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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 144/2004

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. Appl. .... 144/04 .....

In O.A. ....

Name of the Applicant(s) .....

Mr. A.K. Sankarabandya .....

Name of the Respondent(s) .....

H.O. I. Jais .....

Advocate for the Applicant .....

A. Ahmed .....

Counsel for the Railway/CGSC .....

A.K. Chaudhury Addl. Case .....

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

This application is in form 18.6.2004

is filed/C.F. for Rs. 10/-

deposited with P.D.

No. 114/389/264

Dated 12.6.04

Dy. Registrar

Pro.

Steps taken

13/7/04

Present: Hon'ble Smt Bharati Ray,  
Judicial Member

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

This application has been filed  
questioning the transfer order dated  
7.6.2004, whereby the applicant has been  
transferred from MCD, Shillong to SMC,  
Silchar. It is the specific grievance of  
the applicant that he has been  
transferred from S.E.(NEZ), Shillong to  
M.C.D., Shillong very recently i.e. 1½  
years before. As per the longest stayee  
list of Draftsmen Grade II (Civil) the  
applicant's name is not there in the  
said longest stayee list of 2001-2002  
which is annexed to the O.M. dated  
20.12.2000 issued by the Superintending  
Engineer, Co-Ord. addressed to the SEs,  
SEs(P&A) and Executive Engineer  
(Civil/Elect), CPWD under Eastern Region  
requesting them to indicate options for  
transfer latest by 31.1.2001 by giving  
names and stations, in order of  
preference for consideration alongwith  
the data of posting for the last ten  
years to the office.

18.6.2004

The applicant has made a representation to the Superintending Engineer (Coord)-respondent No.4 mentioning therein that his name was not in the list of longest stayee and that he had been transferred recently to MCD, Shillong i.e. 1½ years back and requested to allow him to stay in the same place of posting for completing his tenure. The learned counsel for the applicant also submits that the only son of the applicant is in the midst of the academic session and is studying in a nursery school. The representation was made on 9.6.2004. The learned counsel for the applicant submits that so far the applicant has not been released. The learned counsel for the applicant has also prayed for an interim order.

Considering the facts and circumstances and considering that the representation of the applicant has not been disposed of as yet, I direct the respondents to maintain status quo as on date till the next date. The respondents are directed to file a reply by three weeks. Rejoinder, if any, to be filed with two weeks thereafter.

The matter be posted after five weeks.

Member (J)

On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement. List on 1.9.2004 for orders.

Interim order dated 18.6.2004 shall continue till the next date.

Member (A)

List on 29/7/04

NT  
22/6/04

Notice & order dt. 18/6/04  
Sent to D/Section for  
issuing to resp. No.  
1 to 4, by regd. with  
A/D post.

Memo NO-1080 - nkm

1083 dt. 23/6/04

29.7.2004

A/D card return from  
resp. No. 2.

order dt. 29/7/04  
issuing to learned  
Advocate bar both the  
parties.

29/7/04

Office Note	Date	Tribunal's Order
<p>31-8-04  Notar duly served  On - R-2  No W/S has been  Filed  <u>                    </u></p>	1.9.2004	<p>Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.</p> <p>The application is admitted. The respondents are allowed four weeks time to file written statement.</p> <p>List on 30.9.2004 for orders. Status quo as ordered on 18.6.2004 shall continue.</p> <p style="text-align: right;"><u>                    </u>  Member (A)</p>
<p>23-11-04  No W/S has been  Filed  <u>                    </u></p>	<p style="text-align: center;">mb</p> <p>24.11.04.</p>	<p>Present: Hon'ble Mr.K.V.Prahladan, Administrative Member.</p> <p>Written statement has not been file. Six weeks time is allowed to file written statement. List on 10.1.05 for filing of written statement and further orders.</p> <p style="text-align: right;"><u>                    </u>  Member</p>
<p>19-1-05  1) Notice send on R-2  2) No W/S filed.  3) Other S/R awaited.  <u>                    </u></p>	<p style="text-align: center;">lm</p> <p>19.01.2005</p>	<p>Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.</p> <p>Mr.A.Ahmed, learned counsel for the applicant is present. None for the respondents. Last and final opportunity is given to the respondents to file written statement.</p> <p>Stand over to 4.2.2005.</p> <p style="text-align: right;"><u>                    </u>  Vice-Chairman</p>
<p>17-2-05  No W/S has been  Filed  <u>                    </u></p>		
<p>30-3-05  No W/S has been  Filed  <u>                    </u></p>	<p style="text-align: center;">bb</p> <p>18.2.2005</p> <p style="text-align: center;">mb</p>	<p>None present. List on 25.3.2005.</p> <p style="text-align: right;"><u>                    </u>  Member (A)</p>

Tribunal's Order

1.4.05  
w/s filed by  
the Resp't. No.1,2,3 & 4.

31.3.2005 Learned counsel for the applicant is not present. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents is present and ready. Post on 13.4.2005.

*[Signature]*  
Vice-Chairman

mb

13.4.2005 At the request made on behalf of Mr. A. Ahmed, learned counsel for the applicant the case is adjourned to 4.5.2005.

*[Signature]*  
Vice-Chairman

bb

4.5.05 Mr A.K. Chaudhuri, learned Addl. C.G.S.C submits that the written statement has already been filed. Mr A. Ahmed, learned ~~addl. C.G.S.C~~ counsel for the applicant submits that rejoinder has to be filed.

List on 1.6.05 for order.

*[Signature]*  
Vice-Chairman

pg

01.06.2005 Mr. A. Ahmed, learned counsel for the applicant submits that the case is ready for hearing. Post for hearing on 29.6.2005.

*[Signature]*  
Vice-Chairman

mb

29.6.2005 Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order.

*[Signature]*  
Vice-Chairman

bb

2.6.05  
Rejoinder  
submitted by the  
applicant.

The case is ready  
for hearing.

20  
28.6.05

*[Signature]*  
17/05

25.7.05  
Copy of the order  
has been sent to the  
office for issuing the  
same to the Applicant  
by post.

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

O.A. No. 144 of 2004.

DATE OF DECISION: 29.06.2005

Shri Uttam Kumar Suklabaidya

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Ors.

RESPONDENT(S)

Mr. M.U.Ahmed, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgments?
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.

*G. Sivarajan*

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**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

Original Application No. 144 of 2004.

Date of Order: This, the 29th Day of June, 2005.

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

Shri Uttam Kumar Suklabaidya  
Draftsman Grade-II  
Office of the Executive Engineer  
Meghalaya Central Division  
Central Public Works Department  
Shillong, Meghalaya.

... Applicant.

By Advocate Mr. A. Ahmed.

- Versus -

1. The Union of India represented by the  
Secretary to the Government of India  
Ministry of Urban Affairs  
Nirman Bhawan, New Delhi-110 011.
2. The Director General Works  
Central Public Works Department  
118-A, Nirman Bhawan  
New Delhi - 110 011.
3. The Additional Director General of Works (ER)  
Central Public Works Department  
Nizam Palace, 17th Floor  
234/4 AJC Bose Road  
Kolkata-20.
4. The Superintending Engineer  
Central Coordination Circle (ER)  
Public Works Department  
2nd MSO Building  
Nizam Palace, 17th Floor  
234/4 AJC Bose Road  
Kolkata-20.

..... Respondents.

By Mr. A. K. Chaudhuri, Addl. C.G.S.C.

**ORDER (ORAL)**

**SIVARAJAN, J.(V.C.) :**

The applicant is working as Draftsman Grade-II  
in the office of the Executive Engineer, Meghalaya

*gpt*



Central Division, CPWD, Shillong. He was transferred from the said place to SMC, Silchar as per order dated 7.6.2004 issued by the fourth respondent. The applicant has challenged the said order in this application. This Tribunal at the time of admission itself had passed an order on 18.6.2004 wherein it was noted that the applicant had submitted a representation dated 9.6.2004 which has not been replied and that the applicant had completed only one and half years of service at Shillong. The Tribunal had accordingly passed a status quo order. The applicant, it is stated, is presently continuing at Shillong.

2. The respondents have filed a written statement and the applicant had filed a rejoinder. Alongwith rejoinder the applicant has produced a communication dated 10.6.2004 (Annexure-X2) sent by the Superintending Engineer, CPWD, Indo Bangladesh Border Roads Maintenance Circle, Silchar to the Superintending Engineer Coordination Circle (EZ), CPWD, Kolkata wherein with reference to the transfer order dated 7.6.2004 it is stated that the said office had already informed the addressee that as per the sanctioned strength there is no sanctioned strength of D/man Grade-II in that office. The addressee was also requested in the above circumstance to post one D/man Grade-I as per sanctioned strength instead of D/man

*gpe*

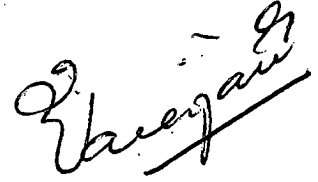
Grade-II for the smooth running of Govt. work. As per the above letter it is clear that there is no vacancy in the Silchar Region to accommodate the applicant. However, the stand of the respondents in the written statement does not appear to be consistent with this communication.

3. I have heard Mr. A. Ahmed, learned counsel for the applicant and Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. appearing for the respondents. In the circumstances, I am of the view that this application can be disposed of with directions. Accordingly, there will be a direction to the applicant to make a proper representation pointing out all the circumstances to the fourth respondent, particularly since the respondents have stated that they have not received the representation mentioned in the application, within a period of one month from today. If any such representation is filed as directed, certainly the fourth respondent will consider the same in the light of the communication dated 10.6.2004 (Annexure-X2) to the rejoinder and in accordance with law and pass appropriate orders within a period of three months thereafter.

4. The O.A. is disposed of as above. The interim order of status quo already passed by this Tribunal on 18.6.2004 will continue till the disposal of the

*gms*

representation as directed. The applicant will produce this order alongwith the representation before the fourth respondent for compliance.



( G. SIVARAJAN )  
VICE CHAIRMAN

BB

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

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

**ORIGINAL APPLICATION NO.                      OF 2004.**

**BETWEEN**

Shri Uttam Kumar Suklabaidya

... Applicant

**-Versus-**

The Union of India & Others

... Respondents

**LIST OF DATES AND SYNOPSIS**

Annexure-A is the photocopy of Office order No. 9(57)/DM-I/SE©/ER/Cal/771 dated 23/9/2002 issued by the Respondent No.4.

Annexure-B is the photocopy of Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04.

Annexure-B1 is the type copy of relevant portion of Office Order No.9 (57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04.

Annexure-C is the photocopy of Office Order No.21 (3)/95/SSW/NEZ/616 dated 16-10-2002.

Annexure-D is the photocopy of Order dated 07-02-2003 passed in Writ Petition (Civil) No.28 of 2003.

Annexure-E is the photocopy of Office Order No.09 (57)/DM-II (C)/SE(C)/ER/CDM-VI/KOL/102 dated 13-02-2004 issued by the Respondent No.4.

Annexure-F is the photocopy of Office Order No. S&D/141 dated New Delhi 5/9 March 2004.

Annexure-F1 is the type copy of S&D/141 dated New Delhi 5/9 March 2004.

Annexure-G is the photocopy of Office Memorandum F No.9 (57)/99/SE (C)/D/Men-I/C1/1259 dated 20-12-2002 issued by the Respondent No.4.

Annexure-II is the photocopy of representation dated 09-06-2004 before the Respondent No.4.

Annexure-III is the photocopy of forwarding letter of the Executive Engineer, Meghalaya Central Division, CPWD, Shillong.

This original application is made against impugned transfer Office Order No.9 (57)/D/men-II(C)/SEC/ER/KOL/336 Dated: 7/6/04 by which your applicant is transferred from Shillong to Silchar. The applicant has not completed the normal tenure of posting at Shillong as per Office Order No. S&D/141 dated New Delhi 5/9 March 2004 issued by the Respondent No.2. Apart from this also the Respondents have violated the CPWD Manual, Volume-I regarding transfer of longest stayee at the station. But the applicant is not longest stayee at Shillong, other similarly situated persons who are longest stayee as per admitted by the Respondent No.4 vide Office Memorandum F No.9 (57)/99/SE (C)/D/Men-I/C1/1259 dated 20-12-2002 have not been transferred by the Respondents. Hence the applicant filed this Original Application before this Hon'ble Tribunal seeking justice in this matter.

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Central Administrative Tribunal  
17 JUN 2004  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 149 OF 2004.

BETWEEN

Shri Uttam Kumar Suklabaidya  
Draftsman, Grade-II  
Office of the Executive Engineer,  
Meghalaya Central Division,  
Central Public Works Department,  
Shillong, Meghalaya.

...Applicant

-AND-

1. The Union of India represented by the  
Secretary to the Government of India,  
Ministry of Urban Affairs,  
Nirman Bhawan, New Delhi-110011.
2. The Director General Works,  
Central Public Works Department,  
118-A, Nirman Bhawan,  
New Delhi- 110011.
3. The Additional Director General of Works  
(FR),  
Central Public Works Department,  
Nizam Palace, 17<sup>th</sup> floor,  
234/4 AJC Bose Road,  
Kolkata-20.

13  
Filed by  
Shri Uttam Kumar Suklabaidya  
Applicant  
through J.L. (Asst. ADMED) Advocate

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4. The Superintending Engineer,  
Central Coordination Circle (ER)  
Public Works Department,  
2<sup>ND</sup> MSO Building,  
Nizam Palace, 17<sup>th</sup> floor,  
234/4 AJC Bose Road,  
Kolkata-20.

... Respondents

**1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is directed against the Office Order No.: 9(57)/D/men-II(C)/SE©/ER/KOI./336 Dated 7/6/2004 issued by the Respondent No. 4.

**2) JURISDICTION OF THE TRIBUNAL**

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

**3) LIMITATION**

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

**4) FACTS OF THE CASE:**

Facts of the case in brief are given below:

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

4.2) That your applicant begs to state that he is working as Draftsman Grade-II, Central Public Works Department. He joined in this

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department as Draftsman Grade-III on 14-02-1999 at Silchar Central Circle, Central Public Works Department. He was promoted as Draftsman Grade-II and was posted at the Office of the Superintending Engineer(P), North Eastern Zone, Shillong. Again he was transferred from the Office of the Superintending Engineer (P), North Eastern Zone, Shillong to Meghalaya Central Division vide Office order No. 9(57)/DM-I/SE©/ER/Cal/771 dated 23/9/2002 issued by the Respondent No.4. The Meghalaya Central Division is under Assam Central Circle, CPWD, Guwahati-21, Assam. Now he is working at Meghalaya Central Division, Central Public Works Department, Shillong since 17-10-2002.

Annexure-A is the photocopy of Office order No. 9(57)/DM-I/SE©/ER/Cal/771 dated 23/9/2002 issued by the Respondent No.4.

4.3) That your applicant begs to state that he was again transferred after one and half year from Meghalaya Central Division, Central Public Works Department to SMC, Silchar vide Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04 issued by the Respondent No.4. In the said transfer order it has been mentioned in Note.1. "In Serial No.7 Sri Dilip Adhikari, D/Men,Grade-II(C) is cancelled due to court case and the matter is Sub-Judice. Hence he should be retained at Shillong till the Case is decided". It is worth to mention here that in Serial No.7 of the above mentioned transfer order, one Sri Dilip Adhikari, Draftsman Grade-II, Office of the Superintending Engineer (P), North Eastern Zone, Shillong has been posted at the applicant's place of posting i.e. Meghalaya Central Division, Shillong. The said Sri Dilip Adhikari, Draftsman, Grade-II was earlier transferred to Office of the Executive Engineer, Manipur Central Division-II, Central Public Works Department, Imphal vide Office Order No.9 (33)/DM(C)/SE(C)/ER/Cal/01/354 dated 01-05-2001. Accordingly Sri D.Adhikari was relieved from Shillong to Imphal on 16-10-2002 vide Office Order No.21 (3)/95/SSW/NEZ/616. But Sri Adhikari obtained Stay order of his transfer on 07-02-2003 from the Hon'ble Gauhati High Court, Shillong Bench, Shillong by filing Writ Petition (Civil) 28(SH) of 2003. After that Sri Dilip Adhikari was transferred from Shillong to AAWD, Guwahati vide Office Order No.09 (57)/DM-II (C)/SE(C)/ER/CDM-VI/KOL/102 dated 13-02-2004 issued by the

pm



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Respondent No.4. But the said transfer order was also stayed due to Court Case filed by Sri Dilip Adhikari, Draftsman, Grade-II. It may be stated in the said transfer order of Draftsman, Grade-II (Civil) dated 7-6-2004 in Serial No.2, 3, 4, 5, 7 and some other serial numbers the Draftsman, Grade-II are posted in the same station without disturbing their present place of posting.

Annexure-B is the photocopy of Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04.

Annexure-B1 is the type copy of relevant portion of Office Order No.9 (57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04.

Annexure-C is the photocopy of Office Order No.21 (3)/95/SSW/NEZ/616 dated 16-10-2002.

Annexure-D is the photocopy of Order dated 07-02-2003 passed in Writ Petition (Civil) No.28 of 2003.

Annexure-E is the photocopy of Office Order No.09 (57)/DM-II (C)/SE(C)/ER/CDM-VI/KOL/102 dated 13-02-2004 issued by the Respondent No.4.

4.4) That your applicant begs to state that the Respondent No.2 i.e. the Director General of Central Public Works Department issued an Office Order vide S&D/141 dated New Delhi 5/9 March 2004 regarding tenure and posting of CPWD Employees. In the said circular it has been clearly mentioned that **Drawing Staff** normal tenure of stay in a circle would be 8-10 years. The applicant was transferred to Assam Central Circle-I, CPWD, Guwahati-21 on 17-10-2002. As such he has yet to complete another 7-9 years under the Assam Central Circle-I for completing normal tenure. Hence the Respondents have violated their own Office Order regarding normal tenure of **Drawing Staff** under one circle ~~and posting of circular~~. Hence the action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts. As such finding no other alternative your applicant is compelled to approach this Hon'ble for seeking justice in this matter.

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Annexure-F is the photocopy of Office Order No. S&D/141 dated New Delhi 5/9 March 2004.

Annexure-F1 is the type copy of S&D/141 dated New Delhi 5/9 March 2004.

4.5) That your applicant begs to state that under CPWD Manual, Volume-I, it has been clearly stated that the transfer is made on the basis of longest continuous stay in all grades in a particular station, the longest stayee will be transferred first. The applicant is not longest stayee at Shillong, the similarly situated persons like Sri Dilip Adhikari, Draftsman, Grade-II is working at Shillong since 16-05-1981 to till now, Smti Banita Lyngdoh, Draftsman, Grade-II is working since 10-06-1992(date of appointment in the service) till now at Shillong and Smti Rita Tham, Draftsman, Grade-II is working since 15-06-1992(date of appointment in the service) at Shillong even after her promotion. The longest stayee list of Draftsman Grade-II (Civil) for the year 2001-2002 was issued vide Office Memorandum F No.9 (57)/99/SE (C)/D/Men-I/C1/1259 dated 20-12-2002 issued by the Respondent No.4. In the said list the instant applicant's name was nowhere. But Sri Dilip Adhikari, Smti B.Lyngdoh and Smti Rita Tham name was mentioned in the said list dated 20-12-2002. Surprisingly the said persons were not being transferred by the Respondents (Sri Dilip Adhikari has obtained stay order from the Hon'ble Gauhati High Court, Shillong Bench).

Annexure-G is the photocopy of Office Memorandum F No.9 (57)/99/SE (C)/D/Men-I/C1/1259 dated 20-12-2002 issued by the Respondent No.4.

4.6) That your applicant begs to state that he has filed a representation dated 09-06-2004 before the Respondent No.4 with copy to all concern requesting for reconsideration of his transfer and also for completion of his tenure at Shillong. The said representation was forwarded by the Executive Engineer, Meghalaya Central Division, CPWD and in the said forwarding the Executive Engineer has stated that "In view of para-2, 3(1) his case is strongly recommended for retention in this under Meghalaya Central Division, CPWD, Shillong. The said representation has not yet been disposed up by the Respondents. Now the Respondents

CPD

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are ready to release the applicant at any time and as such finding no other alternative the applicant approach this Hon'ble Tribunal for seeking justice in this matter and also with a prayer for an interim order to stay the impugned transfer order for protection of his family and himself.

Annexure-H is the photocopy of representation dated 09-06-2004 before the Respondent No.4.

Annexure-H1 is the photocopy of forwarding letter of the Executive Engineer, Meghalaya Central Division, CPWD, Shillong.

4.7) That your applicant begs to state that his only son is aged about seven (7) years. The son of the applicant is taking his Primary Education at local English School, Shillong. Now it will be very difficult for the applicant to transfer his only son to another School at this mid term session.

4.8) That your applicant begs to state that the Respondents have violated the provision of Central Public Works Department Manual, Volume-I regarding posting and transfer of its employee.

4.9) That your applicant begs to state that it is a basic principle of Legal policy is that law should afford equal treatment for all with equal concern and respect. Like people, situated alike are to be treated alike. If one chooses to exclude others from the like benefit without good and valid reason it will be arbitrary, therefore discriminatory and thus unreasonable. Article 14 of the Constitution guarantees equal before the law as well as equal protection of the laws.

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

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

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4.12) That your applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the Transfer policy adopted by the Central Public Works Department.

4.13) That your application submits that the Respondents have violated the fundamental rights of the applicant.

4.14) That this application is filed bonafide and for the interest of justice.

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

**5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction. Hence the impugned transfer order dated 07-06-2004 in case of the applicant may be set aside and quashed.

5.2) For that, the Respondents have violated their own guideline regarding tenure of Draftsman, Grade-II in one circle for 8-10 years. Hence the impugned transfer order dated 07-06-2004 in case of the applicant may be set aside and quashed.

5.3) For that, the action of the Respondents is illegal, arbitrary, malafide and also violative of administrative fair play. Hence the impugned transfer order dated 07-06-2004 in case of the applicant may be set aside and quashed

5.4) For that the Respondents have violated the Article 14, 16 & 20 of the Constitution of India.

5.5) For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the

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persons who are similarly situated should be granted the said benefits.

5.6) For that, the action of the Respondents are arbitrary, mala fide and discriminatory with an ill motive and as such, the impugned transfer order may be reconsidered as per provision of Central Public Works Department Manual, Volume-I.

5.7) For that, the Respondents before transferring the applicant ought to have considered the transfer policy of the Central Public Works Department Manual, Volume-I in this matter and as such, the impugned transfer order is bad in the eye of law and is liable to be set aside and quashed.

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

5.9) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact.

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

**6) DETAILS OF REMEDIES EXHAUSTED:**

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

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

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

p82

- 9 -

**8) RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the impugned transfer Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04 (At Annexure-B) in case of the applicant issued by the Respondents No.4.

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.1) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

The applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal by giving a direction to the Respondents not to implement the impugned transfer Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04 (At Annexure-B) in case of the applicant issued by the Respondents No.4 till disposal of this Original application.

**10) Application is filed through Advocate.**

NSM

11) **Particulars of I.P.O.:**

I.P.O. No. : 116 389764  
Date of Issue :  
Issued from :  
Payable at :

12) **LIST OF ENCLOSURES:**

As stated above.

**Verification .....**

23

11

**-VERIFICATION-**

I, Shri Uttam Kumar Suklabaidya, Draftsman, Grade-II, Office of the Executive Engineer, Meghalaya Central Division, Central Public Works Department, Shillong, Meghalaya do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.7 to 4.9 ——— are true to my knowledge, those made in paragraph nos. 4.2 to 4.4, 4.5, 4.6, are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the      day of      <sup>June</sup> 17/5 2004  
at Guwahati.

Sri. Uttam Kumar Suklabaidya



C 12

ANNEXURE-A

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
\*\*\*\*\*

No: 9(57)/DM-I/SE(C)/ER/Cal/ 7/1

Dated: 23/7/02

OFFICE ORDER

The Transfer/Posting of the following Draftsman Grade I and Grade II(Civil) are hereby ordered with immediate effect in the interest of Public Service.

S.No.	Name.	From	To	Remarks.
1)	Sri K.K.Dutta D'Man Grade I	MCMC Murshidabad	CCD II Kolkata.	Ex-Vacancy.
2)	Sri P.G.Roy D'Man Grade (I)	MCC Malda.	CCD-IV Kolkata.	-do-
3)	Sri U.K.Suklabaidya D'Man Grade II	S.E.(NEZ) Shillong.	M.C.D. Shillong.	-do-

2466

1/10/02

Superintending Engineer  
Coordination Circle(ER)  
Central P.W.D. K O L K A T A -20

Copy forwarded to:

- 1) The Addl. Director General, ER, CPWD, Kolkata-20.
- 2) The Chief Engineer(EZ)I, CPWD, Kolkata-20.
- 3) The Chief Engineer IBB Zone, CPWD Siliguri.
- 4) The Chief Engineer(NEZ), Shillong.
- 5) The Superintending Engineer(Planning), ~~KOLKATA-20~~ North Eastern Zone, CPWD, Shillong.
- 6) The Superintending Engineer CCC No.III, CPWD, Kolkata-20.
- 7) The Superintending Engineer, CCC No.II, CPWD, Kolkata-20.
- 8) The Superintending Engineer, M.C.C. CPWD, Malda.
- 9) The Superintending Engineer, M.C.M.C. CPWD Murshidabad.
- 10) The Ex.Engineer, CCD-II, CPWD, Kolkata.
- 11) The Ex.Engineer, CCD No.IV, CPWD, Kolkata-20.
- 12) The Executive Engineer, M.C.Division CPWD, Shillong.
- 13) Official Concerned through their controlling Officer.
- 14) Regional Secretary, All India Engineering Drawing Staff Association, CPWD, Nizam Palace, Kolkata-20.

EA to Superintending Engineer  
Coordination, Circle(ER)  
Central P.W.D. KOLKATA-20

54/8211  
3028

EC-T  
wa  
4-2-2002

Active Engineer  
Division, C.P.W.D.

3058

5/8/02

13

ANNEXURE-B

FAX NO.

Jun. 08 2004 11:35AM

To B.K. Roy

67

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No: 90(17)MD/men-II(C)/SE/WR/KOL/ 336

Dated: 7/6/04

**OFFICE ORDER**

The transfer/posting of the following Draftsmen Grade-II(Civil) are hereby ordered with immediate effect in the interest of public service:-

Sl. NO.	NAME	FROM	TO	REMARKS
1.	S/SE-RI A.K. BARMAN	SCD, SILCHAR	TCMD, TURA	Vice Sri Naboni Aich transferred
	K.C. BARUAH	ACC-I, GUWAHATI	PD-II, GUWAHATI	Existing vacancy
	B.C. BORAH	ACC-I, GUWAHATI	AAWD, GUWAHATI	Vice Sri U.N. Bordoloi transferred
	U.N. BORDOLOI	AAWD, GUWAHATI	ACC-I, GUWAHATI	Vice Sri K.C. Baruah transferred
	B.K. ROY	SMC, SILCHAR	SCD, SILCHAR	Vice Sri A.K. Barman
	U.K. SULLABAIIDYA	MCD, SHILLONG	SMC, SILCHAR	Vice Sri B.K. Roy transferred
	BIPLAB ADHIKARI	SE(P&A)EZ, SHILLONG	MCD, SHILLONG	Vice Sri U.K. Sullabaidya
	PROMODANANDA BISWAS	BLCD-I, BALURGHAT	KCC-I, KOLKATA	Vice Sri A.K. Talukdar transferred
	NABONI AICH	TCMD, TURA	KCC-III, KOLKATA	Vice Sri Somen Laha
	GUCHAIT	MCD-I, MALDA	KCC-I, KOLKATA	Vice Sri Biplob Dutta transferred
	A.P.S. BARUA	ICD, ISLAMPUR	SE(P&A)EZ-I, KOLKATA	Vice Sri Prodyut Kundu transferred
	JOY BAKHANIDI	MCC, MALDA	KCD-VI (Maint. Sub-Div), KOLKATA	Existing vacancy
	K. CHAKRABORTY	GCD, GANGTOK	SE(P&A)EZ-I, KOLKATA	Vice A. Chha retiring on 31.03.04
	P. CHAKRABORTY	MCD-II, MALDA	SE(P&A)EZ-I, KOLKATA	Vice Sri Swapan Chakraborty transferred
	B. CHAKRABORTY	MD, KOLKATA	MD-II, MALDA	Vice Sri P. Chakraborty transferred

*Handwritten signatures and initials at the bottom of the page.*

14

26

16	SRINIVASA	KOLKATA	MAJID-1	Vice Sri S. S. Sankar
17	AKTILAKSHAR	KOLKATA	MAJID-1	name (C) (C)
18	SRINIVASA	KOLKATA	MAJID-1	Vice Sri Premoda
19	SRINIVASA	KOLKATA	MAJID-1	name (C) (C)
20	SWAPAN CHAKRABORTY	SE(P&A) (Z-1) KOLKATA	KOLKATA	Existing vacancy
21	PROBYUT KUNDU	SE(P&A) KOLKATA	KOLKATA	Existing vacancy
22	S.P. MITRA	DCD, DHANBAD	SE(P&A) KOLKATA	Vice Sri A. C. Basak transferred

- Note: 1. In Serial No. 7, Sri Dilip Adhikari, D/Man Cd. II(C) is cancelled due to Court Case and the matter is Sub-Judice. Hence he should be retained at Shillong till the case is decided.
2. In Serial No. 13, 14 & 22 (Sri D.K. Chakraborty, Sri P. Chakraborty & Sri S.P. Mitra) is not entitled for TADA as the transfer is made as per their own request.
3. As the issue of transfer order is delayed due to General Election (LOKSABHA), the decision of joining outside station taken earlier upto 15<sup>th</sup> MAY. As such the joining period from outside is now to be considered upto 21<sup>st</sup> June will be taken into consideration. This is only for the year 2004.
4. Sri D.K. Chakraborty at Sl. No. 13 will be allowed to join in the existing vacancy of Sri A. Chakraborty on 31.08.2004 (A.R.)

(B.K. DAS)

Superintending Engineer, Co-Ordination

Copy to:-

1. Addl. Director General, I.R., CPWD, Kolkata
2. Asst. Chief Engineer (Civil), CPWD, Region 'B'
3. Asst. Chief Engineer (Civil), CPWD, Region 'B'
4. Asst. Chief Engineer (Civil), CPWD, Region 'B'

GPWD Calcutta

A. K. Das

27

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ANNEXURE - B

-Type Copy of the Relevant Portion of Transfer Order of Draftsman, Grade-II-

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No.: 9(57)/D/men-II(C)/SEC/ER/KOL/336

Dated: 7/6/04

**OFFICE ORDER**

The transfer/posting of the following Draftsmen Grade-II (Civil) are hereby ordered with immediate effect in the interest of the public service: -

SL NO.	NAME S/SI-RI	FROM	TO	REMARKS
1	A.K.BARMAN	SCD, SILCHAR	TCMD, TURA	Vice Sri Naboni Aich transferred
2	K.C.BARUAH	ACC-I, GUWAHATI	PD-II GUWAHATI	Existing vacancy
3	B.C.BORAH	ACC-I GUWAHATI	AAWD GUWAHATI	Vice Sri U.N.Bordoloi Transferred
4	U.N.BORDOLOI	AAWD/ GUWAHATI	ACC-I GUWAHATI	Vice Sri K.C.Baruah Transferred
5	B.K.ROY	SMC, SILCHAR	SCD, SILCHAR	Vice Sri A.K.Barman
6	U.K.SUKLA- BAIDYA	MCD, SHILLONG	SMC, SILCHAR	Vice Sri B.K.Roy transferred
7	DILIP ADHIKARI	SE(P)NEZ, SHILLONG	MCD, SHILLONG	Vice Sri U.K. Suklyabaidya

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26/281

will

Attended  
22-  
Admitted

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8	PROMODA- NANDA BISWAS	BLCD-I, BALURGHAT	KCC-I KOLKATA	Vice Sri A.K.Talukdar transferred
9	NABONI AICH	TCMD, TURA	KCC-III KOLKATA	Vice Sri Somen Laha
10	S.GUCHAIT	MCD-I, MALDA	KCC-I, KOLKATA	Vice Sri Biplab Dutta transferred
11	TAPAS BARUA	ICD, ISLAMPUR	SE(P&A)/EZ-1 KOLKATA	Vice Sri Prodyut Kundu transferred
12	AJOY BAKHANDI	MCC, MALDA	KCD-VI (Maint.Sub- Div.) Kolkata	Existing Vacancy
13	D.K.CHAK- RABORTY	GCD, GANGTOK	SE(P&A)/EZ-1 KOLKATA	Vice A.Guha retiring on 31.08.04
14	P.CHAKRA- BORTY	MCD-II, MALDA	SE(P&A)/EZ-1 KOLKATA	Vice Sri Swapan Chakraborty Transferred
15	PRODIP ROY	MLD, KOLKATA	MCD-II, MALDA	Vice Sri P.Chakraborty transferred
	-----	-----	-----	-----
	-----	-----	-----	-----

Note: 1. In Serial No.7 Sri Dilip Adhikari, D/Man Gd.II (C) is cancelled due to Court Case and the matter is Sub-Judice. Hence he should be retained at Shillong till the Case is decided.

Sd/-

(B.K.DAS)

Superintending Engineer, Co-ordination

Attended  
by  
Sd/-

17

29  
ANNEXURE - C

Government of India  
O/O. The Suptdg. Engineer(P)NEZ,  
C.P.W.D., Shillong-3.

No.21(3)/95/SSW/NEZ/ 16/16

Dated, Shillong the 16 /10/02.

OFFICE ORDER

In compliance to Superintending Engineer, Co-ordination Circle(ER), CPWD, Kolkata office order No.9(33)/DM(C)/SE(C)/ER/Cal/01/354 dated 01.05.2001, Shri D. Adhikari, D/m Gd.II is hereby relieved from this Office on the afternoon of 16.10.2002 with the direction to report for duty to the Office of Executive Engineer, Manipur Central Division -II, CPWD., Imphal.

Superintending Engineer(P) NEZ,  
Central P.W.D., Shillong.

Copy to :-

1. The Chief Engineer(NEZ), CPWD., Shillong with reference to his No.1/6/2000 Admn. Dated 25.06.2001. As per revised sanction accorded only 2(two) posts available. Hence surplus D/m Grade II has been relieved.
2. The Superintending Engineer, Co-ordination Circle(ER), Nizam Palace, Kolkata-20. After release of Shri D. Adhikari, D/m Grade II, this office has been left with 2(two) Draughtsman Grade II which is the revised sanctioned strength of this Office. Hence, this Office will not be in position to accept the joining report of Smt. D. Bora, Shri D. Bhattacharya, and Shri U.N. Bordoloi, D/m Grade-II who have been posted to this Office vide your office order 354 dated 01.05.2001. The above Draughtsman Grade II may be adjusted in some other offices. It is further intimated that there are 3(three) vacancies of Draughtsman Grade I and 2(two) vacancies of D/m Grade III which may please be filled up on priority basis.
3. The Executive Engineer Manipur Central Division II, C.P.W.D., Imphal.
4. The Pay and Accounts Office(NEZ), C.P.W.D., Shillong.
5. The Executive Engineer(P)-I, O/o the SE(P)NEZ., CPWD., Shillong.
6. Bill Clerk.
7. Shri D. Adhikari, D/m Grade II. As already directed he may hand over his charge to Shri K. Kalah, A.E(P).
8. Personal file of Shri D. Adhikari, D/m Grade II.
9. Shri K. Kalah, A.E(P).

*D. Manickchand*  
SUPERINTENDING ENGINEER(P), NEZ.

*Atul*  
*Adhikari*

18

ANNEXURE - D

30

IN THE GAUHATI HIGH COURT  
THE HIGH COURT OF ASSAM, NAGALAND,  
MEGHALAYA, MANIPUR AND TRIPURA)

SHILLONG BENCH  
CIVIL APPELLATE SIDE

Appeal from W.P.C. No 28 (2) 203 of 20

Civil Rule  
Shri Nitesh Mahanta  
Union of India Versus Shri G. Chakraborty

Appellant  
Petitioner  
Respondent  
Opposite-Party



For Appellant Mr. G. Chakraborty  
For Petitioner  
For Respondent Mr. P. Dey C.G.S.  
For Opposite-Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

Attested  
[Signature]  
Advocate

g by Office of Advocate

Serial  
No.

Date

Office notes, reports, orders or proceedings  
with signatures

2

3

BEFORE

THE HON'BLE MR JUSTICE B LAMARE

7.2.2003

Heard Mr S Chakravarty, learned  
counsel for the petitioner.

Admit this petition.

Call for the records.

Let a Rule Issue calling upon the  
respondents to show cause as to why a writ  
should not be issued as prayed for, or why  
such further and other orders should not be  
passed as this Court may deem fit and proper.

The Rule is made returnable within  
one month.

Mr P Dey, learned Addl CGSC accepts  
notice on behalf of the respondents and no  
further notice is called for.

Petitioner shall however supply  
extra copy of the petition to Mr P Dey in  
course of the day.

In the interim, it is directed that  
the petitioner shall be allowed to remain in  
his present place of posting and the order  
dated 15.10.2002 shall not be acted upon.

List after one month.

*B. Lamare*  
JUDGE

mk

True Copy

Supd. 7/2/03



Attend  
Lil  
Adm to



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ANNEXURE-F  
32

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE, 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA - 20.  
TEL: (033) 2247-7416. FAX NO. (033) 2281-3103.

No. 09(57)/DM-II(C)/SE(C)/ER/CDM-VI/KOL/102

Dated: 13.2.2004

To  
The Chief Engineer,  
NEZ, C.P.W.D.,  
Shillong.

Subject: Court Case filed by Shri Dillip Adhikary, D'Man-II(C) in Guwahati High court, Shillong Bench.

Reference: ADG's Office No. 11(1)/2000-ADG(ER)/Vol-II. Dt. 10/11-02-04.

Kindly refer to the letter cited above on the subject the required clarification are given below: -

- i) In view of the stay from CAT, the stalemate is proposed to be resolved by way of issuing a modified posting order as detailed below: -

SL. NO.	NAME Shri/Smt.	FROM	TO	REMARKS.
1.	H. DEVI.	MCD-II, IMPHAL.	MCD-II, IMPHAL.	RETENTION TO THE PRESENT PLACE OF POSTING ALLOWED UPTO 31-03-2005.
2.	D. ADHIKARY	SE(P&A), NEZ, SHILONG.	AAWD, GUWAHATI.	VICE U.N. BARDOLOY
3.	U.N. BARDOLOY	AAWD, GUWAHATI.	PD-II, GUWAHATI.	EXISTING VACANCY.



Since the stay order in the case of Shri D. Adhikary has not yet been vacated, the proposed order in respect of Shri Adhikary and Shri Bardoloy will be issued on receipt of intimation about formal vacation of the said stay order from your end.

- ii) The sanction strength of D'Man grade-II in SE(P&A), NEZ office is given below:

DRAUGHTSMAN	SANCTION STRENGTH	IN POSITION	VACANCY.
GRADE - I	03	NIL	03
GRADE-II	02	03	(-) 01
GRADE -III	03	01	02

Since there was a vacancy of 3 Nos. Grade -I D'Man, one surplus Grade-II D'Man was adjusted out of the said category of Grade-I D'Man in view of the scarcity of D'Man Grade-I in the Office. Since the overall sanctioned strength of Grade-I & II D'Man was (3+2) = 05 as against the in position combined strength of 3 only, no gross irregularity was there.

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However, the category wise surplus strength of Grade-II D'Mah is being regularised by way of issuing a modified order as stated in the preceding paragraph.

As per direction of the Hon'ble CAT vide order dated 22-01-04, the representation of the applicant Smt. H. Devi is disposed by way of issuing a modified office order for retention at her present place of posting up to 31-03-2005 vide this office memo no. 100 Dt. 12-02-04 (copy enclosed).

This is for your information and further necessary action please.

*Bd*  
(B.K. DAS)

SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

Copy to :

1. ADG (ER), C.P.W.D., Kolkata - 20.
2. SE (P & A), C.P.W.D., NEZ, Shillong.

EA TO SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

*Atul*  
*Sh* *Sanet*

Directorate General of Works

Central Public Works Department

Dated New Delhi the 5 March, 2004.

ANNEXURE - F

34

Office Order

The issue of de-centralization of authority to Regions/zones/Circles in the CPWD power them for improving their performance and efficiency has been under consideration of the department.

The first step it has been decided to de-centralise the authority of making transfers and postings of the staff available in these units to the unit in charge. This of transfers and postings of Ministerial Staff, Drawing Staff, Junior Engineers and Elect., SO (Hort.), Assistant Engineers (Civil and Elect.), ADH, Ex. Engineer and Elect.) and DDH, has been examined in the Directorate and it has been decided that in order to fully utilize the potential of individual officers and ensure that resource available in a unit is put to the best possible use, in public interest, it is necessary to place the same at the disposal of the unit in charge. Accordingly it has decided to make the following provisions in the existing instructions.

It has been decided to place the executive engineers at the disposal of the ADG of the Region. The ADG of the Region shall decide upon the transfer/postings of the AEs in his region. The ADG of the Region will be empowered to make transfer/posting within the Region as deemed necessary by him taking into consideration administrative exigency and the requirement of the work.

In the case of AEs the Chief Engineer of the Zones shall make the transfer/posting. The normal tenure of stay of an AE in a Zone, including his stay as a JE in that zone, shall be ordinarily 8 years and not exceed 10 years. The Chief Engineer shall regularly apprise the ADG of the position of officers in his zone and send the names of officers who have completed or are about to complete their normal tenure in the zone. The ADG of the Region shall decide about the Zone to which the officer should now be posted. This decision shall be conveyed to the Zonal Chief Engineer in whose zone the officers are to be posted. The Zonal CE on receipt of this shall issue the necessary posting orders to the AEs who are being posted in. On receipt of these orders the Zonal Chief Engineer where from the AE is to be relieved shall issue the necessary relieving orders and relieve the officer with the directions to report to his new place of posting.

Ministerial staff, drawing staff, Junior Engineers (civil & elect.), the SE in charge of the Circle will be empowered to make transfer and posting within the Circle. The normal tenure of stay in a Circle would be 8-10 years.

The SEs will inform to the SE (Co-ord.) the names and grades of officers who have completed or are about to complete the normal tenure in the Circle and the SE (Co-ord.) will, after obtaining approval of the ADG of the Region, propose the transfer of officers from one Circle to another. On receipt of this proposal from the SE (Co-ord.), the respective SEs, in whose circle the officers are being transferred, shall issue necessary orders for the officers/staff likely to join his Circle. The posting order will be conveyed to the Controlling Officers of officers and staff.

31A  
A. H. Patel  
Sd/-  
R. K. Singh

23  
(Type Copy Relevant Portion)

ANNEXURE - F

**Directorate General of Works**  
**Central Public Works Department**

4/2004-S&D/141

Dated New Delhi the 5/9 March 2004.

**Office Order**

The issue of decentralization of authority to Regions/Zones/Circles in the CPWD empower them for improving their performance and efficiency has been under consideration of the department.

As the first step it has been decided to decentralise the authority of making transfers and posting of the Staff available in this units to the unit in-charge. This of transfers and posting of Ministerial Staff, Drawing Staff, Junior Engineers and Elect) SO (Hort), Assistant Engineers (Civil and Elect) ADH, Ex. Engineer and Elect) and DDH, has been examined in the Directorate and it has been considered that in order to fully utilize the potential of individual Officers and ensure that man resource is available in a unit is put to the best possible use, in public interest, necessary to place the same at the disposal of the unit in charge. Accordingly it has decided to make the following provisions in the existing instructions.

It has been decided to place the Executive Engineers at the disposal of the ADG of the Region. The ADG of the Region shall decide upon the transfer/postings of the EEs in his region. The ADG of the region will be empowered to make transfer/posting within the Region as deemed necessary by him taking into consideration administrative exigency and the requirement of the work.

In the case of AEs the Chief Engineers of the Zones shall make the transfer/posting. The normal tenure of stay of an AE in a Zone, including his stay as a JE in that zone shall be ordinarily 8 years and not exceed 10 years. The Chief Engineer shall regularly apprise the ADG of the position of officers in his zone and send the names of the officers who have completed or about to complete their normal tenure in the zone. The ADG of the Region shall decide about the Zone to which the officer now be posted. This decision shall be conveyed to the Zonal Chief Engineer in whose zone the officers are to be posted. The Zonal CE on receipt of this shall issue the necessary posting orders for the AEs who are being posted in. On receipt of these orders the Zonal Chief Engineer

Attested  
Adm. to

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where from AE is to be relieved shall issue the necessary relieving orders and relieve the officer with the directions to report to his new place of posting.

For ministerial staff, drawing staff, Junior Engineers (Civil & Elect.) the SE charge of the Circle will be empowered to make transfer and posting within the Circle. The normal tenure of stay in a circle would be 8-10 years.

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Sd/-

Illegible

(V.K.Sharma)

Director (S&D)

Attn: 21  
J.S. / Answer

F.NO: 9(57)/99/SE©/D/Men-II/C/ 1259

ANNEXURE - G  
DATED: 20-12-2000OFFICE MEMORANDUM

Sub: Posting & Transfers in the grade of Draftsmen Grade-I & II (Civil/Elect.) during 2001-2002 ---Options for further posting on completion of tenure at present station---regarding

A list of **Draftsmen Grade-I & II (Civil & Elect.)** who have become due for transfer during **2001-2002** is forwarded herewith. The concerned officials may be requested to indicate options for transfer **latest by 31.01.2001**, by giving names of 4 stations, in order of preference for consideration, along with the data of posting for the last 10 years to this office.

The Superintending Engineers/Executive Engineers are also requested to please check up the list enclosed and intimate discrepancy / omission if any, to this office most urgently **latest by 15.01.2001** for further necessary action at this end.

Encls: one list

(D.Hore)

Superintending Engineer, Co-Ord.

To

All SEs, SEs(P&amp;A) &amp; EXECUTIVE ENGINEERS(CIVIL/ELECT), CPWD, Under Eastern Region.

## Copy for information to:-

1. Addl. Director General, ER, CPWD, Calcutta
2. Regional Secretary, EDSA, CPWD, Calcutta

Encls: one list

(D.Hore)

Superintending Engineer, Co-Ord.

19/12/00 \* 14:48

OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORD., CPWD, ER, NIZAM PALACE, CALCUTTA-700020

# ROTATIONAL TRANSFER OF DRAFTSMEN DURING 2001-2

## LONGEST STAYEE LIST OF DRAFTSMEN GRADE-II (CIVIL) (POSTED OUTSIDE CALCUTTA)

SL. NO.	Name (S/Sri/Smt)	Date of Birth	Present unit	Date from which posted continuously in present station	Remarks
01.	D. ADHIKARY	01.02.53	SE(P&A) Shillong	10.05.01	
02.	A.K. BARMAN	01.12.61	SCC/Silchar	23.02.90	
03.	SMT. D. BORA	01.05.49	ACC-I/Guwahati	01.09.01	
04.	A.K. SHARMA	02.05.44	PCC/Patna	11.11.91	(Above 53 years)
05.	SMT. B. LYNDOGH	01.07.69	SE(P)/NEZ/Shillong	10.06.92	
06.	SMT. R. THAM	20.01.68	SE(P)/NEZ/Shillong	15.06.92	
07.	B.C. BORA	01.06.59	ACC-I/Guwahati	22.11.93	
08.	S.C. BISWAS	26.09.52	SCC/Silchar	27.12.93	
09.	S.U. AHMED	01.10.65	SE(P&A) Shillong	24.06.96	
10.	K.C. DARUA	01.03.60	ACC-I/Guwahati	01.07.90	
11.	U.N. BORDOLOI	01.04.48	AAWD/Guwahati	05.05.97	
12.	SMT. H. DEVI	01.03.67	MCD-III/Imphal	25.07.97	
13.	B.K. ROY	01.04.69	SMC(M)/Silchar	28.07.97	
14.	S.K. KAKOTI	01.05.44	ACC-I/Guwahati	04.08.07	(Above 53 years)
15.	D. BHATTACHARJEE	16.01.65	SCC/Silchar	12.00.97	
16.	P.K. KUNDU	07.01.67	SMC(M) Silchar	13.04.98	
17.	P.K. SAHA	01.11.64	MCD-IV/Murchidabad	20.04.98	
18.	P.K. SARKAR	15.05.66	BLCMD/Balurghat	07.07.98	
19.	D.N. KUNDU	02.01.69	SE(P)/NEZ/Shillong	07.09.98	

## LONGEST STAYEE LIST OF DRAFTSMEN GRADE-III (ELEC.) (POSTED IN CALCUTTA / OUTSIDE)

SL. NO.	Name (S/Sri/Smt)	Date of Birth	Present unit	Date from which posted continuously in present station	Remarks
IN CALCUTTA					
01.	M.C. DAS	05.04.44	CCEC-II/CAL	18.05.89	Above 53 years
02.	R.N. NASKAR	22.02.41	CCED-I/CAL	14.02.94	Above 53 years
03.	A.K. ROY	12.01.42	CCED-III/CAL	14.06.96	Above 53 years
04.	P.K. SARDAR	13.01.42	CCED-IV/CAL	10.03.99	Above 53 years
05.	S.R. SARKAR	12.04.42	CCEC-I/CAL	17.04.95	Above 53 years

*Handwritten signature and initials*

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ANNEXURE-H

The Superintending Engineer(Coord),  
Eastern Region, CPWD, Nizam Palace,  
Kolkata-20.

Through Proper Channel.

Subj: Retention in the present place of posting in respect of Shri U.K. Suklabaidya,  
D'man Gd.II.

Ref: 1. My representation duly forwarded to you vide No.21(5)/MgCD/2004/905 dated  
4.6.04.  
2. Your Office Order issued vide No.9(57)/D'man- II/C/SE(C)/ER/KOL/336  
dated 7.6.04.

Sir,

With reference to your office order No. as well as my representation under  
reference regarding above mentioned subject, I like to draw your kind attention to the  
following facts.

1. That Sir, just one and half year before I was transferred vide your office order  
No.9(57)/DM-I/SE(C)/ER/Calcutta/771 dated 23.9.2002 from the office of  
SE(P)(NEZ) to the office of the Executive Engineer, Meghalaya Central  
Division, CPWD, Shillong and joined on 17.10.02.
2. The transfer order has been issued at the mid session of the scholastic year of  
Meghalaya for which the education of my son will be disrupted for a year  
since the question of admission to next place of posting will not be accepted  
by the School authorities.
3. I am not the longest stayee as Draftsman at Shillong which will be crystal  
clear from the following statement.
  - (i) Shri Dilip Adhikari :- Since 16-05-1981 i.e. from the date of joining  
in the service as D'man till today same station of posting i.e. Shillong  
for 23 years at a stretch, even after promotion to Gr.II from Gr.III  
and staying in the same station of posting..
  - (ii) Myself, Shri U.K. Suklabaidya from 14.02.1990 i.e. from the date of  
the joining the service upto 23.06.1996 I was at SILCHAR.  
From 24.06.1996 to till date i.e. 8 years at Shillong.
  - (iii) Smt. Banita Lyngdoh, D'man Gr.II : From 10.6.1992 (date of  
appointment in the service) till date working at Shillong even after  
promotion.
  - (iv) Smt. Rita Tham, D'man Gr.II: From 15.6.1992 (date of appointment  
in the service) till date working at Shillong even after promotion.

*Attest*  
*[Signature]*



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- 40
4. In this connection, kindly also refer DGW, CPWD, New Delhi Office Order No.5/4/2004-S&D/141 dated 5/9 March, 2004 (copy enclosed) regarding decentralizing the authority of making transfers and postings of the staff. According to the guidelines (a) the normal tenure of stay in a Circle would be 8-10 years (b) transfer and posting will be done at pre-determined dates in the months of March/April and October/November every year and (c) the normal tenure of stay in an office would be 3-4 years.

In view of above mentioned facts and figure, it is very clear that, I am in no way the seniormost D'man, Gr.II of this headquarter at Shillong who is to be transferred (without any prejudice). It is not only the violation of the norms and guidelines of the transfer policy made by the competent authority but also depriving me from the justice and on the other hand naked favourism to an eligible person for transfer by giving transfer to same place of posting. Hence, I request to your goodself please allow me to stay in the same place of posting for completing my tenure and for which act of kindness I shall remain ever grateful.

Thanking you,

Yours faithfully,

*U.K. Suklabaidya*  
09/6/04

(U.K. Suklabaidya)

D'man Grade-II

Meghalaya Central Division,  
CPWD, Shillong.

Copy to:-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi for favour of information and necessary action please.
2. The ADG(ER), CPWD, Nizam Palace, Kolkata-700020 for favour of information and necessary action please.
3. The Chief Engineer(NEZ), CPWD, Shillong for favour of information and necessary action please.
4. The Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati-21 for favour of information and necessary action please.
5. The Superintending Engineer(P)(NEZ), CPWD, Shillong for favour of information and necessary action please.
6. The Executive Engineer, Meghalaya Central Division, CPWD, Shillong for favour of information and necessary action please.
7. The Regional Secretary, All India Engineering & Drawing Staff Association, Kolkata for information and necessary action.

(U.K. Suklabaidya)

D'man Gr.II

*Attended*  
*Q.L.*  
*for info*

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ANNEXURE - H  
Advance copy  
By speed post u

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

5/MGCD/2004/938

Dated, Shillong the 9.6.2004

The Superintending Engineer,  
Co-Ordination Circle (EZ),  
C.P.W.D., Nizam Palace,  
234/4 A.J.C. Bose Road,  
Kolkata - 20.

Regarding transfer of Sri U.K. Suklabaidya, Draughtsman grade II.

Your order No.9(57)/D'man-II/SE(C)/ER/KOI./336 dated 7.6.04.

Enclosed please find one self explanatory representation for favour of your  
netic consideration.

In view of Para 2, 3(1) his case is strongly recommended for retention in this  
under Meghalaya Central Division, C.P.W.D., Shillong.

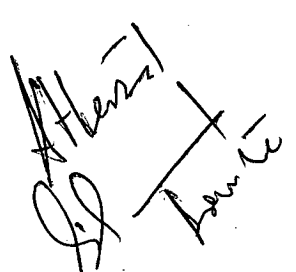
Thanking You,

Yours faithfully,



(Er.D.Das)  
Executive Engineer  
Meghalaya Central Division,  
C.P.W.D., Shillong.

Superintending Engineer, Assam Central Circle No.I, C.P.W.D., Bamunimaidan,  
hati - 21 for information and necessary action please. Enclosed One Representation  
Superintending Engineer(P), (NEZ), C.P.W.D., Cleve Colony, Shillong for  
ation and necessary action please. Enclosed One Representation



EXECUTIVE ENGINEER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH::GUWAHATI

In the matter of :-

O.A.No.144 of 2004

Sri U.K. Suklabaidya ..Applicant

-Versus-

Union of India & Ors. ..Respondents

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENTS NO.1,2,3 & 4.

I, Sri Bimal Kumar Das Superintending Engineer(Co-Ord),  
Central Co-Ordination Circle (ER),C.P.W.D., Kolkata-20, do hereby  
solemnly affirm and say as follows :-

1. That I am the Superintending Engineer(Co-ord),Central  
Co-Ordination Circle (ER), Central Public Works Department,  
Kolkata-20 and as such fully acquainted with the facts and  
circumstances of the case. I have gone through a copy of the  
application and have understood the contents thereof. Save and  
except whatever is specifically admitted in this written statement  
the other contentions and statement may be deemed to have been  
denied. I am authorised to file the written statement on behalf  
of all the respondents.
2. That the respondents have no comments to the statement  
made in paragraph 1,2,3 and 4.1 of the application.
3. That with regard to the statements made in paragraph  
4.2 of the application, the respondents beg to state that the  
applicant had joined in this department on 14-02-1990 at Silchar  
Central Circle, Silchar. The applicant was promoted as Draftsman  
Gr.II and was posted at the office of the Superintending Engineer  
(P), North Eastern Zone, Shillong. Then transferred from SE(P),  
NEZ to MCD, Shillong vide No.9(57)/DM-I/SE(c)/ER/Cal/771, dated  
23-9-2002 and lastly he was transferred from MCD, Shillong to  
SMC, Silchar vide No.9(57)/D'Men-II(C)/ER/KOL/336, dated 7-6-04.

Contd..p/2-

Union of India & Ors.  
through:- Respondent  
Group Member Clerk  
Addl. Central Co-Ordination Council  
31/3/05  
Guwahati

4. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that the transfer order of the applicant from Office of the Superintending Engineer(P), NEZ, Shillong to Meghalaya Central Division, Shillong is a temporary adjustment posting. Dilip Adhikari, D'Man, Gr. II(C) was retained at Shillong due to stay order issued by The Hon'ble Tribunal, Guwahati and the matter is Sub-judice. Letter No.09(57)/DM-II(C)/ER/CDM-VI/KOL/102, dtd.13-2-2004 is not a transfer order, it is the statement proposed to be resolved by way (Annexure-I enclosed). Hence, the allegation is motivated and may be denied.

5. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that tenure for transfer and posting as ordered by DG(W) vide letter No.E'4/2004-S&D/141, dtd.5/9-3-2004, the claim for staying in a station is not true. The stay under any circle is 8 to 10 years but not under the same station. However, the said order has already kept in abeyance vide DG(W)'s letter No.5/4/2004-S&D/407, dtd. 16-7-04 (Annexure-II enclosed). The normal tenure of stay in a station would be 4 years as per Station Seniority. In this regard, it is to intimate that after issuing the readiness list the applicant has not been represented regarding his option of choice station in the plea that the applicant was out of station during that period, but the department is not responsible for that. However, for transfer/posting station seniority has been considered, not the posting in a office and the applicant is posted at Shillong since June, 1996 i.e. the applicant is enjoying more than two tenure in the same station. Hence, the allegation of the applicant is arbitrary and motivated and may be strongly denied.

6. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that the applicant is also a longest stayee at Shillong such as Smt. Banita Lyngdoh and Smt. Rita Tham, D'M, Gr. II@ Smt. Banita Lyngdoh, D'M, Gr. II and Smt. Rita Tham, D'M, Gr. II both represented to stay at Shillong immediate after receiving the readiness list and considering the merit of that cases, the department allowed them to stay at Shillong. But this office did not received any option/representation from Sri U.K. Suklabaidya, D'M, Gr. II prior to issue of transfer/posting order though he was given the scope to represent his problem, if any, regarding transfer/posting.

7. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the applicant has filed a representation when the transfer/posting order has already been issued and there was some administrative problem to consider the applicant's representation. The matter has already explained in para 4.5 and the claim may be denied.

8. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that no comments as the matter is fully personal and the applicant is in a Central Govt. service which is transferable.

9. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that the transfer/posting was ordered as per Manual Volume-I.

10. That the respondents have no comments to the statements made in paragraph 4.9 of the application.

11. That with regard to the statements made in paragraph 4.10 of the application, the respondents beg to state that allegation is strongly denied. Remarks of the applicant is violation of CCS Conduct Rules.

12. That with regard to the statements made in paragraph 4.11 of the application, the respondents beg to state that are denied.

13. That with regard to the statements made in paragraph 4.12 of the application, the respondents beg to state that are denied. Transfer order issued as per provision laid down in CPWD Manual Volume-I.

14. That with regard to the statements made in paragraph 4.13 of the application, the respondents beg to state that are denied.

15. That the respondents have no comments to the statements made in paragraph 4.14 of the application.

16. That with regard to the statements made in paragraph 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9 of the application, the respondents beg to state that are denied.

17. That the respondents have no comments to the statements made in paragraph 6, 7, 8.1, 8.2 and 8.3 of the application.

18. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

V E R I F I C A T I O N

I, Shri Binmal Kumar Das , Superintending Engineer  
(Co-ord.), Central Co-Ordination Circle(ER), Central Public  
Works Department, Kolkata-20, being duly authorised and competent  
to sign this verification do hereby solemnly affirm and state  
that the statements made in paragraphs 1 to 18 of the  
application are true to my knowledge and belief, those made in  
paragraphs 1 to 18 being matter of record are true to  
my information derived there from and those made in the rest  
are humble submission before the Hon<sup>ble</sup> Tribunal. I have not  
suppressed any material facts.

AND I sign this verification on this the 29 th day  
of December, 2004.

B. Das

Deponent

Superintending Engineer,  
Co-ordination Circle (E. R.),  
C.P.W.D. Nizam Place  
234/4, A. J. C. Bose Road  
Calcutta-20.

-oOo-

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MINISRE-A

46

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
SECRETARY

7)/DH-I/SE(C)/ER/Cal/7/1

Dated: 25/1/2009

OFFICE ORDER

The Transfer/Posting of the following Draftsman Grade I and Grade II (Civil) are hereby ordered with immediate effect in the interest of Public Service.

S.No.	Name	From	To	Remarks
1)	Sri K.K.Dutta D'Man Grade I	MCC Murshidabad	CCD II Kolkata.	Ex-Vacancy.
2)	Sri P.G.Roy D'Man Grade (I)	MCC Malda.	CCD-IV Kolkata.	-do-
3)	Sri O.K.Suktabaidya D'Man Grade II	S.E. (HEZ) Shillong.	H.C.D. Shillong.	-do-

2466

1/10/02

Superintending Engineer  
Coordination Circle (ER)  
Central P.W.D. K O L K A T A - 20

Copy forwarded to:

- 1) The Addl. Director General, ER, CPWD, Kolkata-20.
- 2) The Chief Engineer (EZ) I, CPWD, Kolkata-20.
- 3) The Chief Engineer IBU Zone, CPWD Siliguri.
- 4) The Chief Engineer (HEZ), Shillong.
- 5) The Superintending Engineer (Planning), North Eastern Zone, CPWD, Shillong.
- 6) The Superintending Engineer CCC No. III, CPWD, Kolkata-20.
- 7) The Superintending Engineer, CCC No. II, CPWD, Kolkata-20.
- 8) The Superintending Engineer, M.C.C. CPWD, Malda.
- 9) The Superintending Engineer, M.C.C. CPWD Murshidabad.
- 10) The Ex.Engineer, CCD-II, CPWD, Kolkata.
- 11) The Ex.Engineer, CCD No. IV, CPWD, Kolkata-20.
- 12) The Executive Engineer, H.C. Division CPWD, Shillong.
- 13) Official Concerned through their controlling officer.
- 14) Regional Secretary, All India Engineering Drawing Staff Association, CPWD, Higham Palace, Kolkata-20.

To Superintending Engineer  
Coordination Circle (ER)  
Central P.W.D. KOLKATA-20

ANNEXURE - B

B-6

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No. 907/2000-RC/SEW/KOL 336

Dated: 27/6/07

**OFFICE ORDER**

The transfer/posting of the following Draftsmen Grade-II(Civil) are hereby ordered with immediate effect in the interest of public service:-

Sl. No.	NAME	FROM	TO	REMARKS
1	S/SI-II A.K. DARMAN	SCD, SILCHAR	TCMD, TURA	Vice Sri Naboni Aich transferred Existing vacancy
2	R.C. BARUAH	ACC-I, GUWAHATI	PD-II, GUWAHATI	Vice Sri U.N. Bordoloi transferred
3	P.K. BORAH	ACC-I, GUWAHATI	AAWD, GUWAHATI	Vice Sri R.C. Baruah transferred
4	C.N. BORDOLOI	AAWD, GUWAHATI	ACC-I, GUWAHATI	Vice Sri A.K. Darman transferred
5	U.K. SULLABADHYA	SNIC, SILCHAR	SCD, SILCHAR	Vice Sri B.K. Roy transferred
6	B.L. ADHIKARI	SNIC, SHILLONG	SNIC, SHILLONG	Vice Sri U.K. Sullabaidya transferred
7	R.C. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
8	U.K. SULLABADHYA	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
9	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
10	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
11	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
12	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
13	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
14	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
15	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
16	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
17	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
18	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
19	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred
20	A.K. TALUKDAR	SEC(P)NEZ, SHILLONG	SEC(P)NEZ, SHILLONG	Vice Sri A.K. Talukdar transferred



-7-

H

1.	ADDITIONAL	ADDITIONAL	Vice Sri S. Chandra
2.	ADDITIONAL	ADDITIONAL	transferred
3.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
4.	ADDITIONAL	ADDITIONAL	transferred
5.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
6.	ADDITIONAL	ADDITIONAL	transferred
7.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
8.	ADDITIONAL	ADDITIONAL	transferred
9.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
10.	ADDITIONAL	ADDITIONAL	transferred
11.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
12.	ADDITIONAL	ADDITIONAL	transferred
13.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
14.	ADDITIONAL	ADDITIONAL	transferred
15.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
16.	ADDITIONAL	ADDITIONAL	transferred
17.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
18.	ADDITIONAL	ADDITIONAL	transferred
19.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
20.	ADDITIONAL	ADDITIONAL	transferred
21.	ADDITIONAL	ADDITIONAL	Vice Sri P. Chandra
22.	ADDITIONAL	ADDITIONAL	transferred

- Note : 1. In Serial No.7 Sri Dilip Adhikari, D/Man Gd.H(C) is cancelled due to Court Case and the matter is Sub-Judice. Hence he should be retained at Shilong till the case is decided.
2. In Serial No. 13, 14 & 22 (Sri D.K.Chakraborty, Sri P.Chakraborty & Sri S.P.Mitra) is not entitled for TA/DA as the transfer is made on par their own request.
3. As the issue of transfer order is delayed due to legal litigation (LOKSABHA) the decision of joining outside station taken earlier upto 15<sup>th</sup> MAY. As such the joining period from outside is now to be considered upto 21<sup>st</sup> June will be taken into consideration. This is only for the year 2004.
4. Sri D.K.Chakraborty at Sl.No.13 will be allowed to join in the existing vacancy of Sri S. Chandra retiring on 31/03/2004 (S.13)

(E.K. DAS)

Superintending Engineer, Co-Ordination

Copy to:-

1. Addl. Director General, PR, CPWD, Kolkata
2. Addl. Chief Engineer (Civil), CPWD of Raypur & ...
3. ...
4. ...
5. ...

CPWD Calcutta

CPWD Calcutta

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(8)

-Type Copy of the Relevant Portion of Transfer Order of Draftsman, Grade-II-

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

No.: 9(57)/D/men-II(C)/SEC/ER/KOL/336

Dated: 7/6/04

OFFICE ORDER

The transfer/posting of the following Draftsmen Grade-II (Civil) are hereby ordered with immediate effect in the interest of the public service: -

SL NO.	NAME	FROM	TO	REMARKS
1	A.K.BARMAN	SCD, SILCHAR	TCMD, TURA	Vice Sri Naboni Aich transferred
2	K.C.BARUAH	ACC-I, GUWAHATI	PD-II GUWAHATI	Existing vacancy
3	B.C.BORAH	ACC-I GUWAHATI	AAWD GUWAHATI	Vice Sri U.N.Bordoloi Transferred
4	U.N.BORDOLOI	AAWD/ GUWAHATI	ACC-I GUWAHATI	Vice Sri K.C.Baruah Transferred
5	B.K.ROY	SMC, SILCHAR	SCD, SILCHAR	Vice Sri A.K.Barmam
6	U.K.SUKLA- BAIDYA	MCD, SHILLONG	SMC, SILCHAR	Vice Sri B.K.Roy transferred
7	DILIP ADHIKARI	SE(P)NEZ, SHILLONG	MCD, SHILLONG	Vice Sri U.K. Suklyabaidya

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# 9

8	PROMODA- NANDA BISWAS	BLCD-I, BALURGHAT	KCC-I KOLKATA	Vice Sri A.K.Talukdar transferred
9	NABONI AICH	TCMD, TURA	KCC-III KOLKATA	Vice Sri Somen Laha
10	S.GUCHAIT	MCD-I, MALDA	KCC-I, KOLKATA	Vice Sri Biplob Dutta transferred
11	TAPAS BARUA	ICD, ISLAMPUR	SE(P&A)EZ-1 KOLKATA	Vice Sri Prodyut Kundu transferred
12	AJOY BAKHANDI	MCC, MALDA	KCD-VI (Maint.Sub- Div.) Kolkata	Existing Vacancy
13	D.K.CHAK- RABORTY	GCD, GANGTOK	SE(P&A)/EZ-1 KOLKATA	Vice A.Guha retiring on 31.08.04
14	P.CHAKRA- BORTY	MCD-II, MALDA	SE(P&A)EZ-1 KOLKATA	Vice Sri Swapan Chakraborty Transferred
15	PRODIP ROY	MLD, KOLKATA	MCD-II, MALDA	Vice Sri P.Chakraborty transferred

Note: 1. In Serial No.7 Sri Dilip Adhikari, D/Man Gd.II (C) is cancelled due to Court Case and the matter is Sub-Judice. Hence he should be retained at Shillong till the Case is decided.

Sd/-

(B.K.DAS)

Superintending Engineer, Co-ordination

10  
12

Government of India  
O/O. The Suptdg. Engineer(P) NEZ,  
C.P.W.D., Shillong-3.

ANNEXURE - C

(3)25/33AV/NEZ/ 11/76

Dated, Shillong the 16/10/02.

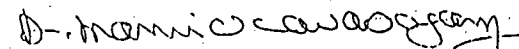
OFFICE ORDER

In compliance to Superintending Engineer, Co-ordination Circle(ER), CPWD, Kolkata office order No.9(33)/DM(C)/SE(C)/ER/Cal/01/354 dated 01.05.2001, Shri D. Adhikari, D/m Gd.II is hereby relieved from this Office on the afternoon of 16.10.2002 with the direction to report for duty to the Office of Executive Engineer, Manipur Central Division-II, CPWD., Imphal.

Superintending Engineer(P) NEZ,  
Central P.W.D., Shillong.

Copy to :-

1. The Chief Engineer(NEZ), CPWD., Shillong with reference to his No.1/6/2000 Admn. Dated 25.06.2001. As per revised sanction accorded only 2(two) posts available. Hence, surplus D/m Grade II has been relieved.
2. The Superintending Engineer, Co-ordination Circle(ER), Nizam Palace, Kolkata-20. After release of Shri D. Adhikari, D/m Grade II, this office has been left with 2(two) Draughtsman Grade II which is the revised sanctioned strength of this Office. Hence, this Office will not be in position to accept the joining report of Smt. D. Bora, Shri D. Bhattacharya, and Shri U.N. Bordoloi, D/m Grade-II who have been posted to this Office vide your office order 354 dated 01.05.2001. The above Draughtsman Grade II may be adjusted in some other offices. It is further intimated that there are 3(three) vacancies of Draughtsman Grade I and 2(two) vacancies of D/m Grade III which may please be filled up on priority basis.
3. The Executive Engineer Manipur Central Division II, C.P.W.D., Imphal.
4. The Pay and Accounts Office(NEZ), C.P.W.D., Shillong.
5. The Executive Engineer(P)-I, O/o the SE(P)NEZ., CPWD., Shillong.
6. Bill Clerk.
7. Shri D. Adhikari, D/m Grade II. As already directed he may hand over his charge to Shri K. Kalah, A.E(P).
8. Personal file of Shri D. Adhikari, D/m Grade II.
9. Shri K. Kalah, A.E(P).

  
SUPERINTENDING ENGINEER(P) NEZ.

2

11

ANNEXURE - D

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND,  
MEGHALAYA, MANIPUR AND TRIPURA)  
SHILLONG BENCH  
CIVIL APPELLATE SIDE

Appeal from W.P.C. No. 28 & 29 of 20

Civil Rule  
Writ Petition  
Writ Petition  
Writ Petition

Appellant  
Petitioner  
Respondent  
Opposite-Party



For Appellant M. G. Chatterjee  
For Petitioner  
For Respondent M. P. Das  
For Opposite-Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

C  
D

12

HP(C). 28(3H) 2002

53

Office of Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures and dates
	2	3	

BEFORE

THE HON'BLE MR JUSTICE B LAMARE

7.2.2003

Heard Mr S Chakravarty, learned counsel for the petitioner.

Admit this petition.

Call for the records.

Let a Rule Issue calling upon the respondents to show cause as to why a writ should not be issued as prayed for, or why such further and other orders should not be issued as this Court may deem fit and proper.

The Rule is made returnable within one month.

Mr P Dey, learned Addl CGSC accepted notice on behalf of the respondents and no further notice is called for.

Petitioner shall however supply extra copy of the petition to Mr P Dey in course of the day.

In the interim, it is directed that the petitioner shall be allowed to remain in his present place of posting and the order dated 15.10.2002 shall not be acted upon.

List after one month.

Sd/- B. Lamare  
JUDGE

ndk



13

91

20

ANNEXURE-E

GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT  
OFFICE OF THE SUPERINTENDING ENGINEER  
COORDINATION CIRCLE (ER),  
2<sup>ND</sup> MSO BUILDING, NIZAM PALACE, 17<sup>TH</sup> FLOOR,  
234/4 A.J.C. BOSE ROAD, KOLKATA - 20.  
TEL: (033) 2247-7416. FAX NO. (033) 2281-3103.

No. 09(57)/DM-II(C)/SE(C)/ER/CDM-VI/KOI/102

Dated: 13.2.2004

To  
The Chief Engineer,  
NEZ, C.P.W.D.,  
Shillong.

Subject: Court Case filed by Shri Dilip Adhikary, D'Man-II(C) in Guwahati High court,  
Shillong Bench.

Reference: ADG's Office No. 11(1)/2000-ADG(ER)/Vol-II. Dt. 10/11-02-04.

Kindly refer to the letter cited above on the subject the required clarification  
are given below: -

- i) In view of the stay from CAT, the stalemate is proposed to be resolved by way of  
Issuing a modified posting order as detailed below: -

SL. NO.	NAME Shri/Smt.	FROM	TO	REMARKS.
1.	H. DEVI.	MCD-II, IMPHAL.	MCD-II, IMPHAL.	RETENTION TO THE PRESENT PLACE OF POSTING ALLOWED UPTO 31-03-2005.
2.	D. ADHIKARY	SE(P&A), NEZ, SHILONG.	AAWD, GUWAHATI.	VICE U.N. BARDOLOY
3.	U.N. BARDOLOY	AAWD, GUWAHATI.	PD-II, GUWAHATI.	EXISTING VACANCY.

Since the stay order in the case of Shri D. Adhikary has not yet been vacated, the  
proposed order in respect of Shri Adhikary and Shri Bardoloy will be issued on receipt of  
intimation about formal vacation of the said stay order from your end.

- ii) The sanction strength of D'Man grade-II in SE(P&A), NEZ office is given below:

DRAUGHTSMAN	SANCTION STRENGTH	IN POSITION	VACANCY.
GRADE - I	03	NIL	03
GRADE-II	02	03	(-) 01
GRADE -III	03	01	02

Since there was a vacancy of 3 Nos. Grade-I D'Man, one surplus Grade-II D'Man  
was adjusted out of the said category of Grade-I D'Man in view of the scarcity of D'Man  
Grade-I in the Office. Since the overall sanctioned strength of Grade-I & II D'Man was (3+2)  
= 05 as against the in position combined strength of 3 only, no gross irregularity was there.

55  
14  
24  
However, the category wise surplus strength of Grade-II D'Man is being regularised by way of issuing a modified order as stated in the preceding paragraph.

As per direction of the Hon'ble CAT vide order dated 22-01-04, the representation of the applicant Smt. H. Devi is disposed by way of issuing a modified office order for retention at her present place of posting up to 31-03-2005 vide this office memo no. 100 Dt. 12-02-04 (copy enclosed).

This is for your information and further necessary action please.

*B. K. Das*  
(B.K. DAS)

SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).

Copy to :

1. ADG (ER), C.P.W.D., Kolkata - 20.
2. SE (P & A), C.P.W.D., NEZ, Shillong.

EA TO SUPERINTENDING ENGINEER  
CO-ORDINATION CIRCLE (ER).



Directorate General of Works

Central Public Works Department  
Dated New Delhi the 5 March 2004

ANNEXURE - F 50

The issue of de-centralization of authority to Regions/zones/Circles in the CPWD power, them (or improving their performance and efficiency) has been under consideration of the department.

First step has been decided to de-centralise the authority of making posts of the staff available in these units to the unit in-charge. This of transfers and postings of Ministerial Staff, Drawing Staff, Junior Engineers (Civil & Elect), S.O. (Hort), Assistant Engineers (Civil and Elect), ADH, Ex. Engineer (Elect.) and DDH, has been examined in the Directorate and it has been decided that in order to fully utilize the potential of individual officers and ensure that resources available in a unit be put to the best possible use, in public interest, to place the same at the disposal of the unit in-charge. Accordingly it has been decided to make the following provisions in the existing instructions.

It has been decided to place the executive engineers at the disposal of the ADG of the Region. The ADG of the Region shall decide upon the transfer/postings of officers in his region. The ADG of the Region will be empowered to make transfer/posting within the Region as deemed necessary by him taking into consideration administrative exigency and the requirement of the work.

In the case of AEs the Chief Engineer of the Zones shall make transfer/posting. The normal tenure of stay of an AE in a Zone, including his stay as AE in that zone, shall be ordinarily 8 years and not exceed 10 years. The Chief Engineer shall regularly apprise the ADG of the position of officers in his zone and send the names of officers who have completed or are about to complete their normal tenure in the zone. The ADG of the Region shall decide about the Zone to which the officer should now be posted. This decision shall be conveyed to the Zonal Chief Engineer in whose zone the officers are to be posted. The Zonal CE on receipt of this shall issue the necessary posting orders to the AEs who are being posted in. On receipt of those orders the Zonal Chief Engineer where from the AE is to be relieved shall issue the necessary relieving orders and relieve the officer with the directions to report to his new place of posting.

Ministerial staff, drawing staff, Junior Engineers (Civil & Elect), the SE in the Circle will be empowered to make transfer and posting within the Circle. The normal tenure of stay in a Circle would be 8-10 years.

The SEs will inform to the SE (Co-ord.) the names and grades of officers who have completed or are about to complete the normal tenure in the Circle and the SE (Co-ord.) will, after obtaining approval of the ADG of the Region, propose the transfer of officers from one Circle to another. On receipt of this proposal from the SE (Co-ord.), the respective S.E.s, in whose circle the officers are being transferred, shall issue necessary orders for the officers/staff likely to join his Circle. The posting order will be conveyed to the Controlling Officers of officers and staff.

33-16

**Directorate General of Works  
Central Public Works Department**

4/2004-S&amp;D/141

Dated New Delhi the 5/9 March 2004.

**Office Order**

The issue of decentralization of authority to Regions/Zones/Circles in the CPWD empower them for improving their performance and efficiency has been under consideration of the department.

As the first step it has been decided to decentralise the authority of making transfers and posting of the Staff available in this units to the unit in-charge. This of transfers and posting of Ministerial Staff, Drawing Staff, Junior Engineers and Elect) SO (Hort), Assistant Engineers (Civil and Elect) ADH, Ex. Engineer and Elect) and DDH, has been examined in the Directorate and it has been considered that in order to fully utilize the potential of individual Officers and ensure that man resource is available in a unit is put to the best possible use, in public interest, necessary to place the same at the disposal of the unit in charge. Accordingly it has decided to make the following provisions in the existing instructions.

It has been decided to place the Executive Engineers at the disposal of the ADG of the Region. The ADG of the Region shall decide upon the transfer/postings of the EEs in his region. The ADG of the region will be empowered to make transfer/posting within the Region as deemed necessary by him taking into consideration administrative exigency and the requirement of the work.

In the case of AEs the Chief Engineers of the Zones shall make the transfer/posting. The normal tenure of stay of an AE in a Zone, including his stay as a JE in that zone shall be ordinarily 8 years and not exceed 10 years. The Chief Engineer shall regularly apprise the ADG of the position of officers in his zone and send the names of the officers who have completed or about to complete their normal tenure in the zone. The ADG of the Region shall decide about the Zone to which the officer now be posted. This decision shall be conveyed to the Zonal Chief Engineer in whose zone the officers are to be posted. The Zonal CE on receipt of this shall issue the necessary posting orders for the AEs who are being posted in. On receipt of these orders the Zonal Chief Engineer

- 17 -

where from AE is to be relieved shall issue the necessary relieving orders and relieve the officer with the directions to report to his new place of posting.

For ministerial staff, drawing staff, Junior Engineers (Civil & Elect.) the SE charge of the Circle will be empowered to make transfer and posting within the Circle. The normal tenure of stay in a circle would be 8-10 years.

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Sd/-

Illegible

(V.K.Sharma)

Director (S&D)

18  
Govt. of India

59  
IMMEDIATE

IO: 9(57)/99/SE(D)/Men-1/CI 1259

ANNEXURE - G  
DATED: 20-12-2000

OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORD.

Sub: Posting & Transfers in the grade of Draftsmen Grade-I & II (Civil/Elect.) during 2001-2002 --- Options for further posting on completion of tenure at present station---regarding

A list of Draftsmen Grade-I & II (Civil & Elect.) who have become due for transfer during 2001-2002 is forwarded herewith. The concerned officials may be requested to indicate options for transfer latest by 31.01.2001, by giving names of 4 stations, in order of preference for consideration, along with the data of posting for the last 10 years to this office.

The Superintending Engineers/Executive Engineers are also requested to please check up the list enclosed and intimate discrepancy / omission if any, to this office most urgently latest by 15.01.2001 for further necessary action at this end.

Encl: one list

2829

21/12/2000

(D.Horo)

Superintending Engineer, Co-Ord.

To

All SEs, SEs(P&A) & EXECUTIVE ENGINEERS(CIVIL/ELECT), CPWD, Under Eastern Region.

Copy for information to:-

1. Addl. Director General, ER, CPWD, Calcutta
2. Regional Secretary, EDSA, CPWD, Calcutta

Encl: one list

May be circulated among the D.M.s.  
21/12

(D.Horo)

Superintending Engineer, Co-Ord.

SE/500/E II

21/12

Urgent  
Pl. intimate to affected staff (men)  
20/12/01

Please supply me a copy of list. Same -  
(21/12/01)  
(21/12/01)

-19-

# ROTATIONAL TRANSFER OF DEANSMEN DURING 2001

## LONGEST STAYING LIST OF DEANSMEN (GRAD-III) (POSTED OUTSIDE CALCUTTA)

SL. NO.	Name (S/Sri/Smt)	Date of Birth	Present unit	Date from which posted continuously in present station	Remarks
01.	D. ADHIKARY	01.02.53	SE(P&A) Shillong	10.05.01	
02.	A.K. BARMAN	01.12.61	SCC/Silchar	23.02.90	
03.	SMT. D. BORA	01.03.40	ACC/Guwahati	01.09.01	
04.	A.K. SHARMA	02.05.44	PCC/Patna	11.11.91	(Above 53 years)
05.	SMT. B. LYNDOGH	01.07.69	SE(P)/NEZ/Shillong	10.06.92	
06.	SMT. R. THAM	20.01.68	SE(P)/NEZ/Shillong	15.06.92	
07.	D.C. BORA	01.03.60	ACC-/Guwahati	22.11.93	
08.	S.C. BISWAS	26.09.52	SCC/Silchar	27.12.93	
09.	S.U. AHMED	01.10.65	SE(P&A) Shillong	24.06.96	
10.	K.C. BARUA	01.03.60	ACC-/Guwahati	01.07.90	
11.	U.N. BORDOLOI	01.04.46	AAWD/Guwahati	05.05.97	
12.	SMT. H. DEVI	01.03.67	MCD-/Mphal	25.07.97	
13.	B. KROY	01.04.69	SMC(M)/Silchar	28.07.97	
14.	S.K. KAKOTI	01.05.44	ACC-/Guwahati	04.08.07	(Above 53 years)
15.	D. BHATTACHARJEE	10.01.65	SCC/Silchar	12.08.97	
16.	P.K. KUNDU	07.01.67	SMD(M) Silchar	13.04.98	
17.	P.K. SAHA	01.11.64	MCD-/Murchidabad	20.04.98	
18.	P.K. SARKAR	16.05.66	BLCMD/Burghat	15.07.98	
19.	D.N. KUNDU	02.01.68	SE(P)/NEZ/Shillong	07.09.98	

## LONGEST STAYING LIST OF DEANSMEN (GRAD-III) (POSTED IN CALCUTTA / OUTSIDE)

SL. NO.	Name (S/Sri/Smt)	Date of Birth	Present unit	Date from which posted continuously in present station	Remarks
IN CALCUTTA					
01.	M.C. DAS	05.01.44	CCEC-III/CAL	10.05.99	Above 53 years
02.	R.H. HASKAR	22.02.41	CCED-III/CAL	14.02.94	Above 53 years
03.	A.K. ROY	12.01.42	CCED-III/CAL	14.06.96	Above 53 years
04.	P.K. SARDAR	13.01.42	CCED-IV/CAL	10.03.99	Above 53 years
05.	S.R. SANKAR	12.04.42	CCEC-III/CAL	17.04.99	Above 53 years

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ANNEXURE H

The Superintending Engineer (Coord),  
Eastern Region, CPWD, Nizam Palace,  
Kolkata-20.

Through Proper Channel.

Subj: Retention in the present place of posting in respect of Shri U.K. Suklabaidya,  
D'man Gd.II.

- Ref: 1. My representation duly forwarded to you vide No.21(5)/MPCD/2001/905 dated  
4.6.04.  
2. Your Office Order issued vide No.9(57)/D'man- I/C/SE(C)/ER/KOL/336  
dated 7.6.04.

Sir,

With reference to your office order No. 9(57) as well as my representation under  
reference regarding above mentioned subject, I like to draw your kind attention to the  
following facts.

1. That Sir, just one and half year before I was transferred vide your office order  
No.9(57)/DM-USE(CYER/Calcutta/771 dated 23.9.2002 from the office of  
SE(P)(NEZ) to the office of the Executive Engineer, Meghalaya Central  
Division, CPWD, Shillong and joined on 17.10.02.
2. The transfer order has been issued at the mid session of the scholastic year of  
Meghalaya for which the education of my son will be disrupted for a year  
since the question of admission to next place of posting will not be accepted  
by the School authorities.
3. I am not the longest stayee as Draftsman at Shillong which will be crystal  
clear from the following statement.
  - (i) Shri Dilip Adhikari :- Since 16-05-1981 i.e. from the date of joining  
in the service as D'man till today same station of posting i.e. Shillong  
for 23 years at a stretch, even after promotion to Gr.II from Gr.III  
and staying in the same station of posting..
  - (ii) Myself, Shri U.K. Suklabaidya from 14.02.1990 i.e. from the date of  
the joining the service upto 23.06.1996 I was at SILCHAR.  
From 24.06.1996 to till date i.e. 8 years at Shillong.
  - (iii) Smt. Binita Lyngdoh, D'man Gr.II : From 10.6.1992 (date of  
appointment in the service) till date working at Shillong even after  
promotion.
  - (iv) Smt. Rita Tham, D'man Gr.II: From 15.6.1992 (date of appointment  
in the service) till date working at Shillong even after promotion.

- 28 - 21 - 62
4. In this connection, kindly also refer DGW, CPWD, New Delhi Office Order No.5/4/2004-S&D/141 dated 5/9 March, 2004 (copy enclosed) regarding decentralizing the authority of making transfers and postings of the staff. According to the guidelines (a) the normal tenure of stay in a Circle would be 8-10 years (b) transfer and posting will be done at pre-determined dates in the months of March/April and October/November every year and (c) the normal tenure of stay in an office would be 3-4 years.

In view of above mentioned facts and figure, it is very clear that, I am in no way the seniormost D'man, Gr.II of this headquarter at Shillong who is to be transferred (without any prejudice). It is not only the violation of the norms and guidelines of the transfer policy made by the competent authority but also depriving me from the justice and on the other hand naked favourism to an eligible person for transfer by giving transfer to same place of posting. Hence, I request to your goodself please allow me to stay in the same place of posting for completing my tenure and for which act of kindness I shall remain ever grateful.

Thanking you,

Yours faithfully,

*(U.K. Suklabaidya)*  
(U.K. Suklabaidya)  
D'man Grade-II  
Meghalaya Central Division,  
CPWD, Shillong.

Copy to:-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi for favour of information and necessary action please.
2. The ADG(FR), CPWD, Nizam Palace, Kolkata-700020 for favour of information and necessary action please.
3. The Chief Engineer(NEZ), CPWD, Shillong for favour of information and necessary action please.
4. The Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati-21 for favour of information and necessary action please.
5. The Superintending Engineer(P)(NEZ), CPWD, Shillong for favour of information and necessary action please.
6. The Executive Engineer, Meghalaya Central Division, CPWD, Shillong for favour of information and necessary action please.
7. The Regional Secretary, All India Engineering & Drawing Staff Association, Kolkata for information and necessary action.

(U.K. Suklabaidya)  
D'man Gr.II

22  
(29)  
ANNEXURE -  
Advance copy - H  
By speed Post  
63  
GOVERNMENT OF INDIA  
CENTRAL PUBLIC WORKS DEPARTMENT

SYMCCD/2004/938

Dated, Shillong the 9.6.2004

The Superintending Engineer,  
Co-Ordination Circle (EZ),  
C.P.W.D., Nizam Palace,  
23/4 A.J.C. Bose Road,  
Kolkata - 20.

Regarding transfer of Sri U.K. Suklabaidya, Draughtsman grade II.

Your order No.9(57)/D'man-II/SE(C)/ER/KOI./336 dated 7.6.04.

Enclosed please find one self explanatory representation for favour of your  
etic consideration.

In view of Para 2, 3(1) his case is strongly recommended for retention in this  
under Meghalaya Central Division, C.P.W.D., Shillong.

Thanking You,

Yours faithfully,

(Er.D.Das)

Executive Engineer  
Meghalaya Central Division,  
C.P.W.D., Shillong.

Superintending Engineer, Assam Central Circle No.1, C.P.W.D., Bamunimaidan,  
mail - 21 for information and necessary action please. Enclosed One Representation  
Superintending Engineer(P), (NEZ), C.P.W.D., Cleve Colony, Shillong for  
tion and necessary action please. Enclosed One Representation

EXECUTIVE ENGINEER



1  
= 2 JUN 2004  
গুৱাহাটী কেন্দ্রীয়  
Guwahati Bench  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI**

**O.A.No.144 of 2004**

Shri Uttam Kumar Suklabadiya

...Applicant

-Versus-

The Union of India & Others

...Respondents

-AND-

IN THE MATTER OF

Rejoinder Submitted by the Applicant in the above said  
Original Application against the Written statement filed  
by the Respondents.

The humble Applicants submit this Rejoinder as follows:

1. That with regard to statement made in paragraph 1, 2 & 3 of the Written Statement filed by the Respondents of the above said Original Application, the Applicant have no comments and beyond records nothing is admitted.
2. That with regard to statement made in Paragraphs 4 of the Written Statement filed by the Respondents of the above said Original Application, the Applicant begs to state that the same are not true and also misleading to this Hon'ble Tribunal. The Applicant begs to state that in the said transfer order dated 23-09-2002 at Annexure-A of the instant Original Application is not a temporary adjustment of posting. In the said Office Order dated 23-09-2002 nowhere it was mentioned that it was a temporary adjustment. It has been clearly stated that the transfer and posting of the following Draftsman Grade-I and Grade-II (Civil) are hereby ordered with immediate effect in the interest of public service. The posting of Dilip Adhikari, Draftsman Grade-II (Civil) has no relevancy or connection with the posting and transfer of the Applicant.

Filed by  
Shri Uttam Kumar Suklabadiya  
through [Signature] Applicant  
(Abi - Attached)  
Advocate

Uttam kr. Suklabadiya.

Hence the statement made in the Written statement is motivated and misleading to this Hon'ble Tribunal.

3) That with regard to statement made in paragraph 5 of the Written statement filed by the <sup>Respondents</sup> Applicant are not true. The Applicant begs to state that he is the not longest stayee. The letter dated 16-07-2004 (as mentioned at Annexure-II of the Written statement) has not been annexed in the service copy of the Written statement. The Applicant begs to state that he has not been able to file his representation in time regarding his option for choice station due to his official duty at New Delhi from 27-05-2004 to 02-06-2004. It may be stated that the Applicant was directed by the Superintending Engineer (Enquiry), C.P.W.D., New Delhi vide his Order dated 05-04-2004 to appear before him as a witness and also to take his evidence in a Departmental Enquiry against one Shri R.R.Dahia (Assistant Engineer, Civil, CPWD) under Rule 14 of CCS (CCA Rules 1965). The Applicant has also filed an advance copy on 04-06-2004 for his options for further posting.

Annexure-X is the photocopy of letter dated 05-04-2004.

Annexure-X1 is the photocopy of Applicant's representation filed on 04-06-2004.

4) That with regard to statement made in paragraph 6 & 7 of the Written statement filed by the Respondents, the Applicant begs to state that the same are not true and also misleading to this Hon'ble Tribunal. The Applicant has already stated in the above paragraph-3 that due to his urgent official engagement at New Delhi he could not filed his option for choice posting in time. Immediately after his arrival from New Delhi he filed an advanced copy before the concerned authority stating his option for further posting. The Respondents have themselves discriminated the Applicant with the other Draftsman Grade-II who is longest stayee than Applicant by considering their representation.

5) That with regard to statement made in paragraph 8 to 18 of the Written statement filed by the Respondents, the Applicant begs to state that the Respondents with a mala-fide intention posted your Applicant at Silchar. The Superintending Engineer, CPWD, Silchar Circle vide his

Uttam Kr. Suktalabaidyn

letter No.12(1)/SE/IBBR/MC/SIL/2003/290 Dated 10-06-2004 addressed to the Superintending Engineer (Co-ordn.), CPWD, Kolkata (i.e. the Respondent No.4 of the instant Application) has informed that there is no sanction post of Draftsman Grade-II where can Shri U.K.Suklabadya, Draftsman, Grade-II be accommodated. Therefore it was requested by him to post one Draftsman Grade-I as per sanctioned strength instead of Draftsman Grade-II as early as possible for smooth running of Govt. work.

Annexure-X2 is the photocopy of letter No.12 (1)/SE/IBBR/MC/SIL/2003/290 Dated 10-06-2004.

From the above, the Written Statement submitted by the Respondents are wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of Respondents to refute the contentions, averments, questions of law and grounds made by the Applicant in the Original Application filed by the Applicant deserve to be allowed by this Hon'ble Tribunal.

Uttam Kr. Suklabadya.

**VERIFICATION**

I, Shri Uttam Kumar Suklabaidya, Draftsman, Grade-II, Office of the Executive Engineer, Meghalaya Central Division, Central Public Works Department, Shillong, Meghalaya do hereby solemnly verify that the statements made in paragraph nos. 1, 2, 4 — are true to my knowledge, those made in paragraph nos. 3, 5 are being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 31<sup>st</sup> day of May 2005 at Guwahati.

Uttam K. Suklabaidya

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ANNEXURE X

- 5 -

From: M.C.Bansal  
Superintending Engineer (Inquiry)  
Central P.W.D.  
Room NO.3, 1st Floor, 'E' Wing  
Nirman Bhawan, New Delhi-110011  
Phone NO.23017640

SE(Inquiry)/27/2001  
Dated: 5.04.2004

To

- (1) Sh. Makbul Hussain Borbhuiya, Inspector, Customs & Cent. Excise, Anti Evasion Unit, Shillong.
- (2) Sh. Chandra Kr. Gupta, O.S., O/o The SSW(NEZ), CPWD, Shillong.
- (3) Sh. S.U. Ahmed, Dts/Man, O/o the SSW(NEZ), CPWD, Shillong.
- (4) Sh. Uttam Kumar Suklabaldya, Dts/Man, O/o the SSW(NEZ), CPWD, Shillong.
- (5) Sh. Subarta Chatterjee, Asstt., O/o the Sr. Architect, CPWD, Shillong.

Through PO

Sub: Departmental Inquiry into the charges framed against Sh. R.R.Dahiya, AE(C) under Rule 14 of CCS (CCA) Rules, 1965.

You have been cited as a witness in the above departmental inquiry being conducted by me. Your evidence is considered material in the case. You are, therefore, requested to appear before me to give evidence at the time, date and venue mentioned below.

Date and Time

Venue

25<sup>th</sup> May 2004 &  
26<sup>th</sup> May 2004 at 11.00 AM

O/o SE(Inquiry), Room No.3, 1st Floor, E Wing  
Nirman Bhawan, New Delhi-110011

Receipt of this summons may please be acknowledged.

*M.C. Bansal*  
(M.C. Bansal)  
S.E.(Inquiry)  
Inquiry Officer

Copy to :

Sh.S.N.Rai, EO(D)III, Vigilance Unit, CPWD, Nirman Bhawan, New Delhi (PO) with the request to deliver the summons to the witnesses and acknowledgement received may be sent to this office.

S.E.(Inquiry)

*Attested*  
*[Signature]*  
*[Signature]*

To  
The Superintending Engineer  
Co-ordination(Rgion. BI&BII)  
CPWD, Nizam Palace  
234/4 AJC Bose Road.  
Kolkata-20

(Through Proper Channel)

Sub:- Option for further posting on completion of tenure at present station.

Ref:- 9(57)/SEC/ER/CDN-IV/Kol/404 .Dated:-12-5-04

Sir,

With reference to the above letter. I have the honour to draw your kind attention for the following few lines regarding permission to retain at Shillong for another tenure.

- (i) I went to Delhi for official duty. on 22<sup>nd</sup> May 2004. & returned back on 2<sup>nd</sup> June 2004. So it is not possible to represent my option before or on 31<sup>st</sup> May 2004
- (ii) I joined this department as D/Man (Gr-III) on 14.2.1990. and I was posted at Silchar Central Circle CPWD Silchar. In June 1996 I was promoted as D/Man (Gr-II) and was posted to the office of the SE(P)NFZ,CPWD,Shillong. Again I transferred from SE(P)NFZ,CPWD Shillong to Meghalaya Central Division Which is under Assam Central Circle -I CPWD, Guwahati-21. (Assam).And joined in this Office on 17.10.2002.
- (iii) That Sir, my son is studying in local school and hence it is a problem for me to get the admission in the middle of the year in any where.

In view of the above, I would like to request your kindly retain me at Shillong for another tenure and for which I shall remain over grateful to your honour.

Thanking you in anticipation.

Encl:- 1. Copy of my transfer order.

Yours faithfully,

*U.K. Sukhlabaldya*  
04/6/04

(U.K. Sukhlabaldya)  
D/Man Grade-II  
O/o the Executive Engineer,  
Meghalaya Central Division,  
C.P.W.D., Shillong.

*Asst. Engr.*  
*Q.L.*  
*1*  
*10/6/04*

ANNEXURE - X<sub>2</sub>

भारत सरकार  
Government of India  
केन्द्रीय लोक निर्माण विभाग  
Central Public Works Department  
भारत बांग्लादेश सीमा सड़क अनुसंधान परिमंडल  
Indo Bangladesh Border Roads Maintenance Circle  
सिलचर 788 002  
Silchar 788 002

NO.12(1)/SE/IBBR/MC/SIL/2003/290 DATED 10.6.04.

To,  
The Superintending Engineer,  
Coordination Circle, (EZ),  
234/4 A.J.C Bose Road,  
Nizam Palace, CPWD,  
Kolkata.

Subject: Transfer/posting of D/men Gr.-II.

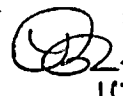
Reference: Your letter No. 9(57)/D/men-II ( C)/SIL (C )/ER/Kol/336  
dt.7.6.04.


Vide your above mentioned office order you have transferred and posted D/men Gr.II in various units and also D/men Gr.-II namely Shri U.K. Suklabidhya, in this circle against Shri B.K. Roy, transferred.

This office has already informed you that as per sanctioned strength there is no sanctioned post of D/men Gr.-II, in this office and it is also reflected in all the disposition lists sent to you every month. (copy of sanctioned strength is enclosed herewith for ready reference).

Therefore, it is requested to kindly post one D/men Gr.I, as per sanctioned strength instead of D/men Gr.II as early as possible for smooth running of Govt. work.

Enclosed: As stated above.

  
10604  
Superintending Engineer,

  
J.S.  
Adm. Secy