

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 212/2004

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)



FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 212/2004

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Shri Jayant Rao Athalap

Respondents: Mrs. P. O. S.

Advocate of the Applicants:- Mr. Adil Ahmed

Advocate for the Respondents:- Case A.K. Choudhury

Notes of the Registry Date Order of the Tribunal

This application in form
is filed on 8.9.04
deposited with SD
No. 206/114/59
Date 29/9/04

Dy. Registrar

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

Application is admitted. Issue notice
to the respondents.

List on 2.11.04 for written statement

Member (A)

pg

25.11.04

On the prayer of Mr A.K.Choudhury,
learned Addl.C.G.S.C six weeks time is
granted to file written statement.

List on 17.1.05 for order.

Member

pg

11.3.05.

Present: Hon'ble Mr.K.V.Prahladan,
Member(A).

Learned counsel
for the respondents

Order dt. 8/9/04
Sent to D/section
for issuing to
resp. Nos. 1 & 2, by
regd. A/D post.

28/9/04

24/11/04

15/12. awarded.
7 No g/l's. La- been filed

16.02.2005

Present : The Hon'ble Mr. M.K. Gupta
Judicial Member.

22.12.04

W/s Submitted
by the Respondent Nos.
1 & 2

Ans.

A request has been received from Mr. A. Ahmed, learned counsel for the applicant that due to some personal problems he will not be able to attend Court. Hence adjourned to 18.02.2005.

Member (J)

Notice duly served on
Respondents No. 1

mb

18.2.2005

Mr. Ahmed, learned counsel for the applicant is on leave. List on 4.3.2005.

15-2-05

Notice duly served
on Respondent No. 1.

mb

W/s has been filed 11.3.05.

Present: Hon'ble Mr. K.V. Prahladan,
Member(A).

Written statement has been filed. Case is ready for hearing. List the case for hearing on 29.4.05. Meanwhile, the applicant may file rejoinder.

Member(A)

10-3-05

W/s has been filed

Notice duly served
on resp. Nos - 1, 2.

29.4.2005

The counsel for the applicant will verify as to whether the applicant has got the transfer. Post on 13.5.05.

Vice-Chairman

28-4-05

No rejoinder has been
filed.

mb

6.5.2005

On the plea of Mr. A. Ahmed, learned counsel for the applicant who was to take certain instruction from the client, the case is adjourned to 10.6.2005.

Member

bb

5-5-05

W/s has been filed.
No rejoinder has been
filed.

9-6-05

No rejoinder has been
filed.

Office Notes	Date	Order of the Tribunal
<p><u>20.6.05</u></p> <p>Copy of the Judgment has been sent to the office for issuing the same to the applicant as well as to the Addl. G.S.C for the Resp.</p> <p>HS.</p> <p>R JAC 20/6/05</p>	<p>10.6.2005</p> <p>mb</p>	<p>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court. Kept in separate sheets. The application is disposed of.</p> <p><i>[Signature]</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./P/A. No. 212/2004

DATE OF DECISION 10.6.2005

Sri J.R. AthaleyAPPLICANT(S)

Mr. A. Ahmed.ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India & Ors.RESPONDENT(S)

Mr. A.K. Chaudhuri, Addl. C.G.S.C.ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR.

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

[Signature]

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI**

Original Application No. 212 of 2004

Date of Order : This the 10th day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

Sri Jayanta Rao Athaley
Son of Late Moreswar Rao Athaley
Foreman (Field Station)
Indian Grain Storage Management & Research Institute
Ministry of Consumer Affairs,
Food and Public Distribution Department,
Assam Agriculture University Campus,
Jorhat - 13, Assam.

... Applicant

By Advocate Mr. Adil Ahmed.

- Versus -

1. The Union of India represented by the
Secretary to the Government of India
Ministry of Consumer Affairs
Food and Public Distribution
Krishi Bhawan, New Delhi - 110 001.
2. The Director,
Indian Grain Storage Management & Research Institute
Ministry of Consumer Affairs & Public Distribution,
Department of Public Distribution,
P.O. - Hapur,
District - Gaziabad, U.P.

... Respondents

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

ORDER (ORAL)SIVARAJAN, J. (V.C.)

The applicant wanted choice posting to Hapur (U.P.) as per Office Memorandum No. 20014/3/83-D-IV dated 14th December 1983 issued by the Ministry of Expenditure, Government of India and also vide Office Memorandum dated July 22, 1998 issued by the same Ministry as he has already completed his fixed tenure at North Eastern Region.

2. The Respondents have filed written statement. In paragraph 10 of the written statement it is stated thus:

"That the respondents beg to state that the keeping in view the request of the applicant there are only following options for submission to the Hon'ble Tribunal.

1. Sh. S.C. Kanjilal can not be transferred to IGMRI, Jorhat again he has been transferred from Jorhat to Hapur about 3 years back.

2. At present at IGMRI, Hyderabad Sh. R.K. Sanakkyalya is working as foreman and he is on the verge of the retirement. He is retiring in January, 2005 and as such he also cannot be transferred to IGMRI, Jorhat.

In view of the above his case is under sympathetic consideration for transfer but the applicant presently posted at IGMRI Jorhat will only be transferred after Sh. R.K. Sanakkalya Foreman retires in January, 2005."

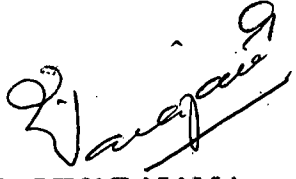
3. We have heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. From the written statement extracted above the respondents have clearly stated that the applicant's request for

Jpa

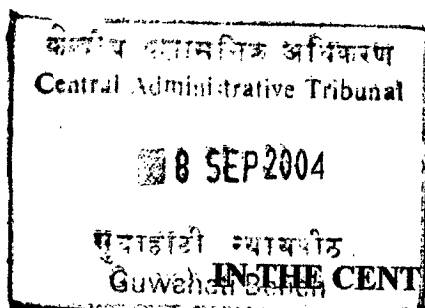
transfer to the choice place will be considered after retirement of Sri R.K. Sanakkalya, Foreman in January, 2005.

4. In the circumstances, if the applicant is not so far given transfer to Hapur (U.P.) which is his choice place or nearby places in U.P., the same will be done within a period of two months from the date of receipt of copy of this order.

The O.A. is disposed of as above. The applicant will produce this order before the concerned respondents for compliance.


(G. SIVARAJAN)
VICE-CHAIRMAN

/mb/



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

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

ORIGINAL APPLICATION NO. 212 OF 2004.

BETWEEN

Shri Jayant Rao Athaley

...Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of reliving order dated 11-12-2001 of the Applicant.

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

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

Annexure-D, D1 & D2 are the photocopies of representation submitted by the Applicants.

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 Hapur (U.P.) 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,

[Handwritten signature]

2/10

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 HAPUR (U.P) 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.

Malay

- 1 -

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

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

ORIGINAL APPLICATION NO. 217 OF 2004.

BETWEEN

Shri Jayant Rao Athaley
Son of Late Moreshwar Rao Athaley
Foreman (Field Station),
Indian Grain Storage Management &
Research Institute,
Ministry of Consumer Affairs,
Food and Public Distribution Department,
Assam Agriculture University Campus,
Jorhat-13, Assam.

...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 Director,
Indian Grain Storage Management &
Research Institute,
Ministry of Consumer Affairs & Public
Distribution,
Department of Public Distribution,
P.O.- Hapur,
District- Gaziabad, U.P.

...Respondents

Filed by
Shri Jayant Rao Athaley
Applicant
through
Abir
Advocate

Athaley

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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 Hapur (U.P.) 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

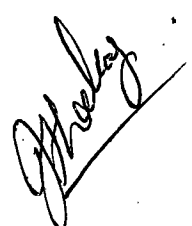
The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

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 Foreman (Field Station), Indian Grain Storage Management & Research Institute, Ministry of Consumer Affairs, Food and Public Distribution Department, Assam Agriculture University Campus, Jorhat-13, Assam. He belongs to Group-C category. He has joined as Foreman on 29th June 1981. He has already served as Foreman at Ludhiana and Udaipur under the Respondents. Earlier also your Applicant had served at Jorhat (North



Eastern Region) Assam as Foreman since March 1987 till February 1991. He was again transferred to Jorhat (Assam) vide Office Order No.3388-99 Dated 03-12-2001 and he joined at Jorhat on 2nd January 2002.

Annexure-A is the photocopy of reliving order dated 11-12-2001 of the Applicant.

4.3) That your Applicant begs to state that he has already served for 4(four) years at Jorhat (North Eastern Region), Assam and now again he is serving in this North Eastern Region i.e. Jorhat, Assam since 2nd January 2002 to till now. The Government of India has issued an Office Memorandum No.20014/3/83-D-IV New Delhi dated 14th December 1983 regarding allowance and 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 long. 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-B is the photocopy of Office Memorandum No. 20014/3/83-D-IV New Delhi dated 14th December 1983.



Annexure-C 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 total period of about 8(eight) 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 19-1-2004 till 22-6-2004 requesting the Respondents to consider his case for transfer at his choice place i.e. IGMRI. Hapur, U.P.

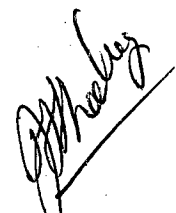
Annexure-D, D1 & D2 are the photocopies of representation submitted by the Applicants.

4.5) That, your Applicant begs to state that he has constructed a building at Hapur (U.P) by taking Government House Building Loan. His family is residing at Hapur (U.P). Due to his long stay at North Eastern Region he is now completely isolated from his native society and he has also been deprived from giving proper guidance to his sons. He is also facing financial trouble to manage two establishments at Hapur (U.P) as well as at Jorhat (Assam). His son is also studying at Agra (U.P.) and the other son is studying at Hapur (U.P.). He is staying alone at Jorhat (Assam) leaving his whole family at Hapur (U.P.).

4.6) That your Applicant begs to state that he has all along carried out his transfer orders without any protest. He has rendered his devoted and sincere service to all concerned. But till now the Respondents did not consider his genuine case for choice place of posting i.e Hapur (U.P.).

4.7) 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.

4.8) 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.

4.9) 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.

4.10) 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.

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

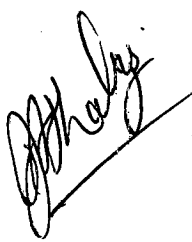
4.12) That your Applicant submits that he has already completed his fixed tenure period of North Eastern Region. As such he is entitled for choice place of posting.

4.13) 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 is 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.



5.3) For that it is settled proportion of law that when same principles have been laid down in other persons 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's family members are suffering from mental anxiety everyday due to his stay at Jorhat (Assam).

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:

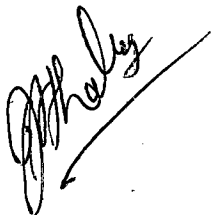
That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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 HAPUR (U.P) 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. 209/114159
 Date of Issue 2.9.2009
 Issued from Guwahati S.P.O.
 Payable at Guwahati.

12) LIST OF ENCLOSURES:

As stated above.

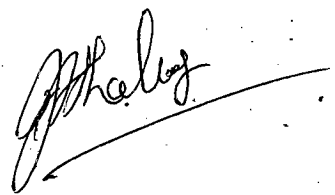
Verification

[Handwritten Signature]

-VERIFICATION-

I, Shri Jayant Rao Athaley, Son of Late Moreshwar Rao Athaley, Foreman (Field Station), Indian Grain Storage Management & Research Institute, Ministry of Consumer Affairs, Food and Public Distribution Department, Assam Agriculture University Campus, Jorhat-13, Assam. do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.3, 4.6, 4.7, 4.8 - are true to my knowledge, those made in paragraph nos. 4.2, 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 8th day of September, 2004 at Guwahati.


Jayant Rao Athaley

Government of India
Ministry of Food & Consumer Affairs
Dept. of Food & Civil Supplies
Indian Grain Storage Management &
Research Institute, Post Box No. 10
HAPUR - 245101

Dt. 11 -12-2001

OFFICE ORDER

Consequent upon joining of Shri S.C.Kanjilal, Foreman from IGMRI, Jorhat to IGMRI, Hapur in compliance of the office order of even no.3388-99 dated 3.12.2001, on 7.12.2001 (FN) Shri J.R.Athaley, Foreman stands relieved w.e.f.7.12.2001 (forenoon) for joining duties at IGMRI, Jorhat.

(S.K.Srivastava)

Distribution:

Administrative Officer

- ✓ 1. Shri J.R.Athaley, Foreman,
IGMRI, Hapur - with the advise to submit No Dues Certificate from all concerned enabling this office to issue LPC.
2. The Officer Incharge, IGMRI, Jorhat.
3. The Asstt. Engineer (Civil), IGMRI, Hapur
4. Controller of Accounts, Ministry of Consumer Affairs, Food & Public Distribution, 1688, Barracks, K.G. Marg, N. Delhi
5. Dy. Controller of Accounts, Ministry of CA, Food & Public Distribution, ~~1688, Barracks, K.G. Marg, N. Delhi~~ 5-Esplanda East Kolkata-70069.
6. Under Secretary (SRA), Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi.
7. Personal file of the official concerned.
8. Guard file/office order file.

Attested
S.K. Srivastava
Administrative Officer

— 10 —
— 14 —
— 137 —
ANNEXURE ~~137~~ B

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 Personnel and Administrative Reforms, to review the

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Attested
[Signature]
Advocate

10-11-138
11-15-11-2

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

(1) Tenure of Posting/deputations:

There will be a fixed 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 year. 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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Attested
[Signature]
Advocate

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12 -

which can be extended in exceptional cases in
of public services as well as when
when the employees concerned is prepared to stay
long. The admissible deputation allowances will
also be continue and be paid during the period
of deputation of 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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Attended
Q.1
S.1

- 13 -
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:: 4 ::

tenure deputation may be relaxed 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 be eligible for this 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

.....5

A.H. El
Sh. /
Aswate

-14-
24
-18-
14-
5

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 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.2 0/- 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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A. K. (21)

Tripura

The rates if the allowance will be
~~xxxxxxxxxx~~ 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.

- (v) 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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journneys enlisted connection with intitial
appointment, in case of journeys for intital
appointment to a post in the North Eastern Region
for travilling alloances limited to by bus
fare/second class rail fare for road/mailling
in case of first 400 kms. for the Govt.
servant himself will be available.

(vi) Travelling allowanc.s for hourney 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 or his entitlement of the difference in
weight of the personnel effect: actually
carrying and 1/3rd of his entitlement as the case
may be in lue of the cost of transportation of
baggage. In case the family accompanies the

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J. S. 1
A. H. C. 6

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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 mileage for transportation of personnel effects

In the relaxation of orders below SR 110 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

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by
J. S. / J. S. / J. S.

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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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officers drawing pay of Rs.2250/- or above and their families ~~xx~~ i.e. spouse and two dependent children (to 18 yrs. for boys and 24 yrs. for girls) will be allowed are travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentions 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. If children residing at 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. e./, places posted to Andaman and Nicobar Islands.

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3. These 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 ferred 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

Minist
Jil - 1
Amite

New Delhi, Dated July 22, 1990.

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.

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Annexure

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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.

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(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. 24017/1/97-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. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, 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 telephones 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 issued after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

N. Sunder Rajan

(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.

Attested
[Signature]
[Signature]

- 26 -

To
The Director,
I.G.M.R.I. (FS), Govt. of India
M/O. Cons. Affairs, Food & P.D.
Deptt. of Food & Public Distribution,
Hapur-245101, (U.P.)

ANNEXURE-D 37
Date :- 19.01.2004.

(Through Proper Channel)

Subject :- Request for Transfer to I.G.M.R.I., Hapur (U.P.) - reg.

Sir,

Most respectfully, I submit the following few lines for your kind perusal and sympathetically consideration.

Sir, I have served two years of tenure working at IGMRI, Jorhat, (Assam) as a Foreman w.e.f. 02.01.2002 to 02.01.2004. My family is staying at Hapur (UP) and my both the childrens are college going. One of my son is studying at Ambedkar Engineering College Agra. I am spending lot of amounts towards his tuition fees and Hostel charges another son is doing M.C.A. I am also spending huge amount towards his fees. These expenditure is unbearable because I am a group 'C' employee and getting less salary and staying far off place from my residence at Hapur. It is very difficult to maintain the family at two places and spending amount on the education of two childrens.

I have served twice in N.E. region i.e. IGMRI, Jorhat, (Assam). Therefore, I request your goodself to kindly transfer me to IGMRI, Hapur (U.P.).

I hope that seeing my financial condition/problems and serving twice in N.E. region, my request will be considered sympathetically.

I shall be highly obliged and ever grateful to you for your kindness.

Thanking you,

Encl :- As Stated.

Yours faithfully,

(Signature)
26.1.04
(J.R. Athaley)
FOREMAN
I.G.M.R.I., JORHAT (ASSAM).

NO:- IGMRI/JAT/PP-TRA/2003-04/424.
Forwarded to the Director for information and necessary action if his case may be considered one for any way be allotted to IGMRI, Jorhat.

Sd/-

Dr S. Bhattacharya

(Dr. S. Bhattacharya)
Technical

Attended
Rel
Asmt

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REMINDER-I

ANNEXURE D,

To

The Director,
Indan Grain Storage Management
& Res. Institute,
Hapur - 245 101 (U.P.)

Dated: 18-3-2004.

Sub : Request for transfer from IGMRI, Field
Station, Jorhat to IGMRI, Hapur - reg.

Sir,

I have completed more than two years
of service in North-East Region. I have already
made a request to your good office on 19-01-2004
but nothing has been heard so far. Due to financial
hardship and maintaining double establishment at Hapur
as well as at Jorhat, it is very difficult to maintain
the same.

I therefore, request your honour to
kindly look into matter personally ~~the~~ pass necessary
orders for my transfer to Hapur.

Thanking you,

Yours faithfully,

(J.R. Mahale)
Foreman,
IGMRI, F.S.,
Jorhat.

J.R.
19/3/04

AO
Pl examine and
recommend of
AE (C) also

Attn
Adm

ANNEXURE

-26-

Dated 22-06-2004.

To

The Director,

Indian Grain Storage Management & Research Institute,
Meerut Road, Hapur. (U.P.).

(THROUGH PROPER CHANNEL)

SUB :- REQUEST FOR TRANSFER FROM IGMRI, JERHAT TO IGMRI, HAPUR.

Sir,

With due respect I want to bring your kind notice that no action has been taken on my request for transfer from IGMRI, Jerhat to IGMRI, Hapur vide my request letter dated 19-01-2004 which was forwarded by OIC, Jerhat.

Once again I request your good self to look into the matter seriously and considered my case for transfer to Hapur sympathetically. I will be thankful to you if my request considered at an earliest.

Thanking You

Yours Faithfully.

(Jayant Das Athaley.,

FORWARD.

I.G.M.R.I. Jerhat

Forwarded to the Director, I.G.M.R.I. Hapur
for information and necessary action
S. V. V.
22.6.2004

Stamp: The Director, I.G.M.R.I. Hapur, Meerut Road, Hapur, U.P. 201002. Date: 22.6.2004.

NO. PF-JRA/IGMRI/JAT/2004-05/637

Dated :- 22-06-2004

Attested
J. V. V.
Athaley

22 DEC 2004

Stamp of the
Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::GUWAHATI

37
Union of India & Ors.
Respondents
Shri Jayant Rao Athaley
Addl. Central Govt. Standing Counsel
G. A. T. 22/12/04
Guwahati

In the matter of :-

O.A. No.212 of 2004

Shri Jayant Rao Athaley

..... Applicant

-Versus-

Union of India & Ors.

..... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENT NOS.1 AND 2.

I, Dr. K.K. Arora, Deputy Director, Indian Grain Storage Management and Research Institute (herein after referred to as IGMRI) Ministry of Consumer Affairs & Public Distribution, PO-Hapur, Dist-Gaziabad, U.P., do hereby solemnly affirm and say as follows :-

1. That I am the Deputy Director, Indian Grain Storage Management and Research Institute, Ministry of Consumer Affairs & Public Distribution, Hapur, Gaziabad, U.P. and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.

2. That the respondents have no comments to the statements made in paragraph 4.1 of the application.

3. That with regard to the statements made in paragraph 4.2 & 4.3 of the application, the respondents beg to state that the facts given by the applicant his application are not correct and he has tried to conceal the facts. There are only three sanctioned posts of Foreman in IGMRI, each at Hapur, Hyderabad and Jorhat and all the three posts are filled up at present as below :-

- | | | |
|---------------------|---|----------------------|
| 1. IGMRI, Hapur | : | Sh. S.C. Kanjilal |
| 2. IGMRI, Hyderabad | : | Sh. R.K. Sanakkayala |
| 3. IGMRI, Jorhat | : | the applicant |

It is fact that the applicant has served in the NE Region at IGMRI Jorhat since March, 1987 to Feb. 1991 after his transfer from IGMRI Udaipur to IGMRI Jorhat.

However, he was posted at IGMRI, Hapur after his transfer from IGMRI, Jorhat w.e.f. 28-02-99 since then the applicant served at IGMRI Hapur till 6-12-2001.

In the meantime Sh. S.C. Kanjilal Foreman at IGMRI, Jorhat has requested to the Director, IGMRI, Hapur for considering his transfer to IGMRI, Hapur since he has served at Jorhat NE Region for more than five years. (Annexure-I). After careful consideration and keeping in view the total posts of Foreman the Director, IGMRI, Hapur has acceded to the request of Sh. Kanjilal by transferring him to IGMRI, Hapur against the applicant who was transferred to IGMRI, FS, Hyderabad against Sh. R.K. Sanakkayala who was transferred to IGMRI, Jorhat.

After receipt of the orders of the applicant has requested the appropriate authority (Director) for transferring him to IGMRI Jorhat instead of IGMRI, Hyderabad. (Annexure-II). In the meantime a request from Hyderabad was also received from Sh. Sankkayala Foreman for requesting his cancellation, of transfer order as he is on the verge of the retirement.

Keeping in view the request of the applicant was considered sympathetically and he was posted at IGMRI (FS), Jorhat.

4. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that at present he has completed 2 years and nearly 10 months only till date (he has joined in January, 2002) at IGMRI, Jorhat in the NE Region, and not 8 years as stated by the applicant.

5. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that the applicant has requested to the Director for his transfer to IGMRI, Jorhat as his house was constructed when he was in Hapur.

6. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the transfer was on, his own request only.

7. That with regard to the statements made in paragraph 4.7 & 4.8 of the application, the respondents beg to state that the applicant has started filing application for transfer from IGMRI, Jorhat immediately after completion of two years tenure. His request was considered with full sympathy but can not be acceded to due to following reasons.

1. Sh. S.C. Kanjilal presently working as Foreman has joined at IGMRI Hapur on 7-12-01 after serving more than 5 years at IGMRI Jorhat (NE Region) and as such he can not be transferred again to IGMRI, Jorhat.
2. Serving in NE Region for a specific period does not, means that the person should be posted at his choice of place but the rules say as far as possible his request for transfer may be considered for choice posting.

8. That with with regard to the statements made in paragraph 4.9 to 4.11 of the application, the respondents beg to state that the allegations made by the applicant are false and irrelevant.

9. That with regard to the statements made in paragraph 4.12 the respondents ~~beg~~ reiterate the statements made in paragraph 4 of the written statement.

10. That the respondents beg to state that the keeping in view the request of the applicant there are only following options for submission to the Hon'ble Tribunal.

1. Sh. S.C. Kanjilal can not be transferred to IGMRI, Jorhat again as he has been transferred from Jorhat to Hapur about 3 years back.

2. At present at IGMRI, Hyderabad Sh. R.K. Sanakkalya is working as foreman and he is on the verge of the retirement. He is retiring in Janurary, 2005 and as such he also cannot be transferred to IGMRI, Jorhat.

In view of the above his case is under symnathetic consideration for transfer but ~~Sk.~~ Jx the applicant presently posted at IGMRI Jorhat will only be transferred after Sh.R.K. Sanakkalya Foreman retires in January, 2005.

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

(4)

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

I, Dr. K.K. Arora, presently working as Deputy Director, Indian Grain Storage Management and Research Institute, Ministry of Consumer Affairs and Public Distribution, PO-Hapur, Dist-Ghaziabad, U.P., being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 2, 8 & 9 of the application are true to my knowledge and belief, those made in paragraphs 3-7

being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 5th day of Dec. 2004

Krishankumar Arora.
DEPONENT 5-12-04
(Dr. K.K. Arora)
Dy. Director (SLR)
GoI
T.G.M.R.I.
HAPUR - 245701 (UP)

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Director,
I.G.M.R.I., Govt. of India,
Ministry of Con. Affairs, Food & P.D.
Deptt. of Food & Public Distribution,
Lapur-245101, Distt. Ghaziabad, (U.P.)

(Through Proper Channel)

Subject :- Transfer of Foreman from N.E. Region.

Sir,

With reference to my earlier applications (dated 18.11.1998 and 18.04.2000) for transfer from N.E. region, I was told to attend to the Govt. job patiently and efficiently. My request for Voluntary retirement was considered and it was felt necessary for the service of foreman at I.G.M.R.I. for which I am thankful to the administration. I was told that my case of transfer was under consideration of the competent authorities. One long year has passed since the assurance was given. I have worked patiently and now I just like to remind you to reopen the case of my transfer. Till today I think justice will be shown to me as five long years I have served in N.E. region instead of two years of tenure period.

My grievances are required to be solved as part of responsive administration and I expect to get a reply from you for taking future course of action as it has become impossible for me to look after the genuine problems of my family members from such a distance for such a long period.

Thanking you,

NO. IGMRI/JHT/ PF-SCK/2001-2002/200.

Yours faithfully,

Subhash Kanjilal
(S. C. KANJILAL)

Foreman,
I.G.M.R.I., JORHAT, (ASSAM)

Forwarded to
the Director I.G.M.R.I. Jorhat
for information and necessary
action.

S. S. Bhattacharya
Sr. S. Bhattacharya
Agricultural Technologist,
Govt. of India, Deptt. of Food,
Indian Grain Storage Institute
Market-746 015 (Assam)

On file quickly R.

(S.S.P.)

8/11/2001

Supd.

Subkita
G. Jagan
10/10

Attended

PK Chandra
S. C. S. S.

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No.A-22011/3/E/98/IGMRI/Vol-11/2839-2850
 Govt. of India,
 Min. of CA, Food & Public Distribution,
 Deptt. of Food & Public Distribution,
 Indian Grain Storage Management and
 Research Institute,
 Post Box No. 10, Hapur- 245101 (U.P.)

Dated : 18.10.2001

OFFICE ORDER

The following transfers in the grade of Foreman are ordered with immediate effect :-

S.No.	Name & Designation	From	To
1.	Sh. S.C. Kenji Lal, Foreman	IGMRI, Jorhat	IGMRI, Hapur
2.	Sh. J.R. Athley, Foreman	IGMRI, Hapur	IGMRI, Hyderabad
3.	Sh. S.R. Sanakkeyala, Foreman	IGMRI, Hyderabad	IGMRI, Jorhat

Sh. Kenji Lal, Foreman will move first and take over charge at IGMRI, Hapur from Sh. J.R. Athley.

The above officials will be entitled to T.A./D.A. and joining time etc as admissible under the rules.

This issues with the approval of the competent authority.

(S.K. Srivastava)
 Administrative Officer

Distribution :-

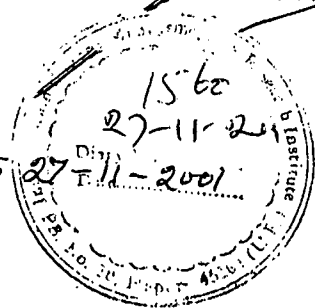
1. Sh. S.C. Kenji Lal, Foreman, IGMRI, Jorhat.
2. Sh. J.R. Athley, Foreman, IGMRI, Hapur.
3. Sh. S.R. Sanakkeyala, Foreman, IGMRI, Hyderabad.
4. Officer Incharge, IGMRI, Jorhat.
5. Officer Incharge, IGMRI, Hyderabad.
6. A.E. (Civil), IGMRI, Hapur.
7. Controller of Accounts, Ministry of Consumer Affairs,
 Food & Public Distribution, 1688 Barracks, K.G. Marg,
 New Delhi-11.
8. Dy. Controller of Accounts, Min. of CA, Food & PD,
 Deptt. of Food & PD, Haddous Road, Shastri Bhawan,
 Chennai (Tamilnadu).
9. Dy. Controller of Accounts, Min. of CA, Food & PD, Deptt.
 of Food & PD, 5- E splanada East Kolkata- 70069.
10. Under Secretary (SRA), Min. of CA, Food & PD, Deptt. of
 Food & PD, Kishi Bhawan, New Delhi.
11. Personal file of the official concerned.
12. Guard file/office order file.

सेवा में,

निदेशक,

भा० अ० सं० प्र० एवं अनु० संस्थान,
हापुड़ (उ०प्र०)

दिनांक



विषय :— स्थानान्तरण बदलेने की बाबत।

महोदय,

आपने मेरा स्थानान्तरण भा० अ० सं० प्र० एवं अनु० संस्थान हापुड़ से उपकेन्द्र भा० अ० सं० प्र० एवं अनु० संस्थान हैदराबाद के लिये किया था। अगर मेरा स्थानान्तरण हैदराबाद की जगह उपकेन्द्र भा० अ० सं० प्र० एवं अनु० संस्थान जोरहाट (आसाम) कर दिया जाये तो मैं नार्थ-ईस्ट में पोस्टिंग का लाभ उठा कर दो वर्ष बाद पुनः हापुड़ आने का हकदार हो जाऊँगा। अतः मेरा स्थानान्तरण भा० अ० सं० प्र० एवं अनु० संस्थान जोरहाट (आसाम) करने की कृपा करें। यदि यह स्थानान्तरण निरस्त कर दिया जाये तो अति कृपा होगी।

सधन्यवाद।

भवदीय

[Signature]
27-11-01

(जयन्तराव आहिर)
फोरमैन

*issuance
order of transfer
of Foreman. Mr. J.R. Ahly
may be posted at Lamsa P/S
for that effect of J.R. P/S
Hyderabad and transfer
order of Sanjay may be
revoked as cancelled*

(20/11/2001)

[Signature]
स. क. (प्रशा.)

Attested
[Signature]
Addl. C. G. S. O.

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No.A-22011/3/E/98/IGMRI/Vol-II/ 3388-79

Government of India
Ministry of consumer Affairs, Food and Public Distribution.
Department of Food and Public Distribution,
Indian Grain Storage Management and Research Institute.
HAPUR-245101.

Date : December 3, 2001

OFFICE ORDER

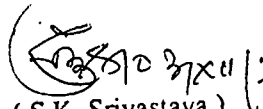
In supersession of this office order of even No. 2839-2850 dated 18.10.2001, transfers in the grade of Foreman are ordered with immediate effect, as under :

S.No.	Name & Designation	From	To
1.	Shri S.C. Kanji Lal, Foreman	IGMRI, Jorhat	IGMRI, Hapur
2.	Shri J.R. Athaley, Foreman	IGMRI, Hapur	IGMRI, Jorhat
3.	Shri R.K. Sanakkayala, Foreman IGMRI, Hyderabad	-----	Cancelled -----

Shri Kanji Lal, Foreman will move first and take over charge at IGMRI, Hapur from Shri. J.R.Athaley.

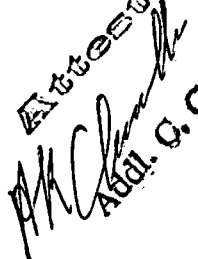
The above officials will be entitled to T.A./D.A. and joining time etc as admissible under the rules.

This issues with the approval of the competent authority.


(S.K. Srivastava)
Administrative Officer

Distribution :

1. Shri S.C. Kanji Lal, Foreman, IGMRI, Jorhat.
2. Shri J.R. Athaley, Foreman, IGMRI, Hapur.
3. Shri R.K. Sanakkayala, Foreman, IGMRI, Hyderabad.
4. Officer-in-Charge IGMRI, FS, Jorhat.
5. Officer-in-Charge IGMRI, Hyderabad w.r.t. his letter No. PF-FM-5(1)/IGSI/HYD/ 943 dated 21.11.2001
6. A.E. (Civil), IGMRI, Hapur
7. Controller of Accounts, Ministry of Consumer Affairs, Food and Public Distribution, Deptt. of Food and Public Distribution, 1688, Barracks, K.G.Marg, New Delhi-1.
8. Dy. Controller of Accounts, Ministry of Consumer Affairs, Food and Public Distribution, Deptt. Of Food and Public Distribution, Haddows Road, Shashtri Bhawan, Chennai (Tamilnadu)
9. Dy. Controller of Accounts, Ministry of Consumer Affairs, Food and Public Distribution, Deptt. of Food and Public Distribution, 5-Esplanada East Kolkata- 70069
10. Under Secretary (SRA) ,Ministry of Consumer Affairs, Food and Public Distribution, Deptt. of Food and Public Distribution, Krishi Bhawan, New Delhi
11. Personal file of the official concerned.
12. Guard file/office order file.

Attested

Addl. G.S.O.