

50/100

3

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 154/2004

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Org.App./MiscPetr/Cont.Petr/Rev.App. 159/2004

In O.A. 159/2004  
Name of the Applicant(s) K. Ashmi Bhanmick

Name of the Respondent(s) U.O.G. & S.A.

Advocate for the Applicant Mr. D.K. Das

Counsel for the Railway/CGSC CS & C

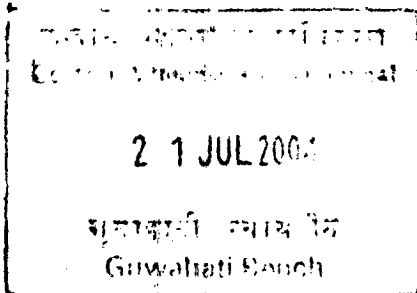
OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

26.7.04

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



This application is in form  
is filed C.F. Rs. 50/-  
deposited v.d. 30/12/04

456/04

Dated 21.7.04

1/e Dy. Registrar  
21/7/04

Steps & emulations  
awaited

by  
21.7. NB - Copy not yet  
Served on respondents  
NI  
21/7/04

The applicant is a Senior Accountant working in the office of the Accountant General(A&E) Assam,Guwahati on deputation basis from the office of the Senior Deputy Accountant General(A&E) Nagaland Kohima. Vide order dated 19.2.2004 the applicant has been repatriated to her parent department. The terms of deputation does not confer any right on the applicant. Therefore, there may not be any claim for extension of time beyond deputation period. The respondents are within their right to repatriate the applicant to her parent cadre. The applicant has filed representations dated 1.4.04 and 12.4.04 respectively for consideration of her case.

Heard Sri D.K.Das, learned counsel for the applicant and also Sri B.C.Pa-thak at length. Considering the facts and circumstances of the the respondents are directed to consider the representation of the applicant sympathetically and give a reply to the

contd..

26.7.04

applicant within two weeks from the date of receipt copy of this order. Status quo as on today shall be maintained till completion of the above exercise.

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

27/7/04

The copy of order dated 26/7/04 sent to the Respondents NO 1-4 by post in order cost of the applicant.

N S  
27/7/04

pg

Member(A)

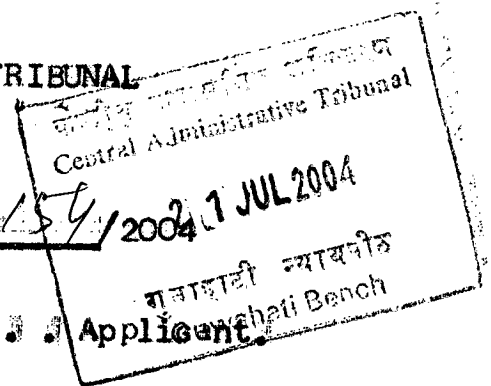
11.8.04

Copy of the order has been sent to the office for issuing the line to the applicant as well as to the ADD, C-6-S-1.

MS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.



Smt. Lakshmi Bhowmick

Vs.

Union of India & Ors.

Applicant  
Respondents

SYNOPSIS

The applicant has preferred this application assailing the inaction of the part of the Respondents in disposing the application's representation dated 01.04.2004 and 12.04.2004 against the impugned transfer order dated 19.2.2004 and 19.3.2004 on the ground of comparative family hardships.

Filed by

( D.K. DAS )  
ADVOCATE

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

159

Original Application No. 159/2004.

Smt. Lakshmi Bhowmick

... Applicant.

Vs.

Union of India & Ors.

... Respondents.

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Filed by

( D.K. DAS )  
ADVOCATE

21 JUL 2004  
THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
AT GUWAHATI

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

O. A. NO. 154 /2004

BETWEEN

Smti Lakshmi Bhowmick,  
Senior Accountant,  
W/o Sri Bimal Kanti Bhowmick,  
O/O The Accountant General (A&E),  
Beltola, Guwahati-29.

.. APPLICANT

-VERSUS-

1. The Union of India,  
through the Comptroller and  
Auditor General of India, New Delhi.
2. The Accountant General ( A&E), Assam,  
Guwahati, Maidamgaon, Beltola, Guwahati-29.
3. The Accountant General ( A&E),  
Meghalaya, Shillong-797001.
4. The Accountant General ( A & E),  
Nagaland, Kohima, P.O. Kohima.

.. RESPONDENTS

DETAILS OF APPLICATION

Contd..P/-

Filed by  
Mrs Lakshmi Bhowmick  
Through Debit to her  
Advocate 21/7/04

1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THE APPLICATION IS MADE:

The present application is made against the impugned order dated 19.2.2004 as well as the impugned order dated 19.03.2004 and also against the impugned order dated 03.06.2004, whereby the applicant is prematurely sought to be repatriated from the deputation post of Sr. Accountant from the Office of the Accountant General (A&E), Assam, Guwahati to the office of the Sr. Dy. A.G. (A&E) Nagaland, Kohima in total violation of the Rules of F.R./terms and condition and also without issuing any prior intimation as required under the rule and also praying for a direction upon the respondents to allow the applicant to continue till the current deputation year which is going to be completed on 03.02.2005 as per sanction accorded by the AG (A&E), Assam himself vide order bearing letter No. Admn-1 order No. 313 dated 17.02.2004, whereby the period of deputation was extended w.e.f. 04.02.2004 to 03.02.2005 (3rd year).

2. JURISDICTION OF THE TRIBUNAL:

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

Contd..P/-

*Mrs Rakshmi Shome*

3. LIMITATION:

The applicant further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

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

4.2 That your humble applicant was initially appointed as Clerk cum Typist in the year 1978 under the administrative control of A.G. ((A&E), Nagaland, Kohima. The applicant was thereafter promoted to the post of Accountant in the year 1984 she was further promoted to the post of Sr. Accountant on 1986.

4.3 That your applicant states that by order dtd. 21.5.2001 she was sent to the office of the Accountant General (A&E), Assam. From Kohima on deputation basis. Thereafter from time to time the term of deputation of the applicant was extended from time to time and is at present working in the office of the A&E) Assam, Beltola.

Copies of the orders dtd. 21.5.2001, 3.4.2002, 28.5.2002, 14.5.03 are annexed herewith as Annexure-1,2,3 & 4 respectively.

Contd..P/-

*Mr. Ranjini Shome*



4.4 That it is stated that the applicant while working as such on deputation basis, but all of a sudden she had received the impugned office order bearing letter No. Est order dt 386 dt. 19.2.2004, whereby the applicant is sought to be repatriated to his parent office at Kohima from the office of the Accountant General (A&E), Assam, Guwahati. The aforesaid impugned order of repatriation has been issued without any prior notice or show cause either to the applicant or to the landing department, which is contrary to the provision laid down in Appendix-5 of F.R. 9 (25) Sub Rule 11. The relevant portion of the F.R. 9(25) Sub Rule 11 is quoted below:

"11. Premature reversion of deputationist to parent cadre:

Normally, when an employee is appointed on deputation, his services are replaced at the disposal of the parent Ministry/Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his service could be so returned after giving reasonable notice to the lending Ministry/Department and the employee."

In view of the aforesaid provision laid down in F.R. the applicant is at least entitled to a notice

Contd..P/-

Mrs Laxmi Shome

for reasonable period before issuing such repatriation order in respect of the applicant, more particularly when the 3rd year deputation period has already been extended by the Accountant General (A&E), Assam vide its order dated 14.5.2003 upto a period of one year w.e.f. 3.5.2003 to 2.5.2004.

A mere perusal of the impugned order it would be evident that no reason is assignment for passing of the impugned order. However, the said order appears to have been passed under the authority of Accountant General's order dated 9.2.2004 at Pg/25N of the file. The applicant is kept in dark under what circumstances the impugned order was passed. It is a legitimate expectation of the applicant that she will be allowed to continue till the sanction of the 3rd year deputation period is expired. Be it stated that sanction awarded by the Accountant General (A&E), Assam vide order dated 14.5.03 has not yet been revoked or cancelled by the said authority and the said order 14.5.03 is still in force. Therefore impugned order dtd. 19.2.2004 is liable to be set aside and quashed on that score alone. However, it is categorically submitted that the applicant has not yet been released by the A.G. (A&E) Assam, Guwahati till filing of this application.

4.5 That the applicant states that immediately after receipt of the order dtd. 19.2.2004, submitted his

Contd..F/-

*Mrs Lakshmi Shawmik*

representation to the authority stating inter alia the irreparable loss which would be caused to her on account of the mid academic session of her children and also that her husband was transferred to the O/D the A.G. (Audit), Manipur, Imphal from November, 2003 and sought cancellation of the repatriation order.

A copy of the repatriation are annexed hereto as Annexure -6 series.

4.6 That the applicant in the meantime has been under constant medical treatment since 13.5.04 to 27.5.04 and though resumed duties on 31.5.04 had to again go on medical leave w.e.f. 1.6.04.

Copies of the medical certificates are annexed herewith as Annexure-7 series.

4.7 That it is stated that in the impugned order dated 19.3.2004 one Shri Jyotirmoy Mukherjee, Sr. Accountant is allowed to continue on deputation in the office of the Accountant General (A&E), Assam, Guwahati and the order of repatriation so far Sri Mukherjee is concerned has been cancelled by the Sr. DAG (A), Meghalaya, therefore it appears that the post of Sr. Accountant is still available and A.G.(A&E) Meghalaya, Shillong has favourably considered the case of Shri J. Mukherjee for further retention on deputation basis

Contd..P/-

*Mrs Lakshmi Shomee*

12  
unfortunately although the applicant is being similarly his case needs to be considered on similar line.

4.8 That it is stated that in the similar facts and circumstances one applicant Sri Biswarup Purkayastha, deputationist approached this Hon'ble Tribunal under Sec. 19 of the Administrative Tribunal's Act, 1985 through DA No.51/04 and this Hon'ble Tribunal on perusal of the materials on record was pleased to admit the Original Application on 01.3.2004 and the Tribunal further pleased to stay the operation of the impugned order dated 19.2.2004 and the said case is still pending before the Hon'ble Tribunal. Similarly the Hon'ble Tribunal by order dtd. 7.6.04 in DA 140/04 has also disposed of the petition with direction to the authority to consider the case of the applicant. Being similarly circumstances therefore the Hon'ble Tribunal be pleased to stay the operation of the impugned order dated 19.2.2004, 19.3.2004 and order dated 3.6.04 containing the instruction of release of the applicant w.e.f. 9.6.2004.

A copy of the interim order dtd. 1.3.04 and 7.6.04 are annexed hereto as Annexure-B & 9.

4.9 That it is stated that the Hon'ble Supreme Court in the case of R. Prasad Vs. Managing Director, U.P. Rajkiya Nirman Nigam Ltd. & Ors. Reported in 1999 (S) SC 381, wherein the Hon'ble Supreme Court held that

Contd..P/-

Mrs Rakshmi Shrivastava

the power of discretion is coupled with the duty not to act arbitrarily or at the whim or caprice of any individual in the instant case the respondent No.3 in most arbitrary and unfair manner without assigning any justifiable reason passed the impugned order of repatriation and on that score alone the impugned orders are liable to be set aside and quashed.

In the facts and circumstances stated above the applicant has no other alternative but to approach this Hon'ble Tribunal for protection of his valuable rights by passing an appropriate order allowing the applicant to continue in the deputation post till the period of extended period is expired.

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

#### 5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the impugned order dtd. 19.2.04 and 19.3.04 have been passed in total violation of F.R. 9(25) of Sub Rule 11, on that score alone the impugned orders are liable to be set aside and quashed.

5.2 For that, extended period of deputation for 3rd year, has already been sanctioned vide order dated 14.5.03 by Accountant General (A&E), Assam Guwahati after obtaining formal consent/no objection from the A.G. (A&E), Nagaland, Kohima.

Contd..P/-

Mrs Lakshmi Showmik

5.3 For that the post against which the applicant was accommodated on deputation basis under A.G. (A&E), Assam, Guwahati neither abolished nor the sanction of the post is expired and the said post of Senior Accountant is still exists.

5.4 For that the impugned order of repatriation has been issued in the middle of the academic session of the children of the applicant which will cause irreparable loss and injury to the education of the children of the applicant.

5.5 For that the impugned order of repatriation which is issued all of a sudden without prior notice and that too after accorded sanction for 3rd year extension of deputation period in favour of the applicant vide order dated 14.5.2003.

5.6 For that action of the respondent No.3 is highly arbitrary, unfair and the same is violation of Article 14 of the Constitution inasmuch as one Sri Jyotirmoy Mukherjee has been allowed to continue on deputation post, who is similarly circumstances like the present applicant and on that score alone the impugned order dtd. 19.2.04, 19.3.04 are liable to be set aside and quashed.

Contd..P/-

*Mrs Lakshmi Bhosmer*

5.7. For that the only son of the applicant is studying in English Medium School under SEBA course and the final examination normally held in the month of November/December of the current academic session. As such it is the interest of the Government employee, the applicant be allowed to continue in his present place of posting at Guwahati.

5.8 For that there is no urgency, administrative exigency on public interest involves while passing the impugned order of repatriation in respect of the applicant that too after sanction for 3rd year deputation period with effect from 3.5.2003 to 2.5.2004.

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

Contd..P/-

Mrs Rakshmi Bhownick

8. RELIEF SOUGHT FOR:

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

8.1 That the impugned order of repatriation dated 19.2.2004 and 19.3.2004 (Annexure- and Annexure- respectively) set be aside and quashed.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue on deputation basis at Guwahati.

8.3 Costs of the application.

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

9. INTERIM ORDER PRAYED FOR:

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

Contd..P/-

Mrs Rakshmi Bhosnule



9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting orders dated 19.2.2004, 19.3.2004 (Annexure - and ) and consequential orders in respect of the applicant till disposal of the original application.

10.....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.:

- i) I.P.O. No. : JSC 456147
- ii) Date : 7-7-04.
- iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

Mrs Lakshmi Chowdhury

VERIFICATION

I, Smti Lakshmi Bhowmick, S/o Sri Bimal Kanti Bhowmick, aged about 49 years, working as Sr. Accountant in the office of the Accountant General (A&E), Guwahati do hereby solemnly affirm and verify that the statements made in paragraphs 4.1 To 4.12 are true to the best of my knowledge and those made in paragraphs 5.1 To 5.8 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this 21<sup>st</sup> day of July, 2004 at Guwahati.

Signature

Mrs Lakshmi Bhowmick

Annex I 19

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.**

Admn.1 Order No. 37

21.5.2001

Smt. L. Bhowmick, Sr. Accountant of the Sr. Deputy Accountant General (A&E) Nagaland, Kohima has reported for duty in this office on 03.05.01 (FN) as Sr. Accountant on deputation basis.

The initial period of her deputation will be for one year subject to her continued suitability and administrative convenience.

Sd/-

Deputy Accountant General (Admin)

Memo No. Admn-1/Depn./6-1/2000-2001/501-514

21.5.2001

Copy forwarded to :-

- 1) The Principle Director of Audit, N.F. Railway, Maligaon Guwahati.
- 2) The AG (A&E) Meghalaya Itc Shillong.
- 3) The Accounts Officer (Admin) O/O the Sr. DAC (A&E) Nagaland, Kohima for information with reference to his letter No. Admn/A&E/2-8/2000-2001/Vol.11/92-99 dt. 25.4.2001.
- 4) The Establishment Officer (Meghalaya), O/O the Accountant General (A&E) Meghalaya et. Shillong.
- 5) The Section Officer, i.e. Admn. 2 section.
- 6) The Assistant Accounts Officer, i.e. Confidential Cell.
- 7) The Pay and Accounts Officer, Local.
- 8) The Section Officer, i.e. Record 1 section.
- 9) The S.P. Group.
- 10) The Budget Group.
- 11) P.C. of Smt. L. Bhowmick, Sr. Accountant.
- 12) Smt. L. Bhowmick, Sr. Accountant.
- 13) Admn.1 Order Book.
- 14) Hindi Officer i.e. Hindi Cell. He is requested to issue Hindi Version of this order from this end.

Sr. Accounts Officer (Admin)

*By*  
*At least*

= 1.5 =

Annexure 2 v

BY SPEED POST

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.

No. Admn-1/Deptn./6-1/2001-2002/29

Dated: 03.04.2002

To,  
The Deputy Accountant General (A),  
O/O the Sr. DAG (A&E),  
Nagaland, Kohima.

Sub: Extension of deputation in respect of Smti Lakshmi Bhowmick, Sr. Accountant.

Sir,  
I am directed to refer this office Memo No. Admn-1/Deptn./6-1/2000-2001/501-514 dt. 21.05.2001 on the subject indicated above and to state that the term of deputation of Smti Lakshmi Bhowmick, Sr. Accountant of your office will expire on 02.05.2002 (AN).

Smti Bhowmick, Sr. Accountant is willing to continue on deputation in this office for the 2<sup>nd</sup> year (copy enclosed).

As the services of Smti Bhowmick is required by this office, it is requested that the concurrence of your office for continuation of Smti Bhowmick, Sr. Accountant beyond 02.05.2002 may please be conveyed.

Enclosure: As stated above

Yours faithfully

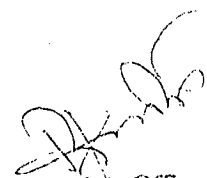
Sd/-  
Sr. Accounts Officer (Admn)

No. Admn-1/Deptn./6-1/2001-2002/30-32

Dated: 03.04.2002

Copy forwarded to :-

1. The Establishment Officer (M), O/O the AG (A&E) Meghalaya etc. Shillong.
2. AAO i/c. Confidential cell.
- ✓ 3. Smti Lakshmi Bhowmick, Sr. Accountant, GE - Section for information with reference to her application dt. 22.03.2002.

  
Sr. Accounts Officer (Admn)

  
Sd/-

= 16 =

Annexure 3

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM,  
MAIDAMGAON, BELTOLA, GUWAHATI - 781 029.**

Admn-1 Order No. 31

Dated: 28.05.2002

In pursuance of O/O the St. DAG (A&E) Nagaland's letter No. Admn-1/A&E/2-8/2000-2001 Vol. II/174 dt. 14.05.2002, the term of deputation of Smti Lakshmi Bhowmick, Sr. Accountant in the O/O the AG (A&E) Assam, Guwahati is hereby extended for a further period of one year w.e. from 03.05.2002 to 02.05.2003.

Sd/-  
Deputy Accountant General (Admin & VLC)

No. Admn-1/Deptn./6-1/2001-2002/608-609

Dated: 28.05.2002

Copy forwarded to:

- 1) The Principal Director of Audit, NF Rly, Maligaon, Guwahati -11.
- 2) The AG (A&E) Meghalaya etc. Shillong.
- 3) The A.O. (A), O/O the St. DAG (A&E) Nagaland, Kohima for information with reference to his letter No. Admn-1/A&E/2-8/2000-2001/Vol. II/174 dt. 14.05.2002.
- 4) The Establishment Officer (A), O/O the AG (A&E) Meghalaya etc. Shillong.
- 5) The PAO Local.
- 6) The SO i/c Admn- II.
- 7) The AAO i/c Confidential Cell.
- 8) The P.S. to AG (A&E) Assam, Guwahati.
- 9) Service Book Group.
- 10) Smti Lakshmi Bhowmick, Sr. Accountant.
- 11) Hindi Officer i/c. Hindi Cell. He is requested to issue Hindi Version of this order from his end.
- 12) Admn-1 Order Book.

  
Sr. Accounts Officer (Admin)

  
A. Choudhary

= 17 =

Annexure 4

22

OFFICE OF THE ACCOUNTANT GENERAL (A&E) ASSAM  
MAIDAMGHON BELTOLA, GUWAHATI 781 029

ADMN I ORDER NO. 34

Wednesday, May 14, 2003

In pursuance of the Sr.DAG(A&E), Nagaland's letter No. Admn /A&E/2-8/98-99/122 dated 6.5.2003, the term of deputation of Smt. LAKSHMI BHOWMICK, SENIOR ACCOUNTANT in the office of the Accountant General (A&E) Assam, Guwahati is hereby extended for a further period of one year w.e.f. 3.5.2003 to 2.5.2004.

(Authority : AG's order dated 13.5.2003 at p3n of file No. Admn 1/Deptn/6-1/2003-04)

sd/-  
Deputy Accountant General (Admn & VLC)

Memo No. Admn 1/Deptn/6-1/2003-2004/ 501-11

Wednesday, May 14, 2003

Copy for information to :

- ✓ The Principal Director of Audit, N.F. Railway, Maligaon, Guwahati 781 011
- ✓ The Senior Deputy Accountant General (A), o/o AG(A&E) Meghalaya etc., Shillong 793 001
- ✓ The Senior Accounts Officer (A), o/o the Sr. Deputy Accountant General (A&E) Nagaland, Kohima -- this has a reference to his letter No. Admn /A&E/2-8/98-99/122 dated 6<sup>th</sup> May 2003.
- ✓ The Secretary to the Accountant General (A&E), Assam, Guwahati
- ✓ The Pay & Accounts Officer, Local.
- ✓ The AAO/Confidential Cell
- ✓ The AAO/Admn II
- ✓ The Hindi Officer, Hindi Cell -- with a request to issue Hindi version of this order from his end
- ✓ Smt. Lakshmi Bhowmick, Senior Accountant (local)
- ✓ Budget Group
- ✓ Admn I Order Book.

*[Signature]*  
Sr. Accounts Officer (Admn)

*[Signature]*

= 18 =  
Annex 5 = 1

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

Estt.I Order No. 386

Dated: 19-2-2004

The following Sr. Accts of the O/o the Sr. DAG (A&E) Nagaland presently on deputation in the O/o the AG (A&E) Meghalaya, Shillong & AG (A&E) Assam, Guwahati are repatriated to their parent Office with immediate effect:-

- |    |                          |  |
|----|--------------------------|--|
| 1) | Sri Biswarup Purkayastha |  |
| 2) | Smti L. Bhowmick         | Sr. Accts. O/o the AG (A&E) Assam, Guwahati. |
| 3) | Sri Jyotirmoj Mukherjee  |  |
| 4) | Sri Sanjoy Bhattacharjee |  |
| 5) | Sri Sanjoy Sinha         | O/o the AG (A&E) Meghalaya etc, Shillong.    |

The above officials are relieved of their duties in the respective Offices w.e.f. 29-2-2004 A.N for reporting back for duty in the O/o the Sr. DAG (A&E) Kohima, Nagaland.

[Authority:- AG's orders dt.9-2-04 at pg/25N of the file]

Sd/-

Establishment Officer

Memo No. Estt-I/8-11/DS/2003-04/6336-6349

Dated 19-2-2004

Copy for information & necessary action to:-

- |     |   |  |
|-----|---|--|
| 1.  | The DAG (Admin)   | O/o the AG (A&E) Assam, Maidamgaon, Beltola,   |
| 2.  | The Sr. AO I/c Admin                                      | Guwahati-29- with a request to release the officials concerned w.e.f. 29-2-04 under intimation to this Office. |
| 3.  | The Sr. DAG (A&E) O/o the Sr. DAG (A&E) Kohima, Nagaland. |  |
| 4.  | S.B. Group.   |  |
| 5.  | Gradation List  |  |
| 6.  | SO Estt-2.  |  |
| 7.  | Pay bill Group.   |  |
| 8.  | PAO (Local)   |  |
| 9.  | AAO Confidential Cell.                                    |  |
| 10. | PS to AG.   |  |
| 11. | Steno to Sr. DAG (A).                                     |  |
| 12. | Steno to DAG (AE/VLC)                                     |  |
| 13. | E.O. Book.  |  |
| 14. | Persons concerned.  |  |

*[Signature]*  
19/2/04  
Establishment Officer

= 19 =  
Annex 5 = II  
24

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

Estt-I order No. 419

Dated 19-03-2004

In partial modification to Estt-I order No. 386 dated 19-2-2004, Shri Jyotirmoy Mukherjee, Sr.Acctt is allowed to continue on deputation in the O/o the AG (A&E) Assam, Guwahati. Thus, the order of his repatriation to his parent Office is treated as cancelled.

Repatriation of the following Sr.Acctts to their parent Office under the earlier order stands and they are relieved of their duties in the O/o the AG (A&E) Assam, Guwahati/Meghalaya, Shillong for reporting back to the O/o the Sr.DAG (A&E) Nagaland Kohima.

1. Sri Biswarup Purkayastha
  2. Smti L. Bhowmick
  3. Sri Sanjoy Bhattacharjee
  4. Sri Sanjoy Sinha - O/o the AG (A&E) Meghalaya etc, Shillong.
- O/o the AG(A&E) Assam, Guwahati

[Authority:- AG's orders dated 16-3-04 at Pg/32N of the file]

Sd/-

Sr.Deputy Accountant General (A)

Memo No.Esst-I/8-11/DS/2003-04/6881-6886

Dated 19-03-2004

Copy to:-

1. The D.A.G (Admn) Assam
  2. The Sr.AO (Admn) Assam
  3. The Sr.DAG (A&E) Nagaland
  4. Persons concerned
  5. E.O. Book.
  6. AAO confidential Cell.
- O/o the AG (A&E) Assam, Maidamgaon, Beltola  
Guwahati-29- With a request to release the concerned officials with immediate effect under intimation to this Office as their representations for retention in your Office forwarded under your Office letter No.Admn-I/4-14/INT-TRI/2001-02/8500 dated 26-2-04 have not been agreed to.

Establishment Officer



To

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

(Through the Accountant General(A&E) Assam  
Beltola, Guwahati-29).

sub: Extension of deputation period in respect of Smt. Lakshmi  
Bhowmick, Sr. Accountant,

Sir,

I have been working in the o/o the A.G. (A&E), Assam, Guwahati as Sr. Accountant on deputation from the o/o the A.G. (A&E), Nagaland, Kohima since 03.05.2001. However, as order No. 386 dt. 19.2.2004 of the o/o the A.G. (A&E), Meghalaya etc. Shillong I am under order of repatriation to the o/o the A.G. (A&E), Nagaland, Kohima. In this connection, I have the honour to lay before you the following few lines for your favour and kind consideration.

That sir, my husband, Shri B.K. Bhowmick was working in the o/o the A.G. (Audit), Assam, Guwahati as Asstt. Audit Officer. He was transferred on promotion as Asstt. Officer to the o/o the A.G. (Audit), Manipur, Imphal from November, 2003 for a tenure of 18 months and expected to be repatriated to Guwahati sometime in April, 2005.

That sir, under the circumstances I am staying alone with my children and ailing mother-in-law who need constant care and attention at the ripe age of 87 years. Sir, in the absence of my husband there is no other person to look after them except myself.


That sir, day by day it becomes obligation on my part to discharge family duties including treatment of my ailing mother-in-law.

That sir, I am further to state that we have permanently settled down at Guwahati and I applied unilateral transfer to Guwahati in the year 1994 with the hope of staying at home and with my family. However, owing to suspension of transfer cases I was compelled to opt for deputation in lieu of transfer.

Under these circumstances I am to request you to consider my case sympathetically so that I can perform my family duties along with official responsibilities.

Dated, Guwahati  
The 1/4/04

Yours faithfully,

  
(LAKSHMI BHOWMICK)  
Sr. Acctt. GE-5

Attested  
[Signature]

*P. Copy*

To

The Accountant General (A&E), Meghalaya  
Shillong

(Through the Accountant General (A&E) Assam Beltola, Guwahati-29)

Sub: Extension of deputation period in respect of Smti. Lakshmi  
Bhowmick, Sr. Accountant.

Sir,

I have been working in the O/o the A.G.(A&E) Assam, Guwahati as Sr. Accountant on deputation from the O/o the A.G.(A&E) Nagaland, Kohima since 03-05-2001. However, as order No. 386 dtd. 19-02-200 of the A.G.(A&E) Meghalaya etc. Shillong I am under order of repatriation to the O/o the A.G.(A&E) Nagaland, Kohima. In this connection. I have the honour to lay before you the following few lines for your favour and kind consideration.

That Sir, my husband Shri B.K.Bhowmick was working in the O/o the A.G.(Audit) Assam, Guwahati as Asstt. Audit Officer. He was transferred on promotion as Accounts Officer to the O/o the A.G.(Audit) Manipur, Imphal from November, 2003 for a tenure of 18 months and expected to be repatriated to Guwahati sometime in April 2005.

That Sir, under the circumstances I am staying alone with my children and ailing mother-in-law who need constant care and attention at the ripe age of 87 years. Sir in the absence of my husband there is no other person to look after them except myself.

That Sir, day by day it become obligation on my part to discharge family duties including treatment of my ailing mother-in-law.

That Sir, I am further to state that we have permanently settled down at Guwahati and I applied unilateral transfer to Guwahati in the year 1994 with the hope of staying at home and with my family. However, owing to suspension of transfer cases I was compelled to opt for deputation in lieu of transfer.

Under these circumstances I am to request you to consider my case sympathetically so that I can perform my family duties alongwith official responsibilities.

Dated, Guwahati  
The 12/4/04

Yours faithfully,

*Lakshmi Bhowmick*  
(LAKSHMI BHOWMICK)  
Sr. Acctt. GE-5

*Shilpa*

= 22 =  
**ST. STEPHEN'S SCHOOL**

CHRISTIAN BASTI, DISPUR  
GUWAHATI-781005

Annexure 7-1  
PHONE: 2344098  
2343660  
E-mail: stephensschool@hotmail.com

Date: 15<sup>th</sup> July '06

TO WHOM IT MAY CONCERN

This is to certify that  
Miss SHIMMILA BHOWMICK, daughter  
of Sri Bimal Kant Bhowmick is  
and her name Lakshmi Bhowmick  
is a student of Class IX of  
this school and is to appear  
for her final H.S.C. in the  
year 2006.



*[Signature]*  
15/7  
Director,  
ST. STEPHEN'S SCHOOL  
GUWAHATI-5.

*[Signature]*

23 =

Annex 7-II

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR  
CONTINUATION OF LEAVE

Signature of the Government servant Smt. Lakshmi Bhoomick

I, Dr. S.R. Rajkhorae

after careful personal examination

of the case hereby certify that Shri/Smt/Kumari Lakshmi Bhoomick  
whose signature is given above, is suffering from anful febrile (H. pylori infection) and I consider that a  
period of absence from duty of 16 (Sixteen) days 16/7/09 is absolutely  
necessary for the restoration of her health.

Dated 16/7/09

Authorized Medical Attendant  
Hospital/Dispensary  
or other Registered Medical Practitioner  
(No. 8978/MH)

Dr. Medical & Health Officer  
Capital State Dispensary  
Dijpur, Guwahati-8

Ats  
2

1.4.2004 Present: Hon'ble Shri Kunalp Singh,  
Judicial Member

Hon'ble Shri K.V. Prasad,  
Administrative Member.

FORM NO. 4 Learned counsel for the  
(SEE RULE 42) respondents seeks four weeks time to  
CENTRAL ADMINISTRATIVE written statement. The allowed.  
GUWAHATI Bench, applicant may file reply order within  
two weeks thereafter. List the matter  
ORDER SHEET on 27.4.04 for orders. Meanwhile,  
Org. App/ Misc. Petn/Cont. Petn/ interim order 51/2004 to continue.  
Rev. Appl.

In O.A.

Name of the Applicant(S) Isiswarup Pankajosha

Name of the Respondent(S) UOI L.A.S.

Advocate for the Applicant Mr H. K. Das & B. Pathak

Counsel for the Railway/ C.G.S.C. CGSC

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

1.3.2004

Heard Mr H.K. Das, learned  
counsel for the applicant. The  
application is admitted. Issue  
notice returnable by 1.4.04.  
Meanwhile, the reversion order  
dated 19.2.2004 is stayed till the  
returnable date. List for orders on  
1.4.04.

Sd/MEMBER(ADM)

TRUE COPY

15.3.04

Private Secretary  
Central Administrative Tribunal  
Guwahati Bench  
Guwahati-6

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

= 25 =

Annexure 9

30

ORDER SHEET

140/04

App./Misc Petn/Cont. Petn/Rev. Appl. ....  
In O.A. ....  
Name of the Applicant(s) *Dr. S. Bhattacharya* ....  
Name of the Respondent(s) *UOI & ORS.* ....  
Advocate for the Applicant *Mr. M. Chanda, G.N. Choudhary* ....  
*S. Nath and J. Choudhary* ....  
Counsel for the Railway/CGSC. *Addl. CGSC* ....

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

7.6.2004

present: The Hon'ble Shri K.V. Prahladan,  
Administrative Member.

Hear Mr. M. Chanda, learned counsel  
for the applicant and also Mr. A.K. Chau-  
dhuri, learned Addl. C.G.S.C. for the res-  
pondents.

This application has been filed  
against the repatriation of the applicant  
from the Office of the Accountant General  
(A&E), Assam, Guwahati to the Office of  
Sr. Dy. A.G. (A&E), Nagaland, Kohima.  
The applicant has claimed that vide  
letter dated 17.2.2004 (Annexure-6) the  
period of deputation of the applicant  
has already been extended for one year  
from 4.2.2004 to 3.2.2005 and hence  
the repatriation order dated 19.2.2004  
(Annexure-7) is against the procedures  
and rules regarding repatriation from  
deputation. The applicant has also  
pointed out the order dated 19.3.2004  
whereby the transfer order of another  
official Mr. J. Mukherjee, Sr. Acctt. has  
been cancelled.

The Tribunal cannot interfere  
in the matter of transfer unless the  
same is passed illegally and with  
malafide intention. Considering the  
facts and circumstances of the case,  
I am of the opinion that it is a fit  
case in which direction is to be given

contd./2

Contd.

7.6.2004 to the applicant to file a fresh representation before the respondents. Accordingly, applicant shall file a fresh representation before the respondents ventilating all his grievances within a period of fifteen days from the receipt of this order. If ~~such~~ representation is made, respondents are directed to pass a reasoned <sup>and speaking</sup> order <sup>KVO</sup> as per rules. Till the completion of the exercise, the order of repatriation in ~~xxx~~ respect of the applicant shall be kept in abeyance.

The O.A. is disposed of accordingly at the admission stage itself.

Sd/MEMBER(ADM)

TRUE COPY

प्रतिलिपि

13.7.04

Private Secretary  
Central Administrative Tribunal  
Guwahati Bench  
Guwahati-6

Alm  
g