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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 135/2004

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SECTION OFFICER (Judl.)

FORM No.4
 (SEE RULE 12)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. Appl. 135/04

In O.A.
 Name of the Applicant(s) ... Kshirode Ch. Das
 Name of the Respondent(s) ... U. O. P. Goms
 Advocate for the Applicant ... Mr. S. Dutta, Mr. S. Chaudhury
 Counsel for the Railway/CGSC ... Mr. A.K. Chaudhuri, Addl. C.G.S.C.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
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4.6.2004

Present : The Hon'ble Sri K.V. Prahladan, Member (A)

This application is filed/C.F. deposited vide No. 116389260 Dated 3.6.04

Heard Mr. S. Dutta, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

Steps taken
 [Handwritten notes and signatures]

The applicant is working as Divisional Accounts Officer Grade-I in the Office of the Ex. Engineer PWD, Changlang, AP. By order dated 8.3.2004 issued by the respondent No. 4, the applicant has been transferred from the Office of the Executive Engineer, PWD, Changlang to the Office of the Executive Engineer, PWD, Agartala. The applicant submitted representations before the Accountant General (A&F), Meghalaya, Mizoram, A.P. etc., but the same are yet to be disposed of by the respondents.

In the circumstances, the respondents are directed to dispose of

Contd/-

Contd/- representations
4.6.2004 / dated 17.3.2004, 06.04.2004 and
05.05.2004 submitted by the
applicant giving a reasoned reply
within fifteen days from the date
of receipt of this order. Till the
disposal of the representations
the transfer order dated 8.3.2004
shall be kept in abeyance so far
as the applicant is concerned.

The application is
accordingly disposed of. No order
as to costs.

KV Pralhadan
Member (A)

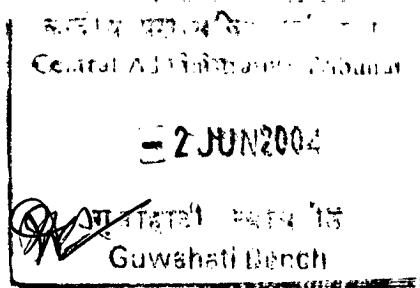
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7.6.04

Copy of the order
has been sent to
the office for issuing
the same to the
applicant as well
as to the Adm. C.S.C.
for the records.

KS

*Recd. by
AMC 8/6/04*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 135 /2004

Shri Kshirode Chandra Das

-VS-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 12.04.1971- Applicant was initially appointed as Lower Division Clerk (L.D.C) under the P.W.D, Arunachal Pradesh.
- 1983- Applicant was promoted to the post of Upper Division Clerk and posted in P.W.D, Arunachal Pradesh.
- May, 1985- Applicant was appointed to the post of Divisional Accountant.
- 1998- The applicant was posted in the office of the Executive Engineer, P.W.D, Changlang, Arunachal Pradesh as a Divisional Accounts Officer, Grade-I and till now he is in the same station.
- 19.04.2000- Transfer policy issued by the Auditor and Comptroller General, India with the instruction for strict compliance. (Annexure-V).
- 08.03.2004- Impugned order passed seeking to transfer the applicant from his existing place i.e. Changlang, Arunachal Pradesh to Agartala.

Kshirode Chandra Das

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(Annexure-I)

17.03.2004, 06.04.2004, 05.05.2004- The applicant after receipt of the impugned transfer order submitted representation to the authority requesting to review of his transfer order because the mother of the applicant aged about 80 years of age who is living with him has suffered severe heart attack on two occasions and due to heart attack on two occasions her body is partially paralysed and she is completely bed ridden and under constant medical treatment. Therefore the applicant prayed for his retention in the present place of posting or in any nearby place namely; Jairampur, Mao, Namsai etc. with the intention to avail medical treatment for his mother from Dibrugarh but to no result.

Hence this application.

P R A Y E R S

Relief(s) sought for:

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

Kotwadi Chandra DAS

1. That the impugned order of transfer and posting issued under letter No.E.O. No. D.A Cell/120 dated 08.03.2004 (Annexure-I) be set aside and quashed so far the applicant is concerned.
2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting at PWD, Changlang, Arunachal Pradesh at least for a period of 2 years or alternatively, to consider his choice posting as indicated in his representation till his retirement in terms of the provisions of the transfer policy dated 19.04.2000 (Annexure-V).
3. Costs of the application.
4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

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

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order dated 08.03.2004 (Annexure-I) in respect of the applicant till disposal of the Original Application.

Rohit Chandra

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No _____/2004

Sri Kshirode Chandra Das : Applicant

- Versus -

Union of India & Others : Respondents.

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Filed by

Advocate

Date: 4.6.04.

Kshirode Chandra Das

8
Filed by
The Applicant
Through
Surya & Dutta
Advocate
04.06.04

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

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

O. A. No. _____/2004

BETWEEN

Sri Kshirode Chandra Das,
DAO-I.
S/o- Late Krishna Das.
Office of the Executive Engineer.
Dist- Changlang, P.O- Changlang.
Arunachal Pradesh.

... Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Finance,
New Delhi.
2. The Comptroller and Auditor General of India,
New Delhi- 110 002.
3. Accountant General (A & E)
Meghalaya Etc.
Shillong.
4. Sr. Dy. Accountant General (Admn.)
O/o- The Accountant General (A&E),
Shillong.
5. The Chief Engineer,
Western Zone
P.W.D., Itanagar.
Arunachal Pradesh.

Kshirode Chandra Das

6. Shri D.N.Mohan.
Divisional Accounts Officer-I
Office of the Executive Engineer,
Seppa PHE, Arunachal Pradesh,
P.O- Seppa, Arunachal Pradesh.

... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned transfer order No. E.O. No. D.A. Cell/120 dated 08.03.2004 issued by the Respondents No.4, whereby the applicant has been sought to be transferred from the Office of the Executive Engineer, PWD, Changlang to the Office of the Executive Engineer, PWD, Agartala in violation of the transfer policy of the Respondent department and the professed norms of the Government in an arbitrary manner.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

Kamrude Ahmad

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

4. Facts of the Case.

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That your humble applicant was initially appointed as Lower Division Clerk (L.D.C) under the PWD, Arunachal Pradesh on 12.04.1971 and thereafter he was promoted as Upper Division Clerk (UDC) in the year 1983. While working as UDC in PWD, Arunachal Pradesh, he was appointed as Divisional Accountant in May, 1985 and eventually promoted to the grade of Divisional Accountants Officer Grade I. Subsequently he was posted in the office of the Executive Engineer, PWD, Changlang, Arunachal Pradesh, as Divisional Accounts Officer Grade I in the year, 1998, where he is continuing till now.
- 4.3 That the applicant since his joining in the respondent department has been performing his duties with his utmost dedication and commitments, to the full satisfaction of his superior officers and successfully discharging all types of responsibilities as and when assigned to him. It is relevant to mention here that

Kamini Chandra *AS*

the applicant served in difficult areas for pretty long time, he was posted in one of the most interior place at Changlang when he was always committed to his official assignments and could not direct his attention for his own settlement in his post-retirement days.

- 4.4 That vide impugned order bearing No. E.O No. D.A. Cell/120 dated 08.03.2004, the applicant has now been sought to be transferred from the office of the Executive Engineer, PWD, Changlang and brought to be posted in the Office of the Executive Engineer, PHE, Agartala. It is relevant to mention here that the applicant is due to retire on 31.01.2009 and as such he is left with only about 4 years of service before he retires on superannuation.

(Copy of impugned order dated 08.03.2004 is annexed hereto as Annexure-I)

- 4.5 That the applicant thereafter submitted representation through proper channel to the Respondent No.3 on 17.03.2004, 06.04.2004 and 05.05.2005 praying interalia for review of his transfer order and narrated about his distressing conditions. The applicant stated interalia that in the recent years and his mother at Changlang who is more than 80 years of age, suffered severe heart attack, on two different occasions, firstly in the month of February'2003 and secondly in the month of May'2004, she was admitted in a nursing home at Dibrugarh where she was under medical treatment for about 15 days and thereafter, she was released from the

Raswode Chandra AB

nursing home. However, the applicant is always maintaining a constant touch with the attending physician of Dibrugarh. Immediately after recent cardiac arrest mother of the applicant, became bed ridden and a part of the body has become paralyzed and such her movement is totally stopped. In the circumstances the applicant prayed for his retention in the present place of posting for a reasonable period, and indicated certain places of his choice which are adjacent to Dibrugarh, Assam, namely like Jairampur, Miao, Namsai etc. ^{which are lying vacant at present} so, that applicant could avail the medical facilities from Dibrugarh for medical treatment of her mother, but to no result. Faced with such odd circumstances in his personal life at the fag end of his service life, the applicant stated that he has now been struggling hard to arrange for his settlement in post retirement days which is approaching fast and at this crucial stage, his transfer from Changlang will simply frustrate all his efforts and will through him into irreparable miseries of life.

(Copies of the representation dated 17.03.2004.06.04.2004 and 05.05.2004 is enclosed herewith and marked as Annexure- II, III and IV respectively)

4.6 That the representation aforesaid of the applicant was forwarded by the Executive Engineer, Changlang, P.W.D the A.G.(A&E), Meghalaya, Shilong with strong recommendations of the case of the applicant and

Kawade Anil 25/8

requesting for review of the transfer order of the applicant.

- 4.7 That the applicant most humbly begs to submit that as per the professed policy of the Government as evident from the letter No. 394-NGE (App)/11-98 dated 19.04.2000 issued from the office of the Respondent No.2, some specific norms interalia are to be followed for transfer and posting of Divisional Accounts Officer/ Divisional Accountants the extract of some of which are quoted below: -

“(b) List of Divisions likely to fall vacant during the year should be published well in advance.

(d) Option for posting in particular station(s) should be called for from the individuals and efforts should be made to accommodate the officers at the place of their choice, subject to availability of vacancy and on basis of seniority.

(e) a transfer committee comprising the group officer in charge of works accounts and two other Indian Audit and Accounts Department Officers of the rank of Sr. Dy. Accountant General/Dy. Accountant General, to be nominated by the Pr. Accountant General/Accountant General should be formed to consider the case of transfer.

(g) an officer should normally to serve the last three years of his service life at a place of his

Kanwar Chand 2008

choice even if it results in his stay in the same place etc. beyond the normal tenure.”

It was also directed in the said letter dated 19.04.2000 that dispensation of the above mentioned set norms could be made in writing, on account of extreme personal circumstances which are quite distinguishable.

Surprisingly, none of the above-mentioned norms has been complied with, by the Respondents while issuing the impugned transfer order of the applicant for non-compliance of the transfer policy, the applicant could not submit his option, and as a result he is denied of choice station posting as laid down in transfer policy. Moreover, applicant has only about 4 years of service at his credit as such he is entitled to choice station posting.

(Copy of the policy letter dated 19.04.2000 is annexed hereto as Annexure-V).

4.8 That the humble applicant most respectfully submits that under the impugned transfer order, the Respondents have transferred the applicant from Changlang to Agartala thereby resulting into an interchange of two identical officers only which will not serve the public interest in any better way. As such this transfer has been ordered only for the sake of transfer and not in the public interest.

4.9 That the applicant begs to submit that the Respondents have issued the impugned transfer order violating all the set norms of the transfer policy professed by the

Kohirode Chandra Das

Government as stated in Para 4.7 hereinabove. They have not considered the prayer of the humble applicant for even in spite of his outmost distressing condition at this fag end of his tenure and even have not taken into consideration the views and subsequent requests of the applicant for cancellation of the impugned transfer of the applicant in the best public interest. As such the respondents have acted in an arbitrary, malafide, unjust, unfair manner and in violation of all set norms apart from procedure established by law and the principles of natural justice.

4.10 That due to non-consideration of his prayer the applicant has been subjected to extreme difficulties and mental stress. As such finding no other alternative the applicant is approaching this Hon'ble Tribunal seeking for justice and it is a fit case for the Tribunal to interfere with and to protect the right and interest of the applicant by setting aside the impugned transfer order dated 08.03.2004 and directing the respondents to review the impugned transfer order dated 08.03.2004, so far the applicant is concerned and further be pleased to direct the to consider his posting in a any of the choice station indicated in his representation and till such consideration the applicant be allowed to continue in his present place of posting. It is categorically, submitted that the applicant has not yet been released till filing of this application.

Rshwade Chandra Das

4.12 That it is stated that similar issue has been dealt by this Hon'ble Tribunal in O.A. No. 109/2004 (Shri D. RoyChoudhury Vs Union of India & ors.) and the said Original Application is still pending before this Hon'ble Tribunal. The applicant is similarly situated as such deserves a similar interim order.

(A copy of interim order dated 11.05.2004 is enclosed hereto as Annexure-VI.)

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

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

5.1 For that, the applicant has been transferred in violation of all the set norms of the transfer policy professed by Government as stated in para 4.7 hereinabove.

5.2 For that, the applicant is in the verge of his retirement and is now about 4 years of service.

5.3 For that, the authorities of the respondent department have strongly recommended that the services of the applicant for favorable consideration for retention of the applicant or alternatively to consider his choice station posting as indicated in his representation pending before the authorities.

5.4 For that, the impugned transfer of the applicant has been made most mechanically by simply interchanging his

Kamlesh Chandra Dal

posting with another identical officer for the sake of transfer only and not for any public interest.

5.5 For that, the applicant served initially in difficult areas including in the said post for pretty long years in earlier occasions.

5.6 For that, the applicant being in extremely distressing condition occasioned by the impugned transfer order, represented before the respondents for consideration and review of his transfer order but to no avail.

5.7 For that the respondents acted in an arbitrary, malafide, unjust, unfair manner and in violation of all set norms, procedures established by law and the principles of natural justice.

5.8 For that as per clause(d) of the transfer policy dated 19.04.2000, applicant is entitled to be accommodated in his choice station.

6. Details of remedies exhausted.

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

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

Kashwade Chandan *afal*

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

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

- 8.1** That the impugned order of transfer and posting issued under letter No. E.O. No. D.A Cell/120 dated 08.03.2004 (Annexure-I) be set aside and quashed so far the applicant is concerned.
- 8.2** That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting at PWD, Changlang, Arunachal Pradesh, at least for a period of 2 years or alternatively, to consider his choice station posting as indicated in his representation till his retirement in terms of the provisions of transfer policy dated 19.04.2000 (Annexure-V)

K. S. Das

8.3 Costs of the application.

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

9. Interim order prayed for.

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

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order dated 08.03.2004 (Annexure-I) in respect of the applicant till disposal of the Original Application.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I. P. O. No.	:	116389760.
ii)	Date of Issue	:	3.6.04.
iii)	Issued from	:	G.P.O. Guwahati
iv)	Payable at	:	G.P.O. Guwahati

12. List of enclosures.

As given in the index.

Kamlesh Chandra

VERIFICATION

I, Shri Kshirode Chandra Das, S/o Late Krishna Das, aged about 54 years, working as Divisional Accounts Officer, Grade-I, under office of the Executive Engineer PWD, Changlang, Arunachal Pradesh, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 4th day of June, 2004.

Kshirode Chandra Das

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC., SHILLONG.

E.O. No. D.A. Cell/120

Dated:- 8-3-2004

The following Sr. Divisional Accounts Officers and Divisional Accounts Officer Grade-I & II are transferred and posted to the Divisions noted against each as shown below.

They are requested to submit their handing over memorandum to their Divisional Officers under intimation to this office.

The Divisional Officers/Controlling Officers are requested to release the Officials concerned working under them latest by 9th April 2004 under intimation to this office, and to forward a formal handing and taking over charge report of the officials concerned to this office at an early date

The transfer is in public interest.

Sl. No.	Name & Designation	Present Division	Division Transfer to	REMARKS
1	Shri P.C.Borah, Sr.DAO	O/o the Ex.Engineer, Gumti Electrical Division Jatanbari, Tripura, Addl. charge of Gumti Civil Division (Power) Jatanbari	O/o The Executive Engineer, Pasighat Drilling Division, I&FC, with addl. Charge of Pasighat I&FC Division, Pasighat vice Shri U.N.Sarkar, Sr.DAO	Shri P.C.Borah will move first to release Shri Sarkar.
	U.N.Sarkar, Sr.DAO	O/o the Ex. Engineer Pasighat Drilling Division, I&FC, with addl. charge of Pasighat I&FC, Division, Pasighat	O/o the Ex. Engineer Gumti Electrical Division, Jatanbari, Tripura, with additional charge of Gumti Civil Division, (Power), Jatanbari, vice Shri P.C.Borah	
	A.Pharami, DAO-I,	O/o the Ex.Engineer Gas Thermal Civil Division (Power), Rokia, Tripura, addl. charge of Gas Thermal (Elect.) Division, Rokia.	O/o the Ex. Engineer Building Project Division No.IV.PWD, Imphal, vice L.Shanti Kumar Singh, DAO-I	Shri Pharami will move first to release Shri L.Shanti Kr. Singh.
4	L.Shanti Kumar Singh, DAO-I	O/o the Ex.Engineer Building Project Division No.IV.PWD, Imphal	O/o the Ex. Engineer Gas Thermal Division, (Power) Rokia, Tripura, Addl. Charge of Gas Thermal (Electrical) Division Rokia. Vice A.Pharami.	

Attested
Advocate
7.6.04

5.	L.Thoiba Singh, DAO-I	O/o The Ex.Engineer, Agartala Division No.V, PWD, Agartala.	O/o The Ex. Engineer Imphal Electrical Division No.III, Manipur vice Shri N.Kumarjit Singh, DAO-I	Shri L.Thoiba Singh will move first to release Shri N.Kumarjit Singh.
6.	N.Kumarjit Singh, DAO-I	O/o The Ex. Engineer Imphal Elect. Division No.III, Imphal	O/o The Ex. Engineer Agartala Division No. V, PWD, Agartala vice Shri L.Thoiba Singh.	
7.	Bhabesh Chakraborty, DAO-I	O/o The Ex.Engineer Ziro Elect Division A.P.	O/o The Ex.Engineer Electrical Divn No.IV, Udaipur vice M. Sanajoaba Singh already transferred	
8.	Anindya Kr. Das, DAO-II	O/o The Ex.Engineer RWD Seppa, A.P.	O/o The Ex.Engineer Ziro Electrical A.P. vice Bhabesh Chakraborty, DAO-I transferred	Shri Anindya Kr.Das will move first to release Shri B.Chakraborty.
9.	D.Roy Choudhury, Sr.DAO	O/o The Ex.Engineer Capital 'A' Division, PWD, Itanagar	O/o Chief Engineer, PWD Imphal, with additional charge of Building Division No.I PWD Imphal, vice Shri M.Heramani Singh, DAO-II	
10.	M.Heramani Singh, DAO-II	O/o the Chief Engineer, PWD Imphal and additional charge Building Divn No.I PWD Imphal	Capital 'A' PWD, A.P. vice D.Roy Choudhury transferred	Shri M.H.Singh, will move first to release Shri D.Roy Chouhdhury
11.	A.Kanungoe, DAO-I	O/o The Ex.Engineer Pasighat Electrical Division, Pasighat, AP	O/o The Ex.Engineer Highway South PWD, Imphal, Vice Shri A.Binode Kr. Sharma, DAO-I	
12.	A.Binode Kr. Sharma, DAO-I	O/o The Ex.Engineer Highway South PWD, Imphal	O/o The Ex.Engineer Pasighat Elect Divn A.P. Vice A.Kanungoe, DAO-I	Shri A.Binode Kr.Sharma, will move first to release Shri A.Kanungoe.
13.	D.Khamzachin, DAO-II	O/o The Ex.Engineer N.H. No.II PWD Imphal additional charge N.H. Divn No.I PWD, Imphal	O/o The Ex.Engineer Rig Divn PHE, Agartala vice P.C.Das, Sr.DAO	Shri D.Khamzachin will move first to release Shri P.C.Das
14.	P.C.Das, Sr.DAO	O/o The Ex.Engineer Rig Divn PHE Agartala	O/o The Ex.Engineer N.H. No.II PWD Imphal additional charge N.H. Divn No.I PWD, Imphal	

15.	A.Haloi, Sr.DAO	O/o The Ex. Engineer Banderdewa PWD, A.P.	O/o The Ex. Engineer Jairampur PWD A.P. vice K.C. Das, DAO-I relieved of additional Charge.	
16.	D.B.Choudhury Sr.DAO	O/o The Ex.Engineer I&FM Divn No.II Agartala	O/o The Ex.Engineer Imphal Elect Divn No.I vice L.Shamjai Singh, DAO-I	
17.	L.Shyamjai Singh, DAO-I	O/o The Ex.Engineer Imphal Elect Divn No.I	I&FM Divn No.II Agartala vice D.B. Choudhury, Sr.DAO	Shri L.Shyamjai Singh will move first to release Shri D.B.Choudhury.
18.	D.N.Mohan, DAO-I	O/o The Ex. Engineer Seppa PHE, A.P.	O/o The Ex. Engineer Changlang PWD vice K.C.Das, DAO-I	Shri D.N.Mohan will move first to release Shri K.C.Das
19.	K.C.Das, DAO-I	O/o The Ex. Engineer PWD Changlang, AP	O/o The Ex.Engineer PHE Division No.IV, Agartala.	
20.	S.C.Ghosh, DAO-I	O/o The Ex.Engineer Tawang PWD, AP	O/o The Ex.Engineer Electrical Division No.III, Agartala.	
21.	J.P.Sinha, Sr.DAO	O/o The Ex.Engineer Roing RWD, A.P.	O/o The Ex.Engineer Tawang PWD, A.P. Vice S.C.Ghosh, DAO-I	Shri J.P.Sinha will move first to release Shri S.C.Ghosh.
22.	J.K.Lahiri, Sr.DAO	O/o The Ex.Engineer Pasighat PWD	O/o The Ex.Engineer Tawang Elect Divn vice N.C.Burman DAO-I	J.K.Lahiri will move first to release Shri N.C. Barman.
23.	N.C.Barman, DAO-I	O/o The Ex.Engineer Tawang Elect. AP	O/o The Ex.Engineer Kailashahar PWD, vice Shri B. Chakraborty, Sr.DAO	
24.	Birajendu Chakraborty, Sr.DAO	O/o The Ex.Engineer Kailashahar PWD, Tripura	O/o The Ex.Engineer Northern Divn PWD Dharmanagar vice S.Nag, Sr.DAO	Shri B.Chakraborty will move first to release Shri S.Nag.
25.	Shyamalendu Nag, Sr.DAO	O/o The Ex.Engineer Northern Divn PWDDharmanagar	O/o The Ex.Engineer Thoubal PHE, with additional charge of PWD Thoubal Manipur vice P.Manglem Singh, Sr.DAO	
26.	P.Manglem Singh, Sr.DAO	O/o The Ex.Engineer Thoubal PHE Manipur with additional charge PWD Thoubal Divn Manipur	O/o The Ex.Engineer Hayullang Electrical A.P. Vice Swapan Kr. Chakraborty	P.Manglem Singh will release Shri S.Kr.Chakraborty

	Swapan Kr. Chakraborty, DAO-I	O/o The Ex. Engineer Hayuliang Electrical Divn A.P.	O/o The Ex. Engineer Electrical Divn No. I PWD Imphal	
28.	Sajal Kanti Choudhury, DAO-I	O/o The Ex. Engineer Along RWD, A.P.	O/o The Ex. Engineer Building Divn No. II Imphal	
29.	Ashim Kr. Bhattacharjee, DAO-I	O/o The Ex. Engineer Khonsa PWD A.P.	O/o The Ex. Engineer Road Task Force Divn No. I PWD Imphal	
30	Ch. Naba Kr. Singh, DAO-I	O/o The Ex. Engineer Task Force Divn IFC, Manipur	O/o The Ex. Engineer Khonsa PWD A.P. Vice A.K. Bhattacharjee	Shri Ch. Naba Kr. Singh will move first to release Shri A.K. Bhattacharjee.
31.	O. Manihar Singh, DAO-I	O/o the Ex. Engineer, Roing PHE, AP	Churachandpur, Electrical Division, Manipur	
32.	M.H. Angami, DAO-I	O/o The Ex. Engineer Bishnupur PWD, Manipur.	O/o The Ex. Engineer M.L. Division No. I (valley) Lamphelpat, Imphal	
33.	Abhijit Kr. Das, DAO-I	O/o The Ex. Engineer Elect Divn No. I, Agartala	O/o The Ex. Engineer Bomdila, P.H.E., Arunachal Pradesh	
34.	A. Roy Choudhury, DAO-I	O/o The Ex. Engineer Naharlagun PWD, A.P.	O/o The Ex. Engineer Imphal West PHE vice H.Y. Aishkul Singh	
35	H.Y. Aishkul Singh, DAO-I	O/o The Ex. Engineer Imphal West PHE, Manipur	O/o The Ex. Engineer Naharlagun PWD, A.P. Vice A. Roy Choudhury	Shri H.Y. Aishkul Singh will move first to release Shri A. Roy Choudhury.
36.	Hamendra Ch. Das, DAO-I	O/o The Ex. Engineer Basar, PWD A.P. addl. Charge of Basar I&FC	O/o The Ex. Engineer Building Divn No. III PWD, Imphal	

(Authority:- AG's order dated 4.3.2004. at p/101^N of file No. DA Cell/2-36/99-2002/Vol. V)

Sd/-
Sr. Dy. Accountant General (Admn).

Attested
Date
Advocate
4.6.04

NO. KD / PF - 1 / 2004 / 1

Dt. 17.03.2004

To,

The Accountant General (A&E)
Meghalaya, Mizoram, A.P etc.
Shillong.

Subject :- Prayer for Transfer to Jairampur, Miao, Namsai on Humanitarian Ground.

Sir,

With due respect & humble submission I beg to lay before you following few lines for favour of kind consideration on humanitarian ground.

That sir, my Mother is more than 80 year's Old & has been suddenly attacked with heart attack & became paralysis and she completely become dumb in the month of February 2003. She has been under treatment both by Neurologist as well as by heart specialist at Dibrugarh, Assam. She is also bed ridden because of her severe heart attack.

Moreover, my wife is also a chronic heart patient and for which she is suppose to attend with heart specialist at regular interval at Dibrugarh which is also intimated to your good office.

In this connection I would like to state here that an option was called for by your good office for filling up Bio-data and history sheet with place of posting to serve and I had opted to serve in plain area of Arunachal Pradesh like Jairampur, Miao, Namsai etc.

That sir, if my case of transfer is processed I may kindly be Transferred to Jairampur, Miao, Namsai etc. which are very nearer to Dibrugarh and as such I being the only son of my ailing bed ridden Mother who is on her last stage can obtain treatment from the specialist of Dibrugarh, Assam.

Under the above circumstances I pray and beseech your benevolent honour kindly to consider my case on humanitarian ground considering the fact narrated above.

Yours faithfully,

Kshirode Chandra Das

(Kshirode Chandra Das)

Divisional Accounts Officer, Grade - 1

P.W.D. Division, Changlang

Arunachal Pradesh - 792120

Attested
[Signature]
Advocate
4.6.04

NO. KD / PF - 1 / 2004 / 2

Dt. 06.04.2004

To,

The Accountant General (A&E)
Meghalaya, Mizoram, A.P etc.
Shillong.

Subject :- Prayer for Transfer to Jairampur, Miao, Namsai on Humanitarian Ground.

Ref. My letter No. - NO. KD / PF - 1 / 2004 / 1. Dt. 17.03.2004

Sir,

With due respect & humble submission I beg to lay before you following few lines for favour of kind consideration on humanitarian ground.

Kindly refer my above cited letter vide which I have conveyed my prayer transfer me at Jairampur, Miao, Deomali, Namsai etc on humanitarian ground.

That sir, I have already stated in my earlier letter regarding my problem to transfer me above places which are very nearer to Dibrugarh and easy communicable and a such Mother can be taken for treatment by stretcher at Dibrugarh.

That sir, every human being is trying utmost sincerely to serve his / her parent at the last stage of life and I being the only son would like to appeal before you to have an opportunity of paying better treatment of my dying stage Mother.

That sir, transfer is very natural for an employee and I am always ready to comply your order, but my present unavoidable problem don't permit me to Agartala with my bed ridden Mother who is on her last stage of life.

Under the above circumstances I pray and beseech your benevolent honour kindly to consider my case on humanitarian ground considering the fact narrated above.

Yours faithfully,

Kshirode Chandra Das
(Kshirode Chandra Das)

Divisional Accounts Officer, Grade - 1

P.W.D. Division, Changlang

Arunachal Pradesh - 792120

Attested
[Signature]
Advocate
4.6.04

No. KB/PF-1/2004

Dated, Changlang the 05th May 2004

To

The Accountant General (A&E),
Meghalaya, Arunachal Pradesh etc.
Shillong.

Sir,

I beg to pray before your highness to look into my case which is absolutely very much genuine on humanitarian ground.

That Sir, my mother is more than 80 years old and badly affected due to a sudden attack of stroke and she completely become dumb because of severe damage in her brain and can not speak. She requires permanent medical aid for better improvement of brain function so that she can speak and can express her grievances. Every human being will definitely endeavor with sincere effort to have better treatment for the parent so long they alive.

I myself also would like to avail this facility of getting better medical treatment of my mother at this stage of her death bed.

Therefore, I fervently pray and beseech your benevolent honour kindly to look into my case specially on humanitarian ground so that a son can have an opportunity of paying better medical treatment at the dying stage mother from Assam Medical College Dibrugarh, which is very nearer from Changlang. I may kindly be allowed to continue at Changlang PW Division for another two years.

For this act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Kshiorde Chandra Das

Kshiorde Chandra Das.
Divisional Accounts Officer Gr-I
Changlang P.W.D. Division
Arunachal Pradesh.

Attested
[Signature]
Advocate
4.6.04

Annexure-15

OFFICE OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA
NEW DELHI - 110002

No. 394-NGE(App)/11-98

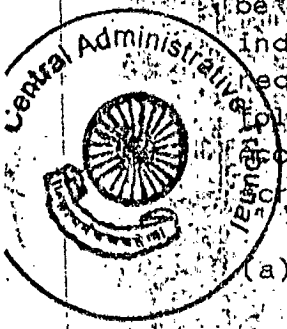
Dated 19.4.2000

To
All Pr. Accountants/General/Accountant General,
Dealing with the cadre of Divisional Accountants.

Sir/Madam,

The need to evolve some clearly defined norms and a uniform and transparent policy of transfer and posting of Divisional Accounts Officers/Divisional Accountant, was being felt for some time. Though transfer is an incidence of service of Divisional Accountant, it should be effected in such a way that it causes minimum inconvenience to the individuals and at the same time, it fulfils the administrative requirements. It has, therefore, been decided to prescribed the following broad parameters for transfer and posting of Divisional Accounts Officers/Divisional Accountants which should be followed scrupulously and uniformly.

- (a) transfer and posting should normally be made once in a year and annual transfers should be timed properly so that these may not disturb the academic session.
- (b) list of Divisions likely to fall vacant during the year should be publicised well in advance.
- (c) Divisions should be properly graded by following the instructions issued in this regard from time to time and posting of officers should be made in the appropriately graded Divisions;
- (d) Option for posting in particular station(s) should be called for from the individuals and efforts should be made to accommodate the officers at the place of their choice, subject too availability of vacancy and on basis of seniority. The adverse comments given by the Inspecting Officer auditing the accounts of the Divisions, adverse remarks made by the Executive Engineers on the performance of the Divisional Accounts Officers/Divisional Accountants which are finally substantiated and the performance in proper and timely submission of accounts may also be kept in view;



*certified to be true copy
Sujit Shosh
Advocate*

*Attested
Advocate
4.6.04*

- (e) a transfer Committee comprising the Group Officer in charge of works, Accounts and two other Indian Audit & Accounts Department officers of the rank of Sr. Dy. Accountant General/Dy. Accountant General, to be nominated by the Pr. Accountant General/Accountant General should be formed to consider the case of transfer;
- (f) tenure of posting should normally be three years in a particular Division and six years at a particular station;
- (g) an officer should normally be allowed to serve the last three years of his service life at a place of his choice even if it results in his stay in the same place etc. beyond the normal tenure.
- (h) a general order indicating transfers and postings of all officers should be notified in addition to individual posting orders that may be issued.

Dispensation of the set norms could be made only in every exceptional circumstances, to be recorded in writing, on account of extreme personal circumstances which are quite distinguishable.

Yours faithfully,

Sd/-

Asstt. Comptroller and Auditor General (N)

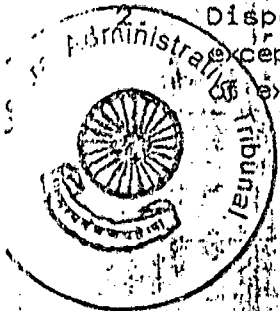
Certified to be true
 प्रमाणित प्रतिलिपि

Section Officer (I)

P. T. GUWAHATI BRANCH

Guwahati-781005

KS 7/4/04



FORM No. 4
(SEE RULE 12)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUMHATI BENCH

ORDER SHEET

App./Misc Petn/Cont. Petn/Rev. Appl. 109/04

In O.A.

Name of the applicant(s) .. Debasrata Roy Chaudhury

Name of the Respondent(s) .. W.O.P. Govt

Advocate for the Applicant .. M. Chanda, O.N. Chakrabarty, S. Nath

Counsel for the Railway/CGSC .. Mr. A.K. Chaudhuri, Addl. SSC

OFFICE NOTE | DATE | ORDER OF THE TRIBUNAL

11.5.2004

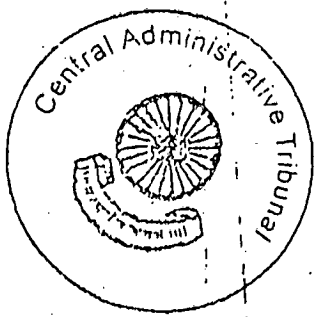
Present: The Hon'ble Shri. Mukesh Kumar Gupta, Member (J).

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

We have heard Mr. M. Chanda, learned counsel for the applicant. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. was present on behalf of the respondents.

Issue notice to the parties in the normal course.

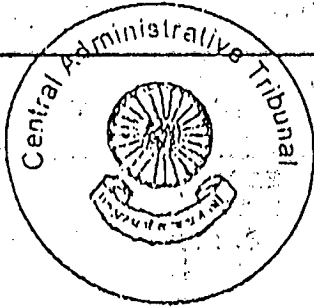
Mr. M. Chanda, learned counsel for the applicant, states that the applicant is due to superannuate on 28.2.2007 and as per the policy of the respondents notified on 19.4.2000 (Annexure-VI) those officers who have less than three years of service should be given a posting of their choice even if it results in their stay in the same place etc. beyond the normal tenure. It is further contended that though the applicant was transferred from PWD, Itanagar to PWD, Imphal, he is yet to be relieved. On the other hand, the Controlling Officer of the applicant has recommended strongly in favour of the applicant, so that he should be retained in his present place of posting. We are of the prima facie view that in terms of the policy laid down by the respondents



Attested
Advocate
4.6.04

31

of service is to be accommodated and be kept at place of his choice. Hence, it is for the interest of justice that the order dated 8.3.2004 is stayed to the extent which transferred the applicant from PWD, Itanagar to PWD, Imphal for a period of fourteen days. We order accordingly. List on 25.5.2004.



Sd/MEMBER(J)

Sd/MEMBER(A)

certified to be true copy
 प्रमाणित प्रतिलिपि

[Handwritten Signature]
 11/5/04

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

[Handwritten Signature]
 14/5/2004