commissioner also verbally assured me of my transfer back to Guwahati, after being convinced of my or my ordeals through my appeal and representation.

That Sir, I am going to complete, 2 years on 7-6-2001 in Tinsukia Division, after leaving my helpless family members in Guwahati, without any male members, because of the fact that my wife is at the helm of affairs in an organisation named voluntary Health Association of Assam. This organisation is engaged in providing health care to the poor, and the needy. This organization has only one office in Guwahati in the entire Assam.

Further I would like to state that my mother who is staying with my wife in Guwahati is a heart patient, and is dire need of medical help, regularly.

Under the circumstances, I request and fervently appeal to your excellency the commissioner Central Excise Shillong, to Transfer me to Guwahati in order to discharge my duties to the department and to my family as well, to the best of my abilities.

For this act of compassion and kindness, I shall remain ever grateful.

Yours faithfully

Enclosed : 3 sheets

(Sri S.P. Neog)
Inspector
Central Excise
Makum Range
Tinsukia

Attested
Advocate

To,

Date : 15-03-2002.

The Commissioner,
Central Excise,
Shillong.

Sub : Representation to transfer my husband Sri S.P. Neog, Inspector, Central Excise back to Guwahati.

Dear Sir,

The undersigned is the executive Secretary of Voluntary Health Association of Assam. This organisation has only one office at Guwahati in the entire state of Assam.

My husband, Sri S.P. Neog was transferred and has been serving in Tinsukia since 7.6.99, leaving myself, a small daughter and his ailing mother, without any male member, in Guwahati.

My husband, Sri S.P. Neog has made several attempts to come back to Guwahati, by representing his case through the Commissioner, Central Excise, Shillong, but nothing constructive has come through till now, leaving the entire family in great hardship and distress.

In August 2001, my husband had met the Commissioner and Joint Commissioner and submitted his representation for the transfer. He was verbally told, both by the Commissioner and Joint Commissioner that, his case would be considered in the next general transfer order, due to be released in December, but even that verbal assurance did not materialise, leaving us in great despair.

Now, I request and pray to your good office to please transfer my husband Sri S.P. Neog to Guwahati and relieve us of our hardships and allow us to lead a normal family life.

I shall remain grateful for this act of kindness.

Yours sincerely,

Ruchira Neog
(MRS. RUCHIRA NEOG) 15/03/02
Executive Secretary,
Voluntary Health Association of Assam,
Guwahati, Assam.

Encl: 1. One representation through A.C. CE Tinsukia.
2. One employment Certificate of Mr Ruchira Neog
3. Medical Certificate of my mother-in-law.

15.3.02

27. Deptt. of Health

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

6. Hindi version of the OM is enclosed.

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

To

- (1) All Ministries / Departments of the Government of India.
- (2) Department of Women & Child Development.
- (3) The National Commission for Women,
4, Dr. B.R. Ambedkar Marg,
New Delhi.

Attended
Jib
Advent