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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

10/11/17

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org. App/Misc. Petn/Cont. Petn/Rev. Appl..... *20/2004*

In O.A.

Name of the Applicant(s) B.C. Akhuli

Name of the Respondent(s) Loc. Govt.

Advocate for the Applicant Mr. A. Ahmed
Mr. M.U. Ahmed

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

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
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This application is in Form
is filed C.F. for Reg. No. 30.
deposited vide P.C. BD
No. 206112179
Dated 19/7/04

3.9.2004

Heard Mr. A. Ahmed, learned counsel
for the applicant.

The O.A. is admitted, call for the
records, returnable by four weeks.

List on 4.10.2004 for orders.

Done
Dy. Registrar

Slips Taken

N/219108

bb

I.C. Pahadeh
Member (A)

Notice & order
sent to D/sections
for issuing to
resp. Nos 1, 2, by
regd. A/D post.

22.11.2004

Mr. A. Ahmed, learned counsel for
the applicant was present.

List for orders on 3.12.2004.

20/9/04
Notice duly served
on resp. No. 1.

bb

3.12.2004

List on 20.1.2005 for orders.

I.C. Pahadeh
Member (A)

mb

9/11/04

24. 11. 04W/S Submitted
by the Respondents.✓2-12-04Notice duly served.
On-2-04. I
C/S ha-seen. B/Ted.✓

LM

✓
Member (J)16.02.2005 Present : The Hon'ble Mr. M.K. Gupta,
Judicial Member.

Adjourned to 18.02.2005.

10-2-05

W/S ha-seen. B/Ted.

✓

mb

✓
Member (J)

18.2.2005

Adjourned to 1.4.2005.

K. P. S. Rajan
Member

bb

1.4.05

Present: Hon'ble Mr. Justice G. Siga-
rajan, Vice-Chairman.

The applicant has filed this O.A. seeking certain reliefs. Now the applicant has filed M.P. No. 77 of 2005 stating that the applicant has got the relief in the order No. 9/2005-SRA dated 18th February, 2005 posting him to the office Save Grain Campaign at Kolkata with effect from 1.3.2005 and as such there is no cause of action to continue the O.A. before this Tribunal.

I also heard Mr. M. U. Ahmed learned Addl. C.G.S.C. for the Respondents. In view of the facts the O.A. is dismissed as infructuous.

✓
Vice-Chairman

lm

10/3/05
Copy of the has
been sent to the
S/Secy for. idcif
The same to the applicant
as well as to the
Addl. C.G.S.C. for the
Respd.

✓

- 2 SEP 2004 35

गुवाहाटी बायांठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 201 OF 2004.

BETWEEN

Shri Bidhan Chandra Akhuli

...Applicant

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of Office Memorandum No. 20014/3/83-D-IV New Delhi dated 14th December 1983.

Annexure-B is the photocopy of Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure.

Annexure-C, D & E are the photocopies of such representation dated 16-03-2000, 23-04-2003 and 01-03-2004 submitted by the Applicant before the Respondents.

Annexure-F & G are the forwarding letters dated 22-05-2002 & 05-03-2004 respectively.

This Original application is not made against any particular order but the Applicant is seeking a direction from this Hon'ble Tribunal to Respondents to give him choice place of posting at Save Grain Campaign Office at Kolkata as per Office Memo No.20014/3/83-D-IV dated 14th December 1983 issued by the Ministry of Expenditure, Govt.

D. Akhuli

Of India and also vide Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure as he has already completed his fixed tenure at North Eastern Region.

RELIEF SOUGHT FOR:

That the Hon'ble Tribunal may be pleased to direct the Respondents to give the choice place of posting to the Applicant i.e. to Save Grain Campaign Office, Kolkat as per Office Memo No.20014/3/83-D-IV dated, 14th December 1983 issued by the Ministry of Expenditure, Govt. Of India and also vide Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure as he has already completed his fixed tenure at North Eastern Region.

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

To pay the cost of the application.

INTERIM ORDER PRAYED:

At this stage no interim order is prayed for, if the Hon'ble Tribunal deem fit my pass any order or orders.



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

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**
ORIGINAL APPLICATION NO. 201 OF 2004.

Filed by
Shri Bidhan Chandra Akhuli
Applicant
through
S. Chakraborty
(Adv. Adm'd)
Date

BETWEEN

Shri Bidhan Chandra Akhuli,
Technical Officer (S&R),
Save Grain Campaign Office,
Ministry of Consumer Affairs,
Food and Public Distribution,
Milanpur, P.O.-Bamunimaidan,
Guwahati-21.

...Applicant

-AND-

1. The Union of India represented by the
Secretary Food to the Government of
India, Ministry of Consumer Affairs,
Food and Public Distribution,
Krishi Bhawan, New Delhi-110001

2. The Joint Commissioner (S&R),
Ministry of Consumer Affairs & Public
Distribution, Department of Food and
Public Distribution, Krishi Bhawan,
New Delhi-1.

...Respondents

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

This application is not made against any particular order but the
Applicant is seeking a direction from this Hon'ble Tribunal to
Respondents to give him choice place of posting at Save Grain

B. Akhuli

Campaign Office at Kolkata as per Office Memo No.20014/3/83-D-IV dated 14th December 1983 issued by the Ministry of Expenditure, Govt. Of India and also vide Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure as he has already completed his fixed tenure at North Eastern Region.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

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

4.2) That your Applicant begs to state that he is working as Technical Officer, Technical Officer (S&R), Save Grain Campaign Office, Ministry of Consumer Affairs, Food and Public Distribution, Milanpur, P.O.- Bamunimaidan, Guwahati-21. He was posted at Guwahati in Save Grain Campaign Office on 11th June 1998 vide Office Order No.A-22012/3/96-SRA Dated 18th May 1998.

4.3) That your Applicant begs to state that the Government of India has issued an Office Memorandum No. 20014/3/83-D-IV New Delhi dated 14th December 1983 regarding tenure posting at North Eastern Region, allowance and other special facilities for Civilian Employees of the Central Government Servants in the States and Union Territories of the North Eastern Region. This North Eastern Region includes the State of Assam, Meghalaya, Manipur, Nagaland, Tripura, Mizoram and Arunachal Pradesh. In the said Office Memorandum in paragraph II it



has been stated that "Their will be a fixed tenure of posting of 3 years at the time of Officer with service of 10 years or less and of 2 years at the time for Officers with more than 10 years of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to station of their choice as far as possible. The period of deputation of the Central Govt. employees to the states/union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in the interest of public services as well as when the employees concerned is prepared to stay longs. The admissible deputation allowance will also be continue and be paid during the period of deputation of extended." The said Office memorandum is still in force vide Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure.

Annexure-A is the photocopy of Office Memorandum No. 20014/3/83-D-IV New Delhi dated 14th December 1983.

Annexure-B is the photocopy of Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure.

4.4). That your Applicant begs to state that, he has already completed 6(Six) years of his service at North Eastern Region which is more than fixed tenure as fixed by the Government of India. He is now overdue for his choice place of posting. Accordingly, he filed many representations since 2000 to till now requesting the Respondents to consider his case for transfer at his choice place i.e. Save Grain Office, Kolkata which has been forwarded by the Assistant Regional Director (S&R), Guwahati. In the said forwarding letters the Assistant Regional Director (S&R), Guwahati strongly recommend the case of the Applicant stating that the Applicant's case is genuine in nature, justified and needs sympathetic consideration.

Annexure-C, D & E are the photocopies of such representation dated 16-03-2000, 23-04-2003 and 01-03-2004 submitted by the Applicant before the Respondents.

Abhul

Annexure-F & G are the forwarding letters dated 22-05-2002 & 05-03-2004 respectively.

4.5) That your Applicant begs to state that due to his long stay at North Eastern Region he is now completely isolated from his native society. As such he is facing trouble for marriage of his Daughters who are going to be over aged for marriage. It is becoming very difficult for him to find out a suitable bridegroom for his Daughter. Apart from this also his old aged mother's condition is deteriorating day by day who is staying in Kolkata along with his ailing wife. The Applicant has also gone for a major operation conducted at Nilratan Medical College Hospital (NRSMCH). He needs constant care of his family who are staying at Kolkata on the reason of academic, other social and family obligation.

4.6) That your Applicant begs to state that he all along carried out his transfer orders without any protest. He even did not protest about his transfer to North Eastern Region although he was facing acute family problem. He has rendered his devoted and sincere service to all concerned. He has already completed more than normal tenure at North Eastern Region but till now the Respondents did not consider his genuine case for choice place of posting.

4.7) That your Applicant begs to state that similarly situated persons like Shri B.N.Maharana and Shri B.Prasad were transferred from North Eastern Region before completion of normal tenure at North Eastern Region. Similarly situated persons like Dr.Ram Pal and P.B.Mandal were transferred from North Eastern Region after completion of normal tenure at North Eastern Region.

4.8) That your Applicant begs to state that action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts. As such finding no other alternative your applicant is compelled to approach this Hon'ble for seeking justice in this matter.



4.9) That your Applicant begs to state that the Respondents have mentally tortured your applicant and his whole family by not giving his due choice place of posting as per Government of India memorandum. The Respondents have clearly violated Government of India memorandum regarding choice place of posting after completion of fixed tenure at North Eastern Region.

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

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

4.12) That your Applicant submits that the action adopted by the Respondents in case of the applicant is improper, mala fide, illegal and without jurisdiction.

4.13) That your Applicant submits that he has been punished by the Respondents by not considering his choice place of posting at Kolkata in spite of his repeated representations and as such, the Respondents are harassing your applicant for a long time without any reason or causes.

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in details the action of the Respondents is in *prima facie* illegal, malafide, arbitrary and without jurisdiction.

5.2) For that the North Eastern Service was fixed for two years by the Union of India as such there in no jurisdiction in denying the said benefit to the Applicant and denial has resulted in violation of Articles 14,16 & 21 of the Constitution of India in as much other similarly situated employee have been granted the said benefit.

B. Akhuli

5.3) For that it is settled proportion of law that when same principles have been laid down in other personal who are similarly situated then the same principle should be granted to the other person also.

5.4) For that, the Applicant having been denied the said benefit without any reasonable excuses without affording any opportunity on being heard there is clear violation of the principles of natural justice accordingly proper reliefs are required to be granted to the Applicant.

5.5) For that, the Applicant having completed his tenure posting the Respondents ought to have consider that aspect of the matter.

5.6) For that the Applicant all family members are suffering from mental anxiety and torture for several years without any fault of them.

5.7) For that in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The Applicant crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

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

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

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



8) RELIEF SOUGHT FOR:

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

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give the choice place of posting to the Applicant i.e. to Save Grain Campaign Office, Kolkat as per Office Memo No.20014/3/83-D-IV dated 14th December 1983 issued by the Ministry of Expenditure, Govt. Of India and also vide Office Memorandum dated July 22, 1998 issued by the Ministry Of Finance, Department of Expenditure as he has already completed his fixed tenure at North Eastern Region.
- 8.2) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED:

At this stage no interim order is prayed for, if the Hon'ble Tribunal deem fit my pass any order or orders.

- 10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. :- 206-112179
Date of Issue :- 19-7-04
Issued from :- Gwalior
Payable at :-

Abdullah

12) LIST OF ENCLOSURES:

As stated above.

Verification

Othniel

VERIFICATION

I, Shri Bidhan Chandra Akhuli, Technical Officer (S&R), Save Grain Campaign Office, Ministry of Consumer Affairs, Food and Public Distribution, Milanpur, P.O.-Bamunimaidan, Guwahati-21. Assam do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.5 to 4.9 — are true to my knowledge, those made in paragraph nos. 4.3, 4.4, _____ are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the ~~11~~ day of September, 2004 at Guwahati.

Bidhan chandra Akhuli

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S.B.

ANNEXURE ONE A

No. 20014/3/83-D-IV
Government of India
Ministry of Expenditure

New Delhi, the 14th Dec. '83

Copy. of Min. of Def. O.M. No. 4 (19) / 83/D Civ-I
dt. 11.1.89

OFFICE MEMORANDUM

Subject: Allowance and facilities for civilian
employees of the Central Govt. servants
in the states and Union Territories of
the North Eastern Region - improvement
thereon-

The need for attracting and retaining the
services of competent officers for service in the
North Eastern Region comprising the states of Assam,
Meghalaya, Manipur, Nagaland and Tripura and the
Union Territories of Arunachal Pradesh and Mizoram
has been engaging the attention of the Govt. for
some time. The Govt. had appointed a committee
under the Chairmanship of Secretary, Department of Per-
sonnel and Administrative Reforms, to review the

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Attn: Admto

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existing allowances and facilities admissible to the various categories, of civilian Central Govt. Employees serving in this region and to suggest suitable emprovement. The recommendations of the committee have been carefully considered by the Govt. and the president is now pleased to decide as follows:

(i) Tenure of posting/deputations:

There will be a fided tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at the time for officers with more than 10 yrs. of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to station of their choice as far as possible.

The period of deputation of the Central Govt. employees to the states/Union Territories of the North Eastern Region will generally be for 3 years

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which can be extended in exceptional cases in
of public services as well as when
when the employees concerned is prepared to stay
longs. The admissible deputation allowances will
also be continued and be paid during the period
of deputation or extended.

(ii)

Weightage for Central deputation/training
abroad and special mention in confidential
records.

Satisfactory performances of duties for the
prescribed tenure in the North Eastern shall
be given due recognition in the case of eligible
officers in the

(a) Promotion in cadre posts.

(b) Deputation to Central tenure posts, and

(c) Courses of training abroad.

The general requirement of at least three
years services in a cadre post between two Central

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*W.H. 11/11/66
A.D. 11/11/66*

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tenure deputation may be released to two years in deserving cases of meritorious services in the North East.

A specific entry shall be made in CB of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) allowances.

Central Govt. civilian employees who have
all India transfer liability will be granted a
special (duty) allowance at the rate of 25 per cent
of basic pay subject to a ceiling of Rs.400/- per
month on posting to any station in the North Eastern
Region. Such of those employees who are exempt
from payment of income tax will, however, not
eligible for this special (duty) Allowances.

Special (Duty) Allowances: Special (Duty) allowances will be in addition to any special pay and/or deputation (duty) allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) allowances

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construction allowances and project allowances will be drawn separately.

(iv) Special Compensatory Allowances

Assam and Meghalaya.

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs.50/- p.m. admissible to all employees without pay any pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of Assam.

2.

Manipur

The rates of allowances will be as follows for the whole of Manipur :-

Pay upto Rs.20/- Rs.40 P.M.

Pay upto Rs. 20/- Rs.15% of basic pay
subject to maximum of
Rs.150/- p.m.

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*(Affixed)
H. V. Asante*

Tripura

The rates if the allowance will be admissible as follows:-

a) Difficult area 25% of pay subject to a minimum of 50/- and a maximum of 150/- p.m.

b) Other areas:

Pay upto Rs.20/- Rs.40/- p.m.

Pay above Rs.20/- 15% of basic pay subject to a maximum of Rs.150/- p.m.

There will be no change in the existing rates of special compensatory allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowances admissible in specified areas of Mizoram.

(iv) Travelling allowances on first appointment

The relaxation of the present rules (BR-103) that the existing allowance is not admissible for

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(Hand)
(J. S. T.)

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journeys enlisted connection with initial
appointment, in case of journeys for initial
appointment to a post in the North Eastern Region
for travelling allowances limited to by bus
fare/second class rail fare for road/mailing
in case of first 400 kms. for the Govt.
servant himself will be available.

[vi) Travelling allowances for journey on
transfer.

In relaxation of orders below SR-11, on
transfer to a station in the North-Eastern Region,
the family of the Govt. servant does not accompany
him, the Government servant will be paid travelling
allowances on tour for self only for transit period
to join the post and will be permitted to carry
personnel effects upto 1/3 of his entitlement
at Govt. cost or have a equivalent of carrying
1/3rd of his entitlement of the difference in
weight of the personnel effects actually
carrying and 1/3rd of his entitlement as the case
may be in lieu of the cost of transportation of
baggage. In case the family accompanies the

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H. T. B.

Govt. servant on transfer, the Govt. servant will be entitled to the existing admissible travelling allowances including the cost of transportation as charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road millage for transportation of personnel effects

In the relaxation of orders below SR lie for transportation of the personnel effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt. servant will be admissible.

(viii) Joining time with leave

In the case of Govt. servants proceeding on leave from a place of posting in North Eastern Region, the period of travelling excess of two days

After 1st
Date

from the station of posting to outside that region will be treated as joining time. The outside will be admissible on return from leave.

(ix) Leave travel concession

A Govt. servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from the station of posting in the north eastern region to his home town or place where the family is residing and in facility for the family (restricted to his and two dependee children only) also ~~xxx~~ to travel once a year to employee at the station of posting in the north eastern region. In case the

the cost of travel for the initial stage (400 kms will not be borne by the officer.

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Attest
S. A. M. A.

Officers drawing pay of Rs.2250/- or above and their families ~~to~~ i.e. spouse and two dependent children (to 18 yrs. for boys and 24 yrs. for girls) will be allowed to travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the proceeding paragraph.

(x)

Children Education Allowances/Postal Subsidy)

Where the children do not accompany the Govt. servant to the North Eastern Region, Children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned. Of any other station where the children reside without any restriction of pay drawn by the Govt. servant, If children studying in schools are put in hostels at the last station of posting or any other station, the Govt. servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except ~~the~~ in sub para (iv) will also be mutatis mutandis apply to Central Govt. employees posted to Andaman and Nicobar Islands.

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*After Ed
J. H. Ambre*

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3. Those orders will take effect from 1st Nov. '93 and will remain in force for a period of three years upto 31st Oct. 1986.

4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt. to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office memorandum.

5. Separate orders will be issued in respect of other recommendation of the committee referred to in paragraph 1 as and when decisions are taken by them by the Govt.

6. In so far as persons serving in the India Audit & Accounts Deptt. are concerned, these orders issue after consultation with Comptroller and Auditor General of India.

sd/-
(S.C. Mahalik)
Jt. Secy. to the Govt. of India

A. K. Mahalik
Jt. Secy.

ANEXUR 21
New Delhi, Dated: July 22, 1998.

OFFICE MEMORANDUM

Subject: Allowances and Special Facilities for Civilian Employees of the Central Government serving in the States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands — Recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) ibid. were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North-Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

(I) **Tenure of Posting/Deputation**

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(II) **Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records**

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(III) **Special [Duty] Allowance**

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special [Duty] Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special [Duty] Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/88-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special [Duty] Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/95-E.II(B) dated January 12, 1996, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

Attn
GJ
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Special Compensatory Allowances.

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Composite Hill Compensatory Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified localities in the North-Eastern Region, Andaman & Nicobar Islands, and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of those employees who are entitled to the Special [Duty] Allowance or the Island [Special Duty] Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'national' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

(v) Travelling Allowance on First Appointment

The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(vi) Travelling Allowance for Journeys on Transfer; Road Mileage for Transportation of Personal Effects

on Transfer; Joining Time with Leave
The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983
shall continue to be applicable.

(vii)Leave Travel Concession

In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family :

(a) the government servant can avail of the leave travel concession for journey to the Home Town once in a block period of two years under the normal Leave Travel Concession Rules;

OR

(b) in lieu thereof, the government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family [restricted only to the spouse and two dependent children of age up to 18 years in respect of sons and up to 24 years in respect of daughters] also to travel once a year to visit the government servant at the station of posting:-

These special provisions shall continue to be applicable.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families [spouse and two dependent children] to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs 13,500 and above and their families, i.e. spouse and two dependent children [up to 18 years in respect of sons and up to 24 years in respect of daughters] will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Lilabari/Silchar in the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

~~Actual~~ \rightarrow Actual

(viii) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt.(Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Retention of Government Accommodation at the Last Station of Posting.

The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation

The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/1G/86-E.IV/E.II(B) dated December 1, 1998, shall continue to be applicable.

(xi) Retention of Telephone Facility at the Last Station of Posting

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephone may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

(xii) Medical Facilities

Families and the eligible dependants of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North-Eastern Region, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

17. Sandy 1903

(N.SUNDER RAJAN)

Joint Secretary to the Government of India

To

All Ministries/Department of the Government of India (As per standard Distribution List)

Copy [with usual number of spare copies] forwarded to C&AG, UPSC, etc. [As per standard Endorsement List]
Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

After 1st
1st
Down

ANNEXURE - C 29
From : Shri B.C. Akuli,
Tech. Officer (S&R)
SAC Office, Guwahati-31

To

The Joint Commissioner (S&R),
Ministry of Consumer Affairs, Public Distribution,
D/O Public Distribution,
Krishi Bhawan, New Delhi-110001.

Dated, Guwahati the 16.3.2000

(Through Proper channel)

Sub:: Request for transfer by Shri B.C. Akuli, Technical Officer (S&R) save Grain Campaign Office, Guwahati from Save Grain Campaign Office, Guwahati to Save Grain Campaign Office, Calcutta.

Ref:: Office order No. A.22012/3/96-SRA dated 18-5-98.

Sir,

With due respect and humble submission I beg to bring your kind attention on following few lines for your kind sympathetic consideration to transfer me from Save Grain Campaign, Guwahati to Save Grain Campaign Office, Calcutta.

That I have joined at Save Grain Campaign, Guwahati on 11-6-1998. I am going to complete 2 years on the month of June, 2000 under N.E. facilities.

That I kept my family at Calcutta and my widow mother is a patient of different diseases which required my attention.

That being bengali knowing person my service can be better utilised in Calcutta state if transferred to Save Grain Campaign, Calcutta.

Again, I pray kind consider my case to lower the tenure period under N.E. facilities and give favourable orders, which alleviate my difficulties.

Yours faithfully,

(B.C. Akuli)

Copy to:-

(S. C. AKULI)
XXX TECHNICAL OFFICER (S&R)

The Asstt. Reg. Director (S&R)
Save Grain Campaign Office,
Guwahati- for information with the request that he may kindly forward the application to the Joint Commissioner (S&R) for favourable order.

(B.C. Akuli)

TECHNICAL OFFICER (S&R)

After
J. S.
Ansari

25-

From: Shri B.C.Akuli
 Technical Officer(S&R)
 Save Grain Campaign Office
 M/O Consumer Affairs Food & P/D
 D/O Food & P/Distribution
 Milanpur, Bamunimaidan,
 Guwahati-781021(Assam).

To Dated, Guwahati the 23rd
 The Under Secretary(SRA) April, 2003.
 to the Govt. of India,
 M/O Consumer Affairs Food & P/D
 D/O Food & P/Distribution,
 Krishi Bhawan, New Delhi-110001.

(THROUGH PROPER CHANNEL)

Sub: Request for transfer of Shri Bidhan Ch.Akuli,
 Technical Officer(S&R), Save Grain Campaign
 Office, Guwahati to Save Grain Campaign Office,
 Kolkata.

Sir,

Kindly refer to my previous application dated 12-5-2000 & 31-1-2001 on the subject cited above, I beg to inform you that I have completed my service in North Eastern Region for more than 4 years, so it is my earnest appeal to you to kindly transfer me from Save Grain Campaign Office, Guwahati to Save Grain Campaign Office, Kolkata as my family members are suffering a lot.

WITH REGARDS,

Yours faithfully,

B.C.Akuli

(B.C.AKULI)
 Technical Officer(S&R)

(Attn)
(S) *Am 5*

26 A-7/SGG/2003-04/385-386 B
ANNEXURE E

From: Shri B.C.Akuli
Technical Officer(S&R)
Save Grain Campaign Office
N/O Consumer Affairs, Food & P/D
Milanpur, Bamunimaidan,
Guwahati-781021(Assam).

To : The Joint Commissioner(S&R)
N/O Consumer Affairs, Food & P/D
D/O Food & P/Distribution,
Krishi Bhawan, New Delhi-110001.

Dated, Guwahati the 13.04.

(THROUGH PROPER CHANNEL)

Sub: Request for transfer of Shri Bidhan Chandra Akuli,
Technical Officer(S&R), Save Grain Campaign Office,
Guwahati to Save Grain Campaign Office, Kolkata-
Regarding.

Ref: My previous letter No.A-7/SGG/2002-03/48 dated 23-4-2003,
dated 21-5-2002, 31-1-2001 and 12-5-2000.

Sir,

With reference to the subject cited above I want to draw your kind attention to the following points for your kind consideration. On my transfer from Save Grain Campaign Office, Kolkata to Save Grain Campaign Office, Guwahati on 11th June, 1998 vide Ministry's Office Order No.A-22012/3/96-SRA dated 18th May, 1998, have completed more than 5 years of service in Save Grain Campaign Office, Guwahati. My two children, my old ailing mother and my ailing wife are staying at Kolkata. The health of my old ailing mother is deteriorating day by day. My wife is also suffering from high blood pressure. Doctor advised her to take complete rest. My daughter entered marriageable age, my presence is very much essential to look after them and for the welfare of my family particularly for my daughter.

Apart from them my health is also deteriorating day by day after major operation conducted at Niratan Medical College Hospital (NRSMCH). This has to be mentioned here in the context that I have already completed more than 5 years of service in N.E.Region. As per norms of Govt. of India the officials working in the N.E.Region have to be considered for their choice of posting on completion of service successfully.

In the light of the above I earnestly request you to sympathetically consider the case of my transfer from Save Grain Campaign, Guwahati to Save Grain Campaign, Kolkata.

With regards,

Yours faithfully,

Copy to:

(i) The Under Secretary(SRA)
to the Govt. of India
Krishi Bhawan, New Delhi-110001

(ii) T

(B.C.AKULI)

Technical Officer(S&R)

For kind information and
sympathetic
consideration, please.

Attn: (S)

Adm.

92
ANNEXURE-F

GRAM: SAVEGRAIN

No. A-7/SGC/2002-2003/ 150

Govt. of India,

M/O Consumer Affairs Food & P/D

D/O Food & Public Distribution

Save Grain Campaign Office,

Milangpur, Bamunimaidan,

Guwahati-781021 (Assam).

Dated, Guwahati the 22nd May, 2002.

To

The ~~Secretary~~ Under Secretary,

SRA SECTION

Govt. of India,

M/O Consumer Affairs Food & P/D

D/O Food & P/Distribution,

Krishi Bhawan, New Delhi-110001.

Sub: : Forwarding of a application of transfer/posting request of Shri B.C. Akuli, Technical Officer(S&R) Save Grain Campaign Office, Guwahati - regarding.

Sir,

I am forwarding herewith an application of Shri B. C. Akuli, Technical Officer(S&R) of this office requesting for his transfer/posting from Save Grain Campaign Office, Guwahati to Save Grain Campaign Office, Kolkata as the concerned officer has completed his tenure successfully in the North Eastern Region. His request is justified for sympathetic consideration.

This is for your kind information and necessary consideration.

Enclo: : As above.

Yours faithfully,

(BIDESHI PRASAD)

REGIONAL DIRECTOR(S&R)

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22/5/02

Attn
J. P. D.

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A N NEXURE - 6

From: 2/02/3 B.C. 13
No. A-7/SGG/2003-04/77
Govt. of India
M/o Consumer Affairs/Food & P/D
D/O Food & P/Distribution,
Save Grain Campaign Office,
Milanpur, Bamunimaidan,
Guwahati-781021 (Assam).

1/0 Head & T.O. dated Guwahati the 5th March, 2004.

To
The Joint Commissioner(S&R)
M/o Consumer Affairs, Food & P/D
D/O Food & P/D
Krishi Bhawan, New Delhi-110001.

Sub: Forwarding for transfer/posting of Shri B.C.Akuli, Technical Officer(S&R), Save Grain Campaign Office, Guwahati - Regarding.

Sir,

I am forwarding herewith an application dated 1-3-2004 submitted by Shri B.C.Akuli, Technical Officer(S&R) of this office requesting for his transfer from Save Grain Campaign Office, Guwahati to Save Grain Campaign Office, Kolkata. It is, therefore, requested to kindly consider his case sympathetically since his case is genuine in nature.

Enclos: As stated.

Yours faithfully,

(DR. A. BHATTACHARJEE)
Assistant Regional Director(S&R)

Copy to:-
The Under Secretary(SRA)
to the Govt. of India,
M/o Consumer Affairs, Food & P/D
D/O Food & P/Distribution,
Krishi Bhawan, New Delhi-110001 - For information
and necessary action.

Assistant Regional Director(S&R)

Attached
J. D. S.

22 NOV 2004

Guwahati Bench
Guwahati

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Dr. A. Bhattacharjee
Asstt. Regional Director (SAGA)
Save Grain Committee Office
Guwahati, 21.10.21

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

O.A. NO. 210 OF 2004

Sari Bidhan Chandra Akuli

- Vs -

Union of India and others.

In the matter of :

Written Statement submitted by the
respondents.

The humble respondents beg to submit the parawise
written statement as follows :-

1. That with regard to the statement made in para 1, of the application, the respondents beg to state that it is a factual statement. It is added that O.M.s dated 14.12.1983 and 22.07.1998 issued by Ministry of Finance, Department of Expenditure also provide that the period of deputation of the Central Government employees to the State/UTs of the North-Eastern region will be generally for three years which can be extended in exigencies of public service as well as when the employee concerned is prepared to stay long.
2. That with regard to para 2, of the application, the respondents beg to state that the matter of record not disputed.
3. That with regard to para 3 and 4 & 4.1, of the application, the respondents beg to offer no comments.

-2-

4. That with regard to para 4.2, of the application, the respondents beg to state that it is a factual statement.

5. That with regard to para 4.3, of the application, the respondents beg to state that averments in this para are not disputed.

6. That with regard to the statement made in para 4.4, of the application, the respondents beg to state that representations were received from the applicant for his transfer to SGC Office, Kolkata. However, in view of the recommendation of Expenditure Reforms Commission for closure of IGMRI and SGC offices, consideration of representations of transfer of officials in the Department was put on hold till a final decision was arrived at on the fate of these offices. Accordingly all offices/officers were informed vide Circular No. A-22014/1/2002-SRA dated 8.7.2002 and 31.7.2002 (Annexure R-1 and R-2). Moreover, the Departmental guidelines provide that no transfer may be ordered in the midst of an academic session, and as far as possible, all transfers may be finalized and conveyed by end April.

Copy of circular dated 8.7.2002 is annexed herewith and marked as Annexure - R-1.

Copy of circular dated 31.7.02 is annexed herewith and marked as Annexure - A-2.

7. That with regard to the statement made in para 4.5, of the application, the respondents beg to state that the respondents have no comments to make on the applicant's

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submission that he is now completely isolated from his native society. It is, however, submitted that the applicant has purchased land in 24 Parganas, West Bengal from a private Organization and also given intimation regarding acquiring a ready built flat at Kolkata through a private agency. Both these acquisition have been made/initiated during his posting in Guwahati.

Copy of letter dated 15.11.01 is annexed herewith and marked as Annexure - R-3.

Copy of letter dated 1.4.04 is annexed herewith and marked as Annexure - 4.

8. That with regard to the statement made in para 4.6, of the application, the respondents beg to state that the contents of the para are partially correct. Representations were received from the applicant ~~for~~ for his transfer to ~~the~~ SGC Office, Kolkata. However, in view of the recommendation of Expenditure Reforms Commission for closure of IGMRI and SGC offices, consideration of representations of transfer of officials in the Department was put on hold till a final decision was arrived at on the fate of these offices. Accordingly all offices/officers were informed *vide* Circular No. A-22014/1/2002-SRA dated 8.7.2002 and 31.7.2002 (Annexure-R-1 & R-2). Moreover, Departmental guidelines provide that no transfer may be ordered in the midst of an academic session, and as far as possible, all transfers may be finalized and conveyed by end April. It is also added that the requests of transfer

-4-

of personnel deployed in the North-East were not considered during March & April, 2004 due to the General Elections.

The request for transfer of the Shri B.C. Akhuli and other similarly placed officials in the North East Region would be considered by the Respondent before the beginning of the next academic session.

9. That with regard to the statement made in para 4.7, of the application, the respondents beg to state that in May, 1999 transfers of a number of Technical Officers were considered by the Department. The tenure of Shri B.N. Maharana fell short of about a month. Since, transfer orders were issued in May, 1999 for all of these officers so Shri Maharana was transferred just when he was completing his full tenure in June 1999. Shri Bideshi Prasad was transferred on medical grounds as provided in the Department's guidelines. He had serious heart complications and had already undergone angioplasty at Escorts Heart - Institute, New Delhi. His follow-up treatment was under progress. He was advised to stay in Delhi as he may require immediate intensive cardiac care. In view of this, he was transferred to headquarters from Guwahati along with the post in July, 2003. Dr. Rampal, Assistant Director was transferred in December 2000 from SGC Guwahati after completion of his tenure. Shri P.B. Mandal, Technical Officer was transferred from SGC Guwahati in May 1998 after completion of his tenure.

-5-

10. That with regard to the statement made in para 4.8 & 4.9, of the application, the respondents beg to state that it is denied that the action of the Respondents is illegal, arbitrary and malafide. It is reiterated that in view of the recommendation of Expenditure Reforms - Commission for closure of IGMRI and SGC offices in 2001, consideration of representations of transfer of officials in the Department was put on hold till a final decision was arrived at on the fate of these offices. Accordingly all offices/officers were informed vide Circular No. A-22014/1/2002-SRA dated 8.7.2002 and 31.7.2000 (Annexure R-1 & R-2). The requests could not be considered during March-April, 2004 due to the General Elections. Moreover, the Departmental guidelines (Annexure R-5) provide that no transfer may be ordered in the midst of an academic session, and as far as possible, all transfers may be finalized and conveyed by end April. Request of the applicant and similarly situated officials in the North East will be considered before the beginning of the next academic session. The Respondent has not been denied any benefit due to him on account of his posting in the North-East.

Copy of Departmental guidelines is annexed

herewith and marked as Annexure-5.

11. That with regard to the statement made in para 4.10, of the application, the respondents beg to state that the contents of this para are without any substance and are denied.

-6-

12. That with regard to the statement made in para 4.11, of the application, the respondents beg to state that the contents of the para are not correct and are denied. As per terms and conditions of appointment, Technical Officers (S&R) are liable to transfer any where in India in public interest vide No. 112025/5/91-SRA dated 2.7.1992 (Annexure R-6). Reply to para 4.8 & 4.9 may also be referred.

Copy of offer of appointment dated 2.7.1992
is annexed herewith and marked as Annexure -R-6.

13. That with regard to the statement made in para 4.12 to 4.14, of the application, the respondents beg to state that the contents of the paras are denied. As indicated in reply to para 4.8 & 4.9, there was no malafide intention of respondents in not transferring Shri B.C.-Akhuli from SGC Guwahati.

14. That with regard to the statement made in para 5.1, of the application, the respondents beg to state that for reasons explained in reply to para 4.8 & 4.9 above, the contents of the para are not correct and are denied.

15. That with regard to the statement made in para 5.2 & 5.3, of the application, the respondents beg to state that the contents of the para are denied. It is also denied that similarly situated employees have been granted the said benefits. Other Technical Officers are also continuing in the North-East for more than 2/3 years and their requests for transfer are to be considered along with the applicant's

request before the start of the next academic session.

The names of other Technical Officers are as given below :-

- (i) Shri A.K. Mukhopadhyaya, Assistant Director, SGC, Guwahati since June, 1999.
- (ii) Shri P.K. Routh in IGMRI, Technical Officer, Jorhat since June, 1998.

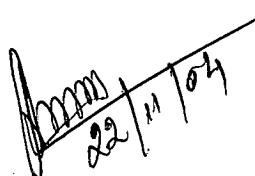
As per terms of their appointment, Technical Officers are liable to be transferred anywhere in India in SGC/IGMRI offices. No Fundamental Right has been violated.

16. That with regard to para 5.4, of the application, the respondents beg to state that contents are denied. Comments in reply to para 4.8 & 4.9 may be referred to.
17. That with regard to the statement made in para 5.5, of the application, the respondents beg to state that the representation of the applicant has been noted in the Department and shall be considered before the start of the next academic session
18. That with regard to para 5.6 & 5.7 of the application, the respondents beg to state that he could not be transferred as explained in paras 4.8 & 4.9 .
19. That with regard to para 6 & 7, of the application, the respondents beg to offer no comments.
20. That with regard to para 8 & 9, of the application the respondents beg to state that in view of the facts and circumstances explained in preceding paras, the application is liable to be dismissed. No cost is payable.

VERIFICATION

Shri/Dr. A. Bhattacharjee, Asstt. Regional Director (SRR)
SRR office, (Govt. of India) Guwahati - 781 021, being authorised
do hereby verify that the statements made in paragraph
S 1 to 20 of the written statement are true to my
knowledge, those made in paragraphs
being matter of records are true to my information derived
therefrom which I believe to be true and those made in
the rest are humble submissions before the Hon'ble Tribunal.
I have not suppressed any material facts.

And I signed this verification on this 22/11/2004
of November, 2004.


22/11/2004
Declarant.

Dr. A. Bhattacharjee
Asstt. Regional Director (SRR),
SRR Office
Guwahati - 781 021