

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 147/2004

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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.

147/04

In O.A.

Name of the Applicant(s)

Swapan Bhattacharya

Name of the Respondent(s)

U. C. J. Jais

Advocate for the Applicant

M. Chandra, G.N. Chakraborty, S. Nath

Counsel for the Railway/CGSC.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

21.7.04.

Present: Hon'ble Mr. K. V. Sachidanandan,
Judicial Member,

Hon'ble Mr. K. V. Prahladan, Administrative
Member.

Application is filed
is filed for
deposited with
No. 116389762
Dated 3.6.02

Dy. Secy

No steps has been
filed by the applicant.

29/6/04

The applicant is presently working as
Junior Engineer (Civil) at Dudnoi under
the administrative control of Executive
Engineer, C.W.C. Middle Brahmaputra Divi-
sion, Guwahati. The applicant is aggrieved
that Sri R. Srinivasan Respondent No. 7,
JE was transferred and posted at Guwahati
before completion of 1 year duration at
Shillong. But the applicant has comple-
ted two years service. But the name of
the applicant was not considered for
choice station posting. It is further
stated that the wife of the applicant
is working under the Senior Superinten-
dent Guwahati Division, Guwahati. The
applicant has got 1(one) son and one
daughter of the applicant is reading in
class VIII. The grievance of the appli-
cant is that the Transfer policy Anne-
xure 9 dated 12.6.1997 has not been
followed in the case of the applicant
issued by the Government of India.

contd/-

21.7.04. Heard Mr. M. Chanda learned counsel for the applicant and Mr. B. C. Pathak, learned Addl. C.G.S.C. for the Respondents.

The learned counsel for the applicant further stated that one post of Junior Engineer is lying vacant at GDS WQ site - Sonapur. Applicant submitted representations but the same has not yet been disposed of. Since there is existing vacant post of Junior Engineer at Sonapur, in view of the instructions contained in Annexure 9 Memorandum dated 12.6.97 it would be appropriate for the ends of justice to pass direction upon the respondents to consider the case of the applicant for choice posting. In the light of the instructions contained in stated above. Accordingly we direct the respondent No. 1 and other competent authority to consider the case of the applicant by passing a appropriate order, within a period of two months from the date of receipt of this order.

Application is disposed of.

No costs.


Member(A)


Member(J)

18/8/04
Copy of the order
has been sent to
The Dy Secy. for
issuing the same
to the applicant
as well as to the
Respond No. 1 by Post.
H.S.

28 JUN 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 147 /2004

Sri Swapan Bhattacharjee.

-Vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 03.11.1977- Applicant was initially appointed as Supervisor (Civil) in the department of Central Water Commission subsequently the said post of Supervisor was redesignated as Junior Engineer (Civil).
- 03.04.1986- Govt. of India, Ministry of Personnel, Public Grievance & Pension issued O.M. for choice station of posting of husband and wife at the same station.
- 12.06.1997- Govt. of India, Ministry of Personnel, Public Grievance & Pension issued O.M for posting of husband wife at same station of. (Annexure-9)
- June, 2002- Applicant was transferred and posted at Dudnoi, GDS & WQ Site.
- 20.02.2003- Applicant submitted representation addressed to Chief Engineer, C.W.C, Shillong praying for his transfer and posting at Guwahati.
(Annexure-1)
- 06.01.2004- Applicant submitted option for choice station posting addressed to the CE, Shillong.
(Annexure-2 Series)
- 22.02.2004- Superintending Engineer (Coord.) informed the applicant that his posting under B&BB, Guwahati is not possible under administrative reason.
(Annexure-3)

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- 08.04.2004- Applicant submitted a detail representation addressed to CE, CWC, Shillong praying for his transfer at Guwahati. (Annexure-5)
- 26.05.2004- Under Secretary, Govt. of India issued a list of transfer and posting of J.E, the case of the applicant is not considered in the said order. (Annexure-10)
- 07.06.2004- Sri R. Srinivasan, JE, was transferred and posted at Guwahati from Shillong even before completion of 1 year duration at Shillong. (Annexure-4)
- 26.04.2004- Executive Engineer vide his letter dated 26.04.04 returned the representation of the applicant dated 08.04.04 without forwarding the same to the higher authority. (Annexure-6)
- 23.04.2004- SE (Coord.), Shillong returned the advance copy of the representation dated 08.04.04, which was sent by the applicant addressed to the Chief Engineer, Shillong. (Annexure-7)
- 07.05.2004- Applicant submitted another representation addressed to the C.E, Shillong. (Annexure-8)
- 15.05.2004- Executive Engineer forwarded the representation of the applicant. (Annexure-8)
- 26.05.2004- Govt. of India, CWC, New Delhi issued a long list of transfer and posting but the name of the applicant was not considered for choice station posting. (Annexure-10)

Hence this Original Application.

P R A Y E R S

Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to

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why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for posting either at Guwahati on compassionate ground on priority basis as per instruction contained in Govt. of India's O.O dated 12.06.1997 and further be pleased to direct the respondents to review the existing transfer and posting orders issued recently in C.W.C in the cadre of Junior Engineer level which are yet to be implemented.
2. Costs of the application.
3. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

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

1. That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for the respondents to consider the transfer and posting of the applicant at his place of choice i.e. at Guwahati/ Sonapur.
-

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

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

Title of the case : O. A. No. 147 /2004

Shri Swapan Bhattacharjee. : Applicant
- Versus -

Union of India & Others: Respondents.

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Date: 28.06.04

Filed by
Subrata Nath
Advocate

Swapan Bhattacharjee

Filed by the applicant -
through:- Subrata Nath,
Advocate
Date: 28.06.04

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

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

O. A. No. 147 /2004

BETWEEN

Shri Swapan Bhattacharje.

Junior Engineer

S/o- Late Nripendra Kumar Bhattacharjee

Dudnoi, GDS & WQ Site

Dist-Goalpara.

...Applicant

-AND-

1. The Union of India,
Represented by the Chairman
Central Water Commission,
Govt. of India,
Sewa Bhawan,
R.K. Puram, New Delhi- 110 066.

2. Chief Engineer (B&BB)
C.W.C, Shillong.
✓ 'Maranatha' Pohkesh
P.O- Rynjah.
Shillong- 793 006.

3. Shri Suresh Chandra,
Superintendent Engineer (Coord)
C.W.C, Shillong.
'Maranatha' Pohkesh
P.C- Rynjah.

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Shillong- 793 006.

4. Superintendent Engineer
HOC, C.W.C, Guwahati- 14.

5. The Under Secretary, Estt. IV
Government of India,
Central Water Commission,
303, Sewa Bhawan,
R.K. Puram,
New Delhi- 110066.

6. The Executive Engineer,
Central Water Commission
Middle Brahmaputra Division,
C.W.C, Complex, Behind Adabari Bus Stand,
P.O.-Gauhati University,
Guwahati- 781014, Assam.

7. Shri R. Srinivasan,
Junior Engineer,
O/o- The CE, B&BB, C.W.C, Shillong
Maranatha' Pohkesh
P.O- Rynjah.
Shillong- 793 006.

...Respondents.

DETAILS OF THE APPLICATION

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

This application is made praying for a direction upon the respondents for consideration of transfer and

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posting of the applicant either at Guwahati or Delhi in the light of Office Memorandum dated 03.04.1986 as well as dated 12.06.1997 issued by the Govt. of India.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

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

4.2 That your applicant is presently working as Junior Engineer (Civil) at Dudnoi under the administrative control of Executive Engineer, C.W.C, Middle Brahmaputra Division, Guwahati.

4.3 That your applicant was initially appointed as Supervisor (Civil) in the department of Central Water Commission under N.E Region on 03.11.1977. Subsequently the said post of Supervisor was redesignated as Junior Engineer (Civil). Be it stated that the wife of the

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applicant is also a Central Govt. servant working in the Postal department under Senior Superintendent Guwahati Division, Guwahati. The applicant has got 1 (one) son and 1 (one) daughter, son of the applicant is now prosecuting higher studies at New Delhi since July, 2003 and the daughter of the applicant Miss Swatilekha Bhattacharjee is reading in Class VIII in C.B.S.E

4.4 That your applicant was transferred and posted to Dudnoi in the month of June, 2002. The applicant being a loyal Govt. servant carried out the order and reported for duty from the office of Superintendent Engineer, HOC, C.W.C, Guwahati inspite of tremendous domestic problems with the anticipation that on completion of 2 years of tenure the case of the applicant will be considered sympathetically for further posting at Guwahati or at Delhi.

4.5 That it is stated that the applicant submitted a representation on 20.02.2003 addressed to the Chief Engineer, C.W.C, Shillong. In the said representation the applicant interalia stated that at the relevant point of time his son was a student of Commerce stream of C.B.S.E and reading at Class XII Standard at Guwahati and his only daughter who is reading under C.B.S.E course at Guwahati. Moreover, it is pointed out in the said representation that the wife of the applicant is also a Central Govt. employee serving at Guwahati, who is a diabetic patient. The applicant in his representation also pointed out that there is no

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C.B.S.E School at Dudnoi and in such a compelling circumstances the applicant prayed for his further posting at Guwahati with the undertaking not to claim TTA and the transfer may be treated as own request transfer. The applicant came to learn that his representation was not forwarded to the Chief Engineer for consideration as desired by the applicant by the office of the SE, HOC, C.W.C, Guwahati. It appears that SE, HOC, CWC, Guwahati has relied on the theory "no action is also an action" in not forwarding his representation to the higher authority. It shows that SE, HOC, CWC, Guwahati did not have any iota of concern about the inconveniences faced by the present applicant.

A copy of the representation dated 20.02.2002 is enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure- 1.

4.6 That your applicant as per instruction of the department submitted his option for choice station posting either at Guwahati or Delhi addressed to Chief Engineer, C.W.C (B&BB), Shillong on 06.01.2004 for consideration more or less on the same ground agitated earlier. Be it stated that at the time of submission of his option on 06.01.2004 the only son of the applicant was shifted to Delhi to facilitate his higher education in Commerce stream, therefore he has given his 2nd choice for posting at Delhi to enable him to look after his son who is studying at Delhi and also with the

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intention to minimize/reduction of expenditure of three establishment.

Copy of the letter dated 06.01.2004 alongwith the copy of option are enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-2 (Series).

- 4.7 That most surprisingly Superintendent Engineer (Coord), office of the Chief Engineer, B&BB0 vide his letter bearing No.1/4(E)/2003-BBB/S23-24 dated 20.02.2004 informed the applicant through Executive Engineer, Middle Brahamaputra Division, Guwahati that his posting under B& BB is not possible under administrative reason, however his case was sent to HQ, Office, New Delhi without any specific recommendation for consideration of his posting at New Delhi. However on receipt of the letter dated 20.02.2004 the applicant felt that his case for choice station posting was not going to be considered favourably.

A copy of the letter dated 20.02.2004 is enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-3.

- 4.8 That it is stated that the applicant being highly disappointed for non-consideration of his transfer and posting submitted a detail representation on 08.04.2004 addressed to Chief Engineer, C.W.C, Shillong. In the said representation the applicant stated that his possibilities of transfer at Guwahati has been turned down on the alleged ground of administrative reason without specifying any specific reason for rejection of

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his prayer of choice station at Guwahati. The applicant categorically mentioned in the said representation that 4 posts of Junior Engineer either vacant or going to fall vacant by transfer, the relevant portion of the representation is quoted below:

"(ii) 2 (two) By incumbents on transfer from within NE region. 1. Sri. Shri. Sukhdev Singh, JE who actually hails from outside NE region and was posted at Guwahati since 1996 was transferred from Guwahati to Aizwal in May 2002, on his request in public interest in public interest and immediately again transferred back to Guwahati after near about one year in 2003.

2. Shri G. Muthiyan JE (C) who was posted to Aizwal on transfer from outside NE region, in 2002, was again transferred to Guwahati after about one year of service at Aizwal in 2003. It is to be brought to your kind notice that my prayer for transfer to Guwahati was not considered favourably at that time though there was serious dislocation in my family set up but none of the above two officials were having such besetting problems

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like me and their spouses were not government employees."

It is ought to be mentioned here that when SE (Coord) informed the applicant that his posting at Guwahati is not possible but at the relevant time one post of Junior Engineer at Guwahati was likely to fall vacant due to transfer of Shri G. Muthiyan, JE who had applied for his posting to his choice station Chennai after completion of his 2 years tenure at NE region and the SE (Coord) was well aware about the said fact and even then applicant's case for choice station posting was rejected on the frivolous ground of "administrative reason". But surprisingly thereafter in the resultant vacancy of Jr. Engineer, which occurred in the month of June, 2004, one Sri R. Srinivasan, who was initially posted in the Chief Engineer Office, Shillong on transfer from outside the N.E. Region in the month of June/July, 2003 was further accommodated at Guwahati even before completion of 1 year duration at Shillong following the office order bearing No. 1/4 (F)/2003-BBB/Vol-II/2219-40 dated 07.06.2004 for the reason best known to the respondents Union of India. In this connection it may further be stated that Mr. Srinivasan apparently has no compelling circumstances to represent for Guwahati rather it was at the instance of some vested circle he has been brought from Shillong to Guwahati in order to deprive the legitimate claim of the transfer and posting of the present applicant, which smacks of malafide. Be it

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stated that Shri R. Srinivasan who is accommodated at Guwahati even before completion of 1 year service at Shillong has been ordered for posting at Guwahati with the sole intention to throw out the case of the present applicant from consideration of posting at Guwahati, which would further be evident from the Executive Engineer's letter bearing No. MBD/Gau/Misc-Return/2004/2365 dated 26.04.2004, whereby the representation of the applicant dated 08.04.2004 has been returned without forwarding the same to the higher authority with a direction to the applicant to submit a simple request for consideration of his posting at Guwahati or elsewhere. It is pertinent to mention here that Executive Engineer has no jurisdiction under the law to return the representation of a subordinate officer, which was addressed, to the Chief Engineer C.W.C, Shillong. Be it stated that Chief Engineer is the competent authority for internal transfer and posting within his jurisdiction, as such withholding his representation and subsequently returning the same smacks of malafide. In the representation dated 08.04.2004 there was nothing objectionable, which warranted withholding of the same by the Executive Engineer and subsequently returning the same with a further instruction to submit a simple representation.

Copy of the letter dated 07.06.04, representation dated 08.04.04 and a copy of the letter dated 26.04.04 are annexed hereto for the perusal of the

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Hon'ble Tribunal as Annexure-4, 5 and 6 respectively.

4.9 That it is stated that SE (Coord), Shillong vide his letter bearing No. 1/4 (E)/2003-BBB/617 dated 23.04.2004 also returned the advance copy of the representation dated 08.04.04 which was sent by the applicant addressed to the Chief Engineer, Shillong. It is not understood whether letter dated 23.04.04 whereby the advance copy of the representation dated 08.04.04 was returned to the applicant with the approval of the Chief Engineer, C.W.C, Shillong or not but it appears from a mere reading of the letter dated 23.04.04 that the representation was returned by the SE (Coord.) with the view of the intention to restrain the case of the applicant for consideration of posting at Guwahati. It is pertinent to mention here that there is no specific mandate in the Rule, which prevents the Govt. servant from sending advance copy to the higher authority.

A copy of the letter dated 23.04.04 is enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-7.

4.10 That your applicant in compliance with the direction contained in the letter dated 26.04.04 issued by the Executive Engineer, MBD, C.W.C, Guwahati submitted a further representation on 07.05.2004 addressed to Chief Engineer, C.W.C, Shillong through proper channel, however the said representation dated 07.05.04 forwarded by the Executive Engineer to the

Sirajom Bhattacharyer

Superintending Engineer, HOC, C.W.C, Guwahati with the stipulation that in the event of consideration of the request of the applicant for transfer and posting a suitable substitute would be required in his place. But so far the knowledge of the applicant goes that the said representation is still pending with the SE, HOC, C.W.C, Guwahati whereas SE, Guwahati has no jurisdiction to withhold the representation of a subordinate officer for consideration of his transfer and posting in his choice station. Therefore action/inaction of the SE, HOC, C.W.C is contrary to the established procedure of law. In this connection it may be stated that as per the prevailing rule of the Govt. of India when a representation is made by a Govt. employee for redressal of his grievances the same must be considered and disposed of within a statutory period of 30 days from the date of receipt of the representation by the concerned authority. But in the instant case the SE, HOC, C.W.C, Guwahati withheld the representation of the applicant for undisclosed reason.

Copies of the representation dated 07.05.04 and forwarding letter dated 15.05.04 are enclosed hereto for perusal of the Hon'ble Tribunal as Annexure- 8 (Series).

4.11 That it is stated that the Under Secretary to the Govt. of India, C.W.C, New Delhi vide his office order bearing No. 1/4(F)/2003-BBB/Vol-II/2219-40 dated 26.05.04 issued a long list of transfer and posting

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whereby 13 Junior Engineers are transferred from NE region to out of NE region on rotation basis and 9 numbers of Junior Engineers are posted from outside of the NE region to the NE region but unfortunately name of the present applicant has not been figured in the office order dated 26.05.04, therefore it can rightly be presumed that the case of the applicant for choice station posting was neither considered for Delhi nor for Guwahati. On a perusal of the transfer order dated 07.06.04 it would be evident that in as much as 12 employees were considered for transfer and posting in different places under the jurisdiction of CE, Shillong but here also name of the applicant has not found place in the order dated 07.06.04 but Sri R. Srinivasan, JE as well as Sri S. Palaniappan were accommodated at Guwahati. Sri R. Srinivasan was infact accommodated from Shillong to Guwahati even before completion of 1 year service at Shillong, which infact the applicant in his representation dated 08.04.04 gave an unmistakable hint and which ultimately has become a stark reality. Be it stated that in the letter dated 20.02.2004, SE (Coord.) while turning down the request of the present applicant for posting at Guwahati due to administrative reason sent the application of 2 J.E working under B&B3, C.W.C, Shillong for their choice station posting to the Under Secretary, Estt. VI, C.W.C, New Delhi. It is submitted that out of the two names sent by SE (Coord.), Sri M.K. Roy, J.E was transferred at his choice station posting vide order dated 26.05.2004 but

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unfortunately the case of the present applicant was not considered for his choice station posting neither by CE nor by Under Secretary due to some unknown reason. It appears from the order dated 26.05.2004 that 4 posts of JE in the NE region have been left vacant for facilitating the CE, Shillong to accommodate the present applicant to his choice station of posting amongst others.

Therefore it appears that the case of the applicant for posting either at Guwahati or at Delhi, in the light of the Govt. of India's instruction dated 12.06.1997 has been rejected in a very systematic and well planned manner at the instance of local administration at Guwahati and by Sri Suresh Chandra, Superintendent Engineer (Coord.). In the facts and circumstances stated above the respondent Nos. 3 and 6 in fact restrained the applicant and his application for consideration of his posting at Guwahati was made infructuous in a very systematic manner and so far the applicant came to learn that there was no scope or occasion on the part of the Chief Engineer to consider his case favourably as because circumstances was created in such a manner. On a mere perusal of the records of transfer and posting it appears that Junior Engineers coming from outside the NE region are always blessed with the posting either at Guwahati or Shillong or in the office situated at the soft zone and as a result the applicant is being deprived of his posting at Guwahati or Delhi in total violation of the

Swapan Bhattacharjee.

instruction contained in the Govt. Memorandum dated 12.06.1997. It is submitted that 4 posts of Junior Engineer were available at the relevant point of time when the applicant submitted his representation for compassionate posting at Guwahati. But all those posts were filled up by the Jr. Engineers working from outside the NE region by the respondents but the case of the applicant is excluded from such consideration even though applicant has acquired a valuable and legal right for his posting at Guwahati in the light of the instruction contained in O.M dated 12.06.1997.

It is submitted that M & A, Director, CWC, Guwahati vide his letter bearing No. CWC/DMAG/Camp-Shillong, dated 15.06.2004 requested the CE, BBB, CWC, Shillong that Junior Engineer who is having full tenure or better, a Junior Engineer originally belonging to N.E. Region who shall not be generally interested for transfer outside the region, may please be considered for posting at Guwahati in the interest of work. The Director, M & A Directorate referring the transfer and posting of Sri R. Srinivasan, J.E, also stated in his letter dated 15.06.2004 that posting for short tenure creates lots of problem in continuity of works. Therefore it is quite clear from the letter dated 15.06.04 that the case of the present applicant is fit to be considered for transfer and posting at Guwahati.

It is further submitted that there is a post of Junior Engineer, which has been lying vacant at Sonapur GDS & WQ Site under administrative control of Executive

Surajam Bhattacharjee

Engineer, MBD, CWC, Guwahati. The possibilities of accommodating the present applicant has not been explored in order to obviate the hardship of the applicant.

In the compelling circumstances as stated above the applicant finding no other alternative but to approach this Hon'ble Tribunal praying for a direction upon the respondents for consideration of posting either at Guwahati or Delhi in terms of Govt. of India's memorandum dated 12.06.1997.

Copies of the O.M dated 12.06.97 and office order dated 26.05.04 are enclosed hereto for the perusal of the Hon'ble Tribunal as Annexure-9 & 10 respectively.

4.12 That it is a fit case where the Hon'ble Tribunal may pass necessary order/direction upon the respondents for consideration of his posting in his choice places in the terms of the option submitted before the authority.

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

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

5.1 For that, the applicant has acquired a valuable and legal right for posting either at Guwahati or New Delhi in terms of the instructions contained in Govt. of India's O.M dated 12.06.1997 especially in view of the

Swapan Bhattacharjee

fact that the applicant has already completed his tenure at Dudnoi.

5.2 For that, the wife of the applicant is also a Central Govt. employee working at Guwahati in the Postal department under the Senior Superintendent, Guwahati Division.

5.3 For that, the only daughter of the applicant studying in Class VIII in an English Medium School under CBSE course, but at Dudnoi no English medium school under CBSE is available. As such it is difficult to shift the daughter of the applicant at Dudnoi.

5.4 For that, son of the applicant is staying at New Delhi for prosecuting higher study in Commerce Stream, as such posting of the applicant is necessary either at Guwahati or at Delhi for proper guidance of the children and also for reduction of expenditure of three establishments required to be maintained by the applicant.

5.5 For that, the respondent Nos. 3, 4 and 6 have no jurisdiction as per law to withhold or return the representation when the same is addressed to the Chief Engineer, G.W.C, Shillong for consideration of posting on compassionate ground in terms of instruction contained in O.M dated 12.06.1997 issued by the Govt. of India.

Sunam Bhattacharjee

- 5.6 For that, it is obligatory on the part of the respondents to follow and enforce the mandatory instructions issued by the Govt. of India so far posting of the husband and wife is concerned.
- 5.7 For that, the respondents cannot be allowed to avoid the implementation of the Govt. of India's Memorandum dated 12.06.1997 on the pretext of technical pleas or on the alleged ground of administrative reason.
- 5.8 For that as per relevant circular of DOPT the respondents Union of India are duty bound to consider and dispose of the representation of the applicant within 30 days of the receipt of the said representation.
- 5.9 For that, the case of the applicant for posting at Guwahati has been rejected in a most mechanical manner on the alleged ground of "administrative reasons" without specifying any bonafide reason.
- 5.10 For that the word "administrative reasons" has been used in the instant case of the applicant by the respondent Nos. 3, 4 and 6 for rejection of the claim of the applicant for posting at Guwahati with a malafide intention, as such the said respondents is duty bound to disclose before the Administrative Tribunal the "administrative reasons" for which the claim of the applicant for Guwahati is rejected.

Swapan Bhattacharjee

5.11 For that Shri R. Srinivasan, JE has been accommodated with the favour of transfer at Guwahati when he has rendered less than one year service at Shillong. The request of the applicant for posting at Guwahati has been thrown to wind on the pretext of "administrative reason". The reasons and the circumstances under which Sri R. Srinivasan, JE has been accommodated at Guwahati require proper justification.

5.12 For that the applicant has acquired a valuable and legal right for consideration of his compassionate posting at Guwahati in terms of the Govt. of India's O.M dated 12.06.1997.

5.13 For that, the case of the applicant is required to be consideration on priority basis in the light of the instruction contained in the Govt. of India's O.M dated 12.06.1997.

6. Details of remedies exhausted.

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

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the

Swapan Bhattacharjee

Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

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

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for posting either at Guwahati/^{Sonapur} on compassionate ground on priority basis as per instruction contained in Govt. of India's O.M dated 12.06.1997 and further be pleased to direct the respondents to review the existing transfer and posting orders issued recently in C.W.C in the cadre of Junior Engineer level which are yet to be implemented.
- 8.2 Costs of the application.
- 8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

Snapan Bhattacharjee

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

- 9.1 That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar for the respondents to consider the transfer and posting of the applicant at his place of choice i.e. at Guwahati.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	: JIG 389762,
ii) Date of Issue	: 3.6.04.
iii) Issued from	: GPO, Guwahati
iv) Payable at	: GPO, Guwahati

12. List of enclosures.

As given in the index.

Swapam Bhattacharjee

VERIFICATION

I, Shri Swapan Bhattacharjee S/o Late Nipendra Kumar Bhattacharjee, aged about 50 years, resident of Lachit Nagar, Guwahati-7, presently working as Junior Engineer, C.W.C, GDS & WQ Site, Dudnoi, Dist- Goalpara under the administrative control of Executive Engineer, C.W.C, MBD, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 16th day of June, 2004.

Swapan Bhattacharjee

29

The
Chief Engineer,
Central Water Commission
Brahmaputra & Barak Basin
Shillong - 793 006

Date : 20-02-2003

Thro : The Proper ChannelSub : Prayer for transfer to Guwahati

Sir,

I have the honour to submit the following few lines for your kind consideration and sympathetic action :

That Sir, in terms of Transfer order issued vide your Letter No. 1/4(F)/2001-BED/1411-1439 dt. 22-04-02 with the posting at Dudhnoi site under MBD, Guwahati, I was relieved from HOC, CWC, Guwahati on 31-05-2002 and joined at Dudhnoi site accordingly.

That Sir, my wife is a Central Govt. employee, serving in Postal Deptt at Guwahati. My only son is student of Commerce Stream of CBSE, presently at XII Class. My only daughter is also of CBSE student, of class VI.

That Sir, I tried my best to accommodate my family members at Dudhnoi according to their normal avocation. But there is no CBSE affiliated Educational Institution at Dudhnoi, for which my wife could not apply for her transfer to Dudhnoi.

That Sir, my wife is a diabetic patient and she cannot withstand exertion and labour in taking care of our children. She feels totally exhausted after discharging her duties in the Post Office. I extremely feel both for my children and wife & sometime I curse myself because of my failure to justice to all of them and it tends to disturb my mental equilibrium.

That Sir, due to non availability of any opportunity of accommodating my family members at Dudhnoi according to their normal avocation, I am now compelled to pray to your honour to kindly arrange my transfer to Guwahati at my own cost for the sake of education / welfare of my children and also to bestow proper attention and care on my wife, and for this act of your kindness, I shall remain even grateful to you.

Yours faithfully,

S. Bhattacharjee
[Jr. Engineer (C)]
Dudhnoi Site

*Certified to be true copy
Advocate
25.06.04*

To

The Chief Engineer,
Central Water Commission,
Brahmaputra & Barak Basin,
Shillong-793006.

(Through Proper Channel)

Sub:- Proforma for indicating choice station for transfer on turn.

Sir,

I am submitting herewith the requisite information in prescribed proforma on the above subject with the following few lines for your kind consideration and favourable action.

That sir, on being relieved from IIOC, CWC, Guwahati on 31-5-2002, I joined at Dudhnoi site under M.B.Division, CWC, Guwahati vide transfer order No.1/4(F)/2001 - BBD/1411-1439 dtd.22.4.2002 issued from your goodself.

That sir, my transfer from Guwahati to Dudhnoi has caused lot of hardship for the family members and I am forced by the circumstances to maintain triple establishment viz; (i) one for my son at New Delhi for studying in commerce stream (ii) another for Guwahati for my wife and daughter (iii) and another at Dudhnoi for self.

That sir, my wife is working in postal department at Guwahati and my daughter is a student of class VII of CBSE school at Guwahati. I could not shift my family to Dudhnoi due to lack of school facilities of CBSE standard at Dudhnoi. Moreover, my wife being a diabetic patient requires constant checkup and medication. There is no adequate facility for her treatment at Dudhnoi. I have been put to a disadvantageous position so far family welfare is concerned.

That sir, distressed family condition has already been brought to your kind notice vide my representation dated 20-2-2003 but as ill luck would have it, my grievances remained undressed.

In view of the position explained above I may kindly be transferred back to Guwahati to obviate the hardship on account of children's education and treatment of my wife. If it is not possible then I may be transferred to Delhi, so that I can look after my son at Delhi and to effect maximum possible reduction of establishment cost i.e. from three establishments to two establishments. For this act of kindness, I shall remain ever grateful to your benign self.

Yours faithfully,

Encl:-As stated above.


(SWAPAN BHATTACHARJEE)
JUNIOR ENGINEER(C)

*Certified to be true copy
Jat
25.06.04*

PERFORMA FOR INDICATING CHOICE STATION/ REGION FOR
TRANSFER ON TURN.

1. Name Swapan Bhattacharjee
 2. Designation Jr. Engineer (c)
 3. Date of Birth 17-01-1954
 4. Date of joining in Service in CWC 03-11-1977
 5. Date of Superannuation 31-01-2014
 6. Declared Home Town Dharmanagar, North Tripura, TRIPURA.
 7. Place of present posting since Dhudnai GDS & WQ Site, 01-06-2002
 when posted.
 8. Details of previous posting since appointment in CWC :

Post held	Office/ Place & Region	Period of stay		Remarks
		From	To	
Supervision/-(c) Jr. Engineer (c)-	MBD/HOC/ Barak Divn/ HOC Guwahati	03-11-1977	05-01-1994	
Jr. Engineer (c)	(2) UBD/ UBSDF CWC Dibrugarh	15-03-1994	02-04-1996	
Jr. Engineer (c)	(3) HOC, Guwahati	08-04-1996	31-05-2002	
Jr. Engineer (c)	(4) MBSD- Dudhna	01-06-2002	till date	

9. Choice Station / Region
1. Guwahati / B&BB, CWC, Shillong
 2. Delhi
 3. --

(Choice of station will be considered as far as possible subject administrative requirement / exigencies and provisions of transfer policy).

10. Any specific information which the official wishes to furnish.

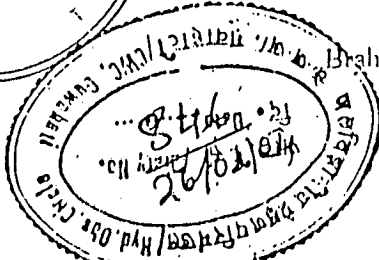
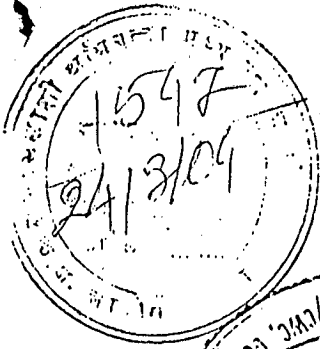
Transfer to Guwahati sought to obviate the hardship by me and my family member. The fact and positions are explained in my representation.

Place:- Dudhna
 Date:- 06.01.2006

Signature: [Signature]
 Name: (S. Bhattacharjee)

Note:- Officers in the grade of AEE and below are required to indicate Region only. They will not be considered for posting by Ilqrs. To a specific station.

*Confirmed to be true copy
 for
 Advocate
 25.12.04*



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

Government of India
Central Water Commission
Office of the Chief Engineer
Brahmaputra & Barak Basin Organisation

'Maranatha', Pohksch:
P.O. Rynjah
Shillong-793006.
E-mail-cebbb@sancha.net.in

Sub : Annual Rotational Transfer 2004-05 - regarding

Ref : CWC O.M. No.A-22012/2/2003-Estt.I dated 18.12.2003

Please refer to your O.M cited above on the above mentioned subject, the transfer applications of the following Junior Engineers working under B&BB Organisation, CWC, Shillong are sent herewith in the prescribed proforma (in duplicate) each for further necessary action please. Their requests for posting under B&BB is not possible due to administrative reason.

1. Shri S.Bhattacharjee, JE, GDS&WQ Site under MBD, CWC, Guwahati
2. Shri M.K.Roy, JE, GDS&WQ Site under LBD, CWC, Jalpaiguri

In case their transfer are acceded to, substitute will be required to relieve them.

Encl: As above

(SURESHCHANDRA)
Superintending Engineer (Coord.)

Under Secretary, Estt.VI, CWC, New Delhi

No.1/4(E)/2003-BBB/ 823-24

Dated:- 20/2/04

✓ Copy for information to the Superintending Engineer, HOC, CWC, Guwahati with reference to his letter No.A-15017/14(5)/Estt.III/03/354-56 dated 05.02.2004

SUPERINTENDING ENGINEER
H O, CIRCLE, CWC,
GUWAHATI-781014

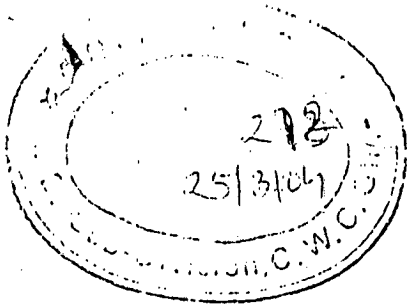
No. A-15017/14(5)/Estt.III/960-61

Date: 23/3/04

COPY to the Executive Engineer, Middle/Lower
Brahmaputra Division, e.w.e, Guwahati/Jalpaiguri

(A.R. Mikir)
22/3/2004

OFFICE OF THE SUPERINTENDING ENGINEER
H O, CIRCLE, CWC, GUWAHATI



No. MBD/Gau/Misc-Return/2004/ 1441

Government of India
Central Water Commission
Middle Brahmaputra Division

Phone: 2674267
FAX: (0361)2674267
Email: mbdewo@sify.Com

CWC. Complex,
Behind Adabari Bus Stand
P.O. Guwahati University,
Guwahati-781014 (Assam)

Dated: 24/3/2004.

Copy to:-

The Asstt. Engineer, M.B. Sub-division, CWC, Guwahati for information
with reference to his Lr. No. MBS/D/Gau/PF-167/2004/32-33 dt. 8/01/2004.

PF-167

(A.K. SRIVASTAVA)
EXECUTIVE ENGINEER

No. MBS/D/Gau/PF-167/04/354

Date 29/3 2004.

✓ Pass on to Shri S. Bhattacharjee, Junior Engineer,
Dudhmai Site.

J. S. C. W. C. 29/3/04
Assistant Engineer
M.B. Sub-Division, C.W.C.
Adabari, Guwahati-14

No. 1/4(F)/2003-BBB/Vol-III/ 22-19-40

Government of India
Central Water Commission
Office of the Chief Engineer
Brahmaputra & Barak Basin Organisation

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

Dated ... 7/6/04

Office Order

In Pursuance of CWC's O.O. No. 20/1/2004-Estt.VI dated 26th May 2004, the following Junior Engineers are hereby reposted to the places shown against their name with immediate effect in public interest:-

Sl. No.	Name of JEs S/Shri	Present Posting	Reposted to	Remarks.
1	2	3	4	5
1.	N. Somarajan	SWRD, CWC, Cochin	Meghna Circle, CWC, Silchar	Against Shri Ramesh Chandra
2.	S. Palaniappan	SRD, Coimbatore	MBD, CWC, Guwahati	Against Shri G.C. Das
3.	N. Thyagarajan	HD, CWC, Chennai	O/O the Chief Engineer, B&BB, CWC, Shillong	Against Shri R. Srinivasan
4.	D.R. Madan	RD Dte., CWC, New Delhi.	NEID-III (HQ), CWC, Itanagar	Against Shri S.A. Azad
5.	V.K. Mishra	MGD-II, CWC, Varanasi	PPSD (Hqs.) Nalbari under MBD, Guwahati	Against Shri A.K. Srivastava
6.	R.P. Singh	MGD-III, Varanasi	Jang Site (NEISD) under NEID-III, Itanagar	Against Shri D.P.N. Upadhyay
7.	N. Haroli	CD, CWC, Jaipur	KISD, Chapakowa under NEID-III, Itanagar	Against Shri Rishi Pal
8.	R.C. Gupta	MGD-II, CWC, Lucknow.	Myntdu Sub-division (HQ)Tramblong, Meghalaya (NEID-I, CWC, Silchar	Against Shri R.B. Sharma
9.	H.C. Mishra	LYD, CWC, Agra	Myntdu Project Site Dam Site (HQ), Meghalaya under NEID-I, Silchar	Against Shri Gopinathan.

Contd..2.

08.6
Cf3
Certified to be true copy
Jm.
25.06.04

The following Junior Engineers under this Organization are also hereby transferred with immediate effect in public interest/own cost.

1	2	3	4	5
1.	G.C. Das	MBD, CWC, Guwahati	KISD, CWC, Chapakhowa	Against Shri P.C. Roy
2.	P.C. Roy	KISD, CWC, Chapakhowa	LBD, CWC, Jalpaiguri (Hq)	Against Shri I. Bhowmick
3.	P.K. Das	C'dhowaghat Site under UBD	Ghugumari Site under LBD, Jalpaiguri	Against Shri M.K. Roy
4.	L.H. Singh	BSD, CWC, Silchar under MBD	Chowngle Site under NEID-II	Against Shri S.C. Sharma
5.	S.C. Sharma	Chowngle Site under NEID-II	B&BB, CWC, Shillong	Against Shri S.C. Sachdeva (Hqs.)(own cost)
6.	R. Srinivasan	B&BB, CWC, Shillong	M&A Dte., CWC, Guwahati	Against Shri G. Muthaiyan (own cost)
7.	Ramesh Chandra	Meghna Circle, (Hq) CWC, Silchar	MSD-III (Hq), CWC, Silchar	Against Shri M.K. Debnath
8.	M.K. Debnath	MSD-III (Hq) Silchar	MISD-III, CWC, Silchar (Hq)	Against Shri T. Gnanasigamany
9.	G. Bhattacharjee	GDS, Anipur under MD, Silchar	Tuirial GD Site under MD Silchar	
10.	Nand Kishor	Champai Site (NEID-I)	NEID-I (Hq), CWC, Silchar	Against Shri Rajesh Kumar
11.	Rajesh Kumar	NEID-I (Hq), Silchar	Myntudu HE Project with HQs. at Dam Axis Under NEID-I, Silchar	Against Existing vacancy
12.	Nabendu De	Tuirini Site (NEID-II)	MHISD (Hq), Serchhip (NEID-II)	

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


(SURESHCHANDRA)
Superintending Engineer (Coord)

Copy to:-

1. The Pay & Accounts Officer, CWC, New Delhi
2. The Under Secretary (Estt. VI), CWC, New Delhi.
3. The Chief Engineer, C&SRO, Coimbatore
4. The Superintending Engineer, NEIC, CWC, Shillong.
5. The Superintending Engineer, Meghna Circle, CWC, Silchar.
6. The Superintending Engineer, HOC, CWC, Guwahati.
7. The Director, M&A, CWC, Guwahati.
8. The Director, RD Dte., CWC, New Delhi.
9. The Executive Engineer, SWRD, Cochin/SRD, Coimbatore/HD, Chennai/MGD-II, Lucknow/MGD-III, Varanasi/CD, Jaipur/LYD, Agra/MBD, Guwahati/LBD, Jalpaiguri/NEID-I, Silchar/NEID-II, Aizawl/NEID-III, Itanagar/MD, Silchar
10. The Persons Concerned (21 copies)
11. Office Order File.

36

The Chief Engineer,
Central Water Commission,
Brahmaputra & Barak Basin,
Shillong-793006. (Through Proper Channel)

Dudhnai, the 8th April 2004.

Sub :- Annual rotational transfer-option of choice station there of.

Ref : CE/ B & BB/ Shillong's letter No. 1/4 (E) 2003-BBB/ 823-24 20.2.04
endorsed by the AE/MBSD/CWC/Guwahati's dt. 29.3.2004.letter No.
MBSD/ Gau/ PF-167/04/354.

Sir,

I have the honour to submit the following few lines for your kind consideration and sympathetic action:-

That Sir, I had earlier prayed for my transfer to your goodself from Dudhnai site to Guwahati under my letter dt. 20.2.2003 (copy enclosed) on own interest due to compelling reason. But as ill luck would have it, the authority did not confer me any benediction impelled by sympathetic consideration.

That Sir, later when the option was called for "choice station" on "Annual rotational transfer", I opted for Guwahati being the first preference and Delhi the next only, duly filled in the prescribed proforma with a covering letter of prayer dt. 06.1.04 (photo copy enclosed) narrating specific basic familial problem that left me in the lurch.

That Sir, SE (co-ord.) /CWC/ B&BB Shillong letter's No: 1/4(E) / 2003-BBB/ 823-24 dt. 20.2.04 endorsed to me by AE/ MBSE/ CWC/ Guwahati's vide No. MBSD/ PF- 167/04/354 dt. 29.3.04 under reference conveys that request for posting under B & BB is not possible due to "administrative reason", which has left me to a feelings of acute disappointment and driven me to frustration and desperation.

That Sir, the possibilities of transfer was ruled out on wide and magic term viz. "the administrative reason". Obviously I have been left in a state of groping in the darkness, what actually should it be. It sounds that as if I have been transferred to Dudhnai by way of disciplinary action. However, it appears to me that the concerned authorities have issued the latter under reference without weighing the most genuine problems of mine. To substantiate, it may be mentioned that when I had earlier prayed for transfer to Guwahati from Dudhnai on 20.2.03 on own interest, four posts either vacant or were going to fall vacant which were filled up subsequently by transfer as follows:-

(i) 2(two) By incumbents on transfer from outside NE region.
(S/Sree C.P.Gaur, JE & K. G. Mohan Rao, JE)

(ii) 2(two) By incumbents on transfer from within NE region.
1. Sri. Shri. Sukhdev Singh, JE who actually hails
From outside NE region and was posted at Guwahati
since 1996 was transferred from Guwahati to Aizwal
in May 2002, on his request in public interest and
immediately again transferred back to Guwahati
after near about one year in 2003.

*Certified to be
true copy
for
Advocate
25.06.04*

*N
where is
this letter?*

(2)

2. Shri. G. Muthaiyan JE (c) who was posted to Aizwal on transfer from outside NE region, in 2002, was again transferred to Guwahati after about one year of service at Aizwal in 2003. It is to be brought to your kind notice that my prayer for transfer to Guwahati was not considered favourably at that time though there was serious dislocation in my family set up but none of the above two officials were having such besetting problems like me and their spouses were not government employees.

Even now when SE (co-ord.), vide this letter referred to above has stated that my posting under B&BB is not possible but one post due to impending transfer of Shri. G. Muthaiyan, JE, who has already applied for posting to Chennai due to completion of his tenure posting of two years in NE region is going to fall vacant.

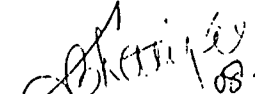
There is a floating rumour that "some one" who hails from outside NE region and is now serving in the NE region, is likely to be posted at Guwahati vice Shri Muthaiyan and if my understanding matches the whispering, it would likely to give rise to an affirmative feeling to the fact that so called "administrative reason" is only applicable to those who hail originally from NE region only. It also, gives rise to the feeling that similarly situated persons are not similarly treated.

Seemingly, it sets a precedent that incumbents from outside NE region get preference of further transfer to suit themselves on within NE region in their short tenure period, whereas, the incumbent with genuine problem do not get any preference in posting at choice place even after completion of 25 years(twenty five) of service.

Under the circumstances narrated above, I pray to your honour to look into my case of posting at Guwahati the first "choice station" vice Shri. Muthaiyan, on his transfer from NE region and for which act of your kindness, I shall remain ever grateful to your benign self.

In this connection, a circular from government of India No. 28034/2/97-Estt.(A) dated 12/6/1997, which prescribes for posting husband and wife at the same station is enclosed for ready reference.

Yours faithfully


(S. Bhattacharjee)
Junior Engineer,
Dudhnai.

Encl. : As stated above.

38

Phone : 2674267

Fax : (0361) 2674267

Email : mbdewo@sify.com.

NO: MBD/Gau/Misc-Return/2004/ 2365
 Government of India
 Central Water Commission
 Middle Brahmaputra Division

...

CWC Complex, Behind
 Adabari Bus stand,
 PO: Guwahati University,
 Guwahati - 781 014 (Assam)

Dated the 26/4 April, 2004.

To

✓ The Assistant Engineer,
 M.B. Sub-division, CWC,
Guwahati - 781 014

Subject : Regarding annual rotational transfer - option of choice station -
 there of.

Reference : Your letter No. MBSO/Gau/PF-167/2004/401 dtd. 12/04/2004.

Please refer to your letter cited above, the self explanatory
 representation dated 08th April, 2004 of Shri Swapn Bhattacharjee, J.E.
 cannot be forwarded to the higher authority as the request is based on
 assumption as per para-2 of page-2 (Marked as 'B')

The official may be directed to submit a simple request for
 reconsidering his posting at Guwahati or elsewhere.

Representation of Shri Bhattacharjee, J.E. is returned herewith
 (in original with enclosures).

Enclo : As above

NO: MBSO/Gau/PF-167/2004/401

(A.K. Srivastava)

Executive Engineer

COPY Pass on to Shri S. Bhattacharjee
 J.E. G4D site duadhna site for
 information.

J. Asokan
 26/4/04
 (J. ASOKAN)
 Assistant Engineer
 M.B. Sub-Division, C.W.C.
 Adabari, Guwahati-14

Certified to be true copy
 for
 Advocate
 25.06.04

Government of India
Central Water Commission
Office of the Chief Engineer
Brahmaputra & Barak Basin Organisation

ANNEXURE-7

39

'Marnuathia' Pohkseih
P.O. Rynjah
Shillong-793 006.
e-mail: cebbb@sanchamtel.in

Annual rotational transfer-option of choice station by Shri S.Bhattacharjee,
Junior Engineer – regarding

Reference is invited to the advance copy of representation dated 08.04.2004 of Shri S.Bhattacharjee, Junior Engineer presently working at GDS Site, Dudhnoi under MBD, CWC, Guwahati endorsed to the Chief Engineer (B&BB), CWC, Shillong regarding Annual rotational transfer option of choice place. Necessary action deemed fit to stop this type of endorsing a copy directly to this office by the officers and staff members of your Circle is warranted and this type of practices should not be entertained in future. Necessary action in this regard may please be taken up from your level under intimation to this office please.

Encl: Copy of representation

(SURESHCHANDRA)
Superintending Engineer (Coord.)

✓ Superintending Engineer, HOC, CWC, Guwahati

No.1/4(E)/2003-BBB/1617

Dated :- 2.3.04.04

Officer of the
SUPERINTENDING ENGINEER
H.O. CIRCLE, CWC,
GUWAHATI REGION

NO:- A-15017/11(1)/21P-II/04/1702-04.

25/5/04

Copy to:-

- ① The Executive Engineer, Middle Brahmaputra Division, CWC, Guwahati alongwith above mentioned enclosure for information & necessary action, please.
- ② The Executive Engineer, Upper/Lower Brahmaputra Division, CWC, Dibrugarh/Jalpaiguri for information & similar action please.

(A.R. MIKIR)

कार्यालय अधीक्षक
OFFICE SUPERINTENDENT
इ.से. परि, गुवाहाटी, H.C.C. GUWAHATI

certified to be true copy
25.06.04

The Chief Engineer,
Central Water Commission,
Brahmaputra & Barak Basin,
Shillong-793006. (Through Proper Channel)

Dated the 7th May 2004

Sub :- Annual rotational transfer-option of choice station there of.

Ref: CE/ B & BB/ Shillong's letter No. 1/4 (E) 2003-BBB/ 823-24 dt. 20.2.04 endorsed by the
AE/MBSD/CWC/Guwahati's dt. 29.3.2004. letter No. MBSD/ Gau/ PF-167/04/354.

Sir,

I have the honour to submit the following few lines for your kind sympathetic consideration and favourable action :-

That Sir, I prayed for my transfer from Dudhnai site to Guwahati vide my letter dt. 20.2.2003 (copy enclosed) on own interest due to compelling reason viz.

My wife is a central govt. employee - working in postal department at Guwahati. She is a diabetic patient and requires constant check up and medication, adequate facility of which is not available at Dudhnai. My children are the students of C.B.S E. standard and such facility of education is also not available at Dudhnai, with the result my wish of accommodating them at Dudhnai was nipped in the bud. Consequently, it brought acute stress and strain on my wife to take care of my children, particularly in educational sphere, being exhausted after rendering full length of official duties and thus my children were deprived of proper care and attention. But my prayer was not considered. It constantly hurts my feeling.

That sir, I opted for my transfer to Guwahati being the first preference of "choice of station" on "annual rotational transfer" duly filled in the prescribed proforma with covering letter dt. 6.1.2004 (copy enclosed) narrating the basic problem.

That sir, as per SE (co-ord.) /CWC/ B&BB Shillong letter's No: 1/4(E) / 2003-BBB/ 823-24 dt. 20.2.04 endorsed to me by AE/ MBSE/ CWC/ Guwahati's vide No. MBSD/ PF- 167/04/354 dt. 29.3.04, my posting under B & BB was turned down with the remarks that - "the posting under B & BB is not possible due to administrative reason". It come to me like a bolt from the blue.

That sir, I again prayed to your honour vide my letter dt. 8.4.2004 for kind consideration of my transfer to Guwahati in supersession. of order communicated vide SE (co-ord.) /CWC/ B&BB Shillong letter's No: 1/4(E) / 2003-BBB/ 823-24 dt. 20.2.04.

That sir, acting in obedience to the directive received from Executive Engineer, CWC MBD, Guwahati vide letter No. MBD/Gau/Misc- Return/2004/2365 dt. 26.4.2004, (received by me on 1.5.2004) I submit this representation/ prayer a fresh for reconsideration of transfer to Guwahati, the first "choice station" with copies of representation made earlier on 20.2.2003 and 6.1.2004.

In this connection, a copy of circular from government of India No. 28034/2/97-Estt.(A) dated 12/6/1997, which prescribes for posting husband and wife at the same station is appended herewith for ready reference and your kind perusal (a copy of circular enclosed).

Under the circumstances, I pray to your honour to kindly consider my case of transfer and posting at Guwahati favourable, the first choice station and for which act of your kindness, I shall remain ever grateful to you.

Yours faithfully

S. Bhattacharjee
07-05-2004
(S. Bhattacharjee)
Junior Engineer,
Dudhnai.

Encl. : As stated above.

*Added to be free by
S. Bhattacharjee
25.06.04*

No. MBSD/Gau/misc-return/2004/2355-56
 Government of India
 Central Water Commission
 Middle Brahmaputra Division

Phone: 2674267
 FAX: (0361)2674267
 Email: mbdow@aiify.com

CWC, Complex,
 Behind Adabari Bus Stand
 P.O. Guwahati University,
 Guwahati-781014 (Assam)

Dated: 15/5/2004.

To

The Superintending Engineer,
 H.O. Circle, C.W.C.,
 Adabari, Guwahati-14.

Sub:-

Application for transfer at Guwahati in respect of
 Sri Swapan Bhattacharjee, J.E. (C).

Sir,

Enclosed please find herewith a self explanatory representation dated 07/05/2004 received from Sri Swapan Bhattacharjee, J.E. (C) of Dudhnoi site under M.B. Sub-division, CWC, Guwahati addressed to Chief Engineer, D&D Basin, CWC, Shillong in connection with his transfer to Guwahati.

If the request of Sri Bhattacharjee, J.E. is consider, a suitable substitute will be required in his place.

Encls:-

As above
 alongwith enclosure.

Yours faithfully,

(A.K. SRIVASTAVA)
 EXECUTIVE ENGINEER

Copy to:-

The Asstt. Engineer, M.B. Sub-division, CWC, Guwahati-14
 for information with reference to his letter No. MBSD/Gau/
 PF-167/2004/525 dt. 12/5/04.

(A.K. SRIVASTAVA)
 EXECUTIVE ENGINEER

NO. MBSD/Gau/PP-167/04/552 Date 17/5/2004

✓ Pass on to Sri S. Bhattacharjee, Junior Engineer,
 Dudhnoi, site for information.

Assistant Engineer
 M.B. Sub-Division C.W.C.
 Adabari, Guwahati-14

Certified to be true copy
 for
 Adv. 25.7.04

(Extract)

No. 28034/2/97-Estt.(A)

Government of India

Ministry of Personnel, Public Grievances & Pensions

(Department of Personnel & Training)

New Delhi, the 12th June 1997

OFFICE MEMORANDUM

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

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

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

3. It is further clarified that even cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

Certified to be true copy
Sd/-
Advocate
25.06.04

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

Sd/- Illegible
(Harinder Singh)
Joint Secretary to the Govt. of India
Tel. No. 301.1276

To

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

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NO.20/1/2004-CEBEB
Government of India
Central Water Commission

ANNEXURE-10

0361/Z 32274

520 (N), Sewa Bhawan,
R.K. Puram, New Delhi-66

Dated the 26th May, 2004

OFFICE ORDER

The following transfers in the grade of Junior Engineer (C&M) are hereby ordered in public interest with immediate effect.

Sl. No.	Name of JE (S/Shri)	Present Posting	Transfer to the Office of the Commissioner	Choice Station	Remarks
1.	G. Muthaiyan	M&A, Guwahati (B&BB)	C&SR, Coimbatore	Chennai	Vice Shri S. Palaniappan
2.x	S. Palaniappan	SRD, Coimbatore (C&SR)	B&BB, Shillong		
3.	P. Gopinathan	NEID-I, Silchar (B&BB)	C&SR, Coimbatore	Cochin/Trivandrum	Vice Shri N. Somarajan-I
4.	N. Somarajan-I	SWRD, Cochin (C&SR)	B&BB, Shillong		
5.	T. Gnanasigamani	NEID-I, Silchar (B&BB)	C&SR, Coimbatore	Chennai	Vice Shri N. Thyagarajan
6.	N. Thyagarajan	HD, Chennai (C&SR)	B&BB, Shillong		
7.	K. Ananthian	M&I Div., Ahmedabad (N&TB)	C&SR, Coimbatore		Vice Shri G. Venugopalan
8.	G. Venugopalan	SRD, Coimbatore (C&SR)	N&TB, Vadodara		
9.	S. Ramakrishnan	Tapl Divn., Surat (N&TB)	C&SR, Coimbatore		Vice Shri M.L. Raghavan

*Certified to be true copy
Sd/-
25.5.04*

10.	M.L. Raghavan	CD, Bangalore (CASR)	NETB, Vadodra		
11.	V.G. Rao	MD, Burla (MAER, DBBN)	KGB, Hyderabad		Vice Shri S. Sampat Kumar
12.	S. Sampat Kumar	LKD, Hyderabad (KGB)	MAER, DBBN		
13.	R.B. Sharma	NEID-I, Silchar (B&BBO)	UGB, Lucknow	Gorakhpur	Vice Shri R.C. Gupta
14.	R.C. Gupta	MGD-II, Lucknow (UGBO)	B&BB, Shillong		
15.	A.K. Srivastava	MBD, Guwahati (B&BBO)	UGB, Lucknow	Lucknow	Vice Shri V.K. Mishra
16.	V.K. Mishra	MGD-III, Varanasi (UGBO)	B&BB, Shillong		
17.	D.P.M. Upadhyay	NEID-III, Itanagar (B&BBO)	UGB, Lucknow	Gorakhpur	Vice, Shri R.P. Singh
18.	R.P. Singh, DOB, 4.3.58	MGD-III, Varanasi (UGBO)	B&BBO, Shillong		
19.	R.M. Saxena	LYD, Agra (YBO)	UGB, Lucknow		Vice Shri D.C. Prasad
20.	D.C. Prasad	MGD-I, Lucknow (UGBO)	Yamuna Basin, New Delhi		
21.	Ranvir Singh	LYD, Agra (YBO)	UGB, Lucknow		Vice Shri Yaqoob Ahmad
22.	Yaqoob Ahmad	MGD-II, Lucknow (UGBO)	Yamuna Basin, New Delhi		
23.	Siya Ram Gupta	CD, Jammu (IBO), Chandigarh	UGB, Lucknow		Vice Shri Hari Om

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24	Hari Om	MGD-II, Lucknow (UGBO)	IB, Chandigarh		
25	A.P. Lal	Mon. Dto. Amritsar (N&TB)	UGB, Lucknow		Vice Shri Kanta Ram
26	Kanta Ram	MGD-I, Lucknow (UGBO)	N&TB, Vadodara		
27	R.O. Rajput	NBO, Bhopal	UGB, Lucknow		Vice Shri A.K. Rai
28	A.K. Rai	HGD, Dehradun (UGBO)	NBO, Bhopal		
29	Ajay Kumar	LYD, Agra (YBO)	UGB, Lucknow		Vice Shri V.K. Sharma
30	V.K. Sharma	HGD, Dehradun (UGBO)	Yamuna Basin, New Delhi		
31	Hari Prasad	Chenab Divn Jammu (BO)	UGB, Lucknow		Vice Shri U.K. Mishra
32	U.K. Mishra	MGD-II, Lucknow (UGBO)	IB, Chandigarh		
33	S.S. Nath	MD, Gilchar (B&BDO)	YBO, New Delhi	New Delhi/ Faridabad	Vice Shri Murari Lal
34	Murari Lal	UYD, New Delhi (YBO)	YBO, New Delhi Other than Delhi/NOIDA/ Faridabad		Vice Shri N. Haroli
35	N. Haroli	CD, Jaipur (YBO)	B&BDO, Shillong		Vice Shri S.S. Nath
36	Rishi Pal	NEID-III, Itanagar (B&BDO)	BD Dto., New Delhi		Vice Shri K.C. Bandho- padhyaya
37	Shri K.C. Bandho- padhyaya	BD Dto., New Delhi	YBO, New Delhi - Other than Delhi/NOIDA/ Faridabad		

38.	G.A. Azad	NEID-III, Manager (B&BO)	RD Dto., New Delhi	Delhi	Vice Shri D.R. Madan
39.	D.R. Madan	RD Dto., New Delhi	B&BO, Shillong		
40.	S.C. Sackdeva	B&BO, Shillong	RD Dto., New Delhi	Delhi/Ftd.	Vice Shri Daya Shankar
41.	Daya Shankar	RD Dto., CWC, New Delhi	YBO, New Delhi		For posting under YBO at Delhi.
42.	B.G. Garg	SID, Bikaner (TBO, Shillong)	Yamuna Basin, New Delhi	Agra	Vice Shri H.C. Mishra
43.	H.C. Mishra	LYD, Agra, YBO	B&BO, Shillong		Vice Shri M.K. Roy
44.	Malay Kanti Roy	TBO, Jalpaiguri (B&BO)	Teesta Basin, Shillong	Sikkim	Vice Shri B.G. Garg
45.	Nirottan Singh	Inv. Charge Sikkim (TBO, Shillong)	YBO, New Delhi	Delhi	Vice Shri M.S. Rana
46.	M.S. Rana	PA, Ftd. (YBO)	Yamuna Basin, New Delhi, other then Delhi/Noida/ Faridabad		Vice Shri U.N. Gokhale
47.	U.N. Gokhale	CD, Jaipur, (YBO)	Teesta Basin, Shillong		Vice Shri Nirottan Singh
48.	Rajender Prasad	CD, Jalandhar, (TBO, Chandigarh)	Yamuna Basin, New Delhi		Vice Shri S.C. Tripathi
49.	S.C. Tripathi	LYD, Agra (YBO)	IB, Chandigarh		Vice Shri Rajender Prasad
50.	A.K. Saxena	Under order of transfer to IB, Chandigarh	YBO, New Delhi		Vice Shri N.P. Gupta (In partial modification of Office Order No.20/1/2002- Estt-VI dated 21.4.2003)

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51.	N.P. Gupta	CD, Jaipur, (B&B)	IB, Chandigarh		Vice Shri A.K. Saxena
52.	V. Parasamy	C&SR, Coimbatore	KGB, Hyderabad		
53.	K. Prabhakaran	M&ER, Bhubaneswar	C&SR, Coimbatore		Vice Shri S. Sridhar
54.	S. Sridhar	C&SR, Coimbatore	M&ER, Bhubaneswar		Vice Shri K. Prabhakaran
55.	N. Sarangopani	M&ER, Bhubaneswar	C&SR, Coimbatore		
56.	J. Bharmik	B&B, Shillong	M&ER, Bhubaneswar		Vice Shri N. Sarangopani
57.	S.N.L. Srivastava	M&ER, Lucknow	UGB, Lucknow		Vice Shri S.K. Saxena
58.	S.K. Saxena	UGB, Lucknow	M&ER, Bhubaneswar		Vice Shri S.N.L. Srivastava
59.	U.K. Sen	B&B, Shillong	LGB, Patna		

The Concerned Chief Engineers are requested to ensure immediate implementation of the transfer order. Copy of following/joining order of the concerned JEs may invariably be endorsed to Headquarters at the earliest.

Hindi version will follow.

Usha Gandhi
(USHA GANDHI)
UNDER SECRETARY
PH: 26107784

Copy to:

1. Pay & Accounts Officer, CWC, New Delhi.
2. Chief Engineer, B&B, Shillong/C&SR, Coimbatore/N&TB, Vadodra/KGB, Hyderabad/M&ER, Bhubaneswar/UGB, Lucknow/Yamuna Basin, New Delhi/Indus Basin, Chandigarh/Narmada Basin, Bhopal, Teesta Basin, Silliguri & LGB, Patna.
3. Superintending Engineer (Coord.), B&B, Shillong/C&SR, Vadodra/KGB, Hyderabad/M&ER, Coimbatore/N&TB, Bhubaneswar/UGB, Lucknow/Yamuna Basin, New Delhi/Indus Basin, Chandigarh/Narmada Basin, Bhopal, Teesta Basin, Silliguri & LGB, Patna.

Certified to be true copy
Sanjiv Kumar
25.06.04