

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 145/2004.....

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SECTION OFFICER (Judl.)

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

ORDER SHEET

14.5.04.....

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

In O.A.

Name of the Applicant(s) A. K. BORONAM

Name of the Respondent(s) N. O. T. T.

Advocate for the Applicant A. Shrestha

Counsel for the Railway / CGSC

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

Application is in form
is filed C. E. No. RS. 10 - 18.6.2004 Present: Hon'ble Smt Bharati Ray,
deposited vide P.C. No. 119389766 Judicial Member

Dated 17.6.04

Heard the learned counsel for
the parties. Hearing concluded. Orders
passed separately.

Member (J)

Dy. Registrar

nkm

Steps taken
with envelops.

21/6/04

29.6.04

Copy of the judgment
has been sent to the
S.P.C. for issue
The same to the applicant
as well as to the Dr. C.G.S.C.
for the respondent alongwith
a copy of the application.

29.6.04

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R&A. No. 1111 145 of 2004

DATE OF DECISION 18.6.2004

Shri Ashim Kumar Barman

.....APPLICANT(S).

Mr A. Ahmed

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India and others

.....RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MRS BHARATI RAY, JUDICIAL MEMBER

THE HON'BLE

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

Judgment delivered by Hon'ble Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.145 of 2004

Date of decision: This the 18th day of June 2004

The Hon'ble Smt Bharati Ray, Judicial Member

Shri Ashim Kumar Barman
Draftsman, Grade II
Office of the Executive Engineer,
Silchar Central Division,

Central Public Works Department,
Silchar, Assam.

By Advocate Shri A. Ahmed.

.....Applicant

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Urban Affairs, New Delhi.
2. The Director General Works Central Public Works Department, New Delhi.
3. The Additional Director General of Works(ER), Central Public Works Department, Kolkata.
4. The Superintending Engineer, Central Coordination Circle (ER), Public Works Department, Kolkata.

.....Respondents

By Advocate Shri A. Deb Roy, Sr. C.G.S.C.

.....
O R D E R (ORAL)

BHARATI RAY, JUDICIAL MEMBER

Heard Mr A. Ahmed, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C.

2. This application has been filed questioning the transfer of the applicant vide order dated 7.6.2004 issued by the Superintending Engineer (Coord.). It is the contention of the learned counsel for the applicant that the applicant was transferred only two months back and thereafter again he has been subjected to transfer to Tura.

In this context the learned counsel for the respondents took objection that the earlier transfer was within the same station, i.e. Silchar.

3. The learned counsel for the applicant has drawn my attention to the O.M. dated 5/9-3-2004 to show that the normal tenure of stay in a Circle would be 8 to 10 years. The applicant, admittedly, has been staying in Silchar for more than 10 years. However, the applicant has made a representation dated 10.6.2004, Annexure-E to the O.A., to the respondent No.4 explaining his problem and requested to review the case of the applicant and to retain him in Silchar Central Division at least for one tenure. It is the contention of the learned counsel for the applicant that the applicant has not yet been relieved.

4. Considering the fact that the representation of the applicant has not yet been disposed of by the respondents, I dispose of this application ^{at the stage of admission} by directing the respondent No.4 to consider the case of the applicant and issue proper order within a period of four weeks from the date of receipt of a copy of this order. Till such time the representation is disposed of the applicant shall not be relieved from the present place of posting, if not already relieved.

There shall be no order as to costs.

Bharati Ray
(BHARATI RAY)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 145 OF 2004.

BETWEEN

Shri Ashim Kumar Barman

...Applicant

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of Office Order No.9 (3)/SCC/2004/861 dated 26-04-2004.

Annexure-B is the photocopy of Joining Report of the applicant at the Office of the Executive Engineer in Silchar Central Division, Central Public Works Department, Silchar-2.

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

Annexure-C1 is the type copy of relevant portion of Office Order No.9 (57)/D/men-II(C)/SEC/ER/KOL/336 Dated: 7/6/04.

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

Annexure-D1 is the type copy of S&D/141 dated New Delhi 5/9 March 2004.

Annexure-E is the photocopy of representation dated 10-06-2004 before the Respondent No.4.

Annexure-E1 is the photocopy of forwarding letter of the Executive Engineer (P&A), Silchar Central Division, CPWD, Silchar-2.

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 Silchar, Assam to Tura, Meghalaya after one month of joining at Silchar Central Division. The applicant has not completed the normal tenure of posting at Silchar 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-1 regarding transfer of CPWD Employees. Hence the applicant filed this Original Application before this Hon'ble Tribunal seeking justice in this matter.

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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. 145 OF 2004.

BETWEEN

Shri Ashim Kumar Barman
Draftsman, Grade-II
Office of the Executive Engineer,
Silchar Central Division,
Central Public Works Department,
Malogram,
Mela Road, Silchar-2.
Assam

...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
(ER),
Central Public Works Department,
Nizam Palace, 17th floor,
234/4 AJC Bose Road,
Kolkata-20.

filed by
Shri Ashim Kumar Barman
Applicant
H. J. J. S.
(Adv. Ahmed) Advocate

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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

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/mcn-II(C)/SEC/ER/KOL/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.

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4.2) That your applicant begs to state that he is working as Draftsman Grade-II, Central Public Works Department. He joined in this department as Draftsman Grade-III on 21-02-1990 at Central Public Works Department. He was promoted as Draftsman Grade-II on 07-12-1995. He was posted to Silchar Central Division in an existing vacancy on 26-04-2004 vide Office Order No.9 (3)/SCC/2004/861. Now he is working at Office of the Executive Engineer, Silchar Central Division, Central Public Works Department, Silchar-2 since 21-05-2004.

Annexure-A is the photocopy of Office Order No.9 (3)/SCC/2004/861 dated 26-04-2004.

Annexure-B is the photocopy of Joining Report of the applicant at the Office of the Executive Engineer in Silchar Central Division, Central Public Works Department, Silchar-2.

4.3) That your applicant begs to state that he was again transferred after one month from Silchar Central Division; Central Public Works Department to Tura, TCMD, Meghalaya vide Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04 issued by the Respondent No.4. 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-C is the photocopy of Office Order No. 9(57)/D/men-II(C)/SE©/ER/KOL/336 Dated: 7/6/04.

Annexure-C1 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.

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 Silchar Central Division on 26-04-2004 and he was again transferred after one month. As such he

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has yet to complete another 8-10 years for completing his 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.

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

Annexure-D1 is the type copy of S&D/141 dated New Delhi 5/9 March 2004.

4.5) That your applicant begs to state that he has filed a representation dated 10-06-2004 before the Respondent No.4 through proper channel for retention of applicant in Silchar Central Division, Silchar. The said representation was forwarded by the Executive Engineer (P&A), Silchar Central Circle, CPWD, Silchar-2. In the said forwarding letter it has been stated that "Shri Barman Gr.II joined in Silchar Central Division, Silchar, on 21/5/04 on transfer from Silchar Central Circle, Silchar vide No.9(3)/SCC/04/861 dated 26/4/04. Issued as per approval of the Superintending Engineer, SCC, CPWD, Silchar". The said representation has not yet been disposed up by the Respondents. Now the Respondents 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-E is the photocopy of representation dated 10-06-2004 before the Respondent No.4.

Annexure-E1 is the photocopy of forwarding letter of the Executive Engineer (P&A), Silchar Central Division, CPWD, Silchar-2.

4.6) That your applicant begs to state that his son is aged about four (4) years and daughter is aged about ten (10) years only. The children are

taking their Education at local School at Silchar. Now it will be very difficult for the applicant to transfer his children different School at this mid term session in an another state.

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.

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.

Br

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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 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.

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5.8) For that, the action of the respondents is arbitrary, malafide 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 or suit is pending before any of them.

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.

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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-C) 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-C) in case of the applicant issued by the Respondents No.4 till disposal of this Original application.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. : ३८९४६६

Date of Issue :

Issued from :

Payable at : H.P.O.

12) LIST OF ENCLOSURES:

As stated above.

Verification

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VERIFICATION.

I, Shri Ashim Kumar Barman, Draftsman, Grade-II, Office of the Executive Engineer, Silchar Central Division, Central Public Works Department, Malugram, Mela Road, Silchar-2, Assam do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.6 to 4.8 — are true to my knowledge, those made in paragraph nos. 4.2 to 4.5, 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 17 day of June 2004
at Guwahati.

Ashim Kumar Barman

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

ANNEXURE - A

NO. 9(3)/SCC/2004/861

Dated, Silchar 26/4/04

OFFICE ORDER

Transfer/Posting of the following Draftsman
are hereby order with immediate effect in public interest.

Name/Designation.	From	To	Remarks
-------------------	------	----	---------

1. Sri S.Naskar, D/Man Gr-I.	SCD/Sil.	SCC/Sil.	Against Late A.K. Sinha.
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2. Sri A.K.Banman D/Man Gr-II.	SCC/Sil.	SCD/Sil.	Against existing vacancy.
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SUPERINTENDING ENGINEER
SILCHAR CENTRAL CIRCLE
C.P.W.D., SILCHAR-2.

Copy to :

1. The Superintending Engineer(Coord), Kalkata.
2. The Chief Engineer(NEZ), CPWD, Shillong-3.
3. The Executive Engineer, Silchar Central Division, CPWD, Silchar.
4. Party.

21/3/04
SUPERINTENDING ENGINEER.

*Attn: G
Attn: G*

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ANNEXURE - B

GOVT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE EXECUTIVE ENGINEER
SILCHAR CENTRAL DIVISION
SILCHAR - 788002

NO.9(3)/SCD/2004-05/ 942

Dated, Silchar the, 27/5/2004

Office Order

In pursuance of the Superintending Engineer, Silchar Central Circle, CPWD, Silchar's office order No.9(3)/SCC/2004/8611 dated 26.4.2004 and having being relieved by SE/SCC/CPWD/Silchar's No.9(3)/SCC/2004/1018 dated 20.5.2004 Sri Asim Kumar Barman, Draftsman Grade II joined this Division on 21.05.2004(F/N).

EXECUTIVE ENGINEER
SILCHAR CENTRAL DIVISION
CPWD, SILCHAR-2.

COPY TO:-

- 1) The CE(NEZ), CPWD, Shillong-3.
- 2) The SE(Coord)(ER), CPWD, Nizam Palace, Kolkata-20.
- 3) The Superintending Engineer, SCC, CPWD, Silchar-2
- 4) The PAO(NEZ), CPWD, Shillong-1
- 5) The DA, SCD, CPWD, Silchar.
- 6) Sri Asim Kumar Barman, D'man Gr.II - he is directed to take over the charge from Sri S. Naskar, D'man Gr.I.
- 7) Sri S. Naskar, D'Man Gr.I - He is directed to hand over the charge to Sri A.K. Barman, D'man Grade II.
- 8) Personal file
- 9) BMT section.

B. M. F.
EXECUTIVE ENGINEER
SILCHAR CENTRAL DIVISION
CPWD, SILCHAR-2.

*Attest
J. J. J. Deo
Attest*

To
B.K. Roy

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No.: 9(17)/D/men-II(C)/SEC/VER/KOD 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. S. B. 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. SUKLABAIDYA	MCD, SHILLONG	SMC, SHILLONG	Vice Sri B. K. Roy transferred
7.	BIPLOB ADHIKARI	SE(P)NEZ, SHILLONG	MCD, SHILLONG	Vice Sri U. K. Suklabaidya
8.	PROVODANANDA BISWAS	BLCD-I, BALURGHAT	KCC-I, KOLKATA	Vice Sri A. K. Talukdar transferred
9.	S. S. B. BARMAN	TCMD, TURA	KCC-III, KOLKATA	Vice Sri Somen Laha
10.	GUCHAIT	MCD-I, MALDA	KCC-I, KOLKATA	Vice Sri Biplab Dutta transferred
11.	A. C. S. BARUA	ICD, ISLAMPUR	SE(P) & AIZ-I, KOLKATA	Vice Sri Prodyut Kundu transferred
12.	J. C. BARKHANDI	MCC, MALDA	KCD-VI (Maint. Sub- Div), KOLKATA	Existing vacancy
13.	K. CHAKRABORTY	GCD, GANGTOK	SE(P) & AIZ-I, KOLKATA	Vice A. Gohar
14.	P. CHAKRABORTY	MCD-II, MALDA	SE(P) & AIZ-I, KOLKATA	retiring on 31.08.04
15.	C. C. CHAKRABORTY	MCD, KOLKATA	MCD-II, MALDA	Vice Sri Swapan Chakraborty transferred
				Vice Sri P. Chakraborty transferred

Approved
S. S. B. Barman
Dated: 7/6/04

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Address book

16. RUMA MITRA	KOLKATA	MEG-II	View Sri S. Chindhani
17. AKTAR UKUTAR	KOLKATA	MEG-II	View Sri S. Chindhani
18. RUMA MITRA	KOLKATA	MEG-II	View Sri S. Chindhani
19. RUMA MITRA	KOLKATA	MEG-II	View Sri S. Chindhani
20. SWAPAN CHAKRABORTY	KOLKATA	KCP-II	Existing Vacancy
21. PRODAYIT KUNDU	KOLKATA	SE(P&A)II	Existing Vacancy
22. S.P.MITRA	DCD/DHANBAD	SE(P&A), KOLKATA	Vice Sri A.K.Basak transferred

Notes:- 1. In Serial No. 7 Sri D. K. Chakraborty (Man. Gd. II(C)) is cancelled due to Court Case and the matter is Sub-Judge. 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 Bengal Election (LOKSAHITA), the decision of joining outside station taken earlier upto 15th MAY. As such the joining period from outside is now to be considered upto 21st 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. K. Basak retiring on 31.08.2004(A.R.)

Re
(B.K. DAS)

Superintending Engineer, Co-ordination

Copy to:-

1. Addl. Director General, FR, CPWD, Kolkata
2. Asst Chief Engineer (Civil) CPWD of Region 'B'
3. Superintendent, Co-ordination of Region 'B'
4. Superintendent, Co-ordination of Region 'B'

GPWD Circular

A. K. Basak
21/6

Superintending Engineer, Co-ordination
CPWD Circular No. 21/6

Ms
Annexure - C
-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)/SECO/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
	S/SI-RI			
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.SUKLYA- BAIDYA	MCD, SHILLONG	SMC, SILCHAR	Vice Sri B.K.Roy transferred
7	DILIP ADHIKARI	SE(P)NEC, SHILLONG	MCD, SHILLONG	Vice Sri U.K. Suklyabaidya

Attd/ed
JL
B/S
B/S

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)E/1-1 KOLKATA	Vice Sri Produt 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)E/1-1 KOLKATA	Vice A.Guha retiring on 31.08.04
14	P.CHAKRA- BORTY	MCD-II, MALDA	SE(P&A)E/1-1 KOLKATA	Vice Sri Swapan Chakraborty Transferred
15	PRODIP ROY	MJD, 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

*Alfred
S. S.
S. S.*

16

ANNEXURE

D 29

Directorate General of Works

Central Public Works Department No. 11000 dated 01/03/2004
Copy of letter of appointment of officers by the Director General
Dated New Delhi the 5 March 2004

A policy document of authority of staff in the ministry, a decision to be taken on delegation to OOA, 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 iteration of the department.

As 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 (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 the 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 Zone 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 for 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 SE (Co-ord.), the respective SEs, in whose circle the officers are being posted, 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.

A/2004
16/3/04
Annexure

(Type Copy of Relevant Portion)

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

Att'd
J.S. → D.M.C.

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Annexure - D1

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.

Sd/-

Illegible

(V.K.Sharma)

Director (S&D)

Attest
S. K. S. S.

195

ANNEXURE-E

To
The Superintending Engineer, (EZ),
Co-ordination Circle,
C.P.W.D., Nizam Palace,
KOLKATA - 20.

(Through Paper channel)

Sub:- Prayer for retention in Silchar Central Division, Silchar.

Ref:- letter No. 57/DM-II/4/SE(C)/ER/KOL/336
dt. 7/6/04.

Dear Sir,

Kindly refer to your office order No. cited above vide which I have been transferred to Tura Central Division, Tura.

In this connection it is to inform you that Superintending Engineer, Silchar Central Circle, Silchar vide his letter No.9(3)/SCC/04/861 dtd. 26/4/04 transferred me from Silchar Central Circle, CPWD, Silchar to Silchar Central Division, Silchar, and I have accordingly joined in Silchar Central Division, Silchar on 21/5/04. Before my posting in SCD, Silchar I have never been posted in Division since my joining in this Department.

It is requested to review my case and retain me in Silchar Central Division, Silchar atleast one tenure.

Dated, Silchar

Yours faithfully,

By

(Asim Kumar Burman
D.M.-II (civl)
SCD/CPWD/861-2

Recommended that Sh. Asim Burman be allowed to be retained in SCD for one year because out of 5 Drawings only two D's are working in SCD mainly.

113/1 -

10/6/04

A. K. Burman
Asst. M. D.

20

ANNEXURE - E

GOVT. OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT.

No.9(3)/SCC/04/ 1319

Dated, Silchar 10/6/04

To

The Superintending Engineer(EZ),
Co-ordination Circle,
C.P.W.D., A.J.C. Bose Road,
Nizam Palace, KOLKATA - 20.

Sub:-

Option for posting at Silchar in r/o
Shri Ashim Kr.Barman, D/Man Gr.II.

Shri Ashim Kr.Barman, D/Man Gr.II attached to
Silchar Central Division, CPWD, Silchar submitted his
representation for his Silchar Central Division, Silchar,
which is forwarded herewith for your consideration.

It is to inform you that Shri Barman Gr.II
joined in Silchar Central Division, CPWD, Silchar on 21/5/04
on transfer from Silchar Central Circle, Silchar vide No.
9(3)/SCC/04/861 dated 26/4/04. Issued as per approval of
the Superintending Engineer, SCC, CPWD, Silchar.

Enclo:-

Rep.

2
Ans
Executive Engineer(P&A)
Silchar Central Circle
C.P.W.D., Silchar - 2.

Copy to:-

The Executive Engineer, Silchar Central Division,
CPWD, Silchar with reference to his No.9(3)SCD/
2004/996 dt. 02/06/2004, Shri Barman D/Man.II
may be informed accordingly.

2
Ans
Dc. EXECUTIVE ENGINEER(P&A)
3/6

B.H.C.

2
Ans 6
Jit
Ama