

50/100

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 13/2004

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-13/2004 Pg. 1 to 3
2. Judgment/Order dtd. 01/03/2005 Pg. — to No. separate orders Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 13/2004 Pg. 1 to 50
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. Respondents No. 1, 2, 3 Pg. 1 to 25
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/ Cont. Petn/ Rev. Appl.

13/04

In O.A.

Name of the Applicant(S) Hireak Bhattacharya

Name of the Respondent(S) W.O. 1 Jore.

Advocate for the Applicant Adil Ahmed

Counsel for the Railway/ C.G.S.C. A.K. Chaudhury

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

An application is
made but not in time
for consideration
and is not in time
for consideration
for the purpose of
the Rules.

180/116/2011/638724
Dated 20.12.03

Dr. Beglar

23.1.2004

Present: Hon'ble Shri Bharat, Bhushan,
Member (J)

Hon'ble Shri K.V. Prahladan,
Member (A).

Mr A. Ahmed, learned
counsel for the applicant and Mr
A.K. Chaudhuri, learned Addl.
C.G.S.C. are present. The
contention of the learned counsel
for the applicant is that the
applicant has been transferred. The
transfer orders vide Annexure-I
dated 31.12.2003 were passed
whereby as many as twentythree
officers had been transferred to
different places with the direction
to report for duty on different
dates. Vide the same order the
applicant has been transferred to
Chief Engineer, Shillong Zone and
he is to report for duty on
31.1.2004. The learned counsel for

Steps taken along with
envelops.

Dr.

23.1.2004

Notice & order dt 23/1/04,
Sent to D/Section
for issuing to the
respondent Nos 1 to 3.

Cas vide D.No-176 to 178
24/1/04. Dtd-29-1-04

the applicant submitted that the transfer orders passed against the applicant are absolutely illegal and against all principles of natural justice. Hence he prays for an interim order for stay of the transfer order.

Issue notice to the respondents returnable by 9.2.2004. The arguments on the interim relief shall be heard on that day. Till that day the applicant may not join at Shillong.

List it on 9.2.04 for orders.

[Signature]
Member (A)

[Signature]
Member (J)

nkm

17.2.2004 Present: Hon'ble Mr K.V. Prahladan,
Administrative Member

Adjourned. Let the case be listed on 18.3.04 for orders.

No. reply has been
filed.

[Signature]
17.3.04

nkm

[Signature]
Member

18.3.2004 List on 28.4.2004 for filing
written statement.

[Signature]
Member (A)

mb

No written statement
has been filed.

28.4.2004 Four weeks time is given to the
respondents to file written statement.
List on 2.6.2004 for orders.

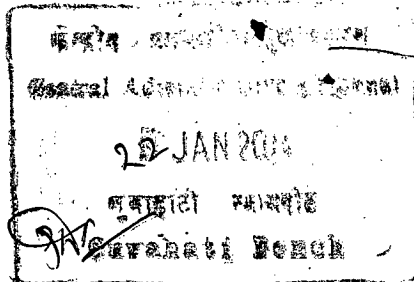
[Signature]
1.6.04

[Signature]
Member (A)

mb

4.8.04
was filed by the
Respondent Nos. 1, 2 & 3.

[Signature]



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 13 OF 2004.

B E T W E E N

Sri Hirak Bhattacharjee -Applicant

-Versus-

The Union of India & Others -Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A Photocopy Posting Order No.
18/2003.dated 3rd May 2003.

Annexure-B Photocopy of Office Letter
No.131306/1/89/Engrs/EIC(I)dtd 1st
January 1996.

Annexure-C Photocopy of letter dated 06-06-
2003.

Annexure-D Photocopy of New Transfer Policy vide letter No. 131306/1/72/Engrs/EIC(I) dated 20-11-2002 issued by the office of the Respondent No. 2.

Annexure-E Photocopy of rejection letter dated 26-06-2003.

Annexure-F Photocopy of the judgment and order dated 14th August 2003 passed by this Hon'ble Tribunal in O.A. No. 165 of 2003.

Annexure-G Photocopy of representation dated 8th September 2003.

Annexure-H Photocopy of the letter No. 131322/2/2003/JE(QS&C)/144/Engrs./EIC(1) dated 1st October 2003.

Annexure-I Photocopy of the posting order No. 47 of 2003 dated 31st December 2003.

This Original application is made against the impugned Transfer Order No. 47/2003

dated 31st December 2003 issued by the Respondent No.2 by which your applicant was asked to release on 31st January 2004. The said Transfer Order is clear violation of Transfer Policy adopted by the Respondents in case of Group-C and Group-D employees of MES. Apart from this also Respondents did not consider the representation dated 08-09-2003 submitted by the applicant, as per earlier direction passed by this Hon'ble Tribunal in O.A. No. 165 of 2003 dated 14th August 2003. Hence, he has filed this application for seeking a direction from this Hon'ble Tribunal for setting aside the impugned transfer order and also to get the benefit of choice place of posting as per his earlier representation dated 08-09-2003.

Filed by
Shri Hiral Bhattacharjee
Applicant
Hiral Bhattacharjee
(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. 13 OF 2004.

BETWEEN

Shri Hiral Bhattacharjee,
MES NO. 229603,
Junior Engineer (QS&C),
Office of the Garrison Engineer,
(A/F) Borjhar, Guwahati- 781015.
-Applicant.

-AND-

1. The Union of India represented by the
Secretary to the Government of India
Ministry of Defence New Delhi.
2. The Chief Engineer (Head Quarters)
Eastern Command, Engineer Branch,
Forth William, Kolkata-21.

3. The Garrison Engineer (A/F),
Barjhar, Guwahati-15.

-Respondents.

1] DETAILS OF THE APPLICATION

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

This application is directed against illegal and arbitrary transfer of the applicant vide posting order No. 47/2003 dated 31st December 2003 by which your applicant is going to be released on 31st January 2004.

2] JURISDICTION OF THE TRIBUNAL

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

3] LIMITATION

The applicant further declares that the 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 is working as Junior Engineer(QS&C) under the Garrison Engineer, Air Force, Borjhar. He was posted to Borjhar from Teliamura vide Office Order No. 131322/2/2000/JE (QS&C)/119/Engrs/EIC(I) dated 07th Dec. 2000. He joined at Borjhar on 17th January 2001. It may be stated that Borjhar Air Force Station is declared as tenure Station.

4.3] That your humble applicant begs to state that after completion of tenure in Tenure Station the individual working there are entitled for three choice Stations of posting.

It may be stated that individual may send their choice place of posting in 4 (four) months in advance before completion of stipulated tenure period for processing with their parent command.

4.4] That your applicant begs to state that he was transferred to Shillong Zone from Borjhar vide posting order No. 18/2003 dated 3rd May 2003 issued by the Office of the Respondent No. 2. It may be stated that your applicant at that time has not completed full tenure at Borjhar, i.e., 3 years as per posting/transfer policy of Group C & D personnel of the MES vide Office Letter No. 131306/1/89/Engrs/EIC(I) dated 31st January 1996 issued by the Office of the Respondent No. 2.

Annexure-A is the photocopy Posting Order No. 18/2003 dated 3rd May 2003.

Annexure-B is the photocopy of Office Letter No.131306/1/89/Engrs/EIC(I) dtd 31st January 1996.

4.5] That your applicant begs to state that after receiving the said transfer order dated 3rd May 2003 your applicant enquired into the matter with the similarly situated other offices and found that the Transfer Policy has been changed on 20-11-2003 and the Tenure Station period of posting has been reduced to two year from three years. As such, he was not aware of the new policy and he could not submit the choice place of posting in time. Then he immediately filed a representation on 14-05-2003 before the Respondent No. 2 by giving three places of choice station, i.e., Jorhat, Silchar and Kalaikunda and he also requested to the authority concerned if the said choice station vacancies are not available then he may be posted any station/formation in the State of Assam only. His representation was recommended by the Respondent No. 3 by giving remark that the case of the individual is genuine hence highly recommended.

4.7] That your applicant begs to state that he has received the said new Transfer Policy of Group -C & D employee only on 06-06-2003. The

said policy was issued by the Respondent No. 2 vide letter No. 131306/1/72/Engrs/EIC(I) dated 20-11-2002.

Annexure-C is the photocopy of letter dated 06-06-2003.

Annexure-D is the photocopy of New Transfer Policy vide letter No. 131306/1/72/Engrs/EIC(I) dated 20-11-2002 issued by the office of the Respondent No. 2.

4.7] That your applicant begs to state that his representation was rejected by the Respondent No. 2 vide letter No. 131322/2/2003/JE(QS&C)/53/Engrs/EIC(I) dated 26th June 2003 which was received by the applicant on 07-07-2003.

Annexure-E is the photocopy of rejection letter dated 26-06-2003.

4.8] That your applicant begs to state that being agreed by this rejection Order, your

applicant approached this Hon'ble Tribunal by filing Original Application No. 165 of 2003. The Hon'ble Tribunal vide ~~its~~ Order dated 18-07-2003 stayed the impugned transfer Order dated 03-05-2003. The Hon'ble Tribunal finally heard the matter on 14th August 2003 and was pleased to direct the Respondents to consider representation of the applicant submitted for his choice posting the applicant was also directed that he may submit a fresh representation within 4(four)weeks from the date of receipt of the Order. The respondents shall thereafter consider the same and pass appropriate order as expeditiously as possible preferably within 2(two) months from the date of receipt of the Order. The interim Order dated 18-07-2003 shall remain in force till disposal of the representation. Subject to above the application stands dispose of.

Annexure-F is the Photocopy of the judgment and order dated 14th August 2003 passed by this Hon'ble Tribunal in O.A. No. 165 of 2003.

4.9] That your applicant begs to state that as per Hon'ble Tribunal judgment and order dated 14th August 2003 pass in O.A. No.165 of 2003 your applicant submit a representation on 8th September 2003 before the respondents. In the said representation he chose three place of choice posting, i.e., (i) Narangi, (ii) Silchar, (iii) Bagdogra.

Annexure-G is the Photocopy of representation dated 8th September 2003.

4.10] That your applicant begs to state that the Respondent No.2 Vide his letter No.131322/2/2003/JE(QS&C)/144/Engrs./EIC(1) dated 1st October 2003 cancelled the impugned transfer Order of the applicant.

Annexure-H is the photocopy of the letter No. 131322/ 2/2003/JE(QS&C)/144/Engrs./ EIC(1) dated 1st October 2003

4.11] That your applicant begs to state that the Respondents did not take any action of the

representation dated 08-09-2003 submitted by the applicant as per earlier order passed by this Hon'ble Tribunal nor the respondents consider the choice place of posting of the applicant as directed by the Hon'ble Tribunal. But surprisingly the Respondent No.2 Vide his posting Order No. 47 of 2003 dated 31st December 2003 posted your applicant again in the Office of the Chief Engineer Shillong Zone and your applicant is directed to Join to new place of posting within 31st January 2004. It is pertinent to mention here that as per earlier judgment and order dated 14th August 2003 passed by this Hon'ble Tribunal in O.A. No. 165 of 2003. The Respondents were directed to consider the representation of the applicant for his choice place of posting and the interim order dated 18-07-2003 shall remain in force till disposal of the representation. But in fact the Respondents by passing the Hon'ble Tribunal Order posted your applicant again at the same place on 31st December 2003 without considering the representation of the applicant. Hence finding no other alternative remedy your applicant compelled to approach this Hon'ble Tribunal again seeking justice in this matter.

Annexure-I is the photocopy of the posting order No. 47 of 2003 dated 31st December 2003.

4.12] That your applicant submits that the Respondents have deliberately and intentionally discriminated applicant by not considering the representation of the applicant as per earlier judgment and order passed by this Hon'ble Tribunal.

4.13] That your applicant submits that he all along carried out his transfer order ever since his entry to the Department and he is serving the Department with utmost sincerity and full satisfaction to the authority concerned.

4.14] That your applicant submits that the procedure adopted by the authority in case of the applicant is improper, illegal, malafide and without jurisdiction.

4.15] 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.

4.16] 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 rights.

4.17] 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.

4.18] That your applicant submits that the Respondents have violated the fundamental rights of the applicant and also violated the principal of natural justice.

4.19] That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal by passing an interim stay of the impugned Transfer order dated 31st

December 2003 of the applicant to protect the interest of the applicant and his family members.

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

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

5.2] For that, the Respondent has not considered their own guideline regarding choice place of posting. As such, there is no jurisdiction in denying the said benefit to the applicant.

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 Respondents have not consider the representation of the applicant nor the Respondents even bothered to pass an order on the representation submitted by the applicant as per Hon'ble Tribunal. As such the impugned Transfer Order pass by the Respondents in case of the applicant is whimsical, arbitrary and also without jurisdiction.

5.6] For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

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

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

5.9] For that, similarly situated persons who are given the benefit of choice place of posting after completion of tenure the Respondents being model employer cannot deprive the benefit to the applicant without any reasons or causes. As such, the applicant's transfer order is illegal, arbitrary, mala fide and with a motive behind. Hence, it is liable to be set aside and quashed.

5.10] 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 :

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 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 direct the Respondents to give the following relives:

- 8.1] That the impugned Order of Transfer dated 31st December 2003 at Annexure-I may be set aside and quashed.
- 8.2] To direct the Respondents to give the applicant the benefit of Choice Place of Posting as submitted by the applicant in his representation dated 8th September 2003 as per Hon'ble Tribunal's order dated 14th August 2003 pass in O. A. No. 165 of 2003.
- 8.3] 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.

9] INTERIM ORDER PRAYED FOR:

The applicant most respectfully prays for interim order from this Hon'ble Tribunal by way of suspending the impugned order of transfer dated 31st December 2003 at Annexure-I in case of the applicant.

10] Application Is Filed Through Advocate.

12] Particulars of I.P.O.:

I.P.O. NO. 116 387524

Date Of Issue 20.12.2003

Issued from Guwahati G.P.O.

Payable at Guwahati -

13] LIST OF ENCLOSURES:

As stated above.

...Verification.

VERIFICATION

I, Shri Hiralak Bhattacharjee, MES NO. 229603, Junior Engineer (QS&C), Office of the Garrison Engineer, (A/F) Borjhar, Guwahati-781015 do hereby solemnly verify that the statements made in paragraphs are true to my knowledge, 4.1, 4.2, 4.3, 4.5 —————

————— those made in paragraphs 4.4, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11 are being matters of records are true to information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 22nd day of January, 2004 at Guwahati.

Hiralak Bhattacharjee
Declarant

Mil Tele : 2222-2700

REGISTERED SDS

Chief Engineer
Headquarters
Eastern Command
Fort William
Kolkata - 700 021

11322/2/2003/JE QS&C/02/Engrs/EIC (I)

(1) May 03

Chief Engineer
Kolkata Zone
Shilong Zone
Siliguri Zone
(AF) Shillong Zone
(R&D (Picket) Secunderabad

POSTING/TRANSFER ON TENURE TURN OVER : JE QS&C

1. The following posting/transfer are hereby ordered in the interest of state :-


Ser No	MES No, Name & Designation	Posted		Due Date	Remarks
		From	To		
(a)	(b)	(c)	(d)	(e)	(f)
1.	MES-203364 Shri Amit Kundu	GE (FW) Kolkata	GE (P) (I) Teliamura	15 Jul 03	
2.	MES-NYA-Shri Sashi Bhushan Kumar	GE (FW) Kolkata	AGE(I)(AF) Singarshi	Forthwith	
3.	MES-213799 Shri Bipradas Ghosal	GE (C) Kolkata	GE 872 EWS	31 Jul 03	
4.	MES-270477 Shri Sunil Kapur	GE (C) Kolkata	GE 859 EWS	15 May 03	
5.	MES-NYA-Shri Prasun Paul	GE Barrackpore	CE (AF) Shillong Zone	Forthwith	
6.	MES-208009 Shri A K Maiti	GE(N) Kolkata	CE Shillong Zone	15 Jul 03	
7.	MES-281831 Shri SK Nandi	AGE(I) (AF) Singarshi	CWE(AF) Kalaitunda	15 Jul 03	
8.	MES-225735 Shri SK Ghosh	AGE(I)(AF) Singarshi	GE(AF) Harsimara	Forthwith	
9.	MES-231795 Shri SC Paul	CWE(AF) Kalaitunda	GE(AF) Shillong	20 Jul 03	
10.	MES-281794 Shri AK Tiwari	CWE(AF) Kalaitunda	GE Singarshi	15 Jul 03	
11.	MES-271752 Shri Bidyut Chakraborty	GE(AF) Kalaitunda	CE Shillong Zone	15 Jul 03	

Contd 2.../-

Advocate

Ser No	MES No, Name & Designation	Posted		Due Date	Remarks
		From	To		
(a)	(b)	(c)	(d)	(e)	(f)
12.	MES-214953 Shri RK Nrg	GE(I) (R&D) Chandipur	GE(S) Bongaigaon	31 May 03	
13.	MES-239217 Shri R C Das	GE Panagarh	GE(I) R&D Chandipur	25 May 03	
14.	MES-209715 Shri Gautam Chattopadhyay	CWE(P) Kolkata	GE Shillong	31 May 03	
15.	MES-263336 Shri Bidyat Maai	AGE(I) (Fya) Dibrugarh	CWE (P) Kolkata	15 Jun 03	
16.	MES-260293 Shri Rajiv Sarker	STE EC Kolkata	GE Barangi	15 Jul 03	
17.	MES-260292 Shri Kaushik Ghosh	STE EC Kolkata	GE(AF) Borjar	20 Jul 03	
18.	MES-NYA-Shri Ramen Ghosh	CE Siliguri Zone	CWE Tezpur	15 Jul 03	
19.	MES-266097 Shri Palat Sen	CE Siliguri Zone	CWE Shillong	20 Jul 03	
20.	MES-221797 Shri Priveshu Dhar	GE(AF) Doodhgha	GE(AF) Kalakunda	20 Jul 03	
21.	MES-NYA-Shri L K Roy	GE(AF) Haldimata	GE(AF) Doodhgha	31 Jul 03	
22.	MES-NYA-Shri Kiborland Marwein	CE Shillong Zone	CWE Tezpur	31 Jul 03	
23.	MES-NYA-Shri JK Sinha	CE Shillong Zone	GE(C) Kolkata	31 Jul 03	
24.	MES-NYA-Shri Binod Das	CE Shillong Zone	GE(AF) Tezpur	15 Jul 03	
25.	MES-264638 Shri Amal Chakraborty	CE(AF) Shillong Zone	CE sub LWS	15 Jul 03	
26.	MES-243447 Shri Prangopal Nath	CE(AF) Shillong Zone	AGE(I) Kargiya	31 May 03	
27.	MES-229937 Shri Raj Bharali	CWE Shillong	CWE(AF) Jorhat	31 Jul 03	
28.	MES-NYA-Shri WW Langshung	CE Shillong	CE(AF) Shillong Zone	10 Jul 03	
29.	MES-234674 Shri Ashutosh Debnath	CWE Tezpur	CWE(AF) Kalakunda	25 Jul 03	
30.	MES-264691 Shri Bikash Paul	GE(AF) Tezpur	AGE(I) Chardaga	Forthwith	
31.	MES-234705 Shri A K Nrg	GE sub EWS	CE Balcher	20 Jul 03	

Contd 3./-

Attested

Advant

Ser No	MES No, Name & Designation	Posted		Duo Date	Remarks
		From	To		
(a)	(b)	(c)	(d)	(e)	(f)
32.	MES-234698 Shri P K Nath	GE Missamari	GE 869 EWS	20 Jul 03	
33.	MES-281407 Shri Sanjay Kumar	GE (AF) Jorhat	HQ 137 WE	15 Jul 03	
34.	MES-229640 Shri Anilman Moeh	GE (AF) Chabua	HQ 137 WE	31 May 03	
35.	MES-202496 Shri S.K Banerjee	HQ 137 WE	GE(FW) Kolkata	31 Aug 03	
36.	MES-244028 Shri Narayan Neog	GE 868 EWS	GE (AF) Jorhat	31 Jul 03	
37.	MES-244020 Shri T R Singh	GE 869 EWS	GE Tezpur	31 Jul 03	
38.	MES-233975 Shri SR Boro	AGE(I) Rangiya	CWE(AF) Borjar	15 Jun 03	
39.	MES-229603 Shri Hirak Bhattacharjee	GE(AF) Borjar	CE Shillong Zone	31 Jul 03	
40.	MES-244046 Shri Sumesh Dey	GE Silchar	STE EC Kolkata	31 Jul 03	
41.	MES-232969 Shri UC Ojha	GE Narangi	CE Shillong Zone	31 Jul 03	
42.	MES-280173 Shri KK Debnath	GE Tezpur	GE(I)(P) Teliamura	20 Jul 03	
43.	MES-234716 Shri Pinak Baidya	AGE(I) Charduar	CWE(AF) Jorhat	31 Jul 03	
44.	MES-209692 Shri R N Dutta	GE(I) (P) Teliamura	GE(FW) Kolkata	31 May 03	

(Item Forty Four only)

2. Your attention is drawn to this HQ letter No 131306/1/9/Engrs/EIC (I) dt 20 Dec 01 for strict compliance. All concerned may be informed accordingly.

3. The posting order to be implemented within 60 days of the duo date indicated. The concerned unit will also forward a completion report indicating the date of SOS within the same period.

Contd 4.../-

Attended
J. J. J.
Advocate

4. Failing of above will be seriously viewed and will be treated as insubordination of the order of CE Eastern Command.

(Signature)

(Achintya Datta)
Lt Col
Offg Col (Pers)
for Chief Engineer

Copy to:-

CWE Kolkata, CWE Barrackpore, CWE (AF) Kalaikunda, CWE (P) Kolkata, CWE (AF) Borjar, CWE Shillong, CWE Tezpur, CWE (AF) Jorhat, HQ 137 WE, CWE (AF) Shillong, CWE Bengdubi, GE (FW) Kolkata, GE (C) Kolkata, GE Barrackpore, GE (N) Kolkata, AGE (I) (AF) Singarshi, GE (AF) Kalaikunda, GE (I) (R&D) Chandipur, GE Paangarh, AGE (I) (Fys) Bolangir, STE EC Kolkata, GE (AF) Bagdogra, GE (AF) Hassimara, GE Shillong, GE (AF) Tezpur, GE 859 EWS, GE Misanari, GE (AF) Jorhat, GE (AF) Chabua, GE 868 EWS, GE 869 EWS, AGE (I) Rangiya, GE (AF) Borjar, GE Silchar, GE Narangi, GE Tezpur, AGE (I) Charduar, GE (I) (P) Teliemura, GE 872 EWS, GE (S) Binnaguri,

Internal :-

EID, EIR, M/F, C/F & O/Copy

Attended
S. R.
Advant

131306/1/39/Engrs/EIC(I)

31 Jan 96

ANNEXURE-B

Chief Engineers

- Calcutta Zone, Calcutta
- Siliguri Zone, Siliguri
- Shillong Zone, Shillong
- (AF) Shillong Zone, Shillong
- (QF3) Calcutta

Comdt ESD Kankinara

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

1. The posting/transfer policy of all Group 'C' & 'D' personnel in the MES of this Command is prepared based on certain guidelines contained in Govt of India, Min of Defence letter No 3(3)/92/D(Appts) dated 23 Jan 94 and E-in-C's Branch, AHQ letter No 73040/EIC(I) dated 31 Aug 94.
2. The broad principles, under which transfers of Group 'C' and 'D' civilian subordinates are to be carried out, are stipulated in Min of Def OM No 13(1)/73/D(Appts) dated 29 Nov 72 and 32(4)/73/D(Appts) dated 21 May 75.
3. Posting of Group 'C' and 'D' individuals less industrial personnel will be issued by this HQ on the following grounds :-
 - (a) Administrative
 - (b) Adjustment of surpluses and deficiencies
 - (c) Posting to tenure stations
 - (d) Promotion
 - (e) Mutual/compassionate grounds
 - (f) Local turnover

POSTING ON ADMINISTRATIVE GROUNDS

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

.....2/-

Attested
Sd/-
Advanta

SECRET	

ADJUSTMENT OF SURPLUS/DEFICIENCIES

5. In all cases where staff are rendered surplus by reduction in the authorised strength and their re-adjustment within Comd becomes necessary, the longest stayee in the station/complex stations will be posted out. In the case of posting involving inter-Command transfers, the junior-most person in the grade within the Command will be declared surplus.
6. In the exigencies of service, situations may arise when offices/works units are asked to move enbloc to other localities. In such cases, the personnel to be moved should be selected based on their length of service in the station/complex station. i.e. the longest stayee should be moved by making local adjustments.
7. In determining the longest stayee in a station/complex station, all MES Units located in that station/complex stations including satellite stations will be taken into consideration. The seniority in that station/complex station will be decided by the CE Command. Grouping of various units in a station including complex stations have already been decided vide this HQ letter No 131306/1/63/Enjrs/ELC(I) dated 16.02.63. Volunteers, if any will, however, be given preference in all such cases.
8. Where units/formations are closed down due to reduction in workload, the adjustment of surplus staff will first be done in the residual formations in matter of filling up of deficiencies within overall manning level. Thereafter the remaining surplus staff will be adjusted outside the station as per seniority on the basis of three choices of the individuals as far as possible.

TURN OVER TENURE STATION

9. A list of tenure stations in this Command is attached as Appx 'A'. In case a station is tenured or de-tenured its effect will not be made applicable from retrospective dates. The exercise of de-tenuring of existing tenure station in view of its improved living conditions should continue as at present. A tenure station once de-tenured may not be declared a tenure station again except in exceptional circumstances. However, declaring of any station tenure or non-tenure will be decided by CE Command only.
10. The following guide lines will be strictly followed while nominating the subordinates for posting to tenure station :-
 - (a) Volunteers, preferably those who have completed 3 years in a station will be given preference.
 - (b) Personnel who have not done service in a tenure station since joining the MES, provided the individuals have completed 3 years stay in the station.


 Attested

 Assistant

- (c) Personnel posted to the MES under adjustment of surplus/deficiencies scheme reckon seniority for the purpose of promotion/confirmation from the date they join duty in the MES. Their seniority for posting to tenure station will also reckon from the date of joining MES.
- (d) Every individual nominated for service in tenure station must complete his full tenure before being posted back to one of his choice stations. For the purpose of determining the period of stay in a tenure station, an individual must be physically present in that office for the full period of tenure excluding the period of absence of leave or otherwise. If for reasons, due to illness or extreme compassionate grounds, an individual is repatriated prior to completion of his tenure, he may again be posted to tenure station after an expiry of 3 years of service. His tenure would start afresh and he is to complete the tenure of 3 years at one stretch and not for the left over period only. Unit will submit proforma particulars as per Appx 'B' attached in respect of individuals who have actually completed/will be completing their full physical tenure service upto 30 Jun and 31 Dec of the year. These facts should be checked thoroughly and certified by an officer under his signature just below the statement of nominal roll.
- (e) While calculating the physical stay at a tenure station, the period of leave availed to the extent of leave earned during stay at the tenure station will be included in the tenure period for determining the physical stay.
- (f) Nomination of persons who have already done a tenure will be done strictly on the basis of their last date of return from tenure stations.
- (g) The normal age limit for tenure station posting is 50 years. Subordinates over 50 years may also be posted for a shorter tenure but none will be retained in any tenure station beyond the age of 53 years. Subordinates above 50 years of age will not be posted to high altitude/snow bound areas and to tenure stations where the tenure is 2 years. The age for such postings will be considered as on date of signing of posting in the office of OE Command.
- (h) Those posted from other Commands to this Command on compassionate grounds will not be nominated until completion of 3 years service in the choice station. This protection is not applicable to persons who have moved on mutual posting.
- (j) Persons posted from other Commands on promotion will not be turned over till completion of 3 years physical stay or as per status of the tenure station. Their repatriation proforma for turn over to their parent Command will be forwarded by indicating three or more choice stations 4 months in advance before completion of stipulated tenure period for processing with their parent Command.

Attested
JL Advant

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

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

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

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

X13. An individual serving in a tenure station may submit his choice of posting, six months before completion of his tenure, for any three stations where staff as well as executive offices are located & in three distinct places/complexes separated by at least 20 Kms. The three stations so indicated by the individuals on completion of his tenure service will be treated as non-tenure station for him being his own choice stations irrespective of the location/station i.e. tenure/peace.

X14. On completion of tenure, the individual will be adjusted in any one of the three choice stations given by him in the Repatriation proforma. In the case of non-availability of a vacancy in any of the three choice stations, the affected person due for turnover may be allowed to remain in the tenure station till a vacancy arises in his choice station. Such employees may be given the benefit of deferment for his reposting to tenure station in his next turn for such posting. The exact period for which the benefit is to be given will be decided by CE Command, based on the following norms :-

- (a) Upto 6 months stay in excess of the tenure. No benefit to be given.
- (b) Excess stay of more than 6 months but upto 12 months. Deferment @ 50% of excess time (months) spent.
- (c) Excess stay of over 12 months and above. Deferment 75% of excess time (months) spent.

Attache
J.R.
Advocate

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

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

POSTING FROM PEACE TO PEACE STATION

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

POSTING ON LOCAL TURNOVER

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

POSTING ON PROMOTION

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

Attested
Sd/-
Adm

.....3/-

COMPASSIONATE POSTING/MUTUAL TRANSFER

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

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

Attested
[Signature]
Admunt

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TIMING OF TRANSFERS

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

AGE FACTOR

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

FEMALE EMPLOYEES

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

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

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

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

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

VACANCIES

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

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Attended
J. K. Advant

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DECLARATION OF HOME TOWN

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

REPRESENTATION

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

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

23. Please acknowledge.

Encls : (Three)

Copy to :-

All CSE/GEs

GE (AR) Stationing

(Signature)
(MS Koshy)
Brig
All Chief Engineer
for Chief Engineer

Attended
(Signature)
Advocate

LIST OF TENURE STATIONS OF CHIEF ENGINEER EASTERN COMMAND

S/No	Name of the station	Name of concerned C/E/CE Zones	Date from which the stn has declared as tenure stn	Auth of declaring tenure stn
1	2	3	4	5
1.	All stations in Nagaland, Mizoram, Tripura, Arunachal and Manipur states. (2 years)	CE Shillong Zone	01.01.33	CEEC letter No 131306/1/293/ Engrs/EIC(I) dated 13 Dec 32.
2.	Borjar (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
3.	Chabua (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-
4.	Charduar (3 years)	CWE Tezpur/ CE Shillong Zone	01.01.33	-do-
5.	Balipara (3 years)	CWE Dinjan/ CE Shillong Zone Zone	01.01.33	-do-
6.	Digaru (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
7.	Dinjan (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-
8.	Gauhati (3 years)	CWE Gauhati/ CE Shillong Zone	01.01.33	-do-
9.	Jorhat (3 years)	CWE Jorhat/ CE Shillong Zone	01.01.33	-do-
10.	Kumbhigram (3 years)	HQ 137 WE/ CE Shillong Zone	01.01.33	-do-
11.	Lekhapani & Lekhabali (3 years)	CWE Dinjan/ CE Shillong Zone	01.01.33	-do-

-----2/-

Attended
Advocate

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

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Adm

27. Baglogra (3 years)	CME Bengdubi/ CE Siliguri Zone	01.04.37	CEEC letter No 131306/1/492/ Engrs/EIC(I) dt 30 Mar 37
28. Bengdubi (3 years)	-do-	01.04.37	-do-
29. Coach-Bihar (3 years)	-do-	01.04.37	-do-
30. Katihar (3 years)	-do-	01.04.37	-do-
31. Khaprail (3 years)	HQ 136 ME/ CE Siliguri Zone	01.04.37	-do-
32. Kishanganj (3 years)	CE Siliguri Zone	01.04.37	-do-
33. Kurseong (3 years)	CME Bengdubi/ CE Siliguri Zone	01.04.37	-do-
34. Purnia (3 years)	-do-	01.04.37	-do-
35. Siliguri (3 years)	CME Bengdubi/ CE Siliguri Zone	01.04.37	-do-
36. Darjeeling (3 years)	CME Bengdubi/ CE Siliguri Zone	01.04.37	-do-
37. Sukhna (3 years)	HQ 136 ME/ CE Siliguri Zone	01.04.37	-do-
38. Savoke Road (3 years)	CME Bengdubi/ CE Siliguri Zone	01.04.37	-do-
39. Taibpur (3 years)	CE Shillong Zone	01.04.37	-do-
40. Dimapur (3 Years)	HQ 137 ME/ CE Shillong Zone	01.01.33	CEEC letter No 131306/1/293/Engrs/ EIC(I) dt 10 Dec 32.

kp/

Attal.
Advocate

ANNEXURE - D

- 39 -

Tele: 222-2700

ANNEXURE 'F'

Chief Engineer
HQ-Eastern Command
Fort William, Kolkata-21
Dtd: 20 Nov:2002

Letter No: 131306/1/72/Engrs/EIC(1)

CE KOLKATA ZONE
CE SILIGURI ZONE
CE SHILLONG ZONE
CE(AF) SHILLONG ZONE
CE(OFD) KOLKATA ZONE
COMDT ESD KANKINARA
GE(1) R&D CHANDIPUR

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

1. E-in-C's Branch had amdt Para 15 of posting policy letter No: 79040/EIC(1) Dtd: 20th Nov: 2001.
2. The contents of the above amdt clarifies that all Group 'C' & 'D' personnel of MES having more than 10 years service will serve for a period of two years in a tenure/hard station declared by E-in-C's branch/ CE Command and personnel having less than 10 years service for a period of 3 years.
3. Keeping in view the large number of tenure/hard stations under jurisdiction of eastern command a case was taken up with E-in-C's branch to review the above amdt, and to maintain the status quo.
4. E-in-C's branch in turn has now clarified vide letter no: B/20148/PP/ EIC(1) dtd: 30th Oct: 2002 that the above quoted amdt was based on the DORPT guide lines, and the same is required to be implemented.
5. In view of the forgoing a revised list of tenure // hard stations is enclosed at Appendix 'A' attached. The same may be incorporated wrt Para 10 of this HQ posting policy letter No: 131306/1/9/Engrs./EIC(1) dtd: 20th Dec: 2001. The same is required to be disseminated upto AGE(1) and equivalent level under your jurisdiction.
6. Further, in this connection the following letters of this HQ may be treated cancelled:-

- (a) 131306(1)(38/Engrs./EIC(1) dtd: 03 Feb: 2002.
- (b) 131306(1/40/Engrs./EIC(1) dtd 18th Feb: 2002.

Sd/- Achintu Das

Handwritten signatures and initials:
H. G. (with a checkmark)
S. (with a checkmark)
A. J. (with a checkmark)

Tele : 2222-2529

Mukhyalaya Purvi Kaman
HQ Eastern Command
Abhiyanta Shakh
Engineers Branch
Fort William
Kolkata - 21

131322/2/2003/JE(QS&C)/57/Engrs/EIC(I)

26 Jun 2003

CE (AF) Shillong Zone

POSTING/TRANSFER ON TENURE TURN
OVER POSTING : JE(QS&C)

1. Refer your letter No 81006/9/SA/13/EIC(I) dated 06 Jun 2003.
2. The application of MES-229603 Shri Hirak Bhattacharjee, JE(QS&C) of GE (AF) Borjar has been considered sympathetically and examined in its entirety with view to ensure that no natural justice is denied to the individual. However, it lacks substance and has been rejected by appropriate level at this HQ.
3. Please instruct GE(AF) Borjar to despatch the individual to his new unit i.e. CE Shillong Zone by 31 Jul 2003 and submit completion report by 10 Aug 2003.

Leni
(L Padhi)
Major
SO-II(Pers)
for Chief Engineer

Copy to :-

CWE (AF) Borjar

GE (AF) Borjar

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ANNEXURE-F 44

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 165 of 2003.

Date of Order : This the 14th Day of August, 2003.

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

Shri Hirak Bhattacharjee,
MES No. 229603,
Junior Engineer (QS&C),
Office of the Garrison Engineer,
(A/F) Borjhar, Guwahati-781015.

. . . Applicant

By Advocate Sri A.Ahmed.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Defence, New Delhi.
 2. The Chief Engineer (Head Quarters)
Eastern Command, Engineer Branch,
Forth William, Kolkata-21.
 3. The Garrison Engineer (A/F)
Borjhar, Guwahati-15.
- . . . Respondents.

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

ORDER

CHOWDHURY J.(V.C)

The issue basically relates to posting and transfer. The applicant is working as Junior Engineer, (QS&C), under the respondent No.3, the Garrison Engineer, Air Force, Borjhar. He was posted to Borjhar from Teliamura vide order dated 7.12.2000 where he joined on 17.1.2001. Borjhar station is also a tenure station as per the posting transfer policy of Group 'C' and 'D' personnel in the M.E.S. The applicant pleaded that as per the scheme on completion of the tenure he is entitled for three choice station posting. As per the arrangement ^{is} required to complete three years as indicated in the MES office letter dated 31.1.96 which is subsequently amended vide letter No.79040/EIC(1) dated

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Advocate

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20.11.2001. As per, the amendment all Group 'C' and 'D' personnel of MES having more than ten years service is to serve for a period of two years in a tenure/hard station declared by E-in-C's branch/CE command and personnel having less than ten years service for a period of three years. The applicant came to know of the amended policy when he received new transfer policy of Group 'C' and 'D' employees on 6.6.2003 when the same was issued to him by the office of respondent No.2. The applicant in this application assailed the order dated 3.5.2003 transferring and posting the applicant from Borjhar station to the office of the C.E. Shillong Zone. The applicant on receipt of the said order submitted representation praying for posting him in any of the choice station, Jorhat, Silchar and Kalaikunda with the note that in the absence of non availability of vacancy in the said stations, he may be posted in any stations/formations in the State of Assam. The representation was duly forwarded by his immediate officer to the Headquarters, Eastern Command, Engineers Branch, Fort William, Kolkata which was finally rejected by the concerned authority vide order dated 26.6.2003. Hence this application praying for a direction on the respondents for considering his case for posting him in any of the choice place of posting.

2. I have heard Mr.A.Ahmed, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents at length. The discretion of posting and transfer is indubitably vested on the employer. For the sake of perspecuity, the employer fairly announced its protocol in the matter of transferred and posting from time to time. In the case in hand the respondents also made known its professed policy the guidelines of transfer and postings by communication dated 31.1.96. As per the policy a list of tenure stations are indicated.

contd/-

Attended
J.P.
Private

The policy also provides that an individual serving in a tenure station to submit his choice six months ahead of completion of his tenure for any three stations where staff as well as executive offices are located. The three stations so indicated by officer on completion of his tenure service will be treated as non tenure station for him being his own choice stations irrespective of the location/ station i.e. tenure/peace. On completion of the tenure the individual is to be adjusted in any one of the three choice stations given by him in the repatriation proforma. In the case of non availability of a vacancy, the affected persons due for turn over may be allowed to remain in the tenure station till a vacancy arises in the choice station. The said policy further undergone amendment from time to time. The last amendment was made in the year 2002 as expressed in communication dated 20.11.2002. The amendment also cut down the period of tenure from three years to two years as indicated earlier. Admittedly the applicant completed his tenure. It is for the authority to consider for the posting of the applicant as per administrative exigency and also keeping in mind the policy of posting and transfer. There is no dispute that applicant could not give his choice before the authority since he was not aware of the amended policy whereby he was made eligible for a choice posting. The applicant though submitted representation the same was turned down on the count that the representation "lacks substance". As alluded earlier it is the employment that is to make transfer and posting and which has also proclaimed a policy to guide itself in the matter of posting and transfer. Seemingly the applicant is entitled for consideration for a choice station

contd/-

[Handwritten signature and initials]

in the light of the policy guidelines. The applicant by his representation dated 14.5.2000 gave his choice stations. It

is for the competent authority to consider the same as per

law. Mr. A. Deb Roy, learned Sr. C.G.S.C. on the other hand

submitted that though the applicant by his representation indicated his choice station the same was rejected.

3. I have given my anxious consideration on the matter.

On perusal of the guidelines for transfer and posting and

transfer it does not appear that the respondents addressed

its mind to the facts situations cited in the applicant's

representation. The order rejecting the representation is

evidently abstruse and vague. The party affected is entitled

to know as to the reasons that operated in passing of the

order against him. Giving of reasons is one of the basic

principles of natural Justice. Reasons furnish the connection

between constituents of which the conclusions are based and

the tangible conclusion. It is the discernable safeguard

against injustice and arbitrariness. "The giving of reasons

is one of the fundamentals of good administration." Said

Lord Denning in Breen v Amalgamated Engineering Union (1971)

1 All ER 1148.

4. On consideration of all the aspects of the matter I

am of the view that ends of justice will be met if a

direction is issued on the respondents to consider the

representation of the applicant submitted for his choice

posting. The applicant may also submit a fresh representation

within four weeks from the date of receipt of the order. The

respondents shall, thereafter consider the same and pass

appropriate order as expeditiously as possible, preferably

within two months from the date of receipt of the order.

contd/-

Attu
Advocate

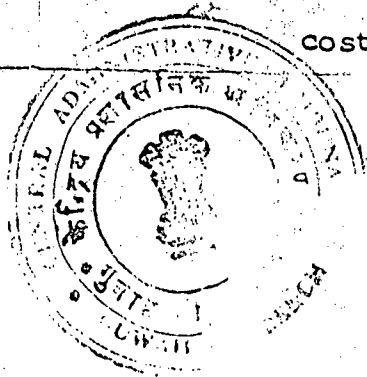
- 64 -

-5-

The interim order dated 18.7.2003 shall remain in force till disposal of the representation.

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

Sd/VICE CHAIRMAN



PG.

संश्लेषित प्रमाणित प्रतिलिपि
प्रमाणित प्रतिलिपि

20/8/03

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

Attested
[Signature]
[Signature]

NOT NOT DISBURSED

Amount of Stamp affixed

Received a Registered

Addressed to

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65

ANNEXURE - G

From :-

MES-229603

Shri Hirak Bhattacharjee, JE (QS & C)

GE (A/F) Borjar

GUWAHATI - 781 015

To,

The Chief Engineer

Headquarters

Eastern Command

Fort William

Kolkata - 700 021

(Through GE (A/F) Borjar)

Subject: SUBMISSION OF FRESH REPRESENTATION FOR RECONSIDERATION OF TRANSFER TO ONE OF THREE CHOICE STATIONS AS PER JUDGEMENT OF HON'BLE CAT GUWAHATI BENCH, GUWAHATI DATED 14 AUG '2003.

O.A No. 165 OF 2003, HIRAK BHATTACHARJEE

Vs.

UOI AND OTHERS

Sir,

1. References :-

- Srl. No. 39 of your HQ POSTING/TRANSFER ON TENURE TURN OVER : JE (QS & C),
- My appeal/application dated 14 May '2003 forwarded to your HQ duly recommended by GE (A/F) Borjar, CWE (A/F) Borjar and CE (AF) SZ Shillong vide CE (AF) SZ Shillong letter No. 81006/9/SA/13/EIC(I) dated 06 Jun '2003 and
- Your HQ rejection letter No. 131322/2/2003/JE (QS & C)/53/Engrs/EIC(I) dated 26 Jun '2003

2. With due respect it is submitted that, on receipt of your HQ rejection letter mentioned in Para 1(c) above against my application/appeal mentioned in Para 1(b) above; I left with no other alternative except seeking justice from Law.

3. Accordingly I applied to Hon'ble CAT Guwahati for justice, and Hon'ble CAT Guwahati vide order dated 13 Jul '2003 (copy enclosed) granted me STATUS QUE and listed the case giving three weeks time on the 14 Aug '2003 for ADMISSION and HEARING.

4. On hearing the case on 14 Aug '2003, the Hon'ble CAT GUWAHATI admitted the case (copy of Judgement enclosed) and directed me to submit fresh representation before your HQ within four weeks from the date of judgement i.e. 14 Aug '2003, for consideration of my posting/transfer to one of my three choice stations.

Attn: /
Adm-F

Recd
by
08/9/03

Contd.....2/P

- 46 -

- 2 -

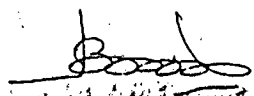
5. In view of the above most earnestly I am submitting my three choice stations below.

- (i) Narangi
- (ii) Silchar
- (iii) Bagdogra

6. I will be highly obliged and will remain ever grateful to your highness if you kindly post/transfer me to one of my three choice station.

Thanking you,

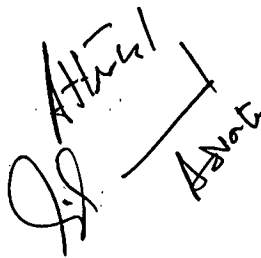
Yours faithfully,


(Hiralak Bhattacharjee)
JE (QS & C)

Dated : 08 Sept '2003.

Station : Borjar, Guwahati-15.

General-63


A. Hiralak

Tela : 2222-2529

Mukhyalaya, Purvi Kaman
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Kolkata - 21

131322/2/2003/JE(QS&C)/14/Engrs/EIC(I)

01 Oct 2003

CE(AF)Shillong Zone

CE Shillong Zone

POSTING/TRANSFER ON TENURE TURN OVER : JE(QS&C)

1. Refer this HQ letter No 131322/2/2003/JE(QS&C)/02/Engrs/
EIC(I) dated 03 May 2003.

2. The following amendment may please be made to our letter
under reference :-

"Delete all the entries against Srl No. 39"

3. All other entries will remain unchanged.

(L. Padhi)
Major
SO-II(Pers)
for Chief Engineer

Copy to :-

CWE (AF) Borjar

GE (AF) Borjar

INTERNAL

E/7, EIR, EID, EDP Cell, M/F and O/Copy

Attchd
Private

1
15/10

- 48 -

Gr (AF) Borjar
POSTING ORDER NO: 47/2003

ANNEXURE - 1

Mil Tele : 2222-2700

REGISTERED SDS

Chief Engineer
Headquarters
Eastern Command
Fort William
Kolkata - 700 021

131322/2/2003/JE(QS&C)/245 /Engrs/EIC (I)

31 Dec 03

Chief Engineers

Kolkata Zone
Siliguri Zone
Shillong Zone
(AF) Shillong Zone

POSTING/TRANSFER ON TENURE TURN OVER : JE (QS&C)

1. The following posting/transfer are hereby ordered in the interest of state :-

Ser No	MES No, Name & Designation	Posted		Due date	Remarks
		From	To		
(a)	(b)	(c)	(d)	(e)	(f)
1.	264690 Shri Manik Mazumdar	GE (A) Kolkata	GE (AF) Borjar	31 Jan 2004	
2.	270603 Shri K C Naskar	GE (N) Kolkata	CE Shillong Zone	31 Jan 2004	
3.	439145 Shri Sanjit Banik	GE Bengdubi	CWE Shillong	20 Jan 2004	
4.	243440 Shri Ramanuj Chakraborty	GE Sevoke Road	GE (N) Kolkata	31 Jan 2004	
5.	269006 Shri SR Das	GE Sevoke Road	GE (AF) Hassimara	20 Jan 2004	
6.	203949 Shri Mridul Das	CE Shillong Zone	GE (N) Kolkata	20 Jan 2004	
7.	281008 Shri A K Doley	GE (AF) Jorhat	GE (AF) Tezpur	10 May 04	
8.	203289 Shri Debashish Chakraborty	GE 868 EWS	CWE (C) Kolkata	31 May 04	
9.	264677 Shri Subhash Barman	GE 872 EWS	HQ 136 WE	31 May 04	
10.	605570 Shri Prabhudha Sarkar	AGE (I) (AF) K'Gram	CE Siliguri Zone	31 May 04	

Contd 2/-

Ajit
R
Adarsh

22/2/04

1.	264665 Shri A K Das	GE (N) Kolkata	GE 868 EWS	31 May 04	
12.	486244 Shri Santanu Purekayastha	CWE (C) Kolkata	GE 872 EWS	31 May 04	
13.	214177 Shri Debabrata Paul	GE (N) Binnaguri	GE 869 EWS	20 Apr 04	
14.	238822 Shri Biplab Kumar Baidya	HQ 136 WE	AGE (I) (AF) K'Gram	15 May 04	
15.	263335 Shri Partha Pratim Deb	HQ136 WE	GE (AF) Shillong	15 May 04	
16.	213882 Shri Mukul Mitra	GE Khaprail	GE (AF) Borjar	25 May 04	
17.	268006 Shri B C Roy	CE Shillong Zone	GE Sevoke Road	30 Apr 04	
18.	203840 Shri Partha Sarthi Paul	GE 859 EWS	GE (P) Kolkata	31 May 04	
19.	268007 Shri Rahul Chowdhury	GE (AF) Borjar	GE Sevoke Road	31 Jan 04	
20.	280520 Shri Luhit Barua	GE 869 EWS	GE (AF) Jorhat	30 Apr 04	
21.	281011 Shri Abdur Rahim	GE (AF) Borjar	GE 859 EWS	20 May 04	
22.	232982 Shri SS Das	GE (AF) Hassimara	GE Bengdubi	31 Jan 2004	
23.	229603 Shri Hirak Bhattacharjee	GE (AF) Borjar	CE Shillong Zone	31 Jan 2004	

(Total Twenty Three pers only)

- Your attention is drawn to this HQ letter No 131306/1/95/Engrs/EIC (I) dt 30 Aug 93 for strict compliance. All concerned may be informed accordingly.
- Individuals from peace to tenure station will move first within the stipulated time frame and will not be held up for relief.
- The posting order to be implemented within due date as indicated above. The concerned unit will also forward a completion report indicating the date of SOS within the same period.

Contd.....3/-

Attn:
J.S. /
Adm. Secy.

5. Failing of above instructions will be seriously viewed and will be treated as insubordination of the order of CE Eastern Command.

(Achintya Dass)
Lt Col
SO I (Pers)
For Chief Engineer

Copy to :-

CWE Kolkata, CWE (C) Kolkata, CWE (S). Barrackpore, CWE Bengdubi, HQ 136 WE, CWE Shillong, CWE Tezpur, CWE Dinjan, HQ 137 WE, CWE (AF) Borjar, CWE (AF) Kalaikunda, CWE (AF) Jorhat, GE (P) Kolkata, GE (AF) Tezpur, GE (AF) Shillong, GE 859 EWS, GE 868 EWS, GE 869 EWS, GE Bengdubi, GE (N) Binaguri, GE (AF) Jorhat, GE (AF) Borjar, GE (AF) Hassimara, GE (A) Kolkata, GE (N) Kolkata, GE Sevoke Road, GE 872 EWS, AGE (I) (AF) Kumbhigram

Internal

EID, EIR, Master Folder, C/F & Office copy.

Attested
[Signature]
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of :-

O.A. No.13 of 2004

Shri Hiral Bhattacharjee

... Applicant

-Versus-

Union of India & Ors.

... Respondent

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

I, Major A.N. Rafat, Garrison Engineer (AF),
Borjar, Guwahati-15, do hereby solemnly affirm and say as
follows :-

1. That I am the Garrison Engineer (AF), Borjar, Guwahati 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 Respondent have no comments to the statements made in paragraph 1,2,3 and 4.1 & 4.2 of the application.

3. That with regard to the statements made in paragraph 4.3 to 9 of the application, the respondent beg to state that Garrison Engineer (AF) Borjar is a tenure station for him is not correct. The applicant while serving in tenure station of CWE (P) Agartala/GE(P) Teliamura has given GE(AF) Borjar as one of his choice station for posting out repatriation proforma based on which his posing to GE(AF) Borjar was issued by

Contd..p/2-

(S2) 56

(2)

HQ CEEC Kolkata letter No.131322/2/2000/JE QS&C/119/Engrs/EIC(1) dated 07 December,2000. Xerox Copy of repatriation proforma is attached as Annexure - 'A'.

As per posting policies on posting/ transfer of Group 'C' & 'D' employees issued vide HQ Chief Engineer Eastern Command Kolkata letter No.131306/1/95/Engrs/EIC(I) dated 30 Aug 2003 and as per stipulation contained in para 16 thereof read as "The three stations so indicated by the applicant on completion of his tenure service will be treated as " Non tenure station for him being his own choice station irrespective of the location/station i.e. tenure/peace.

Now by virtue of above choice station given by the applicant GE(AF) Borjar has to be accepted as non tenure station of Shri Hiral Bhattabharjee, JE (QS&C) for the purpose of posting/transfer. In short GE(AF) Borjar is not a tenure station for him.

Therefore, neither the applicant has got right to approach for posting to his choice station nor he is eligible to submit repatriation proforma or application for posting out to another choice station.

Moreover, the applicant during his 16 years of service has served in staff appointment (i.e. CWE(P) Agartala) only for a short span of 10 months. He has never served in Zonal Chief Engineers office as well so far.

As per posting/transfer policy dated 30 August,2003 every employee of his category (JE Surveyor now JE (QS&C) will have to move on turn over from Executive/Sensitive post (GE/AGE(I) Office) to staff (Zonal/CWE/GE/AGE(I) office). Moreover while completing period of tenure in sensitive appointment (GE/AGE(I) office, entire service profile of the applicant irrespective of stay in present unit/station/complex will have to be considered in that purpose. Since the application has never served in Chief Engineer Zone during his 16 year of service in this department, his present posting to HQ CE Shillong Zone ordered vide HQ CE Eastern Command Kolkata letter No.131322/2/2003/JE(QS&C)/245/Engrs/EIC(I) dated 31 December,2003 is

Contd.p/3-

(S3) 4

(3)

considered fully justified and the act of the applicant to resort to process of litigation and protest the normal posting is not justified at all.

4. That the respondents beg to state that as per para 10 of above posting policy, indication of choice station/complex does not confer automatic right on the applicant to get posted to those tenure stations/complexes only as it will depend upon vacancies available on placement of their seniors.

5. That the respondents beg to state that in view of the above it is prayed that the Hon'ble Tribunal will be pleased to vacate the stay order dated 23 Jan 2004 and direct the applicant to proceed on posting as directed by HQ CE Eastern Command Kolkata.

6. 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, Maj. A.N. Rafat, presently working as Garrison Engineer (AF), Borjar, Guwahati 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 - 4 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 12 th day
of July 04

DEPONENT



A N RAFAT
MAJ
GARRISON ENGINEER, A/F

mo0o-

NOMINAL ROLL

Category : Basic Staff (Gp 'C')
Unit : GE (I) (P) Teliamura

NOMINATING REPORT										
Category : Basic Staff (Gp 'C')										
Unit : GE (I) (P) Teliamura										
Ser	MES NO.	Name, Date of birth, Home Town and Date of Retd	FORMATION SERVED		Sensi- tive	Non- sensi- tive	Choice Station	Medi- cal cate- gory	Comp Ground LLP avail- able or not	Matric
			From	To						
1	2	3	4	5	6	7	8	9	10	11
MES-229603	SHRI HIRAK BHATTACHARJEE, JE (QS&C)	GE Shillong	23.11.87	26.10.91	Yes	-	GE (A/F) /	-	Not availd	11 months
		GE Narangai	27.10.91	28.8.95	Yes	-	BORJAR	-		CWE (P) 07 months
		CWE Tezpur	29.6.95	13.10.98	-	Yes	GE NARANGI	-		GE (P) 03 months
		CWE (P) Agt	14.10.98	28.8.99	-	Yes	GE 872 EWS	-		GE (I) 03 months
24 th Jul 1963		GE (P) Agt	29.8.99	08.4.2000	Yes	-		-		
		GE (I) (P) Teliamura	09.4.2000	till date	Yes	-		-		
									Total	21 months upto Jun 2000 in the Sth Agartala
Tangle, Darrang (Assam)										
31 st Jul 2023										
Remarks										

Tenure done/ not done	Whether NER/ N/Bengal / Recruittee	Service profile from the date of joining service	EL/ML/EOL availed by indi- stay in unit	Unit serniority	Station Seniority	Remarks
12	13	14	15	16	17	18
Tenure done	NER recruittee	a) SA II wef 23.11.87 b) Getting the scale of SA I wef 23.11.92 to as per CA Bangalore. c) Now been redesigna- ted as JE(QS&C) d) Pt wef 21.9.95.	10 days EL from 20.11.99 to 29.11.99 07 days EL wef 07 May 2k	wef 8.4.2000 i.e. from the date of joining in GE (I) (P) Teliamura	wef 13.10.98 i.e. from the date of join in CWE (P) Agt	1) Ref your HQ letter No. 131322/2/2000/JE(QS&C) ii) The individual was posted from CWE (P) Agt to GE (P) Agt in the event of disband- ment of CWE (P) Agt. iii) The individual was posted from GE (P) Agt to GE (I) (P) Teliamura in the event of disbandment of GE (P) Agt.

The above statement is correct

(H Bhattacharjee)
JE (QS&C)

Attested
[Signature]
[Signature]

[Signature]

Anneaux A

54

Tele : 2222-2700

REGISTERED POST/SDS

Chief Engineer
HQ Eastern Command
Fort William
Kolkata - 21

131306/1/ 96 / Engrs/EIC(I)

11 Sep 2003

Chief Engineers
Kolkata Zone
Siliguri Zone
Shillong Zone
(AF) Shillong Zone
(OFB) Kolkata
Cdrt EIC Kankinara
GE I/ Chandipur

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

1. A copy of posting policy letter No 131306/1/95/Engrs/EIC(I) dt 30-Aug-2003 in respect of Civilians Group 'C' & 'D' employees is forwarded herewith. This policy shall be effective from the date of issue of this letter.
2. Please ack receipt.

(Achintya Dass)
Lt Col
SO 1 (Pers)
for Chief Engineer

Encls : (As above)

Copy to :-

1. CME Kolkata
2. CME(S) Kolkata
3. CME(S) Barrackpore
4. CME Bengdubi
5. HQ 136 WE
6. CME Dinjan
7. CME Shillong
8. CME Tezpur
9. HQ 137 WE
10. CME(AF) Borjar
11. CME(AF) Jorhat
12. CME(AF) Kalaikunda
13. GE(I)(P) Teliamura
14. All AGE(I)

SM/*

1. A copy of posting/transfer policy letter under para 1 above is enclosed herewith.
2. You are requested to disseminate the copy of posting/transfer policy to all sub-units upto AGE(I) level for their info and records. Confirmation to the same effect is to be given to this office by 20 Sep 2003.
3. Please ack receipt.

for info please.

10
6
HQ Eastern Command
Abhiyanta Sakha
Engineers Branch
Fort William
Kolkata -21

131306/1/Engrs/EIC(I)

30 Aug 2003

CE Siliguri Zone
CE Shillong Zone
CE(AF) Shillong Zone
CE Kolkata Zone
CE(OFB) Kolkata
Comdt ESD Kankinara
GE(I) R&D Chandipur
Balasore (Orissa)

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

1. The posting/transfer policy of all Group 'C' & 'D' personnel in the MES of this Command is prepared based on certain guidelines contained in Govt of India, Min of Def letter No 8(3)/92/D(Appts) dated 23 Jan 94, E-in-C's Branch AHQ letter No 79040/EIC(I) dated 31 Aug 94 and B/20148/PP/EIC(I) dated 16 Apr 2003 and amendments received from time to time.
2. The broad principles, under which transfers of Group 'C' & 'D' civilian subordinates are to be carried out, are stipulated in Min of Def OM No 13(I)/70/D(Appts) dated 29 Nov 72 and 32(4)/73/D(Appts) dated 21 May 75.
3. Posting of Group 'C' & 'D' individuals less industrial personnel will be issued by this HQ on the following grounds :-

- (a) Tenure Stations/Complexes turn over
- (b) Compassionate grounds
- (c) Maintenance of Command Manning Level (CML)
- (d) Local Turn Over
- (e) Promotions
- (f) Mutual Basis
- (g) Administrative ground
- (h) Adjustment of surplus/deficiency

2/-

Tenure Stations/Complexes turn over

4. Tenure service is mandatory and each individual is required to fulfill his tenure liability as per his seniority. Stations, mentioned in Appx 'A' to CE EC letter No 131306/1/72/Engrs/EIC(I) dt 20 Nov 02 as amended vide 131306/1/79/Engrs/EIC(I) dt 27 Dec 02 have been declared as Tenure Stations. Current list of tenure stations in the Comd is att as Appx 'A' to this letter. Normal Period of tenure at these tenure stations will be three yrs for individuals with service 10 yrs or less and two yrs for those with service more than 10 yrs. No station is tenured/de-tenured or re-tenured with retrospective effect. The exercise of detenuring of existing tenure stations in view of its improved living conditions should continue as at present. A tenure station once de-tenured may not be declared a tenure Station again except in unavoidable circumstances. However, declaring of any station tenure or non-tenure will be decided by CE Command only.
5. On completion of the stipulated period at tenure stations/Complex, such individuals are required to be repatriated to one of their three choice stations/Complexes as per availability of vacancies.
6. A categoriwise list of individuals of Basic Staff including those who are due for tenure in their turn and those who are initially appointed at tenure Stns/Complexes and subsequently transferred to other stations/Complexes, will be circulated by this HQ prior to issuance of tenure turn over postings in Jan every year.
7. These lists will be circulated down to GE/AGE(I) level and all accepted pers will be informed in writing so that they are mentally prepared to move to tenure stations/complexes on issuance of their posting order. The acknowledgements of these affected indls will be kept on the record by the unit/fmn concerned and confirmed by respective Zonal CEs in their report to the CE Command. The seniority list will be circulated well in advance for units concerned to scrutinize the list in time. The case of any omission, discrepancies, appeals if any against these warning lists will be forwarded to the Command CE not later than 15 Feb every year. The same will be assumed as Nil, thereafter and onus of omission, if any, will rest with the head of the office/Formation.

62

8. The case of the following nature will be reported to the Command HQ by the specified dates so as to enable them to take appropriate action at the time of planning of postings :-

- (a) Personnel who are elected members of the works committee for the first time, indicating the period of their present term with specific dates. Those elected for second or subsequent terms are not eligible for protection.
- (b) Personnel who are important office bearers of recognized Unions/Associations and are entitled for protection for posting as per existing rules with the date upto which they are exempted. First time elected members only are entitled.

© In case, there are any individuals in the seniority list who have moved or stand posted to other stations/complexes, this information must be intimated by signal or Fax followed by ink signed copies by post.

9. The individuals earmarked for posting to tenure stations/Complexes as per seniority list will not be posted out at Zonal/CWE/Stations/complexes level under surplus/deficiency policy. The longest stayee/volunteer, however, may be turned over locally, if necessitated, not involving a change of stations/complexes. This however will not exempt such persons from posting to tenure stations/complexes as per their service or seniority. The persons posted on promotion to a different stations/complexes or posted to another peace stations/complexes as a stations/complexes senior but due for tenure will not be posted to tenure stations/complexes till they complete minimum stay of three years in the new stations/complexes.

10. The individuals due for tenure will indicate their choice of three tenure stations/complexes in the order of preference for consideration. However, indication of choice stations/complexes does not confer automatic right on an individual to get posted to those tenure stations/complexes only, as it will depend upon vacancies available on placement of their seniors. Though the administration will make all out efforts to accommodate persons coming to tenure stations to their choice indicated, however those who cannot be accommodated in their choice stations/complexes due to non-availability of vacancies will be posted to other tenure stations/complexes as per requirement.

11. A certificate to the effect that "Particulars of persons figuring in the service seniority list have been checked and discrepancies noticed have been reported vide letter No _____ dated _____ or there are no discrepancies and no eligible individual for posting to tenure stations/complexes is left out" as the case may be, will be submitted to this HQ by 15 Feb every year under signature of the heads of the offices, after which it will be assumed as NIL.

12. Simultaneously, a circular will be issued by this HQ in the months of Dec/Jan and Jun/Jul every year calling for volunteers for tenure posting in respect of pers not due other wise. The names and written options of volunteers together with full service particulars will be submitted by all CEs Zone/Comds direct to the Command HQ to reach before 15 Feb and 15 Aug. Seniority of personnel in each categories will be prepared by this HQ and volunteer will be given preference. However, the volunteering for tenure does not in any way confer a right of posting to a tenure stn as the same will be decided at CE's Command level in accordance with overall requirement and constraints.

13. The following instructions will be followed while nominating subordinates to tenure duty stations/complexes :-

(a) In case the number of volunteers happens to be more than the actual requirement, the following criteria will be applied for selection :-

(i) They will be considered category wise for posting based on their seniority.

(ii) Those who have not done tenure earlier will get preference, followed by those who have done tenure according to their last dates of return from tenure.

(iii) The longest stayee in the stations/complexes would get the PRIORITY over the other individual based on seniority as above and no exception will be made.

(b) If sufficient volunteers are not available, service senior will be considered for tenure posting.

© Service seniors who volunteers for tenure postings will be first considered as volunteers only as per the provisions for posting of volunteers.

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

~~(e)~~ Every individual nominated for service in tenure station must complete his full tenure before being posted back to one of his choice stations. For the purpose of determining the period of stay in a tenure station, an individual must be physically present in that office for the full period of tenure excluding the period of absence of leave or otherwise. If for reasons, due to illness extreme compassionate grounds, an individual is repatriated prior to completion of his tenure, he may again be posted to tenure station after an expiry of 3 years of service. His tenure would start afresh and he is to complete the tenure of two or three years at one stretch and not for the left over period only. Unit will submit proforma particulars as per Appx 'B' attached in respect of individuals who have actually completed/will be completing their full physical tenure service up to 30 Jun and 31 Dec of the year. These facts should be checked thoroughly and certified by an officer under his signature just below the statement of nominal roll. The individuals who are completing their two/three yrs tenure by 30 Jun and 31 Dec of that year will fwd their three choice stations through their concerned unit/line after completion of 1 year and 6 months/ 2 yrs and 6 months respectively in the tenure station.

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

(g) The normal age limit for tenure stations/complexes posting is 52 years. Subordinates over 52 years may also be posted for a shorter tenure but none will be retained at a tenure stations/complexes beyond the age of 55 years. The age for such postings will be considered as on the date of issue of posting order. Hence, cases of tenure posting of individuals in the vicinity of the above age brackets must be implemented expeditiously to avoid later complications.

58

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(h) Those posted from one command to another on compassionate grounds will not be nominated until completion of three years service in the choice stations/complexes. This protection is not available to persons who have moved on mutual posting.

(j) The group 'D' personnel promoted/reclassified to group 'C' posts will be considered for tenure posting and their date of joining in group 'C' posts will be treated as cut off date for deciding the seniority for the purpose of tenure posting.

(k) The individuals who are posted to other commands due to non-availability of vacancies in the parent command, will be treated as tenure posting and will be repatriated to their choice stations/complexes after completion of tenure period of two or three years as applicable. Nominal Roll of such repatriates will be maintained by Army HQ. Such individuals will submit application for repatriation duly indicating three stations/complexes of choice immediately after completion of one or two years of stay in the other command as may be applicable with an advance copy of the same endorsed to Army HQ.

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

(m) A Tenure Station will not be treated as a tenure station for those employees of NE region who belong to that station. Remaining all other declared tenure stations will be the tenure stations for them.

14. Disabled persons will not be posted to a tenure stations/complexes if the disability prohibits his free movement/functioning. The case shall be decided on merits. However, if disabled individual is willing to go to a tenure stations/complexes, he will be allowed such posting. An employee whose child is suffering from hearing impairment or multiple disabilities will not be posted to a tenure stations/complexes.

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15. Period of leave in excess of fifteen days per year will be excluded while counting the tenure period. However, CE/ACE (Pers) this HQ may extend the period in exceptional circumstances in exigencies of service or when the employee concerned is prepared to stay longer.

16. The individual serving in a tenure stations/complexes may submit his choice after completion of two and half or one and a half years as may be applicable, of any three stations/complexes, located in three distinct place/complexes separated by at least 20 Kms. Two out of three choice stations/complexes should be in different CEs Zone. Improper/ incomplete repatriation proforma will not be accepted. In case proper repatriation proforma with correct information is not recd by due date, it will be assumed as nil and onus of not being able to avail the facility of offering choice station by the individual will lie with the individual/ head of the office where the individual is serving. The three stations so indicated by the indl on completion of his tenure service will be treated as Non-tenure station for him being his own choice stations irrespective of the location/station i.e. Tenure/Peace.

17. In case, an individual is required to be disturbed before completion of his tenure, due to promotion or other contingencies, he will be posted to another tenure station/complexes to complete his balance liability.

18. On completion of tenure, the individual will be adjusted at one of the three choice stations/complexes given by him in the Repatriation proforma. In case of non-availability of a vacancy in any of the three choice stations/complexes, the affected persons due for turnover may be allowed to remain in the tenure stations/complexes till a vacancy arises in one of his choice stations/complexes. Such employee may be given the benefit of deferment for his re-posting to tenure stations/complexes in his next turn for such posting. The exact period for which the benefit is to be given will be decided based on the following norms: -

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

(b) Excess stay of more than 6 months but upto 12 months. Deferment @ 50% of time (Months) spent in excess of the normal tenure of two or three years as applicable.

© Excess stay of over 12 months and above. Deferment @ 75% of time (months) spent in excess of the normal tenure of two or three years as applicable.

19. The individuals who desire to stay longer in a tenure stations/complexes at their own accord will not be entitled for the deferment benefit.

20. In case tenure completed individual does not want to continue at the tenure stations/complexes, he will be repatriated to one of choice stations/complexes by moving out longest stayee, who should have completed minimum three years in such stations/complexes. For determining the longest stayees all the three choice stations/complexes will be clubbed together. The longest stayee moved from a peace stations/complexes for making room for adjustment of tenure completed individual will be brought back at Government expense, to the same stations/complexes after completion of three year in a new stations/complexes as may be applicable provided he/she is interested to come back and applied for the same.

21. Since tenure posting are mandatory, no representation against these postings will be entertained.

22. For individual serving in executive offices in tenure station, maximum one year extra will be given in two spells and if any one wants to extend another tenure, they will be shifted within the station/complex station/satellite station on staff appointment.

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

24. The individual posted from peace station to tenure station will move first and similarly the individual posted from staff appt to executive appointment will move first for easy implementation of posting.

25. The individual who were declared North Bengal and North East Region recruitees based on their initial appointment but hail from other areas, will be considered for posting back from NB/NER. The individual so affected may submit their choice of posting strictly as per para 17 above. Since there are huge Nos of pers affected, as such for bringing them back the following procedure will be adopted :-

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(a) Keeping in view the huge deficiencies in each cadre, hard scale auth will be worked out to the extent of proportionate deficiency in the command.

(b) For repatriation, hard scale auth will be considered for ascertaining the clear vacancies.

© The individual will be brought back strictly as per their seniority in tenure station.

(d) While submitting the choice for repatriation, the three choice stations should fall in three complexes and minimum in two Zones as per para 17.

Posting from Peace to Peace station

26. An individual who is to move from one peace station/complex to another peace station/complex to make room for a tenure completed will be posted to one of his/her three choice stations/complexes, as far as possible. This facility will not be available to other types of postings.

Compassionate posting

27. The guidelines for compassionate posting will be followed :-

(a) Individuals may themselves apply for compassionate posting after completion of two years of physically stay in present stations/complexes through proper channel. Applications from relatives or those received directly will be rejected and attempts to bring outside pressure will be discouraged.

(b) Applications on domestic grounds shall be verified, if required, in consultation with civil authorities, if the CWE/CE zone is not satisfied of the genuineness of cases on ground. All compassionate cases have to be recommended without replacement in the chain.

© Applications on medical grounds need to be accompanied by appropriate medical certificates from Authorised Medical Attendant (where AMA is not available, from Register Medical Practitioner) including the nature of illness and justification for transfer of the individual.

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(d) This HQ will order a Board of Officers to assemble every 6 months in Jan & Jul to screen the applications.

(e) To avoid grant of undue benefit, it will be ensured (before compassionate transfer are accepted and orders issued) that affected persons are not due for posting to tenure stations/complexes.

(f) All postings on compassionate grounds will normally be at the expense of the individual.

(g) Compassionate cases for posting out side command will be progressed only with replacement from the other Command. When a person applies for posting from one Command to another, the Command to which he belongs shall issue the posting order after ascertaining his acceptability from the Command to which he seeks transfer and the unit to which his posting order is to be issued. Thereafter the first Command will issue posting order. However, pers seeking posting out of Eastern Command to other Command will be offered with replacement only.

(h) In case on non-availability of clear vacancy the longest compassionate stayee in stations/complexes will be moved so as to accommodate the other compassionate case, provided such stayee has completed three years in a stations/complexes.

(j) Travelling allowance can be paid to the individuals posted on last leg compassionate grounds at the time of retirement only to his/her home town/selected place or residence, subject to approval of the transferring authority, who should record reasons for such postings.

(k) The compassionate postings will be ordered to a non-sensitive appointment as far as possible. In case individual waiting for compassionate posting on PRIORITY becomes due for tenure, the compassion will be kept in sight while considering such case.

(l) In the case of inter Command, postings of personnel seeking to go outside the command deficiency will be kept in sight while considering such cases.

(m) The period of posting on compassionate grounds will be restricted to 3 years so as to accommodate other compassionate postings.

28. Validity of cases once approved by the compassionate board will remain for 1 year. In case the individual is not posted to his choice stations/complexes during this period he/she is required to forward an application for revival his/her claim on expiry of the validity of the board. If the revival application is not received, the names of the individuals waiting in CCB will be deleted from the list.

Command Manning Level Posting(CML)

29. The aspect of Command Manning Level (CML) postings has been introduced to ensure parity of manning level between various Commands as well as within Command.

30. Detailed statistical data regarding auth/holding and Defi/Surplus in each category and grade of Group 'C' & 'D' Basic/Non Basic, Industrial/Non Industrial persons showing position as on 31 Mar will be forwarded to E-in-Cs Branch by 30 Apr each year. Based on these info, E-in-C's Branch will work out %age satisfaction level and will issue inter Command figure postings giving details of dispatching/receiving Command.

31. On receipt of info from E-in-C's Branch, CE Zones will be asked to give particulars of volunteers and their choice in case the place of postings happens to be more than one. If numbers of volunteers are more than the vacancies available longer stayee will get the preference over the others. These moves will be completed by 30 Jun each year.

32. Since the postings will be inter command and in the interest of the Organisation for sharing shortages, to protect the interest of the individuals, such postings will be considered as tenure stations for the purpose of tenure and repatriations.

33. In order to maintain manning level in all the unit/Fmn evenly within the command, the longest stayee in the particulars post/grade will be transferred from one station/complex to another. For this purpose the stations/complexes and approx number of vacancies available, there at, will be published by this HQ to enable the longest stayee to opt three stations/complexes of choice from amongst such stations/complexes. If the number of optees of particulars stations/complexes is more than the number of vacancies available, posting will be considered in the order of seniority i.e longest stayee will get first opportunity to be adjusted as per option given. Those who could not be accommodated at the choice stations/complexes for want of vacancies will be posted as per job requirement.

34. In determining the longest stayee in stations/complex, all the units located in that stations/complexes including satellite stations will be taken into consideration

POSTING ON LOCAL TURN OVER (LTO)

35. To avoid indulgence of employees in undesirable activities, to prevent any undue benefit and to provide equal opportunity of training and experience to all of them, regular turn over from sensitive to non sensitive and vice versa will be carried out for those employees who have completed three year service at a seat. LTO may also be resorted to for rationalizing the staff so as to neutralize the imbalance caused by TTP and CML postings.

36. The LTO posting has already been decentralized vide this HQ letter No 131306/1/68/ Engrs/EIC(I) dated 16 Dec 92. Posting from one units/Fmn to another units/Fmn, where only one unit is functioning in a station and turn over within unit is not possible, will be done by this HQ. CE zone will forward the names of the persons who have completed their mandatory period of 3 years in such cases. Turn over within the unit however should be done every three years by unit commanders. List of stations/complexes and authorities empowered to carryout at different stations/complexes already circulated to all Zones vide our letter no 131306/1/57/Engrs/EIC(I) dated 11 Sep 2002, is enclosed as appendix 'C'.

37. LTO for Kolkata Complex will be carried out by a Board of Officers (with a member from Kolkata Zone) which will be ordered by this HQ.

38. The following categories of posts/appointments have been identified as sensitive appointment at different levels :-

- (a) JE (Civ) employed on executive appointment
- (b) JE (E/M) employed on executive appointment.
- © JE (QS&C) employed in GEs Division dealing with contractual matters.
- (d) Supr B/S Gde-I/II employed on procurement of stores/ furniture.

18

(e) ⁷² SK- Gde-I/II employed on procurement and holding of stores/ furniture.

(f) OS employed in GE's division/CsWE office/CE Zones/ CE Commands dealing with promotions, recruitment/appointments, postings/transfer, advances of all types, local purchase of stores, discipline/confidential matters and contractual matters.

(g) UDCs/LDC's employed on jobs relating to promotions, recruitment/appointments, postings/transfer, local purchase of stores, discipline/confidential matters, contractual matters, sub-division clerks and Cashiers in GE's division.

39. JE 'T' appointment will be considered as non executive appointment only if a PTO to that effect indicating the period of such duties has been published by the unit.

40. JEs (Engrs, Surveyors, and supvr B/S Gde-I/II) will be moved on turn over from executive/sensitive posts to staff and vice versa after every three years in division/ unit and after continuous 6 years service in sensitive appointment, they will be moved to CE/CsWE office. While computing period of tenure in sensitive appointment, entire service profile of individual will be considered irrespective of stay in the present unit/stations/complex. In case there is only one division/sub-division in station/complex, they will be transferred to another stations/complexes. Accordingly case will be projected to next higher authority well in time.

41. Clerks, Store keepers and other category of staff working in sensitive section will be transferred to another non-sensitive section within the division or another division or CE/CsWE office as far as possible within the station/complex.

42. While turning over executive staff it will be ensured that the individual is not posted to the same division after completion of tenure in another division staff appointment. He will, invariably, be considered for posting to another division where he has not served earlier.

43. For turning over the individuals serving at satellite station where only one GE/AGE (I) is located, OC unit will forward the list of affected individuals to this HQ through Zonal CEs if turn over within the unit is not possible, indicating their three choice stations by 31 Mar showing cut of date as 31 May every year on the format as per Appx 'B' for issue of postings.

44. Personnel employed on non-sensitive appointment will be moved first and those employed on sensitive appointment will be moved within 10 days on arrival of replacement. Dates will be indicated accordingly in the posting order which will be strictly followed.

45. Authority empowered to carry out LTO within unit/complex will ensure that the LTO of affected persons has been carried out every year and none is left out. Auth will render certificate to this effect to this HQ by 31 Jan of the following year under the signature of CE/CWE/GE/AGE.

POSTING ON PROMOTION

46. Staff on promotion will be adjusted in the same stations/complexes (not necessary in the same unit) provided vacancies are available. However, if no vacancies are available in the same stations/complexes, the promotees will be adjusted in one of the three choice stations/complexes as far as possible except for those due for tenure turnover postings. However the individuals who have been repatriated from tenure stations/complexes and have not completed three year stay in the stations/complexes, will not be moved on promotion and will be adjusted by posting out the other senior most stayee in the stations/complexes. If vacancy is not available at any of the choice stations/complexes, the individual will be posted as per job requirement.

47. The representations, if any should be submitted with in 15 days of receipt of posting order with an advance copy endorsed to Command CE. The acceptance of refusal of promotion is subject to the exigencies of service and is not a matter of right.

48. The acceptance of refusal of promotion by the competent authority also does not confer a right of protection to the individual against a transfer, if due, on other grounds in his/her present rank, if due.

49. In case inter Command move is necessitated, junior most promotees will be moved out.

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POSTING ON MUTUAL BASIS

50. The following guide lines for posting on mutual basis will be followed :-

- (a) Individuals may themselves apply for mutual posting after completion of two years of physical stay in present station/office through proper channel.
- (b) Mutual posting shall be ordered subject to the condition that the individuals concerned are not due for tenure posting.
- (c) All postings on mutual basis shall be at the expense of the individuals.
- (d) Mutual transfer is not to be treated as compassionate posting and no protection against posting, when falls due, can be claimed by an individual arrived on mutual transfer.
- (e) Mutual transfers will only be considered between non-tenure stations only.

POSTING ON ADMINISTRATIVE GROUNDS

51. No individual will normally be posted to tenure stations/complexes or other normal stations/complexes on administrative grounds. Where it is considered that such a step is absolutely essential, following conditions will be complied before recommending posting on administrative grounds:-

- (a) In the first instance, disciplinary action will be initiated against the employee for his/her misconduct/guilt under CCS(CCA) Rule 1965.
- (b) In Case posting out becomes inevitable due to repeated acts of indiscipline, prior approval of this HQ will be obtained alongwith a self contained statement of case justifying the necessity.

52. If the individual to be posted out on administrative grounds happens to be due for posting to a tenure stations/complexes, he will be posted out to such stations/complexes, even if this involves posting out of turn. The CE Command will keep DGI (Pers)/E-in-C's Branch informed in such cases. In case of individual protected against transfer, prior approval of DGI (Pers) will be obtained.

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ON ADJUSTMENT OF SURPLUS/DEFICIENCIES

53. Where units/formations are closed down due to reduction in workload, the adjustment of surplus staff will be first done in the residual formations in the manner of filling of deficiencies within the Command Manning Level. The remaining staff will be informed of the stations/complexes and approximate number of vacancies available enabling them to opt for three choice stations/complexes amongst such stations/complexes. If the number of optees for a particular stations/complexes is more than the number of vacancies available, posting will be considered in the order of first opportunity to be adjusted as per the option given. Those who could not be accommodated at their stations/complexes of choice for want of vacancies will be posted as per job requirement. In all cases volunteers will be first preference.

54. In all cases where staff is rendered surplus, the re-adjustment will be carried out by posting out the longest stayees in the station/complex. In the case of postings involving inter-Command transfers, the junior-most person in the grade within the command will be moved. When the surplus staff is to be adjusted within the Command, the staff concerned will be informed of the stations/complexes and approximate number of vacancies available there to enable them to opt for three stations/complexes of choice from amongst such stations/complexes. If the number of optees for particular stations/complexes is more than the number of vacancies available, posting will be considered in the order of seniority i.e. longest stayee will get first opportunity to be adjusted as per the option given. Those could not be accommodated at their stations/complexes of choice for want of vacancies will be posted as per job requirements.

55. In the exigencies of service, situation may arise when offices/Works units are asked to move in block to other locations. In such cases the personnel to be moved will be selected based on their length of service in the stations/complexes i.e. the longest stayee will move by making local adjustments.

TIMING OF TRANSFER

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

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- (a) Tenure turnover posting - Mar/Apr and Sep/Oct
 - (b) Compassionate postings - Jan/Feb & Jun/Jul
 - © Command Manning level postings - Mar/Apr/May
 - (d) Local Turn over/Satellite postings - May/Jun

AGE FACTOR

57. All Group 'C' & 'D' employees will generally not be transferred preceding three years of their retirement except at their request to stations/complexes of their choice. However, if they have to move on promotion and if there is no clear vacancy in the stations/complexes where they are serving, they may still be moved irrespective of the consideration of age.

FEMALE EMPLOYEES

58. The female employees will be covered by the following policy norms :-

- (a) Woman employees are exempted from posting to the tenure station/complex.
- (b) They will not be posted to long -distance stations/complexes even in the case of their peace to peace station transfers unless female employees gives her choice of a station at a distant place. Long distance, in case of each command, will depend upon its geographical diversity and linguistic multiplicity.
- © They will be transferred from one peace station to another peace station on tenure basis (within 600 Kms approx at the mil head/bus terminus) on the analogy of tenure system adopted for the male employees. Their stay will be for a minimum period of 3 years and these employees would have the privilege of exercising three choice for their posting on return from that station including the home station.

(d) Where both the husband and wife are Central Government employee, the present policy to keep both at the same stations/complexes as far as possible, will be maintained. However, there will be no exemption to the husband from tenure posting in his turn. On repatriation, the husband will as far as possible, be posted to a stations/complexes where his wife is employed subject to the availability of a suitable vacant post provided it does not tantamount to successive executive/sensitive appointment.

(e) Where one spouse belongs to one of the All India Services and the other spouse belongs to MES :-

(i) The cadre Controlling Auth of the MES may post the officer to the station or if there is no post in the station to the State where the other spouse belonging to the All India Service is posted.

(f) Where the spouse belongs to one Central Service and the other spouse belongs to another Central Service (MES) :-

(i) The spouse with the longer service at station may apply to the appropriate cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the state where the other spouse belonging to the other Central Service is posted.

(g) Where one spouse belongs to MES All India Service and the other belongs to Public Sector Undertaking :-

(i) The spouse employed under the public Sector Undertaking may apply competent auth and said auth may post the said officer to the sta, or if there is no post under the PSU in that station, to the state where the other spouse is posted.

(h) Where one spouse belongs to a central Service (MES) and the other spouse belongs to PSU :-

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(i) The spouse employed under the PSU may apply to competent auth and the said auth may post the officer to the station or if there is no post under the PSU in the station, to the state where the other spouse is posted. If, however, the request can not be granted because the PSU has no post in the said station/state, then the spouse belonging to the Central Service (MES) may apply to the appropriate cadre controlling authority and the said auth may post the said officer to the station or if there is no post in that station, to the state where the spouse is employed under PSU is posted.

(j) Where, one spouse is employed under the Central Govt, (MES) and the other spouse is employed under the State Govt :-

(i) The spouse employed under the Central Govt (MES) may apply to the competent auth and the Competent auth may post the said officer to the station or if there is no post in that station the state where the other spouse is posted.

(k) In all the abovementioned cases there will be no exemption to the husband from tenure posting in his turn. On repatriation, the husband will as far as possible be posted to a station where his wife is employed subject to the availability of a suitable vacant post provided it does not tantamount to successive executive/sensitive appointment.

WIDOW/WIDOWERS

59. Widow/Widowers with dependent children will not be posted out on tenure/CML as far as possible. This protection will cease with re-marriage. Widow employ appointed on compassionate grounds and female employ who lost their husband while in service would also be exempted from the transfer from one peace station to another peace station.

VACANCY

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

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REPRESENTATION

61. Representation of any against the posting order will be made by the affected individual within 21 days of the receipt of posting order in their concerned office. The representation shall be produced by the intermediate firm and be forwarded to CE Command office for consideration. Each intermediate formation shall endorse the following remarks 'considered and Recommended' or 'considered and Not Recommended'. Once the CE Command rejects the appeal, the individual will be moved to his new duty station without further delay. Contingencies may arise when the individual is not satisfied with the decision of this HQ. In such a case, he may represent his case to DG (Pers)/E-in-C's Branch, Army HQ through proper channel. However the move of the individual will not be held up for decision from E-in-C's Branch. In case of the decision is pronounced in favour of the individual by E-in-C's Branch, Army HQ, the individual will be moved at the Govt Expense in the first available vacancy occurring at the station mentioned in the decision of E-in-C's Branch.

62. This HQ letter No 131306/1/9/Engrs/EIC(I) dt 20 Dec 2001. as amended from time to time stands superseded with the issue of this letter.

63. Please acknowledge.

(Mewa Ram)
CE
ACE (Pers)
For Chief Engineer

Attested
H. C. G. S. O.
H. C. G. S. O.