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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 143/2004

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Org.App./MiscPetn/Cont.Petn/Rev.Appl.....143/04.....
In O.A.....
Name of the Applicant(s) ..Mrs..Gopa..Dey..Sarkar.....
Name of the Respondent(s).....h..O..T..Toms.....
Advocate for the Applicant ..M..Chanda..;..D.N..Chakrabarti..,S.Naik
Counsel for the Railway/CGSC.....

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

18.6.2004

Present: Hon'ble Smt Bharati Ray,
Judicial Member.

On the basis of the prayer made by the applicant to implead Shri A.K. Kharya, Superintending Engineer and Shri N.K. Paul, LBD, CWC, the applicant is allowed to implead the above persons as respondent Nos.5 and 7 respectively.

Heard Mr M. Chanda, learned counsel for the applicant and Mr A K. Chaudhuri, learned Addl. C.G.S.C. The application is admitted. Mr M. Chanda is directed to send notice to respondent Nos.5 and 7 alongwith the copy of the petition. Registry to send notice to the other respondents. The respondents are directed to file reply by four weeks. Rejoinder, if any, be filed within two weeks thereafter. List the matter for orders on 30.7.04.

Status quo as on date shall be maintained till the next date

Member (J)

nkm

This application is in form
is filed/C.F. for Rs. 50/-
deposited vide PS/PD
No.116389761
Dated...3.6.04

Dy. Registrar

17/6/04

Steps taken with
envelops.

Notice & order
sent to D/Section
for issuing to
respondent no-1,2,
3,4 & 6, by regd.
with A/D post.

30/6/04.

Orders dt. 30/7/04,
sent to D/Section
for issuing to
learned Advocate
of both parties.

30.7.2004

Four weeks time is given to the
Respondents to file written statement.

List on 2.9.2004 for orders.

Status quo shall ~~be~~ continue till the
next date.

3/8/04. Memo No = 1119
dt. 1/7/04.

Notice duly

mb

Serve on resp Nos

2.9.2004

prayer was made on behalf of Mr.
B.C.Pathak, learned Addl.C.G.S.C. for
time to file written statement.

Allowed. List on 5.10.2004 ena-
bling the respondents time to file
written statement. Status quo to con-
tinue, till the next date.

1, 3 & 6.

19/8/04.

28.8.04

bb

Reply filed by the
Respondent No. 7.
(one copy)

23.11.2004

Six weeks time is given to the
respondents to file written statement.
List on 21.1.2005 for orders. ~~xx~~
Interim order dated 18.6.2004 shall
continue.

Received
for
Advocate
6/9/04

[Signature]

[Signature]
Member (A)

22-11-04

mb

09.02.2005

Present : The Hon'ble Mr. M.K. Gupta
Member (J).

None appears for the parties.
Adjourned to 16.02.2005.

Billed.
Received copy
for.

[Signature]

Member (J)

8-2-05

mb

No- wls has been Billed

[Signature]

15-2-05

No- wls has been Billed

Notes of the Registry Date Order of the Tribunal

16.02.2005

Present : The Hon'ble Mr. M.K. Gupta,
Member (J).

It is stated that reply filed by the Respondent No. 7, which was filed on 19th July, 2004, has not been ~~filed~~ served. It is ~~strange~~ to note that the O.A. was ^{thereafter} listed on 30.7.2004, 2.9.2004, 23.11.2004 and 09.02.2005. But nothing was indicated ~~to~~ ^{this effect} ~~section~~. So far as the reply on behalf of the Respondents No. 1 to 6 is concerned, it ~~has~~ has not yet been filed, though earlier counsel appeared on behalf of them and sought time. Adjourned to 4.3.2005.

Member (J)

mb

04.03.2005

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

On the prayer of Ms. U. Das, learned ~~xxxxxx~~ Addl. C.G.S.C. for the respondents four weeks time is given to the respondents to file written statement. List on 6.4.2005 for orders.

Member (A)

mb

01.04.2005

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order.

Vice-Chairman

mb

31.3.05

An Additional Statement has been filed by the Applicant.

No.

Received
Usha Das
add case
6/4/05

25.05

Copy of the Judgment has been sent to the Dfpr. for receipt the due to the applicant by post.

ft

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./7/4.No. 143/2004

DATE OF DECISION 1.4.2005

Mrs. Gopa Dey Sarkar.....APPLICANT(S)

Mr. M. Chanda, Mr. G.N. Chakrabarty.....ADVOCATE FOR THE
Mr. S. Nath.....APPLICANT(S).

-VERSUS -

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

Ms. U. Das, Addl. C.G.S.G.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other Benches ?
- Judgment delivered by Hon'ble Vice-Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 143/2004

Date of Decision: This the 1st day of April, 2004

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

Mrs. Gopa Dey Sarkar, Sr. Computer,
Office of the Superintending Engineer,
Hydrological Observation Circle,
Central Water Commission,
Guwahati - 14.

... Applicant.

By Advocates Mr. M. Chanda, Mr. G.N. Chakrabarty, Mr. S. Nath.

- Versus -

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Water Resources,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110 001.
2. The Chairman,
Central Water Commission,
Government of India,
Ministry of Water Resources,
Sewa Bhawan, R.K. Puram,
New Delhi - 110 066.
3. The Chief Engineer,
Brahmaputra and Barak Basin,
Central Water Commission,
Shillong - 6.
4. The Superintending Engineer,
C.W.C., H.O.C., Guwahati - 14.
5. Mr. .K. Kharya,
Superintending Engineer,
H.O.C., C.W.C., Guwahati - 14.

6. The Superintending Engineer (Coord)
C.W.C.,
O/O The Chief Engineer,
Brahmaputra and Barak Basin,
Shillong - 6.
7. Sri N.K. Paul,
LBD, CWC,
P.O. - Jalpaiguri,
Dist. - Jalpaiguri,
State - West Bengal.

... Respondents.

By Ms. U. Das, Addl. C.G.S.C.

ORDER (ORAL)

SIVARAJAN, J. (V.C.):

The applicant who has been working as HOC, CWC, Guwahati had been transferred to LBD, CWC, Jalpaiguri (Annexure - I). The applicant has challenged the said order in this proceeding. This order was stayed by this Tribunal as per proceedings dated 18.06.2004. While the applicant was continuing as such pursuant to the interim order dated 18.06.2004, the applicant was promoted as Statistical Investigator Grade IV of SSS in the pay scale of Rs. 5000-8000 on regular basis vide order dated 01.03.2005. This promotion, it is stated, shall be effective from the date of assumption of charge and the official shall be on probation for a period of two years. The applicant was posted at IBM, M/o Mines, Guwahati. The concerned respondents were requested to take immediate action under intimation to the Ministry for release of the officials promoted to enable them to assume charge at the new assignments at the earliest after availing of joining time etc. as admissible under the rule. In view of the promotion and in view of the interim order passed by this Tribunal, the applicant is continuing in the

Int

post held by the applicant and nothing further remains in this proceeding, except the release of the applicant from the post now held, as directed in the promotion order dated 01.03.2005 at the earliest.

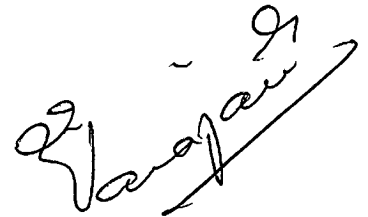
3. Mr. M. Chanda, learned counsel for the applicant submits that such direction be issued to the respondents and the matter be closed. Ms. U. Das, learned Addl. C.G.S.C. for the respondents submits that the applicant raised various allegations against the respondents and that inquiry was being conducted to ascertain the veracity of allegation made by the applicant. Counsel for the applicant submits that based on the allegations made by the applicant it is to be pursued by the authorities concerned and that for the time being the applicant will be satisfied if the direction is issued.

4. I have considered the rival contentions of the learned counsel for the parties. Now, the Government of India, Ministry of Statistics & Programme Implementation issued Office Order dated 01.03.2005 promoting the applicant to the post of Statistical Investigator Grade IV and posted at Guwahati itself. The applicant cannot have any grievance against the transfer, which is impugned in this application. Only direction to be issued to the Respondents is to release the applicant from the post now held by him to enable him to take charge in the promoted post at the place of posting mentioned in the order dated 01.03.2005. I order accordingly. This shall be done within a period of two weeks from today. As far as the allegation made by the applicant against the respondents, the inquiry, if any, initiated by the respondents has to be pursued in the nature of the



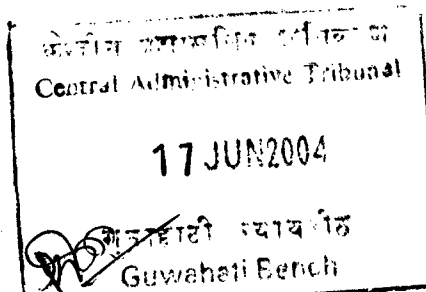
allegation made by the applicant independently which shall not come in the way of relieving the applicant from the post now held for taking charge at the promoted place as mentioned in the order dated 01.03.2005.

The application is disposed of as above.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 143 /2004

Mrs. Gopa Dey Sarkar.

VS.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 07.06.2004- Applicant is sought to be transferred and posted from the office of the SE, HOC, CWC, Guwahati to LBD, CWC, Jalpaiguri. (Annexure-I).
- 02.09.2002- Applicant lodged a complain against one of her senior officer, Mr. P. Ramabrahmam, AEE. (Annexure-II)
- 10.09.2002- Employees working in the same room alongwith the applicant submitted their statements supporting the complain lodged by the applicant. (Annexure-III)
- 06.11.2002- Mr. A.K. Kharya, SE, HOC, called from an explanation from the present applicant at the dictation of Mr. P. Ramabrahmam, AEE. (Annexure-IV)
- 08.11.2002- Applicant in her reply denied all the allegations. (Annexure-V)
- 27.05.04 to 29.05.04- An enquiry was conducted in the office of the SE, HOC, CWC, Guwahati on the basis of complain lodged by the Storekeeper of the office against Mr. A.K. Kharya.

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- 09.03.2004- Applicant submitted her option for transfer either at Kolkata or at Bangalore.
- 09.06.2004- Applicant submitted her representation for review of the transfer order. (Annexure-VI)
- 03.04.1986- Govt. of India issued Office Memorandum for choice station posting of the Govt. employees.
- 12.06.1997- Govt. of India issued O.M for posting of the husband and wife in the same station. (Annexure- VII)
- 12.12.2002- Govt. of India issued circular regarding sexual harassment of the female employees. (Annexure-IX)
- 14.06.2004- Applicant submitted another representation to the Chief Engineer. (Annexure-VIII)

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):

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned transfer and posting order issued under letter No. 1/4(B)/2003-BBB/2266-72 dated 07.06.2004 (Annexure-

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I) issued by the SE (Coord) with the approval of the Chief Engineer (B&BB), C.W.C, Shillong.

8.2 To direct the respondents to allow the applicant to continue in the existing post of Sr. Computer in the office of the HOC, C.W.C, Guwahati till the respondents consider the posting of the applicant at her choice station indicated in the option letter dated 09.03.2004, in the light of the Govt. instruction contained in the memorandum dated 12.06.1997 and posting as per Rule 3(C) of CCS (Conduct) Rules, 1964.

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 impugned transfer and posting order dated 07.06.2004 (Annexure-I) issued by the respondent No. 6 till disposal of the Original Application.

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

Mrs. Gopa Dey Sarkar : Applicant

- Versus -

Union of India & Others : Respondents.

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Date 17. 6. 2004

Filed by

Subrata Nath.
Advocate

Gopa Dey Sarkar

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Filed by me applicant-
through Subrata Nath.
Advocate.
Sarkar.
17.06.04.

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

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

O. A. No. 143 /2004

BETWEEN

Mrs. Gopa Dey Sarkar, Sr. Copmutor,
Office of the Superintending Engineer,
Hydrological Observation Circle,
Central Water Commission,
Guwahati-14.

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of water Resources,
Shram Shakti Bhawan, Rafi Marg,
New Delhi- 110001.
2. The chairman,
Central water Commission,
Government of India,
Ministry of water Resources,
Sewa Bhawan, R.K. Puram
New Delhi-110066.
3. The Chief Engineer,
Brahmaputra and Barak Basin,
Central Water Commission,
Shillong-6

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- ✓4. The Superintending Engineer,
C.W.C, H.O.C, Guwahati-14.
5. Mr. A.K. Kharya,
Superintending Engineer,
H.O.C, C.W.C, Guwahati-14.
- ✓6. The Superintending Engineer (Coord)
C.W.C
O/O- The Chief Engineer,
Brahmaputra and Barak Basin
Shillong- 6.

7. Sri N.K. Paul, *Secy.*
LBD, CWC
P.O - Jalpaiguri.
Dt - Jalpaiguri
State - West Bengal.

... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the malafide impugned office order, transferring the applicant from HOC, C.W.C, Guwahati to LBD, C.W.C, Jalpaiguri apparently for non withdrawal of complain of misbehaviours and attempted molestation lodged by the applicant in the month of September' 2002 against one Mr. P. Rama brahamam, AEE, following the request of Mr. A.K. Kharya, Superintendent Engineer, HOC, C.W.C, Guwahati and praying for a direction upon the respondents to allow the applicant to continue in the present place of posting at Guwahati.

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2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant is presently working as sr. Computer in the office of the Respondent No.4 at Guwahati.

4.2 That it is stated that the husband of the applicant is also a Govt. Employee working in a govt. of India undertaking namely Bharat Earth Movers Ltd. at Guwahati. The only daughter of the applicant is studying at Guwahati. She is studying under Secondary Education Board of Assam. It is the middle of the academic session and the half yearly examination is going to be held during this month of June '2004 itself. At this stage her daughter cannot be shifted

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and switched over to a new course in the middle of the academic session.

- 4.3 That it is stated that by the impugned office order bearing letter no. 1/4(B) 2003-BBB/2266-72 dated 07.06.2004 whereby the applicant is sought to be transferred and posted from Hydrological Observation Circle (in short HOC), Central water Commission (in short C.W.C) to LBD, C.W.C, jalpaiguri. Be it stated that the transfer order has been issued during the middle of the academic session of her daughter; it is not a routine transfer but an isolated order of transfer in respect of the present applicant. In the impugned order of transfer-although it is stated that the same has been passed in public interest but in fact no public interest is involved rather the impugned transfer order has been passed at the instance of Respondent No.4 by the Respondent No.3 i.e. Chief Engineer, C.W.C, Shillong. The applicant came to learn that the transfer proposal has been initiated by the Respondent No.4 with a vindictive attitude to remove the applicant and four other lady employees from the office of the Superintendent Engineer, Hydrological Observation Circle, C.W.C, Guwahati. In this connection it may be stated that 4 other lady employees namely; Mrs. Manjula Paul, Mrs. B. Deori, Mrs. Trishna Banerjee and Mrs. Bela Das have been transferred recently. Altogether 5 lady staffs were working in the office of the respondent no. 4 at Guwahati. All these impugned

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transfer and posting order had been issued in respect of the 5 lady employees as a hostile drive as because the present applicant lodged a complain against one of her Sr. Officer namely Mr. P. Rambrahman, Asstt. Executive Engineer. The complain was lodged by the present applicant way back on 02.09.2002, the said complain was addressed to Mr. A.K. Kharya, Superintendent Engineer, HOC, C.W.C, Guwahati who is still working as Head of Office in the said office. In this connection it may be stated that Sri P. Rambrahman was very close to Mr. A. K. Kharya, Superintendent Engineer, HOC, Guwahati. However after receipt of the aforesaid complain of the applicant Mr. Kharya invited comments from other employees working in the same room along with the present applicant namely from Mr. B. Sharma, Sr. P.A (MET) and Mr. A.K. Bose, Jr. Computer. They have submitted their statements vide letter dated 10th September'2002 supporting the complain lodged by the present applicant. Mr. A. K. Kharya, Superintendent Engineer, HOC vide his letter no. HOC/GAU/PF-888/2002/291 dated 06.11.2002 sought an explanation from the present applicant for non-performance of certain routine works allotted to the applicant at the dictation of Sri P. Rambrahman, AEE, without taking any cognizance of the complain lodged by the applicant on 02.09.2002 rather an attempt is made to divert the complain lodged by the present applicant, in other words an attempt is made by Mr. A.K. Kharya at the dictation of Mr. Rambrahman to raise an allegation of

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non-performance of duty allotted to her in the month of August'2002 vide his letter dated 06.11.2002 after a lapse of two months with the sole intention to threat the applicant not to proceed with the complain dated 02.09.2002 otherwise she would be put into troubles. The applicant however denied all the allegations and submitted her reply on 08.11.2002, addressed to respondent No.4 categorically denying that no such work as alleged in the letter dated 06.11.2002 was allotted to the applicant and whatever work was allotted to her in the month of August' 2002 she has completed all those works even after working beyond the office hours to complete the assigned work and also stated that the other works allotted to her in the month of August'2002 were duly completed. In the said reply dated 08.11.2002 the applicant specifically stated that action is now sought to be taken against the applicant by the letter dated 06.11.2002, which immediately encourages the acts of a superior officers for misbehavior and attempted molestation towards a subordinate lady staff. On a mere reading of the letter dated 06.11.2002 it appears that the respondent no. 5 made an attempt to huss-up the entire matter which was brought before him through the complain dated 02.09.2002 by the applicant.

It is relevant to mention here that after receipt of the reply of the applicant the respondent no.5 remained silent without making any progress on the inquiry instituted by him to ascertain the correctness of the complain lodged by the applicant. It is ought to

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be mentioned here that Mr. A.K. Kharya, SE, HOC, C.W.C, Guwahati on several occasions requested the applicant to withdraw the said complain against Mr. P. Rambrahmam, Assistant executive Engineer. But the applicant politely refused the same and did not comply with the request made by Mr. A.K. Kharya on behalf of Mr. P. Rambrahmam. Since the applicant did not withdraw the complain Mr. A. K. Kharya started nursing a grudge against the present applicant and in the process Mr. A.K. Kharya developed animosity towards the applicant. So, far the applicant came to learn from a reliable source that Mr. A.K. Kharya also requested other lady staff to pursue the matter with the present applicant and to prevail upon her for withdrawal of complain, some of them disclosed the same to the present applicant. In this connection it may also be stated that all the lady staff working in the said office never made any attempt to pursue her to withdraw the complain dated 02.09.2002 rather supported her genuine cause and all of them in fact stood by her side by extending their co-operation.

It is relevant to mention here that when Mr. A.K. Kharya failed to pursue her to withdraw the complain dated 02.09.2002 allowed Mr. P. Ramabrahmam to manage his transfer from the office of the Superintendent Engineer, HOC, C.W.C Guwahati to other region with the help of Mr. A.K. Kharya. In this connection it is ought to be mentioned here that during the stay of Mr. P. Ramabrahamam, A.E.E no progress of enquiry is made

Gopal Day Sankar

against the complain of the applicant for misbehavior and attempted molestation. Mr. P. Rambrahmam managed to leave the office of the Superintendent Engineer, HOC, C.W.C, Guwahati in the month of June, 2003 on transfer to outside the region. The impugned transfer and posting order had been issued by the respondent No.6 following a proposal of transfer and posting initiated by the respondent No.4 with some vindictive attitude with a malafide intention and the impugned transfer order does not involve any public interest and the same is liable to be set aside and quashed.

Copy of the impugned transfer order dated 07.06.2004, complain dated 02.09.2002, statement of Mr. B. Sharma and A. K. Bose dated 10.09.2002, letter dated 06.11.2002 and reply dated 08.11.2002 are enclosed herewith and marked as Annexure-I, II, III, IV and V respectively.

- 4.4 That it is stated that in the meanwhile another complain reported to have been lodged against one Sri Monoranjan Jha, Dy. Director working in the same office of the respondent No. 3 wherein it is alleged that certain misdeeds committed by Sri Jha in the name of Woman Welfare Forum, a non-existing fake organization. Sri Monoranjan Jha himself shown the said complain which was lodged against him to the present applicant and enquired whether she had any knowledge about the writting of the said complain. However, the applicant informed Sri Jha that she had no knowledge about

Gopa Dy Sarkar

writing of any such complain against Sri Jha. However, all these unwarranted incidents led to a misbelief in the mind of the authorities that the applicant and other female workers of the office of the Superintending Engineer, HOC, Guwahati had a hand about lodging of such complain against Mr. M. Jha, Deputy Director which aggravated Kharya's hostile attitude towards the applicant as well as towards other female workers in the office of the SE, HOC, C.W.C, Guwahati and further animosity developed in the mind of Mr. A.K. Kharya towards the applicant and also against other female workers.

It is further submitted that as a matter of coincidence unfortunately some other development took place in the meantime which was beyond the knowledge of the present applicant and other female members of the office of the SE, HOC, C.W.C, Guwahati. A complain was lodged by one Sri Ranabir Mazumdar, Store Keeper, C.W.C, alleging irregular procurement of materials, misuse of official vehicle, abuse of official power and position etc. by Mr. Kharya and investigation of which was ordered by Chairman, C.W.C as per instruction of Prime Minister's Office, New Delhi and an enquiry was conducted during 27.05.04 to 29.05.04 by Sri S.K Sengupta, Chief Engineer, C.W.C, Bhubaneswar.

That being led by a strong mistaken belief as stated above Mr. Kharya taking advantage of official capacity understandably resorted to a wild "remove females" drive and manage to get five female employees

Gopin Day Sarkar

including the applicant was a part of his hostile drive out of his office. The applicant has a strong belief that the impugned transfer order is a culmination of the same unfair play of Mr. Kharya and the applicant is an unfortunate victim of the same. Be it stated that in the process genuine issue which pertains to outraging of modesty of a woman which was complained by the applicant way back in September, 2002 has been left unattended over these years and non-issues have been made issues with a malafide intention at the cost of the dignity of a woman like the applicant which has become matter of serious mental shock for the applicant it is too difficult to absorb and reconcile to. The enquiry on a complain lodged by the applicant has been deliberately delayed at the instance of Mr. Kharya, Head of the Office due to undue compassion on Mr. Ram brahmam and also due to his unholy hob knobbing with him, more so, with a view of intention that in the passage of time the enquiry proceeding will get it natural death.

It is further submitted that inaction of Mr. Kharya and his collusion with Mr. Rambrahmam and his apathy and negligence on an issue of this direction of criminal offence and subsequent event of transfer of the applicant led to belief that the action of Mr. Kharya is highly arbitrary, illegal and the same smacks of malafide and on that score alone the impugned order of transfer dated 07.06.2004 is liable to be set aside and quashed.

Goparaj Sankar

4.5 That it is stated that 3 (three) female members namely; Mrs. Manjula Paul, transferred out in the month of May, Mrs. Trishna Banerjee, Mrs. Bela Das and Mrs. B. Deori are under order of transfer now from the office of the SE, HOC, C.W.C, Guwahati. But the present applicant has been transferred out from Guwahati to Jalpaiguri during the middle of the academic session without any public interest. It is categorically submitted that Jalpaiguri was chosen by Mr. Kharya knowing fully well that there is no Bharat Earth Movers Ltd. Office situated at Jalpaiguri where the husband of the applicant is working. The applicant has served in this region for a long period but even then her case was denied for choice station posting.

The respondents earlier invited options from the applicant for her transfer and posting and accordingly she submitted her option on 09.03.2004 for her transfer and posting either at Kolkata or Bangalore as because home town of the applicant is at Kolkata and she opted for Bangalore with the intention that her husband can manage his transfer and posting in the headquarter office at Bangalore in due course of time. It is very difficult on the part of the applicant having a daughter of aged about 8 years to stay at Jalpaiguri. Moreover, it is the middle of the academic session of the daughter of the applicant and it will cause irreparable loss and injury to her daughter's education at this stage if the transfer order is required to be

Gopa Day Barikay

carried out. There is no urgency or public interest involved in the instant impugned transfer order which was passed by the respondent No. 6 at the instance of Mr. Kharya, respondent No.4 with a malafide intention is liable to be set aside and quashed.

- 4.6 That your applicant immediately after receipt of the impugned transfer and posting order dated 07.06.2004 submitted her representation on 09.06.2004. In the said representation dated 09.06.04 the applicant interalia requested for review of her transfer order in the light of the Govt. of India's Memorandum No. 28034/7/86- Estt (A) dated 03.04.1986, wherein it was stated that if the husband and wife both are Govt. servant then effort should be made to accommodate them in the same station so that they can lead a normal family life. The Govt. of India further issued a revised/modified Office Memorandum bearing letter No. 28034/2/97-Estt (A) dated 12.06.1997, wherein it is stated that if posts at appropriate level is available in the organization at the same station then the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are below 10 years of age. Be it stated that daughter of the applicant is aged about 8 years as such she has acquired a valuable and legal right for posting in the same station where the husband of the lady Govt. servant is working and vice-versa.

Gopa Dey Sarkar

It is pertinent to mention here that although the applicant exercised her option in the month of March, 2004 but she never expected any transfer and posting order would be issued without considering her choice station which is going to put her in tremendous trouble. However the said representation is still pending before the respondent No.3 till filing of this application.

A copy of the representation dated 09.06.2004 and a copy of the O.M dated 12.06.1997 are enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-VI & VII respectively.

- 4.7 That it is stated that being highly aggrieved with the impugned transfer order and due to harsh attitude of Mr. A.K. Kharya towards the applicant, she preferred another representation addressed to respondent No. 3 through proper channel disclosing the entire circumstance which led to Mr. Kharya, S.E, HOC, Guwahati to initiate the transfer proposal with an ulterior motive to remove the applicant and other four female employees from the office of the S.E, HOC, Guwahati with a malafide intention, not to allow the applicant to proceed or pursue the said complain lodged by the applicant against Sri P. Rambrahmam and also in view of the other developments and circumstances which is stated by the applicant in the preceding paragraphs of the application. In the said representation dated 14.06.2004 the applicant disclosed the entire factual

Gopa Day Sarkar

position, which led to Mr. A. K. Kharya to remove all the female employees from the office of the S.E. HOC, C.W.C, Guwahati.

It is further submitted in the representation dated 14.06.04 that Mr. A.K. Kharya, S.E, HOC, C.W.C, Guwahati all along insisted the applicant to withdraw the complain dated 02.09.2002 which was lodged against Sri P. Ramabrahmam, AEE, C.W.C, Guwahati for misbehaviour and attempted molestation. However since the applicant did not comply with the request of Mr. Kharya started nursing a personal grudge against the present applicant and deliberately delayed the enquiry proceeding against Mr. P. Ramabrahmam, AEE. Although certain statements were collected from other office colleagues of the present applicant regarding the correctness of the complain but no progress is made thereafter. Moreover, the extreme step of removing the applicant and other female workers from the office of the S.E, HOC, C.W.C, Guwahati was taken by Mr. A.K. Kharya. It is pertinent to mention here that Mr. Kharya deliberately did not made any enquiry proceeding against Mr. P. Ramabrahmam on the genuine complain lodged by the applicant. In this connection it is stated that Sri A.K. Kharya adopted the delaying tactics with an ulterior motive in total violation of Gcv. of India's O.M No. 11013/11/2001-Estt (A) dated 12.12.2002, where necessary guidelines and norms were laid down following the direction of the Hon'ble Supreme Court in the case of Bishaka & Others Vs. State

Gopa Day Sarkar

of Rajasthan & Others for prevention of sexual harassment of women at work places as per guidelines laid down by the Hon'ble Supreme Court, provided interalia for the constitution of a complains committee in the employer's organization for redress of the complain by the victim. But in the instant case the matter was never referred to any complain committee by Sri A.K. Kharya, SE, HOC, C.W.C, Guwahati as per Govt. of India's instruction, in this regard and as a result of such inaction on the part of Mr. A.K. Kharya, SE, HOC, Guwahati no progress is made regarding the complain of the applicant and no disciplinary proceeding was initiated against Mr. P. Ramabrahmam at the instance of Mr. A.K. Kharya rather an attempt is made by Mr. Kharya to close down the entire matter by adopting delaying tactics.

In this connection it may be stated that a further circular was issued by the Govt. of India bearing letter No. O.M No. 11013/11/2001-Estt (A) dated 12.12.2002 wherein it is stated that the finding of the complaints committee regarding sexual harassment of the complainant/victim will be binding on the disciplinary authority to initiate disciplinary proceeding against the Govt. servant (s) concerned under the provision of Rule 3 (C) CCS (Conduct) Rules, 1964. But nothing has been done in the instant case of the applicant with her complain against Mr. P. Ramabrahmam, AEE, by Mr. A.K. Kharya in total violation of the circular dated 12.12.2002 rather now an attempt is made to remove the

Gopa Day Sarkar

applicant from the office of the HOC, C.W.C, Guwahati so that complain of the applicant become infructuous as because she did not comply with the request of Mr. A.K. Kharya to withdraw the complain against Mr. P. Ramabrahmam. Therefore the impugned transfer order dated 07.06.04, which has been passed by the Chief Engineer at the instance of Mr. A.K. Kharya, SE is liable to be set aside and quashed.

Copy of the representation dated 14.06.2004 and circular dated 12.12.2002 are enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-VIII & IX respectively.

4.8 That it is stated that in the representation dated 14.06.2004 addressed to the respondent No. 3 the applicant narrated the series of events took place in the office of SE, HOC, C.W.C, Guwahati and she has become a victim of all those incidents and now as a measure of penalty the impugned transfer order dated 07.06.2004 has been issued at the instance of the respondent No.4. It is further submitted that if the Hon'ble Court peruse the entire records of transfer of five female workers named above during the last 2/3 months from the office of the HOC, C.W.C, Guwahati, it would be evident that transfer of the applicant has not been made in public interest but as a measure of penalty, Mr. A.K. Kharya resorted to a wild "remove-female" drive and managed to get five female employees including the present applicant as a part of his

Gopa Dey Sarkar

hostile drive out of his office with a malafide intention. In this connection it may also be stated that Mr. P. Rambrahmam has already managed his transfer out of this region with the aid and advise of Mr. A.K. Kharya. Hence the impugned transfer and posting order is punitive in nature and the same is liable to be set aside and quashed.

- 4.9 That it is stated that the husband of the applicant is working at Guwahati in a Govt. of India undertaking and her only daughter is aged about 8 years as such it would be very difficult on her part to stay at Jalpaiguri when security is not available at present place of posting at Guwahati more so when an attempt to outrage her modesty is made in the place of work at Guwahati that too by a superior officer of the department itself.

Considering the facts and circumstances stated above the Hon'ble Tribunal be pleased to direct the respondents to produce all relevant records and on perusal of the same be pleased to set aside and quash the impugned transfer and posting order dated 07.06.2004, so far the applicant is concerned.

It is further submitted that the Hon'ble Court be pleased to pass an appropriate interim order staying the operation of the impugned transfer order dated 07.06.2004 till disposal of the Original Application.

- 4.10 That the applicant has no other alternative but to approach this Hon'ble Tribunal for protection of her

Gopa Dey Sarkar

valuable and legal right. In this connection it is stated that apprehending her release at any moment and in such a compelling circumstances the applicant approaching this Hon'ble Tribunal for stay of the operation of the impugned order dated 07.06.2004 as an interim measure till disposal of the Original Application.

4.11 That it is a fit case for the Hon'ble Tribunal to interfere with and protect the right and interest of the applicant by passing appropriate order.

4.12 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 impugned transfer and posting order dated 07.06.2004 have been passed with a malafide intention at the instance of Mr. A.K. Kharya, Superintending Engineer, HOC, C.W.C, Guwahati with the deliberate intention to frustrate her complain of misbehaviour and attempted molestation lodged against Sri P. Ramabrahmam, AEE, HOC, C.W.C, Guwahati.

5.2 For that, the impugned order of transfer and posting has been issued by the respondent No.6 at the instance of the respondent No. 4 who has resorted to a wild "remove-females" drive and managed to get five female

Gopa Dey Sarkar

employees including the applicant on a part of his hostile drive out of his office.

- 5.3 For that, the impugned transfer order does not involve any public interest but the same has been issued with a malafide intention to remove the applicant and the other female workers from the office of the SE, C.W.C, Guwahati.
- 5.4 For that, the proposal of the impugned order dated 07.06.2004 initiated at the instance of Mr. A.K. Kharya, SE, HOC, C.W.C, Guwahati as because the applicant did not comply with the request of Mr. A.K. Kharya to withdraw the complain lodged by her against Mr. P. Rambrahmam for misbehaviour and attempted molestation.
- 5.5 For that, the proposal of the impugned transfer order has been initiated by Mr. A.K. Kharya, SE, HOC, C.W.C, Guwahati on a strong mistaken belief that the applicant might have hand on a complain lodged by one Mr. R. Mazumdar, Store Keeper, C.W.C alleging about illegal procurement of material, abuse of official power and position by Mr. A.K. Kharya wherein an enquiry was conducted by Sri S.K. Sengupta, Chief Engineer, C.W.C, Bhubaneswar during 27.05.04 to 29.05.04 as per instruction of Prime Minister's office.
- 5.6 For that, transfer proposal against the present applicant and other four female workers in the office of the HOC, Guwahati was initiated by Mr. A.K. Kharya.

Gopa Dey Sarkar

- 5.7 For that, Mr. A.K. Kharya all along nursing a personal grudge and animosity towards the applicant for non compliance of the request for withdrawal of the complaint lodged by the applicant against Mr. P. Rambrahmam for misbehaviour and attempted molestation.
- 5.8 For that, the impugned transfer order has been issued in total violation of the Govt. of India's Office Memorandum dated 03.04.1986 and 12.06.1997.
- 5.9 For that, the husband of the applicant is working in a Govt. of India's undertaking at Guwahati.
- 5.10 For that, applicant has got a minor daughter aged about 8 years reading in class IV in an English medium school under SEBA course.
- 5.11 For that, the impugned transfer order is not a routine transfer order and the same has been passed in isolation with a malafide intention to remove the applicant from Guwahati.
- 5.12 For that, the Office Memorandum dated 12.06.1997 has laid down a specific provision for posting of the wife and husband at the same station invariably, especially when the children are below 10 years of age, as such the applicant has acquired a valuable legal right for retention at Guwahati since a post of Sr. Computer exists in the appropriate level.

Gopa Day Sankar

5.13 For that, there is no scope on the part of the husband of the applicant to seek transfer at Jalpaiguri because no Bharat Earth Mover's office is available at Jalpaiguri.

6. Details of remedies exhausted.

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

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

The applicant further declares that she 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):

Gopa Day Sankar

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned transfer and posting order issued under letter No. 1/4(B)/2003-BBB/2266-72 dated 07.06.2004 (Annexure-I) issued by the SE (Coord) with the approval of the Chief Engineer (B&BB), C.W.C, Shillong.
- 8.2 To direct the respondents to allow the applicant to continue in the existing post of Sr. Computer in the office of the HOC, C.W.C, Guwahati till the respondents consider the posting of the applicant at her choice station indicated in the option letter dated 09.03.2004, in the light of the Govt. instruction contained in the memorandum dated 12.06.1997 and posting as per Rule 3(C) of CCS (Conduct) Rules, 1964.
- 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 impugned transfer and posting order dated 07.06.2004 (Annexure-I) issued by the respondent No. 6 till disposal of the Original Application.

10.

This application is filed through Advocates.

Gopin Day Sankar

11. Particulars of the I.P.O.

i) I. P. O. No. : JG 389761
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.

Gopa Day Sarkar

VERIFICATION

I, Mrs. Gopa Dey Sarkar W/o Shri Dipankar Sarkar, aged about 39 years, resident of Lachit Nagar, presently working as Sr. Computer in the office of the Superintending Engineer, Hydrological Observation Circle, Guwahati-14, 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 17th day of June, 2004.

Gopa Dey Sarkar

No. 1/4 (B)/2003-BBB/ 2266-72
 Government of India
 Central Water Commission
 Office of the Chief Engineer
 Brahmaputra & Barak Basin Organisation

'Maranatha' Pohkseli
 P.O. Rynjah
 Shillong-793 000.
 e-mail: cebbb@sancharnet.in

Dated 7/6/2004

OFFICE ORDER

The following Senior Computers are hereby transferred to the offices shown against them with immediate effect in public interest.

Sl.No.	Name & designation	Present place of posting	Where to be posted	Remarks
01	Smt. Gopa Dey Sarkar	HOC, CWC, Guwahati	LBD, CWC, Jalpaiguri	/
02	Shri N.K. Paul	LBD, CWC, Jalpaiguri	HOC, CWC, Guwahati	

This issues with the approval of Chief Engineer (B&BB), CWC, Shillong

(SURESHCHANDRA)
 Superintending Engineer (Coord.)

Copy to :-

1. Pay & Accounts Officer, CWC, New Delhi
2. Under Secretary, Estt.XI, CWC, New Delhi
3. Superintending Engineer, HOC, CWC, Guwahati.
4. Executive Engineer, LBD, CWC, Jalpaiguri.
5. Executive Engineer, MBD, CWC, Guwahati.
6. Persons Concerned (2 copies)
7. Office order file.

Attested
 Surejit Choudhary
 Advocate
 on 17.6.2004

To
The Superintending Engineer,
Central Water Commission,
Hydrological Observation Circle,
Nabin Nagar, Janapath,
Guwahati-781024

Subject : Complain regarding misbehaviour and attempted molestation
by Mr. P.Ramabrahmam.

Sir,

Respectfully I beg to place before you the following complain regarding misbehaviour
and attempted molestation by Mr.P.Ramabrahmam AEE for your necessary action.

Mr. P.Ramabrahmam, AEE being my immediate superior officer often comes to our
section under one pretext or another. Sometimes he pulls the extra chair for himself near
to mine in an attempt to have physical contact. I have repeatedly objected to such
objectionable behaviour on his part but always his reply is that he being my superior
officer has the right to sit on my chair or by my side when he comes to our section.

At other times he comes when I am away in the Computer room and finding my chair
vacant he sits on my chair although there are other vacant chairs in the same room and
not willing to leave my chair when I return to the section and sits there for long time.

Further Mr. P.Ramabrahmam, on 30.08.2002 wanted to replace my table with a smaller
one so that he can accommodate the extra chair by the side of my chair. Earlier he had
asked Mr.Bose, Jr. Computer, to replace his larger table with a smaller one so that he can
accommodate an extra chair for himself by the side of my Chair. But when Mr. Bose had
refused, Mr.P.Ramabrahmam had forced me to replace my table with a smaller one to
accommodate him in our room though he had separate accommodation in first floor. All
these behaviour indicates that he does not have any good intentions other then attempt to
molest.

So, sir, having no other alternative I am approaching you with this complaint. As you are
the controlling and disciplinary authority, I appeal you to kindly take necessary action, so
that I may able to work with dignity.

Yours faithfully
Gopa Deu Sankar
02/09/2002
(GOPA DEY SARKAR)
SR.COMPUTOR

29

para on
MP

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S/O JEE S A
A. S. S. S. S. S. S.
A. S. S. S. S. S. S.
A. S. S. S. S. S. S.
A. S. S. S. S. S. S.

Received by
B. Des.
02/9/02.

Attested
Srinivas Choudhary
Advocate
on 17.6.2004.

To
The Superintending Engineer,
Central Water Commission,
Hydrological Observation Circle,
Nabin Nagar, Janapath,
Guwahati-781024

Subject: Statement regarding misbehaviour and attempted molestation
by Mr. P.Ramabrahmam, AIEE.

Sir,

As desired vide your Lt.No.HOC/GAU/PF-888/253 dt. 06.09.2002, the written statements
as narrated by me on dated 03.09.2002 are as under.

"Mr. P.Ramabrahmam often comes to Met section and sits there for hour long. When
Mrs. Gopa Dey Sarkar, Sr. Computer is away in the Computer room and finding her chair
vacant he sits on her chair although there are other vacant chairs in the same room and
not willing to leave her chair when she returns to the section and sits there for long time
otherwise he pulls the extra chair for himself near to her which is very much odd looking.
She has gently objected such type of attitude several time but he ignored.

Further, on 30.08.2002 morning, finding her chair occupied by Mr.
P.Ramabrahmam, AIEE, Mrs.Gopa Dey Sarkar, Sr.Comp. gently requested him to leave
her official chair then he pulled the extra chair for himself near to her, which she objected
directly. After that he had asked Mr.Bose, Jr. Computer, to replace his larger table with
a smaller one so that he can accommodate an extra chair for himself by the side of her
table. But when Mr. Bose had refused, Mr.P.Ramabrahmam had forcefully asked
Mrs.Gopa Dey Sarkar to replace her table with a smaller one so that he can
accommodate the extra chair by her side though he had separate accommodation in first
floor. Such type of attitude does not implies that he have any good intentions."

Therefore, the allegations as brought by Mrs.Gopa Dey Sarkar, Sr. Computer are very
much true to the best of my knowledge.

Yours faithfully,

[Signature]
(BIRREDRASARMA)
SRPA(MET)

Received by
[Signature]
11/9/02

[Signature]
Advocate
on 17.8.2004.

u2

To
The Superintending Engineer,
Central Water Commission,
Hydrological Observation Circle,
Nabin Nagar, Janapath,
Guwahati-781024

Subject : Statement regarding misbehaviour and attempted molestation
by Mr. P.Ramabrahmam.

Sir,

As desired vide your Ir.No.HOC/GAU/PI-888/253 dt. 06.09.2002, the written statements as narrated by me on dated 03.09.2002 are as under.

"Mr. P.Ramabrahmam,AEE, often comes to Met section and sits there for hour together. When Mrs. Gopa Dey Sarkar, Sr. Computer is away in the Computer room and finding her chair vacant he sits on her chair although there are other vacant chairs in the same room and not willing to leave her chair when she returns to the section and sits there for long time otherwise he pulls the extra chair for himself near to her which is very much indecent. Several times She has gently objected such type of attitude but he ignored her objections and replied that he being our superior officer has the right to sit anywhere.

On 30.08.2002 morning, finding her chair occupied by Mr. P.Ramabrahmam,AEE, Mrs.Gopa Dey Sarkar, Sr.Comp. gently requested him to leave her official chair then he pulled the extra chair for himself nearer to her, which she objected directly. After that he had asked me to replace my larger table with a smaller one so that he can accommodate an extra chair for himself by the side of her table. But when myself had refused, Mr.P.Ramabrahmam had forcefully asked Mrs.Gopa Dey Sarkar to replace her table with a smaller one so that he can accommodate the extra chair though he had separate accommodation in first floor. Such type of attitude does not implies that he have any good intentions."

Therefore, the allegations as brought by Mrs.Gopa Dey Sarkar,Sr. Computer are very much true to the best of my consent.

Yours faithfully,

Ajoy Kr. Bose
10/9/02
(AJAY KR. BOSE)
JR.COMPUTOR

Received by
Ajay

03/09/2002

OFF. OF SECRETARY

11

CONFIDENTIAL

Phone: 450073
FAX : 540841

NO: HOC/GAU/PF-888/2002/ 291
Government of India
Central Water Commission
Hydrological Observation Circle,
Nabin Nagar, Janapath, Guwahati-24.

Dated, the 6/11 /2002.

To,

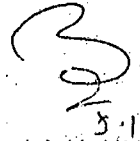
✓
Mrs. Gopa Dey Sarkar,
Sr. Computer,
Hydrological Observation Circle,
CWC, Guwahati.

Sub:- Complain regarding misbehaviour and attempted molestation.

You are hereby directed to explain the following points intimated by Shri P. Rama Brahman, Asstt. Executive Engineer within 3 days of issue of this letter positively.

" Mrs. Gopa, Sr. Computer was asked by Sr. PA(HM) to do the routine work of 'Checking of daily water levels of all sites' wef onset of monsoon 2002. She did not take care of her routine work assigned to her on 19/8/02, 23/8/02, 26/8/02, 28/8/02 and 30/8/02 when she was also seen to be agitating in office for SDA payment being stopped / recovered from some employees and she was promoting in-subordination and in-difference to office work."

NP


(A.K. KHARYA)
SUPERINTENDING ENGINEER.

Admitted
Sujit Choudhury
Advocate
on 17.6.2004.

To
The Superintending Engineer,
Central Water Commission,
Hydrological Observation Circle,
Nabin Nagar, Janapath,
Guwahati-781024

Subject : Complain regarding misbehaviour and attempted molestation
Ref : NO.Hydrological Observation Circle/GAU/PF-888/2002/291 dt 06.11.02.

anti

Sir,

With reference to your letter cited above, it is not clear to me what sort of routine work was asked me to do, because as per the office order no.A-15017/11(2)/2002/2816 dt 16.10.2000 no routine work was assigned to me and to the best of my knowledge the said office order has not been changed till today.

However, on 19.08.2002, the SE, HOC, Guwahati has asked me to prepare a Brief Note on Flood upto 18.08.2002 and also instructed me to complete the report on that day as he was supposed to leave on 20.08.2002 with Central Inter Ministerial team for flood damage assessment. So, as per your instruction I have worked up to 7 pm to complete the assigned work and handed over to you.

On 23.08.2002, myself and Sr.PA(HM) jointly prepared a statement regarding above 50 mm. Rainfall and its corresponding water level, as the SE,HOC, Ghy has instructed to Sr.PA(HM) over phone on 22.08.2002 that the said statement is urgently required for Central Inter Ministerial team meeting at Circuit House, Guwahati on 23.08.2002.

On 26.08.2002, Sr.PA(HM),HOC, has instructed me to keep up-date the flood report and its related graphs, charts and statements because the SE,HOC, may ask the same for meeting with Hon'ble minister at Bralmaputra Board on 02.09.2002. Therefore, from the above stand points it is very much clear that I was totally engaged from 26.08.2002 to 30.08.2002 as per the instruction of Sr.PA(HM).

It is believed that the above facts are also in your knowledge. So, question of "not completing routine works" and "agitating staff for SDA" does not arise and totally irrelevant with my complain.

So, the allegations brought by the AEE(Met), Hydrological Observation Circle, against me is totally false, baseless and irrelevant. The facts as stated above regarding my works are well proved and well known to you.

Moreover, I am very much sorry to state here that my complain against Mr.P.Ramabrahma AEE(Met), was "misbehaviour and attempted molestation". On these sensitive issue, the query asked by the above referred letter means that if a subordinate does not perform her duty then an immediate superior officer may misbehave or come forward for molestation.

no action
complaint through

Yours faithfully,
Gopa Dey Sarkar
(GOPA DEY SARKAR)
SR.COMPUTOR

Received
by B. D. S.
dt 08-11-02

Attested
Savaji Choudhary
Advocate
on 17.6.2004

RECEIVED
11/11/02
CIRCUIT HOUSE
GUWAHATI

45

To

The Superintending Engineer,
Hydrological Observation Circle,
CWC, Guwahati-14

Subject: An appeal for posting at the choice station.

Reference: Office order No. 1/4(B)/2003-BBB/2266-72 dt 07.06.04.

Sir,

With reference to the Chief Engineer's office order cited above, I do hereby enclose a representation, which may kindly be forwarded and obliged.

Thanking you.

Encl: as above

Yours faithfully,

Gopa, Day Sarkar
07.06.04
(GOPA DEY SARKAR)
SR.COMPUTER.

Recd.
11.06.04
H.O. Circle, Guwahati

Admitted
Anujit Choudhary
Advocate
on 17.6.2004.

46

To
The Chief Engineer
Brahmaputra & Barak Basin,
Central Water Commission
Shillong

(Through Proper Channel)

Subject: An appeal for posting at the choice station.

Reference: No. Your office order issued under 1/4(B)/2003-BBB/2266-72 dt 07.06.04

Sir,

With profound veneration and humble submission on the letter cited above, I would like to draw your kind attention to the following few lines for consideration my case of transfer to the choice station as submitted by me on 09.03.04 as per proforma circulated by HOC, CWC, Guwahati.

That sir, I have been transferred to Jalpaiguri vide your office order referred above and it has cost profound disturbing effect in my mind because I have never opted for Jalpaiguri. My option dt 09.03.04 was for Kolkata or Bangalore or for same station and reasons for my option for these stations are also mentioned clearly. Therefore, transfer to Jalpaiguri will put me in a strange predicament, as there is no office of my husband where neither he can get himself transferred nor I can get assistance from my family. My husband is working in a Govt. of India Undertaking organization.

That sir, daughter, aged about 8 years studying under SEBA course. So, at present she cannot be shifted and switched over to a new course in the middle of the session. On the whole none of my family members is in a position to lead an isolated life.

That sir, I am constrained to state here that my service condition carrying All India Transferability status, but after rendering 16 years of service in NER I am not getting my transfer at the choice station.

That sir, in accordance with the Govt. of India O.M.No.28034/7/86-Estt(A) dated 03.04.86 husband and wife should be accommodated at the same station especially till the children are 10 years of age (copy enclosed).

In view of the facts and circumstances above, it is my request to you, please accommodate me at choice station indicated in my option or to retain me in the same station, so that I can lead a normal family life and take care of my daughter properly.

It is for your kind consideration please.

Encl: as above

DA 09.06.2004

Yours faithfully,

Gopa Deo Sarkar
(GOPA DEY SARKAR)
SR.COMPUTOR

(Encl-)

ANNEXURE-VII

No. 28034/2/97-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June 1997

OFFICE MEMORANDUM

Sub: Posting of husband and wife at the same Station.

The undersigned is directed to say that on the subject mentioned above, Government has issued detailed guidelines vide O.M. No. 28034/7/86-Estt.(A) dated 3.4.1986. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organization at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M. No. 28034/7/86-Estt. (A) Dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence.
3. It is further clarified that even cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

Alkesh Choudhary
Advocate
on 17.6.2004

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.
5. A copy of this Department's OM No. 28034/7/86-Estt. (A) Dated 3.4.86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

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

To

1. All Ministries/Departments of the Government of India.
2. Department of Women & Child Development.
3. The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

To

The Chief Engineer,
Brahamaputra & Barak Basin,
Central Water Commission,
Shillong.

(Through Proper channel)

Sub: - Prayer for cancellation of transfer order and my retention at Guwahati.

Ref: - (1) Your Office order No. ¼ (B)/2003-BBB/2266-72 dated 07.06.04.

(2) My representation dated 09.06.04.

Sir,

Most humbly and respectfully I beg to refer to the representation submitted by me through proper channel on 09.06.04 to your honour in the context of your order dated 07.06.04 as referred above. In the said representation I prayed before your honour to reconsider my case of proposed transfer and to allow me to continue in my existing post at Guwahati or to transfer me to my choice stations namely Kolkata or Bangalore as per my option exercised earlier on 09.03.04. I also narrated my difficulties arisen out of the said transfer order dated 07.06.04, which I refrain, from repeating herein lest it would be superfluous. However a copy of my earlier representation is enclosed herewith for your kind perusal and ready reference. In continuation of my earlier representation dated 09.06.04, I am constrained to submit this representation ventilating some facts before your honour in the context of my transfer from Guwahati to Jalpaiguri as ordered by you.

That sir, of late, I could come to know from reliable sources that my instant transfer from Guwahati to Jalpaiguri under your order dated 07.06.04 has been made at the instance and initiative of Superintending Engineer, HOC, Mr. A.K. Kharya who was instrumental in my transfer. In this context, I venture, even unwillingly, to bring the following facts under your kind notice.

That sir, in the month of September, 2002 I registered one complaint to Mr. A.K. Kharya, SE, IIOC against one of my superior officers Mr. P. Ramabrahma, AEE regarding misbehaviour and molestation attempted on me. Thereafter Mr. Kharya made a preliminary inquiry and obtained written statements from some eye witnesses. Two of such statements dated 10.09.02 given by the eye witnesses Shri Birendra Sarma, Sr. PA (MET) and Shri Ajoy Kr. Bose, Jr. Computer which sustained my allegations against Mr. Ramabrahma are

*Admitted
Suryjit Choudhary
Advocate
on 17.6.2004.*

appended herewith for your kind perusal. Finding no response from the SE, Mr. Kharya, I requested him verbally once again on 01.11.02 to be serious on my complaint and take necessary action against Shri Ramabrahma. When I was anxiously waiting for a justified action from SE on my complaint, I was surprised to get a letter bearing No. HOC/GAU/PF-888/2002/291 dated 06.11.02 from the SE, Mr. Kharya asking me to explain about some concocted complaints made by Mr. Ramabrahma against me regarding some alleged lapses of duties etc., which are not at all relevant to my complaints aforesaid but seemingly an attempt to suppress my serious complaint by way of harassing me. I smelt rat on the issue and become apprehensive of the honesty and sincerity of Mr. Kharya on my complaint. However I replied to the letter dated 06.11.02 on 08.11.02 rebutting the allegations which is self detailed. A copy of the letter dated 06.11.02 and my reply dated 08.11.02 are appended herewith for your kind perusal.

That sir, the letter dated 06.11.02 issued by Mr. Kharya clearly evidenced his mindset since it was an attempt to eclipse and equate a serious crime of misbehaviour and attempted molestation by a senior officer by way of fabricated some false counter allegations of lapses of duties against me which are two different inconsistent issues altogether.

That sir, since then, the SE, Mr. Kharya patronized a seemingly grudge on me for the reasons best known to him and started harassing me in day to day works and kept on pressurizing me to withdraw the complaint against Mr. Ramabrahma which I did not comply with. He then requested one of my colleagues Mrs. Beenamala Deori Stenographer Gr. I, HOC, CWC, Guwahati to pursue me so that I may withdraw the said complaint which Mrs. Deori declined to do. Being unsuccessful in his venture, Mr. Kharya at one point of time, even threatened me the possibility of trouble and other worse consequences if I do not withdraw the complaint which I daunted only in order to uphold my dignity as a respectful woman and preserved the secrecy of the out-of-prestige issue only in order to avert indecent circulation of the same.

That sir, inspite of adequate evidence from the eye witnesses regarding the misbehaviour of Mr. Ramabrahma against me, the SE, Mr. Kharya resorted to tactical delay on my complaint deliberately and meanwhile he managed to transfer and send Mr. Ramabrahma out of this circle in May, 2003 in a clandestine manner with the only intention of protecting and safeguarding Mr. Ramabrahma from the charges which is understood to had been referred to the

vigilance department also for action. It is understood that Mr. Kharya has got undue compassion on Mr. Ramabrahma due to his unholy hob-nobbing with him.

That sir, unfortunately some other developments took place in the meantime beyond my knowledge as a matter of coincidence. A complaint was lodged by one Mr. Ranabir Majumdar, Store keeper, CWC alleging about irregular procurement of material, misuse of official vehicles, abuse of official power and position etc. by Mr. Kharya and investigation of which was ordered by Chairman, CWC as per instruction of Prime Minister's Office, New Delhi and the enquiry was conducted during 27.05.04 to 29.05.04 by Shri S.K. Sengupta, Chief Engineer, CWC, Bhubaneswar. Another complaint was made by one CWC Women welfare Forum, a non-existent, fake organization alleging some misdeeds committed by Shri Monoranjan Jha, Dy. Director, Wireless, Guwahati wherein the name of Mr. Kharya also found a place. All these unwanted incidences generated a misbelief in the mind of Mr. Kharya that me and other female workers of this office had a hand at all these things which unnecessarily aggravated his hostile attitude towards me among others.

That sir, being led by a strong mistaken belief as stated above, Mr. Kharya taking advantage of his official capacity understandably resorted to a wild "remove-females" drive and managed to get five female employees including me now as a part of his hostile drive out of his office. I believe that my instant transfer is a culmination of the same unfair play of Mr. Kharya and I am an unfortunate victim of the same.

That sir, in this process, my genuine issue which pertains to the outraging of modesty of a woman which was complained by me way back in 2002 has been left unattended over these years and non-issues have been made issues with a malafide intention at the cost of my dignity as a woman which has become a matter of my serious mental shock and I am finding it too difficult to absorb and reconcile to. As such I beg to attract your kind attention on this matter once again herein for a serious action on my complaint against Mr. Ramabrahma and against Mr. Kharya for his collusion with Mr. Ramabrahma and his apathy and negligence on an issue of this dimension of criminal offence. I am also bringing this matter to the notice of the Women Cell constituted in the office of the Director General of Police, Govt. of Assam and Chairman, CWC, New Delhi for proper redressal of my grievances and in the event of non action, I shall not hesitate to take due shelter of law. I may kindly be allowed to mention here that while no action has

been taken on my complaint, on the contrary, I am being penalized by way of malafide transfer as a mockery of justice.

Under the circumstances stated above, I would earnestly pray your honour kindly to review and cancel my order of transfer and allow me to continue in my present post at Guwahati and further to take necessary action against Mr. Rambrahma and Mr. Kharya for their concerted misbehaviour and injustice against me and for this act of your kindness I shall remain ever grateful to you.

Enclo: - (Copy of)

- 1) My representation dated 09.06.04.
- 2) S.E's letter dated 06.11.02
- 3) My reply dated 08.11.02.
- 4) Two statements dated 10.09.02
of my eye witnesses.

Yours faithfully

(GOPA DEY SARKAR)
Sr. Computer,
O/o- The Superintending Engineer
Hydrological Observation Circle
Guwahati-14.

Date: 14.06.2004.

Copy in advance to: -

The Chief Engineer B&BB, Central Water Commission, Shillong, for kind information and necessary action.

2003(1)

JOURNAL SECTION.

33

The Indian Trade Journal published by the Director General of Commercial Intelligence and Statistics, Kolkata which is a Government publication should be regarded as the standard medium for public advertisements in India. As a method of improving governance and bringing greater transparency in Administration, Departments of Central Government/Organisation having a website may use this as an additional medium for publication of the tender enquiries apart from the newspapers/Indian Trade Journal.

[Ministry of Finance (Exp.) O.M. No. 15(1)/E.II(A)/02 dated 30th July, 2002]

[38]

✓ Copy of O.M. No. 11013/11/2001-Estt. (A), dated 12.12.2002, Government of India (Department of Personnel & Training).

Subject : Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places—Follow up action.

The undersigned is directed to refer to this Department's O.M. No. 11013/10/97-Estt. (A) dated 13th February, 1998 (Published in SLJ of October, 1998 as Sl. No. 41) under which the guidelines and norms laid down by the Supreme Court in the case of *Vishaka and others v. State of Rajasthan and others*, JT 1997(7) SC 384, for prevention of sexual harassment of women at work places, were circulated to all Ministries/Departments for compliance by all concerned.

2. The guidelines laid down by the Supreme Court provide, *inter-alia*, for the constitution of a Complaints Committee in the employer's organization for redress of the complaint made by the victim. In this connection, a question has been raised regarding the status of the inquiry held by the Complaints Committee. It is clarified that the findings of the Complaints Committee regarding sexual harassment of the complainant/victim will be binding on the disciplinary authority to initiate disciplinary proceedings against the Government servant(s) concerned under the provisions of the CCS (CCA) Rules, 1965. The report of the Complaints Committee should be treated as a preliminary report against the accused Government servant.

3. The Ministries/Departments are requested to bring these instructions to the notice of all concerned and ensure that necessary follow up action is taken on the report of the Complaints Committee without any delay.

[39]

Copy of F. No. 1(6)/2002-E.II(B)/789, dated 30.10.2002, Government of India, Ministry of Finance, (Department of Expenditure).

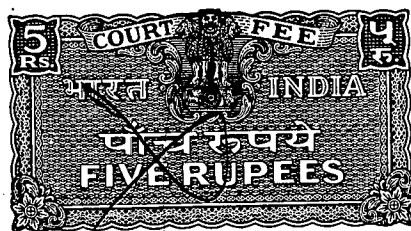
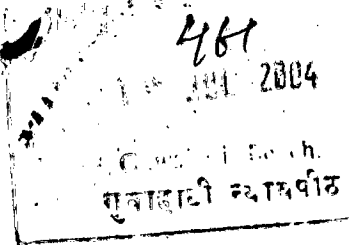
Subject : Payment of Dearness Allowance to Central Government employees—Revised Rates effective from 1.7.2002.

The undersigned is directed to refer to this Ministry's Office Memorandum No. 1(1)/2002-E.II(B)/237 dated 20.3.2002 (Published in S.L.J. of August, 2002 as Sl. No. 71) on the subject mentioned above and to state that the President is pleased to decide that the Dearness Allowance payable to Central Government employees shall be enhanced from the existing rate of 49% to 52% of the pay with effect from 1st July, 2002.

2. The provisions contained in paras 3, 4 and 5 of this Ministry's O.M. No. 1(13)/97-E.II(B) dated 3.10.1997, (Published in S.L.J. of January, 1998 as Sl. No. 11) shall continue to be applicable while regulating Dearness Allowance under these orders.

(Mar.—17)

Adopted
Suryjit Chaudhary
on 17.6.04
Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI ~~BRANCH~~, BENCH
GUWAHATI - 781 005.

O.A. No. - 143/04

Mrs. Gopa Dey Sarker
Applicant

- Versus -

Union of India & Others,
Respondents.

Reply filed on behalf of Sri N.K. Paul, the Respondent No.-07.

01. That there is no cause or ground to implede the Respondent No. 07 in the proceeding
02. That the Applicant cannot have any sort of claim or grievances against this Respondent.
03. That this Respondent has been kept ported about his transfer to H.O.C. C.W.C., Guwahati by the Superintending Engineer (Coord) Vide order No.-1/4 (B)/2003-BBB/2266-72. dt. 07.06.2004.

That this Respondent has been stood relieved of his duties on 30.06.2004. and he has been directed to report for duties to the office of the Superintending Engineer, H.O.Circle, Guwahati as it reveals form the office order dt. 15.06.2004. issued by the Executive Engineer, C.W.C. Hakim para, P.O & Dist.- Jalpaiguri.

04. That the Respondent has all along been votary to the official norms, procedures and discipline. He has been actually all set to carry out the order dt. 07.06.2004. but the order dt. 25.06.2004. issued by the said Executive Engineer put to a halt to his joining in the new place of posting.

That it is understood from the order dt. 25.06.2004. that the previous order of transfer has been deferred in compliance of the order of the Hon'ble Central Administrative Tribunal, Guwahati.

506(S)
NS
15/7/04
Received one copy only.
NS
19/7/04

Nitendra Kumar Paul.

Nitendra Kumar Paul.

2

152-39-55

05. That this Respondent has recently on 09.07.2004. copy of the order of the Hon'ble Tribunal dt. 18.06.2004. along with some annexures including the copy of the Application filed by the Applicant, Mrs. Gopa Dey Sarker.

That it transpires from the order of the Hon'ble Tribunal that this Respondent has been subsequently added as Respondent No.-07.

That this Respondent is not at all clear as to why he has been impleaded in the proceeding.

It is emphatically stated that this Respondent had no prior knowledge about his transfer.

That this Respondent humbly reiterates that he is always ready to carry out the order of the Superior Officer.

VARIFICATION

I, Sri Nirendra Kumar Paul (N.K.Paul), S/o Late Debnath Paul, aged about 54 years presently working a senior computer in the office of L.B.Division, C.W.C., Hakimpara, P.O. & Dist.-Jalpaiguri, do hereby solemnly state that the statements made above are true to my knowledge and belief and I sign this VERIFICATION on 13th day of July, 2004. at Jalpaiguri.

Nirendra Kumar Paul.

13/7/04

Enclo :

1. Xerox Copy of the order Dt. 07.06.2004.
2. Xerox Copy of the order Dt. 15.06.2004.
3. Xerox Copy of the order Dt. 25.06.2004.

9

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Tel. No.0364-2534424, 2232294, 2534928
Tel.Fax:0364-2232294

No. 1/4 (B)/2003-BBB/ 2266-72
Government of India
Central Water Commission
Office of the Chief Engineer
Brahmaputra & Barak Basin Organisation

'Maranatha' Pohkseh
P.O. Rynjah
Shillong-793 006.
e-mail: cebbb@sancharnet.in

Dated 7/6/2004

OFFICE ORDER

The following Senior Computers are hereby transferred to the offices shown against them with immediate effect in public interest.

Sl.No.	Name & designation	Present place of posting	Where to be posted	Remarks
01	Smt. Gopa Dey Sarkar	HOC, CWC, Guwahati	LBD, CWC, Jalpaiguri	
✓ 02	Shri N.K. Paul	LBD, CWC, Jalpaiguri	HOC, CWC, Guwahati	

This issues with the approval of Chief Engineer (B&BB), CWC, Shillong



(SURESHCHANDRA)
Superintending Engineer (Coord.)

Copy to :-

1. Pay & Accounts Officer, CWC, New Delhi
2. Under Secretary, Estt.XI, CWC, New Delhi
3. Superintending Engineer, HOC, CWC, Guwahati.
4. Executive Engineer, LBD, CWC, Jalpaiguri.
5. Executive Engineer, MBD, CWC, Guwahati.
- ✓ 6. Persons Concerned (2 copies)
7. Office order file

C.B.I.
11/6/04

NO: L.B./CC-5/2004/ 1895 1900
Government of India
Office of the Ex. Engineer
Lower Brahmaputra Division
Central Motor Commission
Jalpaiguri (L.B.)

Dated: 15 / 6 / 2004.

OFFICE ORDER.

Consequent upon his transfer vice Superintending Engineer (C), B&B Basin, C.C., Shillong's office order No. 1/4(B)/2003-088/2266-72, dated 7.6.2004, Shri M.K. Paul, Sr. Computer stands relieved of his duties on 30.6.2004 AM. and directed to report for duties to the office of the Superintending Engineer, H.O. Circle, C.C., Guwahati.

(M.K. Paul.)
EXECUTIVE ENGINEER.

Copy to:-

1. The Superintending Engineer, H.O. Circle, C.C., Guwahati-14 (Assam)
2. The Superintending Engineer (C) B & B Basin, C.C., Shillong.
3. Accounts Branch, L.B.Divn., C.C., Jalpaiguri for information & necessary action.
4. Bill Clerk, L.B.Divn., C.C., Jalpaiguri.
- ✓ 5. Person concerned..
6. Personal file.


EXECUTIVE ENGINEER.

NO: LBD/CB-5/2004/ 2433-38
Government of India
Office of the Ex. Engineer
Lower Brahmaputra Division
Central Water Commission
Hakimpura, Jalpaiguri (W.B.)

Dated: 25/6/2004.

OFFICE ORDER.

The date of relief of Shri N.K. Paul, Sr. Computer from L. B. Division, CWC, Jalpaiguri on 30.06.2004 A.N. on his transfer to the office of the Superintending Engineer, H.O. Circle, CWC, Guwahati issued vide this office order No. LBD/CB-5/2/4/1875-1900 dated 15.6.2004 is hereby deferred until further orders in compliance of the Hon'ble Central Administrative Tribunal, Guwahati Bench order dated 18.6.2004.


(M.K. SHARMA.)
EXECUTIVE ENGINEER.

Copy to:-

1. The Superintending Engineer, H.O. Circle, CWC, Guwahati for favour of information alongwith a copy of the notice dated 21.6.2004 served by Shri Manik Chanda, Advocate enclosing therewith a copy of Hon'ble CAT, Guwahati Bench's order dated 18.6.2004.
2. The Superintending Engineer (c), B&B Basin, Organisation, CWC, Shillong.
3. Accounts Branch, L.B. Divn., CWC, Jalpaiguri.
4. Bill Clerk, L.B. Divn., CWC, Jalpaiguri.
5. Person Concerned (Shri N.K. Paul, Sr. Computer).
6. Personal File.

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

3 1MAR2005

गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of:

O.A. No. 143 /2004

Mrs. Gopa Dey Sarkar

.... Applicant.

-Vs-

Union of India & Ors.

.... Respondents.

-AND-

In the matter of :

An additional statement by the applicant.

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

1. That is stated that your applicant approached this Hon'ble Tribunal aggrieved and dissatisfied with the transfer and posting order dated 07.06.2004 issued by the Superintendent Engineer (Co-ord) with the approval of the Chief Engineer (B&BB), C.W.C Shillong, whereby the applicant is sought to be transferd from HOC, CWC Guwahati to LBD, CWC, Jalpaiguri. The said Original Application was admitted by this learned Tribunal on 18.06.2004 and status quo was granted on 18.06.2004 as an interim measure. The applicant challenged the impugned order of transfer and posting on spouse ground amongst the other grounds. Since the husband of the applicant is also a Govt. Employee and at present he is posted at Guwahati, moreover applicant got a minor daughter.

59
Filed by Applicant
Through Subordinate
Advocate
31.3.05

2. That it is stated that during pendency of the original application, Govt. of India, Ministry of Statistics And Programme Implementation Department have issued office order vide letter bearing No. 11024/5/2004 SSS dated 01.03.2005, whereby the applicant is promoted to the post of Statistical Investigator grade- IV of the Sub-Ordinate Statistical service on regular basis and as per the said order applicant is posted in the office of the IBM, Ministry of Mines, Guwahati, as per the clause 2 of the said order the promotion shall be effective from the date of assumption of the charge. Moreover in terms of clause 4, 5 and 6 all the department have been requested to initiate immediate action for fixation of pay and also for immediate release of the official promoted/ transferred to enable them to assume the charge of the new assignment at the earliest, after availing of joining time as admissible under the rules. It is further stated that promotion order is subject to the out come of all assisting pending cases in various Courts of Law.

In view of the office order dated 01.03.2005 Hon'ble Tribunal be pleased to dispose of the Original Application with the direction to the respondents to release the applicant with immediate effect to enable her to join in the promotional post in the office of the IBM, Ministry Of Mines Guwahati.

Copy of the order dt.01.03.2005 is annexed herewith for perusal of Hon'ble Tribunal and marked as Annexure-A.

3. That this application is made bonafide and for the ends of justice.

In the facts and circumstances stated above
you hardships appropriate order directing the
respondents to release the applicant to enable her to
join the promotional post of the Statistical

3 61
Investigator in the office of the IBM, Ministry of
Mines, Guwahati and/or may pass any further or
other order or orders as your Lordships may deem
fit and prosper.

And for this out of kindness your applicant is in duty bound shall ever pray.

VERIFICATION

I Mrs. Gopa Dey Sarkar W/o Shri Dipankar Sarkar, aged about 39 years, resident of Lachit Nagar, presently working as Sr. Computer in the office of the Superintending Engineer, Hydrological Observation Circle, Guwahati-14, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 31st day of March, 2005.

Gopa Dey Sarkar

- 5 -

b3

No. 11024/5/2004-SSS

Government of India

Ministry of Statistics & Programme Implementation

Sardar Patel Bhavan,

Sansad Marg,

New Delhi-110001

Dated 1st March, 2005

OFFICE ORDER

Subject: Promotion to Statistical Investigator Grade IV of the Subordinate Statistical Service (SSS) -regarding

The competent authority is pleased to order that the following officials who are presently holding feeder posts, recognized by the cadre control authority for promotion to Statistical Investigator Grade IV of the Subordinate Statistical Service (SSS), be promoted as Statistical Investigator Grade IV of SSS in the pay scale of Rs.5000-8000 on regular basis:-

Sl. No.	Name S/Shri /Smt
1	R.K. Mathur
2	K.S.V.C. Nair
3	M.S. Katakwal
4	Rita Tiwari
5	R.L. Gupta
6	S.K. Sharma
7	B.M. Lal
8	Bipin Bhari Garg
9	Gopa Dey Sarkar
10	Renu Kakkar
11	Rajkumari Tashilaramani
12	S.K. Rupsinwar
13	Rahat Singh
14	N.K. Lakshmi
15	Jagdish Prasad Singh
16	Veena Abott
17	Sharda Mahajan
18	R.S. Manral
19	Vinod Gulati
20	Savitri Takhtani
21	Mohini Kumar
22	Vinod Kumar
23	B.K. Sharma
24	Asha Sharma
25	D.P. Bhargava
26	Sia Ram
27	Santosh
28	M.C. Das
29	S.N. Suni
30	S.R. Dixit
31	Harsai
32	G.P. Singh
33	Aditya Asthana
34	K.S. Varaprasad
35	A.K.V. Londa
36	Raj Kumar Joshi
37	V. Suresh
38	R.C. Khatnora
39	R.S. Panwar
40	S.K. Srivastava

*True Copy
Sent
Admitted*

41	N.K. Paul
42	R.K. Khanna
43	Gopinath Dey
44	Krishanu Kumar Ghosh
45	Subhash Chandra Bhatt
46	Balam Singh Rawat
47	Saroj Sharma
48	Chandra Dawany
49	Latha. M
50	Jharna Bose
51	Rekha Johri
52	Nandan Singh
53	Anil Kumar Sinha
54	S.S. Chauhan
55	John Roxburgh Peters
56	Ashok Kumar Dawra
57	Rakesh Kumar Pandey
58	Suresh Chand
59	Shashi Bala
60	Roop Ram Sharma
61	Shamsher Shaikh
62	Kalpana Raju Somkuwar
63	Smt. A.M. Sute
64	J.A. Ramalingam
65	R.Narayanan
66	S.S. Dayal
67	S.S. Bisht
68	Shama Goplani
69	Narayan Singh
70	Manoj Kumar
71	Budh Parkash Kaushik
72	Mohinder Prasad
73	Suresh Kumar
74	Jaishree Kumar
75	Vinod Kumar Sharma
76	Baldav Raj Sharma
77	Mittar Saini
78	Prahlad Singh
79	O.P. Dahiya
80	R.S. Negi
81	K.S.S. Nair
82	Ashish Sarin
83	Govind Narayan Soni
84	Neeraj Verma
85	Krishan Kumar Meena
86	Shyam Sunder Sharma
87	Krishan Kumar
88	Smt. Chander Tara
89	Ratan Singh
90	Kuldeep Singh Ranga
91	Lokesh Kumar
92	Ram Govind Ram
93	Nawalesh Kumar Sinha
94	Keshav Singh
95	Pradeep Kumar Prasad
96	Dev Das Krupanidhi Ambati
97	Gurdeep Singh Badhan

The above promotions shall be effective from the date of assumption of the charge. The officials shall be on probation for a period of two years. The posting/transfer of the above mentioned officers are ordered as under:-

Sl.No.	Name	Date of birth	Present posted in Ministries/ Departments/ Organizations	Present place of Posting	Designation of the post held on regular basis	Posted to as Statistical Investigator Grade IV in the
1	2	3	5	6	7	8
1	R.K. Mathur	17-May-45	D/o Food and Public Distribution	New Delhi	Statistical Investigator Grade-II	D/o Agriculture & Cooperation, M/o Agriculture, New Delhi
2	K.S.V.C. Nar	17-Mar-52	CWC	Burla	Senior Computer	NSSO (FOD) Berhampur (Onssa)
3	M.S. Katakwal	04-May-50	CWC	New Delhi	Senior Computer	CWC, New Delhi
4	Rita Tiwari	26-Sep-57	B.P.R.D.	New Delhi	Statistical Investigator Grade-II	DGE&T, New Delhi
5	R.L. Gupta	03-Apr-47	CWC	New Delhi	Senior Computer	CWC, New Delhi
6	S.K. Sharma	02-May-60	CWC	New Delhi	Senior Computer	CWC, New Delhi
7	B.M. Lal	21-Apr-47	D/o Food and Public Distribution	New Delhi	Statistical Investigator Grade-II	D/o Agriculture & Cooperation, M/o Agriculture, New Delhi
8	Bipin Bihari Garg	10-May-62	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
9	Gopa Dey Sarkar	05-Jan-65	CWC	Guwahati	Senior Computer	IBM, M/o Mines, Guwahati
10	Renu Kekkar	24-Feb-57	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
11	Rajkumari Tahilaramani	14-May-52	CWC	Noida	Senior Computer	Health & FW, New Delhi
12	S.K. Rupainwar	14-Jan-51	CWC	Lucknow	Senior Computer	NSSO (FOD) Faizabad
13	Rahat Singh	15-May-51	CWC	Lucknow	Senior Computer	NSSO (FOD) Sitapur
14	N.K. Lakshmi	30-Aug-52	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
15	Jagdish Prasad Singh	07-May-50	CWC	Patna	Senior Computer	NSSO (FOD) Gaya
16	Veena Abott	13-Mar-53	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
17	Sharda Mahajan	01-Nov-49	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
18	R.S. Manral	22-Apr-57	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
19	Vinod Guleti	19-Jan-51	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi

20	Savitri Takhtani	01-Jul-55	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
21	Mohini Kumar	09-Oct-50	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
22	Vinod Kumar	08-Jan-56	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
23	B K Sharma	11-Oct-51	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
24	Asha Sharma	12-Oct-52	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
25	D P Bhargava	01-Apr-54	CWC	Bhopal	Senior Computer	Dte. of Economics & Stat., D/o Agri. & Coopn., Bhopal
26	Sie Ram	15-Aug-51	CWC	Agra	Senior Computer	NSSO (FOD), Faridabad
27	Santosh	11-Nov-53	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
28	M C Das	14-Apr-54	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
29	S N. Suri	10-Dec-53	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
30	S R Dixit	03-Oct-56	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
31	Harsai	30-Jan-72	B.P.R.D.	New Delhi	Statistical Investigator Grade-II	DGE&T, New Delhi
32	G.P. Singh	25-Jul-51	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
33	Aditya Asthana	02-Feb-59	CWC	Lucknow	Senior Computer	NSSO (FOD) Gorakhpur
34	K S. Varaprasad	18-May-53	CWC	Hyderabad	Senior Computer	NSSO (FOD) Karimnagar
35	A.K.V. Londa	28-Jun-54	CWC	Bhopal	Senior Computer	NSSO (FOD) Udaipur
36	Raj Kumar Joshi	30-Mar-57	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
37	V. Suresh	03-May-62	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
38	R C Katnora	01-Jun-62	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
39	R.S. Panwar	07-Oct-55	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
40	S K Srivastava	06-Aug-54	CWC	Varanasi	Senior Computer	NSSO (FOD) Gorakhpur
41	N.K. Paul	15-Apr-51	CWC	New Delhi	Senior Computer	NSSO (FOD) New Delhi
42	R K Khanna	03-Jan-46	O/o RNI	New Delhi	Accounts Clerk	O/o RNI, New Delhi
43	Gopinath Dey	20-Jul-58	Dte. Of Marketing and Inspection	Kolkata	Junior Statistical Assistant	NSSO (FOD) Malda
44	Krishanu Kumar Ghosh	04-Aug-61	Anthropological Survey of India	Kolkata	Statistical Computer	NSSO (FOD) Malda

45	Subhash Chandra Bhatt	11-Feb-48	DG S&D	New Delhi	Computer	DG S&D, New Delhi
46	Balam Singh Rewal	06-Oct-61	DG S&D	New Delhi	Computer	DG S&D, New Delhi
47	Saroj Sharma	20-Mar-64	DG S&D	New Delhi	Computer	DGS&D, New Delhi
48	Chandra Dawany	29-Jun-52	DG S&D	New Delhi	Computer	DGS&D, New Delhi
49	Latha M	01-Jul-63	DG S&D	New Delhi	Computer	DG S&D, New Delhi
50	Jhama Bose	23-Aug-51	DG S&D	New Delhi	Computer	Dte. of Economics & Statistics, New Delhi
51	Rekha Johri	30-May-54	DG S&D	New Delhi	Computer	Dte. of Economics & Statistics, New Delhi
52	Nandan Singh	07-Feb-54	Health & FW	New Delhi	Computer	Health & FW, New Delhi
53	Anil Kumar Sinha	20-Jan-58	Planning, Commission	New Delhi	Computer Grade-I	Planning Commission, New Delhi
54	S.S. Chauhan	15-Mar-60	Health & FW	New Delhi	Computer	Health & FW, New Delhi
55	John Roxburgh Peters	19-Aug-53	DG S&D	New Delhi	Computer	Dte. of Economics & Statistics, New Delhi
56	Ashok Kumar Dawra	20-Aug-51	DG S&D	New Delhi	Computer	Dte. of Economics & Statistics, New Delhi
57	Rakesh Kumar Pandey	10-Nov-62	D/o Secondary and Higher Education	New Delhi	Computer	D/o Agriculture & Cooperation, M/o Agriculture, New Delhi
58	Suresh Chand	29-Jun-53	Health & FW	New Delhi	Computer	Health & FW, New Delhi
59	Shashi Bala	08-Feb-54	DG S&D	New Delhi	Computer	Dte. of Economics & Statistics, New Delhi
60	Roop Ram Sharma	25-Aug-63	M/o Rural Development	New Delhi	Junior Statistical Assistant	M/o Rural Development, New Delhi
61	Shamsher Shaikh	13-May-48	Dte. Of Marketing and Inspection	Nagpur	Junior Statistical Assistant	IBM, M/o Mines, Nagpur
62	Kalpna Raju Somkuwar	01-Oct-63	Dte. Of Marketing and Inspection	Nagpur	Junior Statistical Assistant	IBM, M/o Mines, Nagpur
63	Smt. A.M. Sute	19-Aug-65	Anthropological Survey of India	Nagpur	Statistical Computer	IBM, M/o Mines, Nagpur
64	J.A. Ramalingam	07-Nov-66	Anthropological Survey of India	Nagpur	Statistical Computer	NSSO (FOD), Nagpur
65	R.Narayanan	26-May-61	Health & FW	New Delhi	Computer	Health & FW, New Delhi
66	S.S. Dayal	15-Aug-60	Health & FW	New Delhi	Computer	Health & FW, New Delhi
67	S.S. Bishi	15-Aug-66	Health & FW	New Delhi	Computer	Health & FW, New Delhi

68	Shama Gopiani	28-Dec-53	Health & FW	New Delhi	Computer	Health & FW, New Delhi
69	Narayan Singh	20-Sep-48	Health & FW	New Delhi	Computer	Health & FW, New Delhi
70	Manoj Kumar	09-Jan-66	Dte. General of Civil Aviation	New Delhi	Senior Computer	D/o Agriculture & Cooperation, M/o Agriculture, New Delhi
71	Budh Parkash Kaushik	20-Feb-48	DG S&D	New Delhi	Computer	DG S&D, New Delhi
72	Mohinder Prasad	18-Jul-50	DG S&D	New Delhi	Computer	DG S&D, New Delhi
73	Suresh Kumar	07-Aug-56	Health & FW	New Delhi	Computer	Health & FW, New Delhi
74	Jaishree Kumar	25-Apr-72	Rural Development	New Delhi	Junior Statistical Assistant	Dte. of Economics & Statistics, New Delhi
75	Vinod Kumar Sharma	15-Aug-52	Dte. Of Economics & Statistics	New Delhi	Technical Clerk	Dte. of Economics & Statistics, New Delhi
76	Baldev Raj Sharma	07-Aug-54	Dte. Of Economics & Statistics	New Delhi	Technical Clerk	Dte. of Economics & Statistics, New Delhi
77	Mittar Saini	05-Aug-52	Health & FW	New Delhi	Computer	Health & FW, New Delhi
78	Prahlad Singh	12-Jan-50	Dte. Of Marketing and Inspection	Faridabad	Junior Statistical Assistant	NSSO (FOD), Faridabad
79	O.P. Dahiya	13-Feb-53	Health & FW	New Delhi	Computer	Health & FW, New Delhi
80	R S. Negi	05-Feb-61	Health & FW	New Delhi	Computer	Health & FW, New Delhi
81	K.S.S. Nair	30-Nov-53	Health & FW	New Delhi	Computer	Health & FW, New Delhi
82	Ashish Sarin	14-Oct-68	Health & FW	New Delhi	Computer	Health & FW, New Delhi
83	Govind Narayan Soni	15-Jul-72	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
84	Neeraj Verma	03-Jun-72	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
85	Krishan Kumar Meena	03-Oct-68	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
86	Shyam Sunder Sharma	28-Jun-67	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
87	Krishan Kumar	21-Jul-71	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
88	Smt Chander Tara	04-Apr-71	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
89	Ratan Singh	04-Apr-69	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
90	Kuldeep Singh Ranga	21-Jul-71	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
91	Lokesh Kumar	06-Jun-75	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi

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92	Ram Govind Ram	02-Jul-71	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
93	Nawalesh Kumar Sinha	26-Jan-74	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
94	Kashav Singh	03-Jul-67	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
95	Pradeep Kumar Prasad	15-Mar-67	C.S.O.	New Delhi	Computer (S.S.)	C.S.O., New Delhi
96	Dev Das Krupanidhi Ambat	25-Aug-71	Dte. Of Marketing and Inspection	Guntur	Junior Statistical Assistant	NSSO (FOD), Guntur
97	Gurdeep Singh Badhan	15-Jul-74	C.S.O.	New Delhi	Computer (S.S.)	Health & FW, New Delhi
98	Satyendra Kumar	20-Jan-71	C.S.O.	New Delhi	Computer (S.S.)	Health & FW, New Delhi
99	Burish Kumar Singh	21-Sep-71	C.S.O.	New Delhi	Computer (S.S.)	Health & FW, New Delhi
100	Viplov Balwantkuma Meshram	29-Jul-54	Dte. Of Marketing and Inspection	Nagpur	Junior Statistical Assistant	NSSO (FOD), Nagpur

4. The Ministries/Departments concerned are requested to initiate immediate action for fixation of pay, etc. of the official(s) posted under their control after obtaining their options under FR 22 if necessary.

5. It is requested that immediate action may please be taken under intimation to this Ministry for release of the officials promoted/transferred to enable them to assume charge of the new assignments at the earliest, after availing of joining time etc. as admissible under rule.

6. This office order is subject to the outcome of all the existing cases relating to the subject pending in various Courts of Law.

A.K. Saxena

(A.K. Saxena)
Joint Secretary to Govt. of India

No. 11024/5/2004-SSS

Dated: 1. 3. 2005

Distribution:

1. Officers concerned.
2. ADG (VS)/(GR)/(SKN)/(KVR), MOS&PI.
3. DDG (VK)/(AKY)/(PCT)/(VKAY)/(RK)/(PCY)/(PDY)/(NVT), MOS&PI
4. Admn. I / Admn. II / Admn. III / Admn. IV / General Section, M/o Statistics & P.I. New Delhi
5. Dir. (AKG)/Dir. (NRD)/Dir. (DR)/Dir. (SS), M/o Statistics & P.I., New Delhi.
6. SA(SCD)/US(GSB), M/o Statistics & P.I., New Delhi-1
7. Director (Admn.) M/O Statistics & P.I. SSO (FOD) East Block-6 Levels 4-7 R K. Puram, New Delhi-110066
8. Under Secretary to the Govt of India, Central Water Commission, Sewa Bhavan, R K Puram, New Delhi-110008.
9. Under Secretary (Admn.) DGE&T, Sharam Shakti Bhavan, New Delhi-1

10. Under Secretary, M/o Agriculture, Deptt. of Agriculture & Cooperation, Krishi Bhavan, New Delhi-1.
11. Dy. Director (Admn.) Dte. General of Civil, Aviation, opposite Sardarjung Airport, New Delhi-110003.
12. Under Secretary to Govt. of India, M/o Rural Development, Krishi Bhavan, New Delhi-1
13. Dy. Director (Admn.)-14 DG S&D, Deptt. of Commerce (Supply Division) Jeevan Tara Building, New Delhi-1
14. Dy. Director Admn-II (KS) D.G.H.S. Nirman Bhavan, New Delhi-1
15. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Berhampur (Orisa)
16. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Faizabad U.P.
17. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD) Sitapur.
18. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD) Gaya.
19. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Ujjan
20. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD) Gorakhpur
21. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD) Karimnagar
22. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Malda,
23. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Nagpur
24. Senior Superintendent, M/O Statistics & P.I. NSSO (FOD), Guntur
25. Administrative Officer, M/O Statistics & P.I. NSSO (FOD) Faridabad
26. Under Secretary, M/o Human Resource Development, Shastri Bhavan-1
27. Under Secretary to Govt. of India, Planning Commission, Yojana Bhavan, New Delhi-1
28. Dy Secretary to Govt. of India, PEO, Planning Commission, Yojana Bhavan, New Delhi-1
29. Head of Office, Anthropological Survey of India, M/o Tourism and Culture, Deptt. of Culture, 27, Jawaharlal Nehru Road, Kolkata-700016
30. Under Secretary to the Govt. of India, M/o Consumer Affairs, Food and Public Distribution, Krishi Bhavan, New Delhi.
31. Section Officer, M/o Agriculture, Deptt. of Agri. & Coop. Dte. Of Marketing & Inspection, Head office, Faridabad (Haryana)
32. Assistant Director (Admn.) Bureau of Police Research & Development, Block-11, 3/4th floor, CGO Complex, Lodhi Road, New Delhi-110003
33. Administrative Officer, National Institute of Communicable Diseases, Dte. General of Health Services, 22-Sham Nath Marg, Delhi-110054.
34. Asstt. Press Registrar (Admn.) M/o Information and Broadcasting O/o the Registrar of Newspapers for India, New Delhi.
35. Chief Administrative Officer, M/o Agriculture, Deptt. of Agri & Coop. Dte. Of Eco & Statistics, Bhopal (M.P.)
36. Sr. Administrative Officer, Indian Bureau of Mines, Guwahati
37. Sr. Administrative Officer, Indian Bureau of Mines, Nagpur.
38. President/ Secretary, SSS Association, New Delhi.
39. AD (OL)-for Hindi version.
40. AD, Data base Cell
41. Guard file.
42. Notice Board.
43. Website of the Ministry.
44. ISS section.

A.K. Saxena

(A.K. Saxena)
Joint Secretary to Govt. of India

*True Copy
for
reference.*