

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 240/04.....

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

240/04

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

In O.A.

Name of the Applicant(s)

B. R. Haldar

Name of the Respondent(s)

U. O. T. Govt

Advocate for the Applicant

Ms. M. Pathak, Mr. D. Boruah
Mr. B. Pathak

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

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

Adv for applicant & AGC present
Held. The applicant has already
been relieved and as such
inter reply is filed. It is not
possible, at this stage, to grant
any relief. However, the respondent
may file reply on interim
relief on the next date and
the matter relating to interim
relief shall be heard on the
next date, 26.10.04 and
the matter be placed before
vacant judge.

Done
Dy. Registr.

Stepos. Halden with
envelopes.

Mention 10-day for
permission. Permission
Granted by the Hon'ble
Court. However page 47
not visible.

RS
6/10/04

Typed copy of page 47 be
obtained from applicant.

Done
6/10/04

500) TYPED copy not yet filed

26.10.2004

Heard Mr. D. Pathak, learned counsel
for the applicant.

Respondents shall file reply on
interim relief within two weeks.

List on 19.11.2004.

I.C. Dass
Member (A)

bb

26/10/04

9.11.04.

Present: Hon'ble Mr. Justice R.K.Batta, Vice-Chairman.

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

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

No reply has been filed as yet. In view of the order dated 8.10.2004 no relief at this stage can be granted. The matter be listed before the Single Bench on 22nd November, 2004 instead of 19.11.04.

KV Prahladan
Member

R
Vice-Chairman

jm

22.11.04 Heard Mr. D. Baruah, learned counsel for the applicant. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents is on leave. List on 15.12.2004. In the meantime, interim prayer may be considered by the respondents.

22.11.04

No reply filed

KV Prahladan
Member (A)

mb

08.12.2004
Shillong

Mr B.Pathak, learned counsel for the applicant states that on account of consequent developments the matter be adjourned. According to him, the applicant has now been posted at Nagaon under Assam Circle and the applicant intends to file ^{ment} amended application. Stand over to 22.12.2004. If the ^{ment} application is filed, the same be listed alongwith the O.A.

R
Vice-Chairman

bb

22.12.2004

Two weeks time is allowed to the applicant to file amendment application. Same will be listed along with this O.A. List on 7.1.2005.

d

6.1.05

A Consolidated application filed by the applicant

bb

KV Prahladan
Member

Notes of the Registry	Date	Order of the Tribunal
<u>6-1-05</u> No. 10001000 - Filed CONSOLIDATED	07.01.2005	The applicant has filed consolidated application. Issue notice to the respondents on the consolidated application. List on 04.03.2005 for orders.
Notice sent to D/section for warning to resp. No. by regd. A/D post. C/S 16/2/05	mb 04.03.2005	present : The Hon'ble Mr. K.V. Prahladan, Administrative Member. List on 18.3.2005 for filing written statement.
17-3-05 No. 1015 Ha- Seco- Filed ad.	mb 18.3.05	On the prayer of Miss U.Das, learned Addl.C.G.S.C four weeks time is allowed to file written statement. List on 27.4.05 for order.
Notice duly served on resp. 1, 2, 3. C/S 19/4	pa 27.4.05	Miss U.Das, learned Addl.C.G.S.C appearing for the respondents submits that written statement has already been filed. Mr B.C.Pathak, learned counsel for the applicant submits that the matter can be posted for hearing and in the meantime the applicant will file rejoinder, if any. List on 25.5.05 for hearing.
28.4.05 WTS filed by the Respondents.	pg	<i>Q</i> Vice-Chairman
24-5-05 No. 10100000 - Ha- Seco- Filed by		

202201024

25.5.2005 Adjourned to 15.6.2005 as prayed on behalf of Applicant.

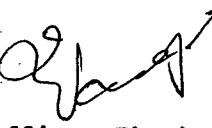
K.R. Prabhakar
Member

bb

13.6.05

15.6.2005 At the request of Ms. U. Das, learned counsel for the Respondents, posted on 28.6.2005 before the Division Bench.

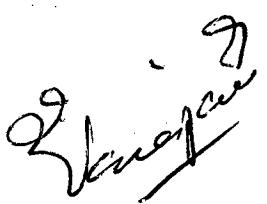
Rejoinder filed by the Applicant.


Vice-Chairman

mb


The case is ready for hearing.

28.6.2005 At the request of Mr. B.C. Pathak, learned counsel for the applicant, the case is adjourned to 20.7.2005.


Vice-Chairman

bb

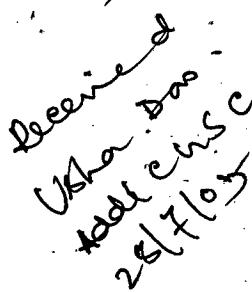
20.7.05. Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No costs.

K.R. Prabhakar
Member


Vice-Chairman

pg

26.7.05
Copy of the Judgment has been collected by the applicant by to-day.


Usha Doss
Addl. CIV. Secy
26/7/05

6

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 240 of 2004

DATE OF DECISION: 20.7.2005.

Sri Bipul Ranjan Halder

APPLICANT(S)

Mr. B.C.Pathak

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U. O. I. & Ors.

RESPONDENT(S)

Ms. U. Das, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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.

G. Sivaranjan

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 240 of 2004.

Date of Order: This, the 20th day of July, 2005

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

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Bipul Ranjan Halder,
Son of Birendra Kishore Halder,
Town & P.O. Karimganj (Assam)

... Applicant

By Advocate Shri B.C.Pathak

- Versus -

1. Union of India,
represented by the Secretary to the Govt. of India,
Ministry of Communications,
Department of Posts, New Delhi.

2. The Director General of Posts,
New Delhi.

3. Sri Abhijit Ghosh Dastidar,
Chief Postmaster General,
North East Circle, Shillong-793001.

4. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati-1.

... Respondents

By Miss Usha Das, Addl.C.G.S.C.

ORDER (ORAL)

SIVARAJAN J.(V.C)

The applicant is a Group 'B' officer in the Postal Department and presently working in Assam Circle. The applicant was earlier transferred from Calcutta to Shillong in the year 2002, which is in the North Eastern Circle. The applicant's wife is employed in a school under the Government of Assam. According to the applicant she is suffering from serious ailments and therefore his personal attendance is required to give proper treatment to her. The applicant while working at Shillong, in the above circumstances, made representation before the Postal authorities for giving him a posting at Dharmanagar in N.E.Circle. However, as per an



order dated 30.9.2004 (Annexure-1) the applicant was posted at Kohima in the State of Nagaland. The applicant made a representation dated 13.9.2004 (Annexure-5) followed by another representation dated 11.10.2004 (Annexure-7). However, the applicant was transferred from N.E.Circle to Assam Circle as per order dated 14.10.2004 (Annexure-8) and posted at Nagaon (Annexure-9). As already noted, the applicant wants transfer to a place near to the place where the applicant's wife is residing i.e either at Dharmanagar or at Silchar.

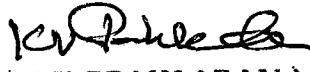
2. The respondents have filed their written statement denying the request of the applicant. Mr B.C.Pathak, learned counsel for the applicant submits that presently 2 vacancies are available at Silchar and Dharmanagar on account of retirement of the incumbents there. Counsel submits that the applicant had earlier represented for a posting at Dharmanagar or at Silchar and therefore the respondents may be directed to consider his claim for transfer to one of the said two vacant places. Mr Pathak further submits that in terms of Government Circulars particularly the latest one issued in 2004 a Government servant must be accommodated as far as possible at the same station where the applicant's wife is working. Counsel further submits that the respondents are bound to consider such circular while transferring the employees of the postal department. Miss U.Das, learned Addl.C.G.S.C appearing for the respondents on the other hand submits that the applicant has been posted in Assam Circle and it is in the same circle where he wanted transfer. Miss Das further submits that Dharmanagar and Silchar are far away places from Karimganj, where his wife is working and the transfer order was made in the interest of public service.

3. Mr B.C.Pathak, learned counsel for the applicant based on the averment in the rejoinder submits that though the applicant was accommodated in the Assam Circle at Nagaon it is 330 Km away from the residence whereas the distance from Karimganj to Dharmanagar is only 75 Km.



4. As already noted Dharmanagar and Silchar are nearer to the residence where the applicant's wife resides and vacancies are also available there on account of retirement of some persons. In the circumstances we are of the view that the application can be disposed of with directions. Accordingly there will be a direction to the applicant to submit a fresh representation within 10 days from today before the respondents and the respondents are directed to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and pass an appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. If any vacancy in Group B post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there the same will be filled up only after considering the case of the applicant as directed herein above.

Application is accordingly disposed of. No costs.


 (K.V.PRAHLADAN)
 ADMINISTRATIVE MEMBER


 (G.SIVARAJAN)
 VICE CHAIRMAN

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CONSOLIDATED APPLICATION

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

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

- 6 JAN2005

गुवाहाटी बैच नं
Guwahati Bench

Sri Bipul Ranjan Halder Applicant

-versus-

Union of India & others Respondents

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Filed by:

Bibhash Pathak
(Bibhash Pathak)
Advocate
6/11/05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : AT GUWAHATI

O.A. No. 240/2004

Sri Bipul Ranjan Halder Applicant
-versus-
Union of India & others Respondents

SYNOPSIS OF THE CASE:

Date	Particulars	Annexure	Page
1970	The applicant joined in service under the respondents as Postal Assistant. Since then the applicant rose to the present position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. In his blameless service career of 34 years the applicant has been transferred for 13 times in three different circles.		
30.9.04	Impugned order of transfer from Shillong to Kohima issued and the applicant is released/made to hand over charge on the same day within 2 hours.	1 & 2	
14.10.04	The applicant is again transferred from Kohima to the Assam Circle.	8	
20.10.04	The applicant is posted at Nagaon in the Assam Circle. Grounds for challenging the order of transfer: a) The impugned order of transfer is issued in violation of provisions of Rule 37A, 38, 41, 42, 43, 45, 46, 57, 73, 74 and 75 of the Posts and Telegraphs Manual, Vol. IV (Establishment) b) The impugned order is issued without considering the aspect of the applicant that his wife is a Govt. of Assam servant at Karimganj and there are	9	

12

specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.

- c) The impugned order of transfer is passed by an incompetent authority
- d) The fact that the wife of the applicant is a chronic patient of rheumatoid arthritis was not considered.
- e) That the impugned order of transfer is vitiated by malafide on part of the respondent No.2 who has been implicated by name in the application.
- f) That the applicant has been victimized as being a member of the Officers' Association.
- g) That the applicant has been discriminated against as the case of another similarly situated person has been considered by posting him at his station of request.
- h) That the representation made by the applicant on 15.9.2004, 30.9.2004 and 11.10.04 are still pending consideration before the competent authority.

Relief Sought for:

- i) to aside and quash the impugned order of transfer dated 30.9.2004 and 14.10.2004 (as in **Annexure 1 and 8**) and the release order dated 30.9.2004 (as in **Annexure 2**);
- ii) to direct the respondents to dispose of the representations dated 15.9.2004, 30.9.2004 and 11.10.2004;

Filed by:

Bibhash Pathak
(Bibhash Pathak)
Advocate
Date: 6-1-05

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Filed by the
Applicant through
Bishnu Pathak
Advocate
6-1-2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH AT GUWAHATI

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

ORIGINAL APPLICATION NO. 240 OF 2004

BETWEEN

Shri Bipul Ranjan Halder,
Son of Birendra Kishore Halder,
Town & P.O. Karimganj
District- Karimganj (Assam)

... Applicant

-versus-

1. Union of India
Represented by the Secretary, Govt, of India Ministry
of Communications, Department of Posts, New Delhi.
2. The Director General of Posts,
New Delhi
3. Sri Abhijit Ghosh Dastidar,
Chief Post Master General,
North East Circle, Shillong – 793001.
4. That Chief Post Master General,
Assam Circle, Meghdoott Bhawan, Guwahati-1.

... Respondents

DETAILS OF THE APPLICATION:

B R Halder

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

- (i) This application has been made against the order of transfer vide Memo No. Staff/9-2/04 dated 30.9.2004 (**Annexure 1**) thereby transferring the applicant from the Office of the Respondent No.2, Shillong to Kohima as the Deputy Superintendent of Post, Nagaland, Kohima Division with immediate effect.
- (ii) The release order/ certificate of transfer of charge-dated 30.9.2004 (**Annexure 2**) thereby relieving the applicant under compulsion within two hours from the receipt of the transfer order with immediate effect.
- (iii) Non-consideration of the representations dated 15.9.2004, 30.9.2004 and 11.10.2004 submitted by the applicant to the competent authority for consideration/ review of the order of transfer.
- (iv) Further order of transfer and posting vide Memo No. Staff/9-2/04 dated 14.10.2004 (**Annexure 8**) thereby again transferring the applicant from N.E. Circle to the Assam Circle.
- (v) The order of posting vide No. Staff/3-4/92/Ch-II dated 20.10.2004 (**Annexure 9**) thereby posting the applicant at Nagaon in the Assam Circle.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

B R Haldwe

The applicant further declares that the subject matter of the application is within the period of limitation prescribed under the Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

- 4.1 That the applicant is the citizen of India and a permanent resident Karimganj Town, P.O. Karimganj, District- Karimganj (Assam) and as such, he is entitled to all the rights, protection and privileges as guaranteed under the Constitution of India and the laws framed thereunder.
- 4.2 That the applicant joined in service under the respondents as Postal Assistant in the year 1970 and rose to the position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. The applicant has put in almost 34 years of blameless service and he is serving the cause of the Government of India with all dedication, devotion and sincerity.
- 4.3 That during his service career the applicant has got transferred to as many as 13 times to the places covering the three postal circles, viz, North East Circle, Assam Circle and West Bengal Circle. Lastly the applicant got transferred from West Bengal Circle to the North East Circle (his present place of posting) with effect from 1.7.2002. The applicant has completed 2 years and 3 months of service in his present place of posting where he is entitled to continue at least for 4 years as rotation posting.
- 4.4 That the respondent No.2 has issued the impugned order of transfer vide Memo No. Staff/9-2/04 dated 30.9.2004 (**Annexure 1**) transferring the applicant alongwith others from the Office of the respondent No.2 to Kohima as Deputy Superintendent of Posts, Nagaland Division, Kohima. It is pertinent to state here that the said order has been made to be issued by the applicant himself as the respondent No.2 compelled him to do so. It is also pertinent to state here that the said transfer orders are to take immediate effect whereas the one of the transferee at Sl.

B. R. Maldue

No. (d) has been made to be relieved only on 18.10.2004 who is to be released by another transferee, namely Sri Anil Baran Dutta at Sl. No. (a). Whereas, the applicant has been immediately relieved, hardly after 2 hours on the same day from the time of receipt of the transfer order. The applicant was also forced to sign the certificate of the transfer of charge without actual handing over of charge to the relieving officer, namely, Sri Anil Baran Dutta. This was done in complete violation of the provisions of transfer of charges as required under the provision of Rule 73, 74 and 75 of the **Posts and Telegraphs Manual, Vol. IV (Establishment)**. It is also explicit from the order of the transfer that there is no whisper about the approval of the competent authority to issue such transfer order. The competent authority to issue such transfer is the Respondent No.2 as provided under Rule 34 of the Posts and Telegraphs Manual, Vol. IV read with the Schedule -2 of the Postal Manual Vol. III. The impugned transfer order has been issued by the applicant himself, who is not the competent authority, thereby transferring himself alongwith others. Therefore, such order of transfer is illegal and can not sustain in law and is liable to be set aside and quashed.

The copy of the impugned transfer order and certificate of transfer of charge, both dated 30.9.2004 are annexed as **Annexure 1 and 2** respectively.

4.5 That even after being relieved, the applicant applied for earned leave before joining at the place of transfer, i.e. Kohima and the said earned leave has been granted to him with effect from 5.10.2004 to 24.10.2004. The arrangement being locally made to relieve the applicant by a substitute from the same office at Shillong, the work will in no way suffer in case the order of transfer is reviewed/ cancelled and/or suspended or kept in abeyance during the pendency of this present application. The leave has been granted to the applicant vide Memo No. Staff/7-118/2002 dated 15.9.2004. It is to be noted that this leave was granted prior to the issuance of the impugned transfer order dated

B. R. Haldere

30.9.2004. In the impugned transfer order there has been a categorical note at Clause 2 that Sri Niranjan Das will be relieved on 18.10.2004 by Sri Anil Baran Dutta, whereas, by the leave sanction order it has been specifically stated that said Sri Niranjan Das will look after the duties of the applicant, B.R Halder, upto 24.10.2004. This is nothing but a glaring instance of malafide and whimsical action of the respondent No.2 who is guided by his own whims and emotions. As such the transfer order being vitiated by malafide and illegality is liable to be set aside and quashed.

A copy of the said memo dated 15.9.2004 is annexed hereto as **Annexure 3**.

4.6 That the applicant, however, made a representation on 15.9.2004 prior to the issue of the impugned transfer order on 30.9.2004 with a request to transfer him to a place, namely, Dharmanagar, which is nearer to his native place, on the ground that his wife is a chronic patient of **rheumatoid arthritis** so that he can look after his ailing wife. It is also needless to mention here that the applicant is a childless lonely man and there is none to look after his ailing wife who needs help of others in her day-to-day avocations. But the impugned order of transfer was issued in total disregard to the said representation dated 15.9.2004. That being the position, the applicant, on receipt of the transfer order, immediately on the same day submitted another representation dated 30.9.2004 stating therein about his request to transfer and post him at the Postal Store Depot, Silchar or at Dharmanagar on the genuine ground of the chronic and acute ailment of his wife. By the said representation, the applicant also stated that his wife is a Government Servant of Assam under the Education Department and serving as Assistant Teacher. By the said representation, the applicant also mentioned about the Govt. of India circular envisaging that the husband and wife should be posted at the same station. But the said representation is also pending consideration by the respondent No.2. From the transfer order itself, it is very much clear that there was a post available for the applicant to be posted at Dharmanagar or at Silchar,

B.R. Halder

but unfortunately, by not considering the request of the applicant, one Niranjan Das at Sl.No. (d) has been posted there at Dharmanagar and Sri S. Choudhury at Silchar. This action is also violative of the provisions of Article 14 of the Constitution of India as the applicant has been treated discriminately while the other similarly situated were considered in their posting of their choice.

It is also respectfully submitted that the wife of the applicant, namely Malabika Halder has been undergoing treatment under the Appollo Hospital Chennai since 21.5.2002 and her treatment is still going on. She is also undergoing some ayurvedic treatment continuously at Calcutta. The latest such treatment she received was on 7.9.2004. So it is abundantly clear that the wife of the applicant is a chronic patient requiring assistance from the applicant.

Copies of the representation dated 15.9.2004 and 30.9.2004 and the prescriptions/proof of treatment are annexed hereto as **ANNEXURE 4, 5 and 6 series** respectively.

4.7 That during the pendency of the OA. No. 240/2004 before this Hon'ble Tribunal, the applicant submitted another representation on 11.10.2004 directly to the Member (Personal), Postal Directorate, New Delhi with a renewed request to review the said transfer order and for keeping the said transfer order in abeyance and then to give him the transfer to his choice station. But the respondents again acted malefide and in violation of the settled provisions of law by not considering and disposing the representations of the applicant dated 15.9.2004, 30.9.2004 and 11.10.2004, the respondent No.3 once again issued another transfer order thereby transferring the applicant from one circle to the other i.e from the N.E. Circle to the Assam Circle vide Memo No. Staff/9-2/04 dated 14.10.2004. Subsequently, the respondent No.4 issued another order vide No. Staff/3-4/92/Ch-II dated 20.10.2004 thereby posting the applicant at Nagaon under the Assam Circle. Having

B. R. Halder

no other alternative, the applicant had to join at Nagaon on 1.11.2004 vide charge report dated 1.11.2004.

The copies of the representation dated 11.10.2004, order dated 14.10.2004 and 20.10.2004 and the charge report dated 1.11.2004 are annexed hereto as **Annexure 7, 8, 9 and 10** respectively.

4.8 That the Govt. of India, Ministry of Communications, Department of Posts, vide its letter No.70/95/86-SPB.I dated 24.7.1986 adopted and agreed to implement the provisions of transfer and posting of husband and wife as per Office Memorandum No. 28034/7/86-Estt (A) dated 3.4.1986. As the said provisions was not so scrupulously followed by the Departments to transfer and post the husband and wife at the same station as envisaged in the said circular, the Govt. of India once again brought out another Office Memorandum vide No.28034/2/97-Estt.(A) dated 12.6.1997. This was issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training. By that circular, the Govt. of India further emphasized that the provisions of the O.M. dated 3.4.1986 should be followed and directed the Departments to ensure that such posting is invariably done, especially till their children are 10 years of age if posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence. This O.M dated 12.9.1997 was adopted by the Department of Posts vide circular No. 137-46/97-SPB-II dated 21.8.1997. in spite of the said repeated instructions, the administration in various departments failed to implement the provisions of the above two OM's and therefore the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel an Training, brought out another OM vide No. 28034/23/2004-Estt.(A) dated 23.8.2004 and directed the Departments to follow the provisions of the OM's dated 3.4.1986 and 12.6.1997 in letter and spirit even when there were no administrative constraints. By the said OM it has further been

B. R. Shinde

directed that the guidelines laid down in the said OM's are strictly followed while deciding the request for posting of husband and wife at the same station. This OM dated 23.8.2004 was also adopted by the Department of Posts vide No.141-178/2004-SPB.II dated 22.9.2004. However, in spite of the said clear guidelines, the case of the applicant has not been considered by the respondents. Therefore, the action of the respondents, particularly the respondent No.3 is vitiated with malafide as he ignored the above directives of the Government of India in detriment to the suffering applicant.

The copies of the OM dated 3.4.1986, letter dated 24.7.1986, OM dated 12.6.1997, letter dated 21.8.1997, OM dated 23.8.2004 and letter dated 22.9.2004 are annexed hereto as **ANNEXURE 11, 12, 13, 14, 15 AND 16** respectively.

4.9 That the Govt. of India, Ministry of Communications, Department of Posts also brought out a circular vide No. 141-35/2001-SPB-II dated 11.4.2001 thereby laying down the policy guideline on rotational transfer. By the said guidelines, it was stated that all the employees completing post tenure may be rotated subject to the broad principles of rotational transfer. In the said circular, it was specifically stated that inter-station transfer should be restricted to minimum in view of the austerity measures. By the said circular it was also provided that the tenure of posting may also be extended by one year. But in the instant case the applicant was put only 2 years 3 months service at Shillong whereas his tenure according to the provisions of law as laid down in the **Posts and Telegraphs Manual, Vol. IV (Establishment)** is 4 (four) years as per Rule 57 of the said Manual. Moreover, had the request transfer of the applicant been considered, the applicant could have not claimed any such TA, DA etc. to support such policy guidelines. As such, the applicant was entitled to remain posted in the Office of the Chief Post Master General, Shillong at least for 4 years which was to some extent convenient for him to look after his wife. It is pertinent to mention

B R Haldue

here that as there is no post at the level of the applicant at Karimganj, the native place of the applicant where his wife is working in a Government School, he could look after his wife even from Shillong as it is comparatively nearer and having easy communication. But by the impugned transfer order the applicant has been transferred to Nagaland, Kohima, which is a disturbed area with extremist activities and without any easy communications and accessibility. If the applicant is posted at Kohima he would not be able to assist his wife in any way which will directly affect the life of his wife and frustrate the Govt. guidelines issued in this regard. But by the subsequent transfer order from Kohima to Nagaon, which is an inter-circle transfer, the respondents have multiplied the suffering and miseries faced by the applicant. Now the applicant has been kept far away from his lonely ailing wife making it impossible to visit her even by the week end. This has been done with a clear ulterior motive which is best known to the respondent No.3.

A copy of the said order dt. 11.4.2001 is annexed hereto as the **ANNEXURE-17**.

4.10 That the applicant is an Office bearer of the Officers' Association and currently holding the post of Assistant Secretary of the said Association. The Office Bearer of the Association requires to discuss/interact with the Respondent No.2 on various occasion off and on relating to various demands of the Officers including the matter of transfer and posting, accommodation etc. The applicant, on several occasions in the capacity of Office Bearer of the Officers' Association had to react to the treatment of the respondent No.2 and had to indulge in hot altercation on the issues taken up by the Officers' Association, more particularly when he alongwith other office bearers had to discuss on the issues like withdraw of STD facilities extended to the residential and office telephones of gazetted and non-gazetted officers of Meghalaya Division and relating to the curtailment of 'Tour Traveling Allowance'. The respondent No.2 directed the applicant in Official capacity to issue

B. R. Haldar

instruction to the concerned authority thereby withdrawing the STD facilities extended to residential and office telephone vide letter No. TECH/40 1/76/II dated 16.9.2004. This curtailment of facilities created resentment among the officers and the matter was taken up by the Officers' Association. Similarly, the respondent No.2 also issued letter No. BGT/1-1/2004-2005 dated 28.7.2004 and letter No. AP/TA/Misc/89-90 dated 10.9.2004 and thereby issued order by curtailing expenditure in the Tour TA allegedly as an economic measure. This issue was also taken up by the Officers Association and this led to some misunderstanding between the respondent No.2 and the Officers' Association, particularly between the applicant and the respondent No.2. On several occasion, the respondent No.2 openly declared in presence of all the office bearers while holding meeting with him that he would see how the Officers' Association could survive and stand before him and he will see that the Officer Bearers are transferred to elsewhere and spread out so that there would be no occasion of their holding meeting like that in future. The respondent No.2 in that way bore in mind some ill feeling and hatred towards the Office bearers of the Officers' Association and more particularly towards the applicant. Under such situation, the Officers' Association held its meeting on 1.9.2004 and discussed the issues in the said meeting in its Resolution No. 4, 5 and 6 and decided to take action accordingly. The copy of the said resolution was also sent to the respondent No.2 alongwith other authorities. The respondent No.2 took exception to such resolution of the Officers' Association and as a result the respondent No.2 caused to issue the impugned transfer order as a first hand action towards the office bearers and the applicant fell victim of the malafide action of the respondent No.2.

The copies of the letter dt. 6.9.2004, 28.7.2004, 10.9.2004 and minutes of the meeting of the Officers' Association dated 1.9.2004 are annexed as **Annexure 18, 19, 20 and 21** respectively.

B. R. Haldere

4.11 That the Officers' Association in which the applicant is the Assistant Secretary is an authorized and recognized Association under the provisions of "Central Civil Services (Recognition of Service Association) Rules, 1993" as provided in order of the Department of Post vide letter No. 13-1/93-SR dated 10.8.1994. The law is also well settled that the Office bearer of recognized Associations are immune from transfer liability during the term of their office. As per Govt. of India, Ministry of Home Affairs Office Memorandum No. 26/3/69-Estt(B) dated 8.4.1969, it is the duty of the Government to bring the General Secretary and one other Executive Member of recognized Associations to the Head Quarters. The Head quarter of the Officers' Association in the instant case in the instant case is Shillong and therefore the respondents are to provide the posting of the office bearer in its Head Quarter. The transfer of the applicant out of the Head Quarter at Shillong is therefore illegal, arbitrary and vitiated with malafide and the same is liable to be set aside and quashed.

The applicant craves the leave of this Hon'ble Tribunal to rely upon and produce the relevant portions of the aforesaid Rules and the circulars at the time of hearing of the case.

4.12 That the respondent No.3, Sri Abhijit Ghosh Dastidar is a person of different temperament and he is irritable by nature. He being a divorcee has a disturbed family life. This unfortunate background of the respondent No.3 has led to various type of mis-deeds. There has been a series of written complaints against him touching his personality and immoral sexual behavior. Such atrocious behavior perpetrated by the respondent No.3 towards his fellow subordinate staff has even went up to the Central Minister for interference and action to stop or correct him from exhibiting such behavior. The respondent No.3 has also allegedly resorted to various illegal activities which are criminal in nature as per the said written complaint which has been taken up by the Ministers including the Ministry of Communications and Information Technology.

B R, Shalde

The written compliant and the communications made by the Minister to Minster are annexed hereto as **Annexure 22 (series)**.

- 4.13 That the law is well settled that to transfer an employee frequently without assigning any reason amounts to malafide action on part of the authority effecting such transfer. It is also clear that the facts and circumstances as stated hereinabove, clearly shows the evidence as to how the respondent No.3 acted malafide and effected the transfer of the applicant and did not consider his request transfer to his choice station.
- 4.14 That the applicant in this case is the victim of discrimination and malafide meted against him by the respondent No.3. The applicant submitted his representation which was registered in the Official register at Sl.No. 1, while one Sri Subroto Choudhury, an officer similarly situated with the applicant also submitted similar representation at a much belated stage which was registered at Sl.No.2. But the respondent No.3 considered the case of Sri Subroto Choudhury and posted him at the Postal Store Depot at his request whereas the request of the applicant has not been considered at all by the respondent No. 2 in spite of the genuine ground and family problem of the applicant best known to the respondent No.3. Such type of treatment is certainly discriminatory and violative of the provisions of Article 14 of the Constitution of India and also vitiated with malafide for the reasons as stated hereinabove. As such, it is a fit case where this Hon'ble tribunal would be pleased to interfere with the impugned transfer order and set aside and quash the same.
- 4.15 That the applicant demanded justice from the respondents which has been denied to him.
- 4.16 That this application has been made bonafide and for the ends of justice.

B. R. Haldar

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1 For that the impugned transfer order dated 30.9.2004, 14.10.2004 and 20.10.2004 (Annexure 1, 8 and 9) are illegal and arbitrary and are liable to be set aside and quashed as violative of the provisions of Rule 37A, 38, 41, 42, 43, 45, 46, 57, 73, 74 and 75 of the Posts and Telegraphs Manual, Vol. IV (Establishment).
- 5.2 For that the impugned transfer order has been issued by the same person transferring himself alongwith others, whereas the competent authority to issue such order of transfer is the respondent No.3. There is no whisper, anything what so ever that the order of transfer has been issued with the sanction of the said competent authority as the settled provisions of law is that a transfer order issued by an incompetent authority is liable to be set aside and quashed.
- 5.3 For that the impugned order has been issued under compulsion and duress at the instance of the respondent No.3 who vowed to victimize the applicant who is one of the Office Bearers of the Officers' Association for raising the common issues of the Association and for vindication of their claims and as such the said impugned order is very much vitiated with malafide although such Office bearer are entitled to immunity from transfer during the tenure of office.
- 5.4 For that the applicant is also entitled to be considered for posting at his place of choice nearer to his native place where his wife is serving as a State Government Employee and she has no scope to be transferred to the place of the applicant and for which there is specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.
- 5.5 For that the respondent No.2 acting malafide forced the applicant to hand over the charge to the relieving officer without actual handing over of the charge as required by Rules.



B R Haldar

5.6 For that the transfer of the applicant has been made without considering his representation registered at Sl.No. 1 by the respondent No.3, whereas, the case of the person at Sl. No. 2 has been considered although both of them are similarly situated, which amounts to clear case of discrimination and violation of Article 14 of the Constitution of India.

5.7 For that the representation submitted by the applicant on 15.9.2004, 30.9.2004 and 11.10.2004 are still pending consideration by the respondent No.3 and 2, whereas the settled provisions of law relating to transfer is that the personal difficulties and family problems are to be taken up with the administration through representation and the competent authority in the administration is under a duty to consider such representation and to pass speaking order to this effect which has not been done in the instant case.

5.8 For that the impugned transfer order, transfer of charge, grant of leave to the applicant and also the substitute provided for the period of leave are the clear instances of malafide action of the respondent No.3 acting in haste and in a whimsical manner. Moreover, the subsequent transfer to Nagaon instead of Kohima without considering his pending representations is also clear case of acting malafide.

5.10 Frequent transfer of the applicant is also a clear case of malafide.

5.11 For that in any view of the matter and the provisions of law the impugned transfer order is not tenable in law and the same is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

B. R. Holdes

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

That the applicant further declares he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them so show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the records including the causes, if any shown by the respondents, Your Lordships would also be pleased to:

- 8.1 to set aside and quash the impugned order of transfer dated 30.9.2004 and 14.10.2004 (as in **Annexure 1 and 8**) and the release order dated 30.9.2004 (as in **Annexure 2**) and order of posting dated 20.10.2004 (as in **Annexure 9**).
- 8.2 to direct the respondents to dispose of the representations dated 15.9.2004, 30.9.2004 and 11.10.2004 (**Annexure 4, 5 and 7**) and to pass speaking order thereon within a time frame as may be stipulated by this Hon'ble Tribunal;
- 8.3 to pay the cost of the application;
- 8.4 or may pass order for any other relief to which the applicant is found entitled to under the facts and circumstances of the case.

B. R. Haldar

9. INTERIM ORDER PRAYED FOR:

As the applicant has already joined in service at Nagaon, the applicant has not prayed for any interim order at this stage, but if so warranted, the applicant craves the leave of this Hon'ble Tribunal to allow him to make such Misc. petition in this regard at the appropriate time during the pendency of the case.

10. The application is filed through Advocate.

11. PARTICULAR OF I.P.O. :

I.P.O. NO. :
 Date of Issue :
 Issued from :
 Payable at :

12. LIST OF ENCLOSURES : As stated in the INDEX.

VERIFICATION

I, Sri Bipul Ranjan Halder, son of Birendra Kishore Halder, aged about 54 years, permanent resident of Karimganj Town Post Office & District-Karimganj, Assam, do hereby solemnly affirm and state that the statements made in the application in para 1,2,3,4:1 to 4:3,5,6 and 7 are true to my knowledge and belief, those made in para 4:4,4:5,4:6,4:7,4:8,4:9 and 4:10 being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 5th day of January, 2005 at Guwahati.

Bipul Ranjan Halder
 Deponent

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Dated Shillong, the 30th September 2004.

Memo No. Staff/9-2/04

Subject: Posting/Transfers of Gazetted Officers in N. E. Circle.

The under mentioned posting/transfer order in respect of Gazetted Officers are issued on administrative grounds to have immediate effect.

Sl. No.	Name/Designation	Present appointment	Transfer to next appointment	Remarks
a)	Sri Anil Baran Dutta, PSS Group 'B'	ADPS/CO, Shillong.	ADPS(Staff/Tech) C.O., Shillong.	Vice Sri B. R. Halder transferred
b)	Sri Bipul Ranjan Halder, PSS Gr. 'B'	ADPS(Staff/Tech) C.O. Shillong.	Deputy Supdt. of Posts, Nagaland Division Kohima	Vice Sri S. Choudhury transferred.
c)	Sri Subrata Choudhury, PSS Group 'B'	Dy. Supdt. of Posts Nagaland Division, Kohima.	Supdt. Postal Stores Depot, Silchar.	Against vacant post
d)	Sri Niranjan Das, PSS Group 'B'	ADPS(PLI/Business Development/Technology/Philately) C.O. Shillong. Has been working as ADPS, CO/Shillong since June '98	Supdt. of Posts Dharmanagar Division (Tripura)	Vice Sri Sunil Das, transferred
e)	Sri Sunil Das, PSS Group 'B'	Supdt. of Posts, Dharmanagar Division, Dharmanagar (Tripura) Has been working as Supdt. Dharmanagar Since January '2001	ADPS(PLI/Business Development/Tech- nology/Philately) CO/Shillong.	Vice Sri N. Das, transferred.

2. ? The officer at Sl. (d) will be relieved on 18-10-04 by Sri Anil Baran Dutta.

3. Relevant charge reports and last pay certificates will be issued to all concerned.

Certified to be true Copy.

Dipanwita

Advocate

(B. R. Halder)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

Contd. P/2...

ACG-61

Amendment of General Financial Rules, 1962

FORM VFR 33

(See Rule 77B)

Certificate of transfer of Charge

Certified that I/We have in the forenoon/afternoon of this day respectively made over and received charge of the Office of Asstl Director (Staff & Tech) co. Shilong in pursuance of Order No. Staff/9-2/04.

Dated 30-9-04

Relieved Officer B. R. Haldore

(Name in Block Letters)

Signature (Signature)

Relieving Officer A. B. Datta

(Name in Block Letters)

Signature (Signature)

Designation Asstl Director (Staff & Tech)

Designation

Station Shilong

Station Shilong

Date 30-09-04

Date 30-10-04

(For use in Audit Office/PAO only)

Noted in A/R at page

SO/AAO/AO/PAO

Forwarded to SS(Staff) / SS(A&P) / JAO(BGT)

Note: Separate Certificate (as per form appended) also to be used where transfer/ Assumption of charge involves responsibilities for cash, stores etc

Certified to be true Copy.

Dilip Baruah

Advocate

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo No. Staff/7-118/2002

Dated at Shillong, the 15th September 2004.

The Chief Postmaster General, N. E. Circle, Shillong is pleased to grant earned leave for 16 days to Sri B. R. Halder, A. D. (Staff) C.O., Shillong w.e.f. 5-10-04 to 20-10-04 suffixing 21-10-04 to 24-10-04 being holidays & Sunday subject to the availability of leave at his leave account.

s1.(d) - transferred to Dharmanagar - will be received on 18.10.04

During the period, Sri Niranjan Das, DDM(PLI) C.O., Shillong will look after the duties of the officer in addition to his assigned duties without extra remuneration.

Certified that the officer would have continued in the grade but for his proceeding on leave during the above period.

Sd/- (B. R. Halder)

Asstt. Director (Staff)

For Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

1. The D. G. (SPG) Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The D. A. (P), Shillong.
3. The A. D. (A/Cs), C.O., Shillong.
4. The JAO (BGT), C.O., Shillong.
5. Sri B. R. Halder, A. D. (Staff)
6. Sri N. Das, DDM (PLI), C.O., Shillong.
7. P/F.
8. Office Copy.

For Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.

Dilip Baruah
Advocate

To

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for transfer and posting to Dharmanagar.

Sir,

With due respect and humble submission I beg to state that I have been serving as Asstt. Director in C.O. Shillong with effect from 1-7-02 while my wife who has been suffering from rheumatoid arthritis has been residing at my permanent residence at Karimganj (Assam). Since she has been serving in the Education Department under the Govt. of Assam, it is not feasible on her part to accompany me.

I would, therefore, request you to be kind and gracious enough to transfer me to Dharmanagar which is nearer to my home station on completion of my post tenure or when there will be a clear vacancy there in January' 05 on completion of post tenure by the present incumbent so as to enable me to look after my ailing wife ~~from~~ ⁱⁿ a close proximity.

post tenure is of 4 years.

Dated at Shillong,
the 15 -09-04.

Yours faithfully,
(B. R. Halder)
Asstt. Director (Staff)
O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.

Dipmukh

Advocate

To

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for review of transfer order in the light of Ministry of Personal, Public Grievances & Pensions Department of Personal & Training OM No.28034/23/2004-Estt (A) dtd.23-08-2004.

Reference:- C.O's memo No. Staff/9-2/04 dtd. 30-09-04

Sir,

With due respect I beg to state that I joined C.O. Shillong on 01-07-2002 on transfer from W.B. Circle and yet to complete my post/station tenure. But as my wife who is serving in the Education Department under the Govt. of Assam and residing alone at my permanent resident at Karimhanj has been suffering from Chronic Rheumatoid Arthritis since long and there in none to look after her, I requested the authority to transfer me to PSD, Silchar or Dharmanagar vide my representation dtd.7-01-03 as both the above stations are nearby to my home town. Subsequently when the post of Supdt. PSD, Silchar has fallen vacant on 1-8-04, I came to know from informed sources that this post will not be filled up soon. As such I again reiterated my request vide my representation dtd.15-9-04 to transfer me to Dharmanagar either in completion of my tenure or on completion of tenure by the present incumbent of Dharmanagar who is due to complete his post tenure in January'05. Obviously I was waiting for my transfer to Dharmanagar or PSD, Silchar.

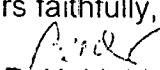
But as misfortune would have it, I have this day been transferred to Kohima in stead of PSD, Silchar or Dharmanagar Division although there is a clear instruction to give utmost importance to the enhancement of women's status in all sectors and walk of life by posting husband and wife at the same station/nearby station even when there are no administrative constraints. This has really come to me as a bolt from the blue as there was ample scope to transfer me either to Dharmanagar Division or PSD, Silchar.

In view of what is stated above I would once again urge upon your goodself to review my order and post me to either of the posts/stations mentioned above and thereby enable me to look after my ailing wife from closer proximity. A copy O.M. No. referred to above is enclosed for ready reference.

Enc: As stated

Dated, Shillong
the 30-09-04

Yours faithfully,


(B. R. Halder)

Asstt. Director (S&T)

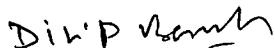
O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

The Director General of Posts (Staff) Postal Directorate, New Delhi for favour of information and necessary action.

(B. R. Halder)
Asstt. Director (S&T)

Certified to be true Copy.


Dipanjan Baruah

Advocate



Apollo
Hospitals
Chennai

-22-

27/5/02

ANNEXURE : 6 SERIES

DEPARTMENT OF RHEUMATOLOGY
Dr. S. RAMAKRISHNAN,
MD (Gen.Med.) DM (Rheumatology)
CONSULTANT RHEUMATOLOGIST
E-Mail : ramsri@md4.vsnl.net.in

31

Mrs Malika Haldar 880309

Rheumatological Activity

- Disease is chronic
- needs prolonged treatment
- Steroid dependent

~~Rx~~
Take Methotrexate
(2.5mg)
(Mexate) after food every
Sunday

Take Nimesulide MD 100 mg daily
after food

21, Greams Lane, Off. Greams Road, Chennai - 600 006.
Phone : 8293333, 8290200 Fax : 91-44-8294429
Greams : 'Apollo.Hosp.' Telex : 41-6419/AHEL IN
Regd. Office : 19, Bishop Garden, Chennai - 600 028.
E-MAIL : ahel@vsnl.com
INTERNET : www.apollohospitals.com

Certified to be true Copy.

Diwip Banerji

Advocate

Zincort

Tee Wypalone $\frac{1}{2}$ - $\frac{1}{2}$ / x
5mg

Sweet

Steel

Platetet

To do TC, DC, HB

SGT & SGT every 4 weeks

Show to local doctor

METHOD FOR

DISPENSATION

TR 4000 a

Shop $\frac{1}{2}$ Math or $\frac{1}{2}$ of

Platetet

SGT SGT

ahol @ usn1.com

daily

Sweet

Steel

E mail to
Physical therapy
Neuro after

Certified to be true Copy.

Dip Bawali

Advocate



16/35

MASTER HEALTH CHECK-UP

MHC Instructions

NAME: M.S. MACABICA HENDER AGE: 45
REG. NO: 880304 DATE: 16/10/62

Please read and follow the detailed instructions given on page 2 and 6. If you have any doubts please contact the receptionist at the MHC counter.

தயவுசெய்து (3 & 6) பக்கங்களைப் படித்துப் பின்பற்றுங்கள். ஏதாவது சந்தேகமிருப்பின் MHC வரவேற்றப்பாளரின் உதவியை நாலுங்கள்.

దయయుంచి (4, 6) పేటీలును వదిని నొటించండి, ఏదైనా సందేశాము వన్నిసవో MHC అప్పునికురాలిని సంప్రదించండి.

कृप्या आप निर्देश पत्रिका को पढ़कर समझिए जो पृष्ठ 5 और 6 पर हिंगा है तो उसके अनुसार चलिए । अगर आपको कोई संदेह हो तो सेक्रेटरी को गिरिए ।

This card must be kept safely with you till all the tests are over and brought with you when you come to receive MHC reports from consultants.

தயவுசெய்து கீந்தக் குறிப்பேட்டை உங்கள் கைவசம் பத்திரிகாக வைத்திருந்து போன்று விடப்போடு விடுவது வீதியாக இருக்கிறது.

శాస్త్రములు ముగించువగటు భద్రముగా పుంచుకొని, మీ పరిష ఫలితములు లీసుకొను సమయమున తప్పకుండా లీసుకొని రావచును.

યાં નિર્દેશ પત્રિકા આપ સંભાત ફુટ રહિએ ગીર ગપણી રિપોર્ટ વિશેષજ્ઞ થો તો જાતો રાગ્ય કુરાકો પેશ કરિયા.

Please keep up your Review Appointment on time. The consultant physicians will not be available at all times for counselling and handing over your reports. If you require a change of appointment time please telephone the MHC dept (8293333 Ext. 5878, 5888) and fix up an alternate appointment.

Was examined by Dr

ହଟାଇ ପରିବୋକଣେ କେବୁ ମନୁଷ୍ୟଙ୍କରେ

जाँच करने वाले विषेषज्ञ

వరిశ్ ధన చేసిన లక్ష్య

Time & date of Review

பிப்போர்ட் பென்ம் கேவியம் கோர்வாத்

गिरोह के नाम - तीर्त्तिर्त्ति-

୩୮୯ ପ୍ରକାଶନ କମିଶନ୍

1. *Chlorophytum comosum* (L.) Willd.

Dr. Alfredo ARCE

17612
230 6316

Certified to be true Copy.
Dip. Ram
Advocate

No.	Name of Tests	Reporting Time	Signature
1.	Payment பகும் விரைவுத்துறை	₹ 50 ரூபாய் Cash/Credit Card 50 ரூபாய் கார்ட் Credit Letter/Others	8.10
2.	1st sample blood & urine (Fasting) (நால்நடை விரைவுத்துறை) (முதல் விரைவுத்துறை) 2nd sample blood & urine (2 hrs after food / Glucose) (நால்நடை பிரைவுத்துறை நால்நடை (கால்காலி விரைவுத்துறை) 2 மணி பிரைவுத்துறை)	முதல் 8 முதல் முறை (8-9 மணி) மாலி பிரைவுத்துறை நால்நடை மூட்டும் முறை (8-9 மணி/10 மணி) குடும்ப மாலி நூட்டா ரோப்பன் மாலி விரைவு (நூட்டா ரோப்பன் மாலி விரைவு)	9.20
3.	Stool sample விரைவு	மூட்டும் விரைவு	11.20
4.	E.C.G. எ.சி.இ.	ம.ஒ.இ. ம.ஒ.இ.	12.15
5.	X-ray Chest நால்நடை புது மீட்டு மாலி மீட்டு	Not for pregnant Women நால்நடை நால்நடை மாலி புது மீட்டு மாலி மாலி மீட்டு மீட்டு மாலி	Caanba 2
6.	History நால்நடை விவரங்கள்	10.30 முதல்முறை மாலை விவரங்கள்	11.00
7.	Physical examination நால்நடைத்துறை	₹ 100 ரூபாய் நால்நடை	12.00 AM
8.	For women - Gynec check up நால்நடைக்குக் காப்புப்படிப்பு பார்க்குதல்	மூட்டு பூர்வ நால்நடை நால்நடை பார்க்குதல்	12.00 PM
9.	For Men - Surgical consult நால்நடைக்குக் காப்புப்படிப்பு பார்க்குதல்	நால்நடைக் காப்புப்படிப்பு புது மீட்டு மாலி மீட்டு மாலி	12.00 PM
10.	Ultrasound Abdomen நால்நடை விவரங்கள் பெட் மீ டைன் கடூஷ் ஸ்கூஷ்	Upper abdomen and Lower abdomen குடும்பங்கள் நால் மீட்டு மூட்டும்	12.00 PM
11.	Additional tests or consultation நால்நடை விவரங்கள்	தாந்து நூட்டு விவரங்கள் நால்நடை நால்நடை விவரங்கள்	4

Name and Signature of the MHC Receptionist

Certified to be true Copy.
DILIP BAWAL
Advocate

Kaviraj Ananda Roy

M.A.S.F, W.B.G.S. (Ex.) F.I.C.A.

Ayurvedatirtha, Visagacharya

Emeritus Professor (Ex.)

J. B. Roy State Ayurvedic College & Hospital

DHANWANTARI AYURVED BHAVAN

Chamber :

85, Beadon Street,

Kolkata - 700 006 ☎ : 2530-2141

11-12 Noon, 7-10 P.M.

Sunday Evening Closed

Residence :

11B, Anath Deb Lane,

Kolkata - 700 006 ☎ : 2555-9075

26 APR 2004

ROGAVINISCHAYA

for.

Smt. Malabika Haldar, Karyingang.

① ~~Naig~~ Myostat 240 tabs
2 tabs, BD.

② Nipinda Bati 240 tabs
2 tabs BD pc.

③ Rujakaram Bati - 60
Aetiforte - 60
Prasari Guggul - 60
1+1+1 at bed time
Pain infus.

Certified to be true Copy.
Dilip Banerjee
Advocate

কবিরাজ শ্রীআবল্ল রায় এম. এ. এস. এফ
 আয়াবে'দতীথ' ; ভিয়কাচার্য
 অগেরিটাস-অধ্যাপক (F)

খামনীভূখণ রাষ্ট্রীয় আয়াবে'দ
 কলেজ ও হাসপাতাল

ধন্দজির আয়াবে'দ ভবন

৪৫, বিডন ষ্ট্রিট
 কলিকাতা-৭০০০০৬
 নংরভাব : ৫৫৫-৯০৭৫ (বাড়ী)
 ৫৩০-২১৪১ (চেম্বার)
 ৫৫৪-৫৪১৮ (কলেজ)
 ৫৫৪-৫৩৬২ (হাসপাতাল)

- 7 SEP 2004

১) কুলাদিবসি - ২৪০ টাট্টি
 ২) মিমিলা বসি - ২৪০ টাট্টি
 ৩) শান্তিপুর প্রায়ভৈর্য - ২৪০ টাট্টি
 ৪) কুণ্ডাদুর বসি - ৬০

২৪০,
 সাপ্তম জানুয়ারি
 ২৪০.
 ২৪০.
 Fair in fall
 ২৪০.
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 ২৪০.

রোগী দৈর্ঘ্যবার সময় : মাকাল-১১-১২

সম্ম্যায় - ৭.৩০ - ১০

রোগীবার সম্ম্যায় বন্ধ

Certified to be true Copy.
 Dipanwita
 Advocate

To

The Member (Personal)
Postal Directorate, Dak Bhawan
Sansad Marg, New Delhi-110001
(Through Proper Channel)

Sub:- Prayer for review of transfer order in the light of Ministry of Personnel & Training OM No. 28034/7/86-Estt(A) dated 03.04.1986, OM No. 28034/2/97-Estt(A) dated 12.06.1997 and O.M. No. 28034/23/2004-Estt(A) dated 23.8.2004.

Ref.: C.O. Shilling's memo No. Staff/9-2-04 dated 30.09.2004.

Sir,

With due respect and humble submission I beg to State that I joined Co. shillong as Asstt. Director on Transfer from W.B. Circle only on 1.7.2002 and due to complete my post/Station tenure in the middle of 2006. But as I originally hail from Karimganj town in Assam State where my wife has been serving in the Education Department under the Govt. of Assam and she has been suffering from Chronic Rheumatoid Arthritis since last 5 years or so, I requested for my transfer as Supdt. PSD Silchar or supdt. Dharmanagar Divn. Either on Completion of my present tenure or on completion of tenure /proceeding on retirement by the incumbents. My request was also duly registered and I was awaiting my transfer to Silchar or Dharmanager as both the stations are nearby to my home town.

That Sir, as misfortune would have it we have no Issue and hence there is none to look after my ailing wife at my permanent residence at Karimganj and she has been somehow managing her Service in spite of acute rheumatoid arthritis which could not be cured by undergoing prolong courses of treatment at Apollo Hospitals, Chennai and Dhanwantari Ayurved Bhawan Kolkata. Ultimately finding no other alternate treatment I have come to New Delhi to attend the ongoing Yoga & Pranayam' Shivir organized under the auspices of Maharaj Swami Ramdev at Jawaharlal Nehru Stadium from 07-10-2004 to 13-10-2004.

The photocopies of relevant prescriptions and reports of investigations of different courses of treatment undergone by my wife are enclosed herewith for perusal and ready reference.

But as misfortune never comes alone, before proceeding on leave to attend the above Shivir, all on a sudden I have been prematurely transferred in the mid academic session to a further distant and insurgency-prone disturbed station like Kohima in Nagaland having no direct or easy accessible

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Dilip Kumar
Advocate

means of communication from my home town. The transfer order has been issued on 30.09.2004 and the undersigned has been relieved within 3 hours on the same day without allowing reasonable time for proper handing over the charge of the office and writing of ACRs for the Subordinate Staff. Such a derogatory order came to me as a bolt from the blue as I was never, mentally prepared for this, adversely affecting the family life although there is a clear instruction from the ministry of personnel, Public Grievances & Pensions, Deptt. of Personnel & Training issued under O.M. No. 28034/23/2004 Estt.(A) dated 23.08.2004 circulated under Directorate's letter No. 141-178/2004-SPB II dated 22.09.2004 reiterating to give utmost enhancement of women's status in all sectors and all walk of life by posting husband and wife at the same and/or nearby stations (copy enclosed).

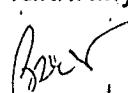
In the above context it is also worthwhile to mention that in the same order of transfer both the posts of Supdt. PSD, Silchar and Supdt. Of P.Os Dharmanagar have also been filled up by posting others who are either not opted or put forth request much later than me. Besides, one Mr. Niranjan Das and myself who have been elected as circle secretary and Asstt. Circle Secretary of All India Officers' Association respectively for the first term very recently in the month of April 04 have been transferred out from the circle Head Quarters to jeopardise the functioning of the Association without granting the immunity provided in the rules.

In view of the circumstances enumerated above I would earnestly request your goodself to look into the matter from its clear perspective and interfere to keep the premature transfer order in abeyance at least up to the end of the academic session i.e. December 04 and arrange to issue the rotational order, if necessary, in Jan. 05 keeping in view the departmental instructions and guidelines on choice of posting etc. to boast the morale of the officers serving in the N.E. circle facing innumerable constraints.

With profound regards

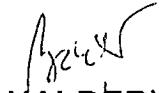
Yours faithfully,

Encl:- As stated above.


(B.R. HALDER)

Asstt Director (Staff & Tech)
Co. Shillong on leave

Copy in advance to the member (P) Postal Directorate
Dak Bhawan, New Delhi-110001, for necessary action


(B.R. HALDER)

Asstt Director (Staff & Tech)
Co. Shillong on leave

Certified to be true Copy.
Div. P. *[Signature]*
Advocate

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo. N.O. Staff/9-2/04

Dated at Shillong, the 14th October 2004.

Subject:- Postings/transfers of officers of P.S. Group 'B'.

1. In pursuance of Postal Directorate, New Delhi letter No.9-2/2003-SPG (Pt-III) dtd.11-10-2004, the Chief Postmaster General, N. E. Circle, Shillong is pleased to issue the following transfer and posting orders in the interest of service with immediate effect.

<u>Sl. No.</u>	<u>Name of Officer</u>	<u>Circle of present Posting</u>	<u>Circle allotted on transfer</u>	<u>Remarks</u>
1.	Sri B. R. Halder,	N. E. Circle	Assam Circle	On expiry of leave Sri Halder will report to CPMG, Assam Circle, Guwahati instead of joining as DSP/Kohima as was ordered under this office letter of even No. dtd.30-9-04.
2.	Sri Kripesh Ranjan Roy,	West Bengal Circle	N. E. Circle	Posted as DSPOs/ Kohima.

Benefit of TA/TP joining time etc. shall be permissible to the officers on the above transfer if they have been working in the present Circle of posting for one year or more.

2. Relevant charge report(s) may be sent to all concerned in due course.

Sd/- (A. B. Dutta)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.
Dip. N. M.
Advocate

Copy for information & necessary action to:-

1. The D. G. (SPG) Deptt. of Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The Chief PMG, West Bengal Circle, Kolkata-700 012.
3. The Chief PMG, Assam, Circle, Guwahati-781 001.
4. The DPS/Kohima.
5. Sri B. R. Halder, DSP/Kohima.
6. Sri Kripesh Ranjan Roy, O/O CPMG, West Bengal Circle, Kolkata-700 012.
7. The D. A. (P) Kolkata
8. The D. A. (P) Shillong.
9. The D. A. (P) Guwahati.
10. The A. D. (A/Cs) C.O., Shillong.
11. The JAO (BGT), C.O., Shillong.
- 12-13. P.Fs.
14. O/C.
15. Spare.

*Rec'd
1/1/16*
For Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.
Dipanwita Bhattacharya
Advocate



DEPARTMENT OF POSTS:INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE:GUWAHATI.

No.Staff/3-4/92/Ch-II

Dated at Guwahati the October 20, 2004. *W.M.*

Sub:- Transfer and posting of PS Gr. 'B' Officers in Assam Circle.

In pursuance of Directorate, New Delhi letter No.9-2/2003-SPG(Pt-III) dated 11.10.04 and Chief PMG, N.E. Circle, Shillong letter No. Staff/9-2/04 dated 14.10.04, the Chief PMG, Assam Circle, Guwahati is pleased to issue the following transfer and posting orders of PS Gr. 'B' Officer to have immediate effect.

S/No	Name of officer	Circle of present posting	Posted on transfer	Remarks
1	Sri B.R.Halder, Sl.No.(8) of Dte. N/Delhi letter, cited above.	N.E.Circle	SPOs, Nagaon	Vice vacant post

Benefit of TA/TP joining time etc. shall be permissible to the officer if he has been working in the present Circle of posting for one year or more.

Relevent charge reports may be sent to all concerned in due course.

S.M.
A.P.M.G. (Staff)

O/o the Chief Postmaster General
Assam Circle, Guwahati - 781 001

Copy to :-

1. The Director General(SPG), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi w.r.t. Directorate's letter No. cited above.
2. The Chief PMG, N. E. Circle, Shillong.
3. Sri B. R. Halder, O/o the Chief PMG, N.E.Circle, Shillong.
4. The PMG, Dibrugarh.
5. The DA(P), Guwahati/Shillong/Kolkata.
6. The SPOs, Nagaon.

*For Chief Postmaster General
Assam Circle, Guwahati - 781 001.*

*Certified to be true Copy.
Div. P. Datta
Advocate*

DEPARTMENT OF POSTS : INDIA

CHARGE REPORT

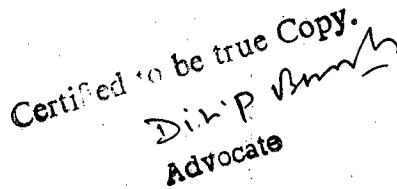
Certified that the charge of the office of the Supdt. of Post offices, Nagaon Division, Nagaon was made over by (name) Shri S.D. Purkayastha to (name) Shri B.R. Halder at (place) Nagaon on the (date) 01-11-2004 (F/N) in accordance with Memo No. Staff/3-4/92/Ch-II. Dated 20-10-2004 from the Chief Postmaster General, Assam Circle, Guwahati.

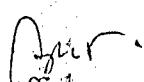

Relieved Officer


Relieving Officer

Copy forwarded to:-

1. The Chief Postmaster General (Staff Sec.), Assam Circle, Guwahati-781001
2. The Chief Postmaster General (Staff Sec.), N.E. Circle, Shillong-793001
3. The Postmaster General, Dibrugarh Region, Dibrugarh-786001.
4. The Postmaster, Nagaon - 782001.
5. The Director of Accounts (Postal), Guwahati.
6. Officers concerned.
7. P/Fs of the Officers!


Certified to be true Copy.
D.P. Bhattacharya
Advocate


Supdt. of Post offices
Nagaon Dn. Nagaon-782001

NO. 20034/7/86-Eatt(A) by policy no.

Government of India

Ministry of Personnel, Public Grievance & Pensions
(Department of Personnel & Training)

New Delhi-110001 dt. 3rd April, 1986.

Subject to the OFFICE MEMORANDUM.

Subject:- Posting of husband and wife at the same station.

The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Government service or in the service of Public Sector Undertakings has been raised in Parliament and other forums on several occasions. Government's position has been that requests of government servants and employees of public sector undertakings for posting at the same station usually receive sympathetic consideration, and that each case is decided on merits, keeping in view the administrative requirements, etc.

2. The Government of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated and implemented by different Ministries of the Central Government to achieve this end. It is also considered necessary to have a policy which enables women employed under the Government and the Public Sector Undertakings to discharge their responsibilities as wife/mother on the one hand, and productive workers on the other, more effectively. It is the policy of the Government that as far as possible and within the constraints of administrative feasibility, the husband and wife should be posted at the same station to enable them to lead a normal family life and to ensure the education and welfare of their children.

3. In February 1976, the then Department of Social Welfare had issued a circular D.O.S.W.L/76/1 to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife at the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resources Development from women seeking the intervention of that Department for a posting at the place where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to those employees who are under the purview of the Central Government/Public Sector undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the requests from spouses for a posting at the same station. At the outset, it may be clarified that it may not be possible to bring every category of employee within the ambit of this policy as situations of husband/wife employment are varied and manifold. The guidelines given below are, therefore, illustrative and not exhaustive. Government desire that in all other cases the Cadre controlling authority should consider such requirements with utmost sympathy.

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D. L. P. A. M.
Advocate

4. The classes of cases that may arise, and the guidelines for dealing with each class of case, are given below:

(i) Where the spouses belong to the same All India Service or two of the All India Services, namely, IAS, IPS, and Indian Forest Service (Group A):

The spouses will be posted to the same Cadre by providing for a Cadre transfer of one spouse to the Cadre of the other spouse subject to their not being posted by this process to their home Cadre. Postings within the Cadre will, of course, fall within the purview of the State Government.

(ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the All India Central Services:

The Cadre controlling authority of the Central Service may post the officer to the station, or if there is no post in that station, to the State where the other spouse belonging to the All India Service is posted.

(iii) Where the spouses belong to the same Central Service:

The Cadre controlling authority may post the spouses to the same station.

(iv) Where one spouse belongs to one Central Service and the other spouse belongs to another Central Service:

The spouse with the lower service status may apply to the appropriate Cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the State where the other spouse belonging to the other Central Service is posted.

(v) Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertaking:

The spouse employed under the Public Sector Undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted.

(vi) Where one spouse belongs to a Central Service and the other spouse belongs to a PSU:

The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station, or if there is no post

employed under the PSU in that station, to the State where the other spouse is posted. If the request of the spouse to the PSU has no if however

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Dipak

Advocate

Contd... 5/-

-7-

belonging to the Central Service may apply to the appropriate Cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station, to the State where the spouse employed under PSU is posted.

(vii) Where one spouse is employed under the Central Government and the other spouse is employed under the State Government

The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station, or if there is no post in that station, to the State where the other spouse is posted.

5. As will be seen from the illustrations given above, they do not cover all possible categories of cases which may arise. In fact it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines, will have to be dealt with keeping in mind the spirit in which these guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

6. Ministry of Finance etc., are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

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

8. This issues with the concurrence of the Department of Public Enterprises.

9. Hindi version will follow.

A/2
Sd/-

(Mrs. Aarti Khosla)
Joint Secretary to the Govt. of India.

To

All Ministries and Departments of the Govt. of India
(As per standard list), with usual number of spare copies.

Contd... 4/-

Certified to be true Copy.

Dilip Bawali
Advocate

No. 23034/7/86-Estt(1) New Delhi, the 3rd April, 1986.

Copy, with usual number of spare copies, forwarded to -

1. Office of C&AC, New Delhi, with reference to their U.O. No. 48-4445.C(P)/86, dated 13.3.86.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Registrar, Supreme Court, New Delhi.
5. Lok Sabha Secretariat, Parliament House, New Delhi.
6. Rajya Sabha Secretariat, Parliament House, New Delhi.
7. Commissioner from Linguistic Minorities, Allahabad.
8. U.T. Division, Ministry of Home Affairs.
9. JS(S), Department of Personnel and Training. The question of issuing suitable instructions to State Govt. may be considered.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
11. All Officers and Secretaries of Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd/-

(A. JAYARAMAN)
DIRECTOR

IS.

Certified to be true Copy.

DIN P. RAM
Advocate

STA

1092

R.B.R.

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAVAN, PARLIAMENT STREET
NEW DELHI-110 001.

No. 70/95/PG-SPB I Dated the 24th JULY 1986

To

All Heads of Postal Circles,
All Principals, Postal Training Centres.

Subject: Posting of husband and wife at the same station.

Sir,

I am directed to forward herewith a copy of
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training, New Delhi)
office Memorandum No. 28034/7/76-Estt(A) dated 3rd April,
1986 on the above noted subject for your information and
guidance.

2. This may be brought to the notice of all concerned.
3. Hindi version will follow.

Yours faithfully,

(B.K. Chawla)

Assistant Director General (SCP).

Copy for Administration/SPB II/Pension/PLI/PE-I/PE-II/PA/
CMR/Inspection/DEP/STN/Postal Account/CSE/NOG Sections
of the Department of Posts and Telecommunications.

All DDGs, All ADGs, PS to Secretary (P) /M(P)/M(F)/M(O)/
M(D)/ Postal Staff College, New Delhi.

Copy to all recognised Unions/Associations/Federations.

Certified to be true Copy.
Divy P. Bhawali
Advocate

(B.K. Chawla)
Assistant Director General (SCP).

No. 28034/3/97-estt. (A)

Government of India

Ministry of personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June, 1997.

OFFICE MEMORANDUM

1.1.1. Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide O.M. No. 28034/7/86-estt. (A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in OM No. 28034/7/86-estt. (A) dated 3.4.1986 while deciding on the requests for posting husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

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

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

5. A copy of this Department's OM No. 28034/7/86-estt. (A) dated 3.4.86 is enclosed for ready reference and guidance.

sd/-

(Harinder Singh)

Joint Secretary to the Govt. of India

Certified to be true Copy.
Dilip Singh
Advocate



-40-

ANNEXURE : 14

Staff Secy.

No. 137-46/97-SPB-II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAWAN, SANSAD MARG,

DATED AT NEW DELHI THE 21ST AUGUST, 1997.

To

All Heads of Circle.
All Postmasters General.
All Postal Training Centres.
Controller, Foreign Mail, Mumbai.
Director, Postal Staff College, Ghaziabad.

Subject:- Posting of personnel within the same station.

Sir,

I am directed to forward herewith a copy of Department of Personnel and Training O.M. No. 28034/2/97-Estt. (A) dated 12-6-1997 on the above mentioned subject for informations, guidance and for taking further necessary action.

Yours faithfully,

A.K. KAUSHAL
ASSTT. DIRECTOR GENERAL (SPN)

Copy to:-

1. All Section of the Directorate.
2. A.P.S. Record Office, Kamptee.
3. All Recognised Unions/ Societies.

A.K. KAUSHAL
ASSTT. DIRECTOR GENERAL (SPN)

Certified to be true Copy.
Dip. Verma
Advocate

No. 28034/23/2004-Estt. (A)
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

New Delhi, dated the 23rd August, 2004

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

The undersigned is directed to say that the policy of the Government has been to give utmost importance to the enhancement of women's status in all sectors and all walks of life. Keeping this policy in view, the Government had issued detailed guidelines about posting of husband and wife at the same station vide O.M.NO. 28034/7/86-Estt. (A) dated the 3rd April, 1986 and O.M.No. 28034/2/97-Estt. (A) dated the 12th June, 1997. Attention of the Government was drawn that the instructions contained in these Office Memoranda are not being followed in letter and spirit by the Ministries/Departments even when there were no administrative constraints. Accordingly, it is impressed upon all Ministries/Departments that the guidelines laid down in the aforesaid Office Memoranda are strictly followed while deciding the request for posting of husband and wife at the same station.

S. Chandrasekaran
 (S. Chandrasekaran)
 Joint Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India
 (As per standard list)

6/19
 N.S.L
 26/8/04
 26/8/04
 9/9
 12/3/04
 12/3/04

10/09/04

Certified to be true Copy.

Dipu Narsh
 Advocate

-42-

SI - 7
54
NO.141-178/2004-SPB, H
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS & IT
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG,

NEW DELHI DATED THE 27th SEPTEMBER, 2004.

To

1. All Principal Chief Postmasters General/Chief Postmasters General
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Principals, PTC's
5. Director Postal Staff College, Ghaziabad
6. CGML, Postal Life Insurance, Chanakya Puri, New Delhi
7. BJD Directorate, Matcha Marg, New Delhi

SUBJECT : Posting of husband and wife at the same station.

Sir/Madam,

I am directed to forward herewith a copy of OM No.28034/23/2004-Estt(A) dated 23rd August 2004 received from Department of Personnel and Training on the above mentioned subject for your information and guidance.

Yours faithfully

Archana Srivastava
ARCHANA SRIVASTAVA
SECTION OFFICER

Encd : As above

Copy to :

1. All Sections of the Department of Posts
2. Director Postal Accounts, Delhi
3. All recognized Unions/Federations

21/2
Certified to be true Copy.
Dip. Kumar
Advocate

Staff Sec
No. 141-35/2001-SPB.II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG,

NEW DELHI DATED THE 11, APRIL, 2001

To

1. All Chief Postmasters General
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Director, Postal Staff College, Ghaziabad
5. Chief General Manager, Postal Life Insurance, New Delhi
6. Director, Postal Life Insurance, Calcutta
7. General Manager, Business Development Directorate, New Delhi
8. All Directors, Postal Training Centers

Subject: Rotational Transfer Policy Guidelines for the year 2001-2002.

Sir,

I am directed to invite reference to the guidelines for rotational transfers for the year 2000-2001 issued under this office letter NO.141-6/2000-SPB.II dated 24-4-2000. There is no deviation in the policy to be adopted for rotational transfer for the year 2001-2002. All the employees completing post tenure may be rotated subject to following broad principles of rotational transfers.

- (i) Matching of human resource with requirements of posts and placing officials in the choice stations may be considered in the overall context of administrative requirements and austerity measures.
- (ii) Inter-station transfers should be restricted to minimum in view of the austerity measures.
- (iii) Extension of tenure by one year except in the case of single handed Sub Postmasters may be considered by the Head of Circle. The employees retiring within one year may be considered for retention. In respect of Group 'A' officers proposal of extension may be referred by Head of Circle to the Directorate.

2. New products and services are being introduced by the Department from time to time. Officials are being specifically trained to handle these products and services. Heads of Circle should build up a pool of trained officials to handle these newly introduced products and services. However, officials especially trained to handle newly introduced products and services will not be transferred on completion of their tenure unless trained substitutes are available for replacing them.

3. In respect of Senior Group 'A' officers, officers who have put in four years of service in a particular post or at a particular station may be invariably rotated, especially if the post occupied by them is sensitive in nature. Their transfers should be linked with their performance and requirements of the posts to be filled up.

DMS H.O. may 2001
Certified to be true Copy.

Dirp. J. M. W. (615)
Adv. Date

Set. in Date
16/4/2001
V. S. V.

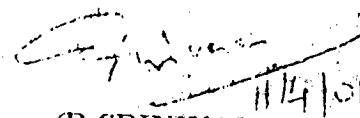
38-44-

4. In view of the well defined principles of rotational transfers in the Department and provision of tenures and other administrative instructions, annual issue of rotational transfer guidelines is being discontinued. Changes in the existing policies will be communicated whenever necessary.

5. Heads of Circles are requested to take immediate action for issuing orders for rotational transfers.

6. Receipt of this letter may kindly be acknowledged.

Yours faithfully,


(R. SRINIVASAN)

ASSISTANT DIRECTOR GENERAL (SPN)

Copy to:-

1. All Sections of the Directorate.
2. All recognized Unions/Federations.

*Certified to be true Copy.
Dipak
Advocate*

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG 793 001

No. 94/CH/40/1/76/11

Dated at Shillong the 16th Sept. 2004.

To,

The Asstt. Director (Commercial),
O/o The G.M.T.D.,
BSNL, N.E. Region,
Barik, Shillong - 793 001.

Subject: Withdrawal of STD facility to Residential and Office Telephone
no. of Gazetted and Non-gazetted officers of Meghalaya
Division.

Sir,

With reference to the subject cited above, you are requested kindly
to withdraw STD facility provided to the Residential and Office telephone of
Gazetted and Non-gazetted officers of Meghalaya Division as per the list given
in the enclosed annexure.

Sd/-
(B.R. HALDER)
Asstt. Director (Tech)
O/o the Chief Postmaster General
N.E. Circle, Shillong - 793 001

Copy to:-

Officers concerned for information. (By Name)-
Shri B.R. Halder, AD (Staff & Tech)

8/2/04
For Chief Postmaster General
N.E. Circle, Shillong - 793 001

Certified to be true Copy.

Dipu P. Baruah
Advocate

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL,
NORTH-EAST CIRCLE, SHILLONG-793001.

NO.BGT/1-1 /2004-2005

Dated at Shillong the 23rd July, 2004.

UNDER ENTRY

28

To,

1-2) The Director of Postal Services,
Aizawl/Kohima.

3) The Sr. Supdt.of Pos,
Meghalaya Division, Shillong.

4) The Executive Engineer,
PCD, Shillong.

5-7) The Dy. Supdt.of Pos,
Agartala/Imphal/Itanagar.

9-12) All Group Officer,
Circle Office, Shillong.

AD (16/ff)

Subject :- Economy in Tour TA.

1. It has been decided that in view of Postal Directorate New Delhi instructions on economy in Ceiling items expenditure and as part of preventive vigilance the undermentioned modes of travel will be adopted by the different grade of officers/officials while on official tour:-

SI No.	Grade of Officer	Permissible mode/Class	Remarks
1.	JAG and above	Full taxi	
2	STS/UTS	Share Taxi or single seat in passenger bus/Mini Bus.	
3	Group B	Share Taxi -do-	
4	Non Gazetted Officer	Single seat in passenger bus/Mini Bus.	
5	Others	-do-	

2. Effective immediate.

3. The Chief Postmaster General, NE Circle, Shillong has seen the case.

(K.C. Biswas)

Accounts Officer (Accounts).

Certified to be true Copy.
Dip. M. M.
Advocate

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTH EAST CIRCLE:
SHILLONG-793001

NO. AP/TA/Misc/89-90
To

Dated at Shillong the 10th September '04.

- 1-2) The Director of Postal Services,
Aizawl/Kohima.
- 3) The Sr. Supdt.of Pos,
Shillong.
- 4) The Supdt.of POs,
Dharmanagar.
- 5-7) The Dy. Supdt.of Pos,
Agartala/Imphal/Itanagar
- 9-12) All Group Officer,
Circle Office, Shillong.

Subject :- Economy in Tour TA.

1. Reference:- No.Bgt/1-1/2004-2005 dated 28.07.2004

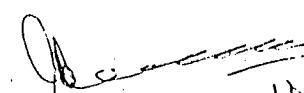
2. On further review to this office letter No.Bgt/1-1/2004-2005, dated 28.07.2005 on the above instruction, the under mentioned order issued for strict compliance.

3. In this connection, Government of India, Departmental order as under shall be followed :-

1. SR-46 Note-10 (G.I.M.F.O.M.No.19030/2/81-E.IV dated 03.06.85 :- Road mileage allowance for regular tours will be admissible from duty point/residence at Headquarters to railway station/airport/bus stand and vice versa depending upon the points between which journey is performed.)

4. In respect of tours by ASPOs and Inspector of Posts : They may reimbursed single Taxi shared fare, applicable to one passenger only; if journey undertaken and actually paid for.

The Chief Postmaster General N.E. Circle, Shillong has seen the case.


10.9.2011
(K. C. Biswas),
Accounts Officer (A/C).

Certified to be true Copy.
Dip Narayan
Advocate

DEPARTMENT OF POSTS
NORTH EAST CIRCLE : SHILLONG-793001

Subject: Four monthly staff meeting with Representatives of Officers' Association, held at Circle Office, Shillong at 1500 hours on 01-9-2004

The following were present in the meeting:

1. Shri A. Ghosh Dashtidar
Chief Postmaster General
N.E. Circle, Shillong.

2. Shri Lalhluva
Postmaster General
N.E. Region, Shillong

3. Shri Manik Das,
ADPS (Staff Relations)
C.O., Shillong.

1. Shri Niranjan Das,
Circle Secretary
C.O., Shillong-793001

2. Shri B.R. Halder
Asstt. Circle Secretary
C.O., Shillong-793001.

Old Items:

1. Item No.1/5/2004: Requirement of post attached quarters for SP Dharmanagar, Tripura State, and all Dy. SPOs of Divisions in N.E. Circle.

Reply: Circle Office, Shillong has addressed DDG (Estates), Postal Directorate, New Delhi vide C.O., letter No. Bldg/10-27/Pt-V/Rlg/2004-05 dated 21-7-2004.

The case ~~has~~ will be monitored, subject to availability of land and budgetary allotments.

Action: ADPS(Bldg) C.O., Shillong, DPS Regions/Divisional Heads/Dy. Superintendent of Post Offices of Divisions.

Information: PMG N.E. Region, Shillong and DPS Shillong.

2. Item No.2/5/2004: Request for change of designation of Dy. Supdt. of Post Offices to either Superintendent of Post Offices or Assistant Director, Division, wherever the Division is headed by a DPS, so that there is a similarity in the hierarchy.

Reply: Circle Office, Shillong has addressed DDG (Estt), Postal Directorate, New Delhi vide No. Est/1-6/89/Rlg dated 23-8-2004.

Action: APMG(Est), C.O., Shillong.

Information: PMG N.E. Region Shillong and DPS Shillong.

Certified to be true Copy.
Div. P. Dasmal
Advocate

Contd/ (2)

3: Item No. 3/5/2004: filling up of vacant posts of stenos attached to Group Officers.

Reply: As per our records, Stenos/PAs to DPS Mizoram, Nagaland, Arunachal Pradesh, Manipur, Agartala and SSPOs, Meghalaya Division, Shillong have been vacant for more than one year. These posts are deemed to be abolished vide recent orders issued by Postal Directorate, New Delhi. Similarly, at Circle Office, Shillong, at least one more post of Steno/PA to two Group Officers is justified, but vacant for more than one year. A proposal has been submitted to Postal Directorate, New Delhi vide No. Est/34-18/76/Pt-I dated 21-7-2004.

Action: APMG (Est) and ADPS (Staff), C.O., Shillong and all DPS Region/Divisional Heads.

Information: PMG N.E. Region Shillong and DPS Shillong.

New Items

✓ 4. Item No. 1/9/2004: Revocation of TA entitlement of Officers below JAG rank.

Reply: Financial orders and strict economy has been imposed as per powers of a Head of a Department given at Rule-61 of FHB Vol-I.

For movements within towns/cities in connection with government duty, in which official files and documents have to be carried under personal custody, entitled officers/ASP/IPO may hire full taxi, for movement within specific towns/cities only. Such expenditure on full taxi, within Municipal areas/Metropolitan cities or government duty shall be considered for reimbursement, if the claims are genuine.

(Item closed)

Action: ADPS (Accounts), C.O., Shillong.

5. Item No. 2/9/2004: Extension of facility to travel by Air to the non-entitled Officers as a special case.

Reply: The powers of extension of Air travel to non entitled officers is beyond the powers of Head of Circle. The case may be taken up with the Postal Directorate, New Delhi by the staff side with their respective Apex organization.

(Item closed)

✓ 6. Item No. 3/9/2004: Economy on provision of telephone and related difficulties experienced by the Officers.

Reply: Telephone facilities are provided at offices and residences, which conform government orders and rules, issued from time to time. Special consideration

*Certified to be true Copy.
Dip. Advocate*

Contd/- (3)

will be given to those holding operational charges in field areas, and for officials for whom a link is necessary, in the interest of service.

Action: ADPS (Technical) C.O., Shillong is requested to expedite submission of files through DPS and PMG, Shillong.

Information: PMG N.E. Region and DPS Shillong.

(Item closed)

To be signed
(Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General
N.E. Circle, Shillong-793001

No. WLF | 4-3 | 2004

Copy to :-

Dated Shillong - Tue 19/2004

- 1) Director of Postal Services, Aizawl/Kohima.
- 2) Sr. Supdt. of Post Offices, Meghalaya Division, Shillong.
- 3) Supdt. of Post Offices, Dharmanagar.
- 4) Dy. Supdt. of P.Os, Agartala/Imphal/Itanagar.
- 5) Shri Niranjan Das, Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 6) Shri B.R. Halder, Asstt. Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 7) All the Asstt. Directors/APMG, C.O., Shillong.
- 8) Sr. PS to Chief Postmaster General, N.E. Circle, Shillong.
- 9) PS to Postmaster General, N.E. Circle, Shillong.

To be signed
(Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General
N.E. Circle, Shillong-793001

Certified to be true Copy.
Div. P. M.
Advocate

DAYANIDHI MARAN

MOO 10/2004/2004
MINISTER
COMMUNICATIONS &
INFORMATION TECHNOLOGY
GOVERNMENT OF INDIA

04 AUG 2004

Dear Thiru Dangri,

I have received your letter No.239/MOS (H&PE)/IC/VIP/O/2004 dated 22.07.2004 regarding suppression of the activities of INTUC affiliated Postal Unions in Agartala by Chief Postmaster General, North East Circle.

I am having the matter looked into.

With kind regards,

Yours sincerely,

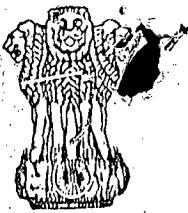
(DAYANIDHI MARAN)

Thiru Sontosh Mohan Dev,
Hon'ble Minister of State (I/C) for
Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhawan,
New Delhi - 110 011.

Copy, along with the letter under reference, in original, to:
... (P. S. S.) with a request to have
the case examined and submitted to Hon'ble MOC & IT

(A. MAHALINGAM)
ADDL. PS TO MOC & IT

Certified to be true Copy.
Dip. M.
Advocate



राज्यगत जयते

500 मिलियन (१५८) -52-
२२ अक्टूबर २००४
२२.१००६ मिनिट्स
२२.१००६ मिनिट्स

गोपनीय राजकार (२१/१०)
(रांचार एवं राचना प्रौद्योगिकी मंत्रालय)
डाक विभाग
डाक भवन, संसद मार्ग
दिल्ली-११० ००१

V K Tiwary
Director (Staff)
Tele/Fax No. 011-2300 6103

Government of India
(Ministry of Communications & IT)
Department of Posts
Dak Bhawan, Sansad Marg,
New Delhi-110 001

DO No. 1-29/2004-SPG
20 September, 2004

Dear Sir,

I am enclosing a copy of letters received from Shri Santosh Mohan Dev, Minister of Heavy Industries & Public Enterprises and Shri Sunojit Datta, MLA, Tripura regarding allegations of corruption, irregular transfer of FNPO members and assault on women etc.

It is requested that detailed comments on the above subject may please be furnished to the department at the earliest to enable us to send a reply in the matter.

With regards,

Yours sincerely,

(V K. Tiwary)

Encl. As above.

Shri A G Dastidar
Chief Post Master General
SHILLONG
793001

22 9.04
Office of Chief Post Master General
N. E. Circle, Shillong
Enclosed on 22/10/04

Certified to be true Copy.
Dilip Bandyopadhyay
Advocate

647

(4)

Datta M.L.A
I.C. Minister
Vice President : T.P.C.G. (I)

-53-

1612
Ramnagar Road
Agartala, Tripura
Pin - 79900
Ph. : (0381) 20 6866

Date : 12.7.04

Respected Ranada,

This in regard to urgent necessity for transferring the Chief Postmaster General, N. E. Circle, (HQ- Shillong) named Sri. A. Ghoshdastidar, from this circle as he has started a planned attack by utilizing his subordinate Divisional officers on the INTUC based NUPE (FNPO) postal union in Agartala Postal Division to eliminate the existence of the said union as this union raises voice against irreconcilable and corruption of the officers. Very frequently the said Chief Postmaster General visits Agartala and every time he comes attachment to the FNPO members including making irregular transfers of that union members by interfering into the Divisional administration. I have also come to know that his feeling for the tribal of the state is very bad. His all actions against the FNPO are motivated and biased. It has also come to my knowledge that the said Chief P.M.G is advocating to save the officials who were involved in alleged physical assault case of a lady Director in Agartala. Some positive steps have already been taken by him in their favour.

Under the situation cited above, it has become absolutely and urgently necessary to transfer the said CPMG from the N. E. Circle or to create a pressure on him so that he keeps himself restrain from disturbing the FNPO members and in this regard, your kind personal intervention solicited.

With regards,

Yours faithfully,

To

Sri. Santosh Mohan Dev
Hon'ble Minister Of Heavy Industries & Public Enterprises,
15, Sansdरjung Lane, New-Delhi- 110011

Certified to be true Copy.
Dilip Kumar
Advocate

-54-

D.O. No.....MOHAN DEV/10/2004

संसद भवन (दिल्ली कालांपाल)

(पर्याप्त विषय और लोक विषय)

मिनिस्टरी ऑफ शेयर (इंडिपेंडेंट चार्जर)

(भारतीय जनतारक्षण और लोक विषय)

कमिटी ऑफ इंडिपेंडेंट चार्जर

22.07.2004

Dear Shri Maran,

Please refer to my earlier letter dated 05.07.2004 regarding certain allegations, raised against Shri A. Ghosh Dastidar, CEMG, N.E. Circle, Shillong. I am enclosing a letter from Shri Surajit Datta, MIA, Tripura, alleging Shri Ghosh Dastidar's partisan role in suppressing the activities of the INTUC affiliated Postal Union in Agartala Postal Division. The letter is self-explanatory.

I shall be grateful if you could please look into the matter for necessary action.

With regards,

Yours sincerely,

(SOMOJEE MOHAN DEV)

Shri Dayanidhi Maran
Minister of Communications & IT
Government of India,
New Delhi.

Encl : As above.

Certified to be true Copy.
Divyanshu
Advocate

Sir,

Very respectfully and humbly we take the shelter of your benevolent self for rescuing us from the hands of Chief Post Master General, Shillong namely Sri A. Ghosh Dastidar. In the name of his official visit he frequently comes to Tripura and sitting in the chamber (vacant) of the Director of Postal Service, Agartala used to give orders to some postal staff very local to him for supplying him boiled eggs, Milks, sweet, chicken, Mutton, Cold Drinks, varieties fruits etc. The said Loyal Staff collects subscription from the other employees regularly for his entertainment against the employees will. If anybody denies to give any subscription, The Chief PMG threatens them to transfer in remote areas. though to some extent this torture is considered tolerable, but the most dangerous thing that Chief PMG calls lady beautiful employees and directly tells them to pass nights with him at his places of stay like Circuit House, Agartala. His main target to a newly married lady employee working in South Tripura District while others are working in Agartala Head Post Office. All the female workers under Postal Department are in severe panic stricken and always apprehend sexual torture by the said Chief PMG. Apart from this he is taking bribe from the employees who wants to be transferred to their choicelike places. Recently, on 2-06-04 issued an illegal transfer order under the signature of Superintendent of Post Office sitting at D.P.S. office, Agartala. This transfer order has been issued to give benefit to 8 (Eight) employees who have given him cash money for transferring them to their selected place. So far we could team that Rs. 30,000/- (Thirty Thousand) has been paid to him as bribe.

We pray to cause a secret enquiry if you desire through any officer of your choice outside the Tripura State and Shillong region.

We demand for his immediate removal from the Post of Chief PMG, Shillong at any cost. Otherwise any mishap may occur by our guardians and well-wishers at any time.

In obvious reasons we are not giving our names.

Yours faithfully,
Few female Employees,
of Postal Devision, Agartala
Tripura.

To

The Director General of Posts,
New Delhi-1.

Copy to :-

- (1) Smt. Sonia Gandhi, President of All India Congress Party, 10, Janpath, New Delhi for kind information for intervention Please.
- (2) Sri Santosh Mohan Deb, Honourable Minister of State (Independent Charge) for Heavy Industries, Government of India, New Delhi for kind information for taking appropriate action.

Certified to be true
Diwip Baruah
Advocate

Diwip Baruah
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : AT GUWAHATI

O.A. No. /2004

Sri Bipul Ranjan HalderApplicant
-versus-
Union of India & othersRespondents

SYNOPSIS OF THE CASE:

Date	Particulars	Annexure	Page
1970	<p>The applicant joined in service under the respondents as Postal Assistant.</p> <p>Since then the applicant rose to the present position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. In his blameless service career of 34 years the applicant has been transferred for 13 times in three different circles.</p>		
<u>30.9.04</u>	<p>Impugned order of transfer from Shillong to Kohima issued and the applicant is released/made to hand over charge on the same day within 2 hours.</p> <p>Grounds for challenging the order of transfer:</p> <p>a) The impugner order of transfer is issued in violation of provisions of Rule 37A, 38, 41, 42, 43, 45, 46, 57, 73, 74 and 75 of the Posts and Telegraphs Manual, Vol. IV (Establishment)</p> <p>b) The impugned order is issued without considering the aspect of the applicant that his wife is a Govt. of Assam servant at Karimganj and there are specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.</p>	A & B	

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- c) The impugned order of transfer is passed by an incompetent authority
- d) The fact that the wife of the applicant is a chronic patient of rheumatoid arthritis was not considered.
- e) That the impugned order of transfer is vitiated by malafide on part of the respondent No.2 who has been implicated by name in the application.
- f) That the applicant has been victimized as being a member of the Officers' Association and despite there being specifica
- g) That the applicant has been discriminated against as the case of another similarly situated person has been considered by posting him at his station of request.
- h) That the representation made by the applicant on 15.9.2004 and 30.9.2004 are still pending consideration before the competent authority.

Relief Sought for:

- i) to aside and quash the impugned order of transfer dated 30.9.2004 (as in **Annexure A**) and the release order dated 30.9.2004 (as in **Annexure B**);
- ii) to direct the respondents to dispose of the representations dated 15.9.2004 and 30.9.2004;
- iii) in the interim, to stay/ suspend/ or keep in abeyance the operation of the impugned order of transfer dated 30.9.2004

Filed by:

Bibhash Pathak
(Bibhash Pathak)
Advocate
Date: 01.10.04

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

O.A. No. /2004

Sri Bipul Ranjan Halder Applicant
-versus-
Union of India & others Respondents

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Filed by:

Bibhash Pathak
(Bibhash Pathak)
Advocate

Date: 6. 10. 2004

File by
the applicant through
Bibhash Pathak
Advocate
6-10-2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

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

ORIGINAL APPLICATION NO. 240 OF 2004

BETWEEN

Shri Bipul Ranjan Halder,
Son of Birendra Kishore Halder,
Town & P.O. Karimganj
District- Karimganj (Assam)

... Applicant

-versus-

1. Union of India

Represented by the Secretary, Govt, of
India Ministry of Communications,
Department of Posts, New Delhi.

2.

Sri Abhijit Ghosh Dastidar,
Chief Post Master General,
North East Circle, Shillong – 793001.

... Respondents

DETAILS OF THE APPLICATION:

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

(i) This application has been made against the order of transfer vide
Memo No. Staff/9-2/04 dated 30.9.2004 (Annexure A) thereby

Bipul

transferring the applicant from the Office of the Respondent No.2, Shillong to Kohima as the Deputy Superintendent of Post, Nagaland, Kohima Division with immediate effect.

- (ii) The release order/ certificate of transfer of charge dated 30.9.2004 (**Annexure B**) thereby reliving the applicant under compulsion within two hours from the receipt of the transfer order with immediate effect.
- (iii) Non-consideration of the representations dated 15.9.2004 and 30.9.2004 submitted by the applicant to the competent authority for consideration/ review of the order of transfer.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declares that the subject matter of the application is within the period of limitation prescribed under the Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

- 4.1 That the applicant is the citizen of India and a permanent resident Karimganj Town, P.O. Karimganj, District- Karimganj (Assam) and as such, he is entitled to all the rights, protection and privileges as guaranteed under the Constitution of India and the laws framed thereunder.



4.2 That the applicant joined in service under the respondents as Postal Assistant in the year 1970 and rose to the position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. The applicant has put in almost 34 years of blameless service and he is serving the cause of the Government of India with all dedication, devotion and sincerity.

4.3 That during his service career the applicant has got transferred to as many as 13 times to the places covering the three postal circles, viz, North East Circle, Assam Circle and West Bengal Circle. Lastly the applicant got transferred from West Bengal Circle to the North East Circle (his present place of posting) with effect from 1.7.2002. The applicant has completed 2 years and 3 months of service in his present place of posting where he is entitled to continue at least for 4 years as rotation posting.

4.4 That the respondent No.2 has issued the impugned order of transfer vide Memo No. Staff/9-2/04 dated 30.9.2004 (Annexure A) transferring the applicant alongwith others from the Office of the respondent No.2 to Kohima as Deputy Superintendent of Posts, Nagaland Division, Kohima. It is pertinent to state here that the said order has been made to be issued by the applicant himself as the respondent No.2 compelled him to do so. It is also pertinent to state here that the said transfer orders are to take immediate effect whereas the one of the transferee at Sl. No. (d) has been made to be relieved only on 18.10.2004 who is to be released by another transferee, namely Sri Anil Baran Dutta at Sl. No. (a). Whereas, the applicant has been immediately relieved, hardly after 2 hours on the same day from the time of receipt of the transfer order. The applicant was also forced to sign the certificate of the transfer of charge without actual handing over of charge to the relieving officer, namely, Sri Anil

Baran Dutta. This was done in complete violation of the provisions of transfer of charges as required under the provision of Rule 73, 74 and 75 of the **Posts and Telegraphs Manual, Vol. IV (Establishment)**. It is also explicit from the order of the transfer that there is no whisper about the approval of the competent authority to issue such transfer order. The competent authority to issue such transfer is the Respondent No.2 as provided under Rule 34 of the Posts and Telegraphs Manual, VII. IV read with the Schedule -2 of the Postal Manual Vol. III. The impugned transfer order has been issued by the applicant himself, who is not the competent authority, thereby transferring himself alongwith others. Therefore, such order of transfer is illegal and can not sustain in law and is liable to be set aside and quashed.

The copy of the impugned transfer order and certificate of transfer of charge, both dated 30.9.2004 are annexed as **Annexure A and B** respectively.

4.5 That even after being relieved, the applicant applied for earned leave before joining at the place of transfer, i.e. Kohima and the said earned leave has been granted to him with effect from 5.10.2004 to 24.10.2004. The arrangement being locally made to relieve the applicant by a substitute from the same office at Shillong, the work will in no way suffer in case the order of transfer is reviewed/ cancelled and/or suspended or kept in abeyance during the pendency of this present application. The leave has been granted to the applicant vide Memo No. Staff/7-118/2002 dated 15.9.2004. It is to be noted that this leave was granted prior to the issuance of the impugned transfer order dated 30.9.2004. In the impugned transfer order there has been a categorical note at Clause 2 that Sri Niranjan Das will be relieved on 18.10.2004 by Sri Anil Baran Dutta, whereas, by the

(Signature)

leave sanction order it has been specifically stated that said Sri Niranjan Das will look after the duties of the applicant, B.R Halder, upto 24.10.2004. This is nothing but a glaring instance of malafide and whimsical action of the respondent No.2 who is guided by his own whims and emotions. As such the transfer order being vitiated by malafide and illegality is liable to be set aside and quashed.

A copy of the said memo dated 15.9.2004 is annexed hereto as **Annexure C.**

4.6 That the applicant, however, made a representation on 15.9.2004 prior to the issue of the impugned transfer order on 30.9.2004 with a request to transfer him to a place, namely, Dharmanagar, which is nearer to his native place, on the ground that his wife is a chronic patient of ***rheumatoid arthritis*** so that he can look after his ailing wife. It is also needless to mention here that the applicant is a childless lonely man and there is none to look after his ailing wife who needs help of others in her day-to-day avocations. But the impugned order of transfer was issued in total disregard to the said representation dated 15.9.2004. That being the position, the applicant, on receipt of the transfer order, immediately on the same day submitted another representation dated 30.9.2004 stating therein about his request to transfer and post him at the Postal Store Depot, Silchar or at Dharmanagar on the genuine ground of the chronic ailment of his wife. By the said representation, the applicant also stated that his wife is a Government Servant of Assam under the Education Department and serving as Assistant Teacher. By the said representation, the applicant also mentioned about the Govt. of India curricular envisaging that the husband and wife should be posted at the same station. But the said representation is also pending consideration by the respondent No.2. From the transfer order itself, it is very much clear that there was a post available for the

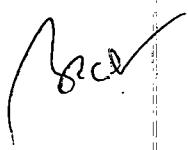
(Signature)

applicant to be posted at Dharmanagar or at Silchar, but unfortunately, by not considering the request of the applicant, one Niranjan Das at Sl.No. (d) has been posted there at Dharmanagar and Sri S. Choudhury at Silchar.

It is respectfully submitted that the wife of the applicant, namely Malabika Halder has been undergoing treatment under the Appollo Hospital Chennai since 21.5.2002 and her treatment is still going on. She is also undergoing some ayurvedic treatment continuously at Calcutta. The latest such treatment she received was on 7.9.2004. So it is abundantly clear that the wife of the applicant is a chronic patient requiring assistance from the applicant.

Copies of the representation dated 15.9.2004 and 30.9.2004 and the prescriptions/proof of treatment are annexed hereto as **ANNEXURE D, E and F series** respectively.

4.7 That the Govt. of India, Ministry of Communications, Department of Posts, vide its letter No.70/95/86-SPB.I dated 24.7.1986 adopted and agreed to implement the provisions of transfer and posting of husband and wife as per Office Memorandum No. 28034/7/86-Estt (A) dated 3.4.1986. As the said provisions was not so scrupulously followed by the Departments to transfer and post the husband and wife at the same station as envisaged in the said circular, the Govt. of India once again brought out another Office Memorandum vide No.28034/2/97-Estt.(A) dated 12.6.1997. This was issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training. By that circular, the Govt. of India further emphasized that the provisions of the O.M. dated 3.4.1986 should be followed and directed the Departments to ensure that such posting is invariably done, especially till their children are 10 years of age if



posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence. This O.M dated 12.9.1997 was adopted by the Department of Posts vide circular No. 137-46/97-SPB-II dated 21.8.1997. In spite of the said repeated instructions, the administration in various departments failed to implement the provisions of the above two OM's and therefore the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, brought out another OM vide No. 28034/23/2004-Estt.(A) dated 23.8.2004 and directed the Departments to follow the provisions of the OM's dated 3.4.1986 and 12.6.1997 in letter and spirit even when there were no administrative constraints. By the said OM it has further been directed that the guidelines laid down in the said OM's are strictly followed while deciding the request for posting of husband and wife at the same station. This OM dated 23.8.2004 was also adopted by the Department of Posts vide No.141-178/2004-SPB.II dated 22.9.2004. However, in spite of the said clear guidelines, the case of the applicant has not been considered by the respondents.

The copies of the OM dated 3.4.1986, letter dated 24.7.1986, OM dated 12.6.1997, letter dated 21.8.1997, OM dated 23.8.2004 and letter dated 22.9.2004 are annexed hereto as **ANNEXURE G, H, I, J, K and L** respectively.

4.8 That the Govt. of India, Ministry of Communications, Department of Posts also brought out a circular vide No. 141-35/2001-SPB-II dated 11.4.2001 thereby laying down the policy guideline on rotational transfer. By the said guidelines, it was stated that all the employees completing post tenure may be rotated subject to the broad principles of rotational transfer. In the said circular, it was specifically stated that inter-station transfer should be

(b) (i)

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restricted to minimum in view of the austerity measures. By the said circular it was also provided that the tenure of posting may also be extended by one year. But in the instant case the applicant was put only 2 years 3 months service at Shillong whereas his tenure according to the provisions of law as laid down in the **Posts and Telegraphs Manual, Vol. IV (Establishment)** is 4 (four) years as per Rule 57 of the said Manual. Moreover, had the request transfer of the applicant been considered, the applicant could have not claim any such TA, DA etc. to support such policy guidelines. As such, the applicant was entitled to remain posted in the Office of the Chief Post Master General, Shillong at least for 4 years. It is pertinent to mention here that as there is no post at the level of the applicant at Karimganj, the native place of the applicant where his wife is working in a Government School, he could look after his wife even from Shillong as it is comparatively nearer and having easy communication. But by the impugned transfer order the applicant has been transferred to Nagaland, Kohima, which is a disturbed area with extremist activities and without any easy communications and accessibility. If the applicant is posted at Kohima he would not be able to assist his wife in any way which will directly affect the life of his wife and frustrate the Govt. guidelines issued in this regard.

A copy of the said order dt. 11.4.2001 is annexed hereto as the **ANNEXURE-M.**

4.9 That the applicant is an Office bearer of the Officers' Association and currently holding the post of Assistant Secretary of the said Association. The Office Bearer of the Association requires to discuss/interact with the Respondent No.2 on various occasion off and on relating to various demands of the Officers including the matter of transfer and posting, accommodation etc. The applicant, on several occasions in the capacity of Office Bearer

[Signature]

of the Officers' Association had to react to the treatment of the respondent No.2 and had to indulge in hot altercation on the issues taken up by the Officers' Association, more particularly when he alongwith other office bearers had to discuss on the issues like withdraw of STD facilities extended to the residential and office telephones of gazetted and non-gazetted officers of Meghalaya Division and relating to the curtailment of 'Tour Traveling Allowance'. The respondent No.2 directed the applicant in Official capacity to issue instruction to the concerned authority thereby withdrawing the STD facilities extended to residential and office telephone vide letter No. TECH/40 1/76/II dated 16.9.2004. This curtailment of facilities created resentment among the officers and the matter was taken up by the Officers' Association. Similarly, the respondent No.2 also issued letter No. BGT/1-1/2004-2005 dated 28.7.2004 and letter No. AP/TA/Misc/89-90 dated 10.9.2004 and thereby issued order by curtailing expenditure in the Tour TA allegedly as an economic measure. This issue was also taken up by the Officers Association and this led to some misunderstanding between the respondent No.2 and the Officers' Association, particularly between the applicant and the respondent No.2. On several occasion, the respondent No.2 openly declared in presence of all the office bearers while holding meeting with him that he would see how the Officers' Association could survive and stand before him and he will see that the Officer Bearers are transferred to elsewhere and spread out so that there would be no occasion of their holding meeting like that in future. The respondent No.2 in that way bore in mind some ill feeling and hatred towards the Office bearers of the Officers' Association and more particularly towards the applicant. Under such situation, the Officers' Association held its meeting on 1.9.2004 and discussed the issues in the said meeting in its Resolution No. 4, 5 and 6 and decided to take action accordingly. The copy of the said resolution was also sent to the respondent No.2 alongwith other authorities. The respondent No.2 took exception to such

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resolution of the Officers' Association and as a result the respondent No.2 caused to issue the impugned transfer order as a first hand action towards the office bearers and the applicant fell victim of the malafide action of the respondent No.2.

The copies of the letter dt. 6.9.2004, 28.7.2004, 10.9.2004 and minutes of the meeting of the Officers' Association dated 1.9.2004 are annexed as **Annexure N, O, P and Q** respectively.

4.10 That the Officers' Association in which the applicant is the Assistant Secretary is an authorized and recognized Association under the provisions of "Central Civil Services (Recognition of Service Association) Rules, 1993" as provided in order of the Department of Post vide letter No. 13-1/93-SR dated 10.8.1994. The law is also well settled that the Office bearer of recognized Associations are immune from transfer liability during the term of their office. As per Govt. of India, Ministry of Home Affairs Office Memorandum No. 26/3/69-Estt(B) dated 8.4.1969, it is the duty of the Government to bring the General Secretary and one other Executive Member of recognized Associations to the Head Quarters. The Head quarter of the Officers' Association in the instant case in the instant case is Shillong and therefore the respondents are to provide the posting of the office bearer in its Head Quarter. The transfer of the applicant out of the Head Quarter at Shillong is therefore illegal, arbitrary and vitiated with malafide and the same is liable to be set aside and quashed.

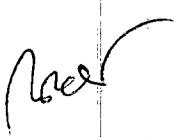
The applicant craves the leave of this Hon'ble Tribunal to rely upon and produce the relevant portions of the aforesaid Rules and the circulars at the time of hearing of the case.



4.11 That the respondent No.2, Sri Abhijit Ghosh Dastidar is a person of different temperament and he is irritable by nature. He being a divorcee has a disturbed family life. This unfortunate background of the respondent No.2 has led to various type of mis-deeds. There has been a series of written complaint against him touching his personality and sexual behavior. Such atrocious behavior perpetrated by the respondent No.2 towards his fellow subordinate staff has even went up to the Central Minster for interference and action to stop or correct him from exhibiting such behaviour. The respondent No.2 has also allegedly resorted to various illegal activities which are criminal in nature as per the said written complaint which has been taken up by the Ministers including the Ministry of Communications and Information Technology.

The written compliant and the communications made by the Minister to Minster are annexed hereto as **Annexure R series**.

4.12 That the applicant in this case is the victim of discrimination meted against him by the respondent No.2. The applicant submitted his representation which was registered in the Official register at Sl.No. 1, while one Sri Subroto Choudhury, an officer similarly situated with the applicant also submitted similar representation at a much belated stage which was registered at Sl.No.2. But the respondent No.2 considered the case of Sri Subroto Choudhury and posted him at the Postal Store Depot at his request whereas the request of the applicant has not been considered at all by the respondent No. 2 in spite of the genuine ground and family problem of the applicant best known to the respondent No.2. Such type of treatment is certainly discriminatory and violative of the provisions of Article 14 of the Constitution of India and also vitiated with malafide for the reasons as stated hereinabove. As such, it is a fit case where



this Hon'ble tribunal would be pleased to interfere with the impugned transfer order and set aside and quash the same.

- 4.13 That the applicant demanded justice from the respondents which has been denied to him.
- 4.14 That this application has been made bonafide and for the ends of justice.

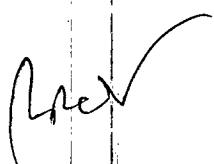
5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1 For that the impugned transfer order dated 30.9.2004 (**Annexure A**) is illegal and arbitrary and is liable to be set aside and quashed as violative of the provisions of Rule 37A, 38, 41, 42, 43, 45, 46, 57, 73, 74 and 75 of the Posts and Telegraphs Manual, Vol. IV (Establishment).
- 5.2 For that the impugned transfer order has been issued by the same person transferring himself alongwith others, whereas the competent authority to issue such order of transfer is the respondent No.2. There is no whisper, anything what so ever that the order of transfer has been issued with the sanction of the said competent authority as the settled provisions of law is that a transfer order issued by an incompetent authority is liable to be set aside and quashed.
- 5.3 For that the impugned order has been issued under compulsion and duress at the instance of the respondent No.2 who vowed to victimize the applicant who is one of the Office Bearers of the Officers' Association for raising the common issues of the Association and for vindication of their claims and as such the said impugned order is very much vitiated with malafide although



such Office bearer are entitled to immunity from transfer during the tenure of office.

- 5.4 For that the applicant is also entitled to be considered for posting at his place of choice nearer to his native place where his wife is serving as a State Government Employee and she has no scope to be transferred to the place of the applicant and for which there is specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.
- 5.5 For that the respondents failed to consider the representation submitted by the applicant to transfer him to Dharmanagar and/or to cancel his transfer order to Kohima on the ground of chronic ailment of his wife.
- 5.6 For that the respondent No.2 acting malafide forced the applicant to hand over the charge to the reliving officer without without actual handing over of the charge as required by Rules.
- 5.7 For that the transfer of the applicant has been made without considering his representation registered at Sl.No. 1 whereas, the case of the person at Sl. No. 2 has been considered which amounts to violation of Article 14 of the Constitution of India.
- 5.8 For that the representation submitted by the applicant on 15.9.2004 and 30.9.2004 are still pending consideration by the respondent No.2, whereas the settled provisions of law relating to transfer is that the personal difficulties and family problems are to be taken up with the administration through representation and the competent authority in the administration is under a duty to consider such representation and to pass speaking order to this effect which has not been done in the instant case.



5.9 For that the impugned transfer order, transfer of charge, grant of leave to the applicant and also the substitute provided for the period of leave are the clear instances of malafide action of the respondent No.2 acting in haste and in a whimsical manner.

5.10 For that in any view of the matter and the provisions of law the impugned transfer order is not tenable in law and the same is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

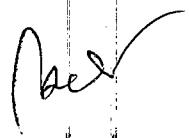
That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

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

That the applicant further declares he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them so show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the



records including the causes, if any shown by the respondents, Your Lordships would also be pleased to:

- 8.1 to set aside and quash the impugned order of transfer dated 30.9.2004 (as in **Annexure A**) and the release order dated 30.9.2004 (as in **Annexure B**);
- 8.2 to direct the respondents to dispose of the representations dated 15.9.2004 and 30.9.2004 and to pass speaking order thereon within a time frame as may be stipulated by this Hon'ble Tribunal;
- 8.3 to pay the cost of the application;
- 8.4 or may pass order for any other relief to which the applicant is found entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application, the applicant prays for grant of an interim order thereby staying/ suspending/ or keeping in abeyance the operation of the impugned order of transfer dated 30.9.2004 (as in **Annexure A**) and the release order dated 30.9.2004 (as in **Annexure B**) until further order to be passed by this Hon'ble Tribunal or till the disposal of the original application.

10. The application is filed through Advocate.

11. PARTICULAR OF I.P.O. :

I.P.O. NO.	: 20.4114787
Date of Issue	: 6-10-2004
Issued from	: G.P.O
Payable at	: Guwahati

12. LIST OF ENCLOSURES : As stated in the INDEX.

VERIFICATION

I, Sri Bipul Ranjan Halder, son of Birendra Kishore Halder, aged about 54 years, permanent resident of Karimganj Town, Post Office & District - Karimganj, Assam, do hereby solemnly affirm and state that the statements made in the application in para 1,2,3,4,1 to 4,3,5,6,7 & 8..... are true to my knowledge and belief, those made in para 4,4,5,4,6,4,7,4,8,4,9 & 4,11... being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 6 th day of October, 2004 at Guwahati.


Bipul Ranjan Halder
Deponent

18
DEPARTMENT OF POSTS: INDIA

ANNEXURE : A

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo No. Staff/9-2/04

Dated Shillong, the 30th September 2004.

Subject:- Posting/Transfers of Gazetted Officers in N. E. Circle.

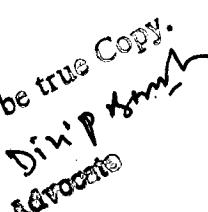
The under mentioned posting/transfer order in respect of Gazetted Officers are issued on administrative grounds to have immediate effect.

Sl. No.	Name/Designation	Present appointment	Transfer to next appointment	Remarks
a)	Sri Anil Baran Dutta, PSS Group 'B'	ADPS/CO, Shillong.	ADPS(Staff/Tech) C.O., Shillong.	Vice Sri B. R. Halder transferred
b)	Sri Bipul Ranjan Halder, PSS Gr. 'B'	ADPS(Staff/Tech) C.O. Shillong.	Deputy Supdt. of Posts, Nagaland Division Kohima	Vice Sri S. Choudhury transferred.
c)	Sri Subrata Choudhury, PSS Group 'B'	Dy. Supdt. of Posts Nagaland Division, Kohima.	Supdt. Postal Stores Depot, Silchar.	Against vacant post
d)	Sri Niranjan Das, PSS Group 'B'	ADPS(PLI/Business Development/Technology/Philately) C.O. Shillong. Has been working as ADPS, CO/Shillong since June '98	Supdt. of Posts Dharmanagar Division (Tripura)	Vice Sri Sunil Das, transferred
e)	Sri Sunil Das, PSS Group 'B'	Supdt. of Posts, Dharmanagar Division, Dharmanagar (Tripura) Has been working as Supdt. Dharmanagar Since January '2001	ADPS(PLI/Business Development/Technology/Philately) CO/Shillong.	Vice Sri N. Das, transferred.

2. The officer at Sl. (d) will be relieved on 18-10-04 by Sri Anil Baran Dutta.

3. Relevant charge reports and last pay certificates will be issued to all concerned.


 (B. R. Halder)
 Asstt. Director (Staff)
 For Chief Postmaster General,
 N. E. Circle, Shillong.

Certified to be true Copy.
 D. P. 
 Advocate

Contd..P/2...

ACG-61

Amendment of General Financial Rules, 1953
FORM VFR 33
(See Rule 77B)

Certificate of transfer of Charge

Certified that I/We have in the ~~forenoon~~/afternoon of this day respectively made over and received charge of the Office of ~~Asstl Director (Staff & Tech)~~ ⁸⁸ ~~Co. & Stores~~ in pursuance of Order No. ~~Staff/9-2/04~~

Dated 30-9-04

Relieved Officer B. R. Haldore
(Name in Block Letters)

Signature BRH

Designation Asstl Director (Staff & Tech) Designation _____

Station Shillong

Date 30-09-04

(For use in Audit Office/PAO only)

Noted in A/R at page _____

SO/AMO/AQ/PAO

Forwarded to SS(Staff)/ SS(A&P)/ JAO(BGD)

Note: Separate Certificate (as per form appended) also to be used where transfer/ Assumption of charge involves responsibilities for cash, stores etc

*Certified to be true Copy.
Dilip Kumar
Advocate*

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo No. Staff/7-118/2002

Dated at Shillong, the 15th September 2004.

The Chief Postmaster General, N. E. Circle, Shillong is pleased to grant earned leave for 16 days to Sri B. R. Halder, A. D. (Staff) C.O., Shillong w.e.f. 5-10-04 to 20-10-04 suffixing 21-10-04 to 24-10-04 being holidays & Sunday subject to the availability of leave at his leave account.

During the period, Sri Niranjan Das, DDM(PLI) C.O., Shillong will look after the duties of the officer in addition to his assigned duties without extra remuneration.

Certified that the officer would have continued in the grade but for his proceeding on leave during the above period.

Sd/- (B. R. Halder)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

1. The D. G. (SPG) Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The D. A. (P), Shillong.
3. The A. D. (A/Cs), C.O., Shillong.
4. The JAO (BGT), C.O., Shillong.
5. Sri B. R. Halder, A. D. (Staff)
6. Sri N. Das, DDM (PLI), C.O., Shillong.
7. P/F.
8. Office Copy.

For Chief Postmaster General,
N. E. Circle, Shillong.

*Certified to be true Copy.
Dilip Kumar
Advocate*

To

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for transfer and posting to Dharmanagar.

Sir,

With due respect and humble submission I beg to state that I have been serving as Asstt. Director in C.O. Shillong with effect from 1-7-02 while my wife who has been suffering from rheumatoid arthritis has been residing at my permanent residence at Karimganj (Assam). Since she has been serving in the Education Department under the Govt. of Assam, it is not feasible on her part to accompany me.

I would, therefore, request you to be kind and gracious enough to transfer me to Dharmanagar which is nearer to my home station on completion of my post tenure or when there will be a clear vacancy there in January' 05 on completion of post tenure by the present incumbent so as to enable me to look after my ailing wife from a close proximity.

Dated at Shillong,
the 15 - 09-04.

Yours faithfully,

(B. R. Halder)

Asstt. Director (Staff)
O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.
D. L. Puswami
Advocate

To

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for review of transfer order in the light of Ministry of Personal, Public Grievances & Pensions Department of Personal & Training OM No.28034/23/2004-Estt (A) dtd.23-08-2004.

Reference:- C.O's memo No. Staff/9-2/04 dtd. 30-09-04

Sir,

With due respect I beg to state that I joined C.O. Shillong on 01-07-2002 on transfer from W.B. Circle and yet to complete my post/station tenure. But as my wife who is serving in the Education Department under the Govt. of Assam and residing alone at my permanent resident at Karimhanj has been suffering from Chronic Rheumatoid Arthritis since long and there in none to look after her, I requested the authority to transfer me to PSD, Silchar or Dharmanagar vide my representation dtd.7-01-03 as both the above stations are nearby to my home town. Subsequently when the post of Supdt. PSD, Silchar has fallen vacant on 1-8-04, I came to know from informed sources that this post will not be filled up soon. As such I again reiterated my request vide my representation dtd.15-9-04 to transfer me to Dharmanagar either in completion of my tenure or on completion of tenure by the present incumbent of Dharmanagar who is due to complete his post tenure in January'05. Obviously I was waiting for my transfer to Dharmanagar or PSD, Silchar.

But as misfortune would have it, I have this day been transferred to Kohima in stead of PSD, Silchar or Dharmanagar Division although there is a clear instruction to give utmost importance to the enhancement of women's status in all sectors and walk of life by posting husband and wife at the same station/nearby station even when there are no administrative constraints. This has really come to me as a bolt from the blue as there was ample scope to transfer me either to Dharmanagar Division or PSD, Silchar.

In view of what is stated above I would once again urge upon your goodself to review my order and post me to either of the posts/stations mentioned above and thereby enable me to look after my ailing wife from closer proximity. A copy O.M. No. referred to above is enclosed for ready reference.

Enc: As stated

Dated, Shillong
the 30-09-04

Yours faithfully,

Asstt. Director (S&T)
(B. R. Halder)
Asstt. Director (S&T)
O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

The Director General of Posts (Staff) Postal Directorate, New Delhi for favour of information and necessary action.

(B. R. Halder)
Asstt. Director (S&T)

*Certified to be true Copy.
Dip Kumar
Advocate*

Mrs. Malvika Halder 880304

Rheumatoid Arthritis

- o Disease is chronic
- o needs prolonged treatment
- o needs steroid dependent
- o Steroid

Take Methotrexate
(2.5mg)
(Mexate) after food every
Sunday

Take Nimesulid MD 100 mg daily
after food

21, Greams Lane, Off. Greams Road, Chennai - 600 006

Phone : 8293333, 8290200 Fax : 91-44-8294429

Greams : 'Apollo Hosp.' Telex : 41-6419 AHEL IN

Regd. Office : 19, Bishop Garden, Chennai - 600 028.

E-MAIL : ahel@vsnl.com

INTERNET : www.apollohospitals.com

Certified to be true Copy.
Dip. Advocate
Advocate

Zincort 1 \rightarrow deep

Tee Wypolone $\frac{1}{2}$ - $\frac{1}{2}$ \times
5mg

feel

~~feel~~

To do TC, DC, Hb Platelet
SGOT & SGPT every 4 weeks

Show to local doctor
METHODS OF TREATMENT
Surgery or of
Stop \swarrow Math or \uparrow of
Platelet \swarrow Math or \uparrow of
SGOT SGPT and @ USN1.com

Email to daily
Therapy
Review after
Review after

feel



W35

MASTER HEALTH CHECK-UP

MHC Instructions

NAME: MS MACABICA HODGE AGE: 45
 REG. NO: 880304 DATE: 16/6/62

Please read and follow the detailed instructions given on page 2 and 6. If you have any doubts please contact the receptionist at the MHC counter.

தயவுசெய்து (3 & 6) பக்கங்களைப் படித்துப் பின்பற்றுங்கள். எதாவது சந்தேகமிருப்பின் MHC வரவேற்பாளரின் உதவியை நாடுங்கள்.

ஈயமுங் (4, 6) பேசில்லு சரிவா பாயிங்கா, நிதை ஸஂதையை நடிநாவே MHC அப்யூநிகுரலின் நங்புடிங்கா.

குடும்ப ஆப் நிர்஦ேஶ பதிகா கோ பாக்கர ஸமங்கை ஜோ பூஷ 5 ஓர் 6 பர கீடா ஹை தாகை அனுசார சுதா. அநா ஆபகோ கோ ஈ ஸ்டேஷன் ஹை தோ ஸ்டேஷன் கோ மிலீர் ஹை.

This card must be kept safely with you till all the tests are over and brought with you when you come to receive MHC reports from consultants.

தயவுசெய்து இந்தக் குறிப்பேட்டை உங்கள் கைவசம் பத்திரிமாக வைத்திருந்து எம். ஹெந்த். சி. ரிப்போர்ட் வாங்கும்பொழுது கொண்டு வரவும்.

கா காரூ மிவாடு அநூ வரிதல் முரிமுவங்கு நிதை முரிமுகா நுங்கானி, மீ வரிதல் முரிமுலு தீநுகா நமுமுந தங்குங்கா தீநுகா நா ரா நலை.

யா நிர்஦ேஶ பதிகா ஆப் ஸ்மால் கர ராக்கீ அப்பி ரிப்போர்ட் விஶேஷஜ ஹை ஜாரை ஈக்கா பேஶ கரிஏ.

Please keep up your Review Appointment on time. The consultant physicians will not be available at all times for counselling and handing over your reports. If you require a change of appointment time please telephone the MHC dept (8293333 Ext. 5878, 5888) and fix up an alternate appointment.

Was examined by Dr.

உடல் பரிசோதனை செய்த மருத்துவர்

ஜாங் கரை வாலை விஶேஷஜ

சர்க்கார் வீங் காக்கர

Time & date of Review

ரிப்போர்ட் பெறும் தேதியும் நேரமும்

விஶேஷஜ கே ஸார் - புக்கிரிகா

சர்க்கார் வரித ஹாஸ்பிடல், நாவயவு.

Dr. Arreshwar AKBAR

(2)

17/6/12
230
130

Certified to
S. J. P.
Advocate

No.	Name of Tests	Reporting Time	Signature
1.	Payment பணம் செலுத்துதல்	₹50 ரூபாய் Cash/Credit Card போ சபா கர்கா Credit Letter/Others	8:10
2.	1st sample blood & urine (Fasting) முதல்முறை தீவிரமாக விடுதியில் (வெறும் வரிச்சில)	முதல் 8 ரூபாய் + மாலை (8:00 மாலை) ஓர்லி பேர் பூஜை வீர பேராரா கா ஸம்பந்த	9:20
	2nd sample blood & urine (2 hrs after food / Glucose) இரண்டாவது முறை தீவிரமாக விடுதியில் (குழும்சேவை விவரங்களை உணவிலிருந்து 2 மணி பிரும் விடுதியில்)	மூதல் 8 ரூபாய் + மாலை (8:00 மாலை) 8:00/ 8:15 ரூபாய் 2 மீ. கார்த் தாரா கூடா ஸெபான் பூஜை வீர பேராரா (முதலோர் யா ஓரான் கே டீ பட்ட டார)	11:20
3.	Stool sample வெந்த	மூத்து போகா ஸீரால்	17/6
4.	E.C.G. எ.சி.ஏ.	ம. வி. வி. பி. சி. ஆ.	17/6
5.	X-ray Chest வாய்ப் பாக்ஸீ கூட்டு 8:00 ஓர்லி கா எக்ஸோ	Not for pregnant Women காங்கிரஸ் காங்கிரஸ் காங்கிரஸ் கூட்டு கூட்டு கார்த் நாயக்கி மார்த்தி கீ லிஏ மா	Coomb's test 2
6.	History வாய்வு விவரங்கள்	8:00 ரூபாய் ஆராய் கரிகால்	11:00
7.	Physical examination வாய்வு பாக்ஸீ	8:00 ரூபாய் 10 ஶாரிரிக் கீழ்	8:00 AM
8.	For women - Gynec check up குதிரைக்கும் காப்பெப்பை பார்க்கான	8:00 ரூபாய் 10 ஏதுதி விஶேஷம்	10:00 AM
9.	For Men - Surgical consult குதிரைக்கும் காப்பெப்பை பார்க்கான	8:00 ரூபாய் 10 புதிய கீ மர்ஜன் ஸ் முருக்கான	11:00 AM
10.	Ultrasound Abdomen அப்ஸூசால்ட் பேட் கா டைன் கட்டுப் பூர்வ	Upper abdomen and Lower abdomen கிள்காலி. " மாலை ந்த மா. " சீரே மா நீ டாப்பு " 8:00 மாலை	11:00 AM
11.	Additional tests or consultation குதிரை பார்க்கான	தாந்து நூத் விபூல தெவால் காதிரிங் ஜீர்	4
Name and Signature of the MHC Receptionist			

Certified to be true
DIN PRAVIN
Advocate

Kaviraj Ananda Roy

M.A.S.F, W.B.G.S. (Ex.) F.I.C.A.

Ayurvedatirtha, Visagacharya

Emeritus Professor (Ex.)

J. B. Roy State Ayurvedic College & Hospital

DHANWANTARI AYURVED BHAVAN

Chamber :

85, Beadon Street,

Kolkata - 700 006 ☎ : 2530-2141

11-12 Noon, 7-10 P.M.

Sunday Evening Closed

Residence :

11B, Anath Deb Lane,

Kolkata - 700 006 ☎ : 2555-9075

26 APR 2004
Date

ROGAVINISCHAYA

For: Smt. Malabika Halder: Karyingang.

① ~~Myostal~~ Myostal 240 tabs

2 tabs. BD.

② Nisinda Bati 240 tabs

2 tabs BD per.

③ Rijataram Bati - 60

Actiforte - 60

Prasari Guggu - 60

11.00: Paid in full. 1+1+1 at bed time

Certified to be true Copy.
Dilip Kumar
Advocate

କବିରାଜ ଶ୍ରୀଆନନ୍ଦ ରାୟ ଏମ. ଏ. ଏସ. ଏଫ
ଆୟବେ'ଦତ୍ତିଥ' ; ଭିଷକାଚାର୍ୟ
ଏମେରିଟୋସ-ଅଧ୍ୟାପକ (E.)
ଧ୍ୟାମନୀଭୂଷଣ ରାଷ୍ଟ୍ରୀୟ ଆୟବେ'ଦ
କଲେଜ୍ ଓ ହ୍ସପାତାଲ

ଧୟାନିର ଆୟୁର୍ବେଦ ଭୟନ
୪୫, ବିଜନ ଷ୍ଟ୍ରୀଟ
କଲିକାତା-୭୦୦୦୦୬
ଦୂରଭାବ : ୫୫୫-୧୦୭୫ (ବାଡୀ)
୫୩୦-୨୧୪୧ (ଚେମ୍ବାର)
୫୫୪-୫୪୧୮ (କଲେଜ)
୫୫୪-୫୭୬୨ (ହାସପାତାଳ)

- 7 SEP 2004

2) ଅଲ୍ଲାହ ଦୀର୍ଘ - 280 ମୀଟ୍
 2) କରିମାବାବଦୀ - 280 ମୀଟ୍
 6) ମାର୍କ୍ଷିତ କରିମାବାବଦୀ - 280 ମୀଟ୍
 8) କୁମାର ଦୀର୍ଘ - 60

2000
2018/5/22

Summer

2800

~~2000~~ 1950
Fair in felt
Amanday
7.29.64

ରୋଗୀ ଦେଖିବାର ସମୟ : ମଧ୍ୟାହ୍ନ—୧୧-୧୨

সংখ্যা-৭-৩০-১০

ବିବିରାର ମନ୍ଦ୍ୟାୟ ବନ୍ଧ

Certified to be true Copy.
Dilip
Advocate

No. 18034/7/86-Estt (A)
 Government of India
 Ministry of Personnel, P.G. & Pensions
 (Department of Personnel and Training)

New Delhi, the 3.4.86.

OFFICE MEMORANDUM

Subject:- Posting of husband and wife at the same station.

The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Govt. service or in the service of public sector undertakings has been raised in Parliament and other forums on several occasions. Govt.'s position has been that merits of Govt. servants and employees of public sector undertakings for posting at the same station usually received sympathetic consideration, and that each case is decided on merits, keeping in view the administrative requirements.

The Govt. of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated and implemented by different Ministries of the Central Govt. to achieve this end. It is also considered necessary to have a policy which can enable women employed under the Govt. and in public sector undertakings to discharge their responsibilities as wife/mother on the one hand and productive workers on the other, more effectively. It is the policy of the Govt. that as far as possible and within the constraints of administrative feasibility, the husband and wife should be posted at the same station to enable them to lead a normal family life and to ensure the education and welfare of their children.

3. In Feb., 1976 the then Department of Social Welfare had issued a circular D.O. letter to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife at the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resources Development from women seeking the intervention of that Department for a posting at the place where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to these employees who are under the purview of the Govt./ Public Sector Undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the requests from the spouses for a posting at the same station. At the outset, it may be clarified that it may not be possible to bring every category of

*verified to be
true copy
Dipak Singh
Advocate*

employees within the ambit of this policy as ~~as~~ situations of husband/Wife employment are varied and manifold. The guidelines given below are, therefore, illustrative and not exhaustive. Govt. desire that in all other cases the cadre controlling authority should consider such requests with utmost sympathy.

4. The classes of cases that may arise, and the guidelines for dealing with each class of case, are given below :-

- (i) Where the spouses belong to the same All India Service or two of the All India Services namely IAS, IPSA and Indian Forest Service (Group 'A')-
 - The spouse will be posted to the same Cadre by providing for a cadre transfer of one spouse to the Cadre of the other spouse subject to their not being posted by this process to their home cadre. Postings within the Cadre will, of course, fall within the purview of the state Govt.
- (ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services :-
 - The cadre controlling authority of the Central Service may post the officer to the station or if there is no post in that station, to the State where the other spouse belonging to the All India Service is posted.
- (iii) Where the spouses belong to the same Central Service :-
 - The Cadre controlling authority may post the spouses to the same station.
- (iv) Where the spouse belongs to one Central Service and the other spouse belongs to another Central Service :-
 - The spouse with the longer service at a station may apply to the appropriate cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the State where the other spouse belonging to the other Central Service is posted.
- (v) Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertakings:-
 - The spouse employed under the Public Sector Undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted.

(vi) Where one spouse belongs to a Central Service and the other spouse belongs to PSU :-

- The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station or if there is no post under the PSU in that station, to the State where the other spouse is posted. If, however, the request cannot be granted because the PSU has no post in the said station/State, then the spouse belonging to the Central Service may apply to the appropriate cadre controlling authority and the said authority may post the and the said authority may post the said officer to the station or if there is no post in that station, to be state where the spouse employed under PSU is posted.

(vii) Where one spouse is employed under the Central Govt. and the other spouse is employed under the State Govt.

- The spouse employed under the Central Govt. may apply to the competent authority and the competent authority may post the said officer to the station or if there is no post in that station to the state where the other spouse is posted.

5. As will be seen from the illustrations given above, they do not cover all possible categories of cases which may arise. In fact it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines will have to be dealt with keeping in mind the spirit in which these guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

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

8. This issues with the concurrence of the Department of Public Enterprises.

Sd/-

(Mrs. Aarti J. Patel)
Joint Secretary to the Govt. of India.

31.

Type Copy

101

No. 28034/86-Estt(A) New Delhi, the 3rd April, 1986.

Copy, with usual number of spare copies, forwarded to:-

1. Office of C & AG, New Delhi, with reference to their U.O. No 48-A.Ar.G(P)/86, dated 13.3.86.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Registrar, Supreme Court, New Delhi.
5. Lok Sabha Secretariat.
6. Rajya Sabha Secretariat.
7. Commissioner from Linguistic Minorities, Allahabad.
8. U.T. Division, Ministry of Home Affairs, Govt. of India.
9. JS(S), Department of Personnel and Training. The question of issuing suitable instructions to State Govt. may be considered.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and pensions and Ministry of Home Affairs.
11. All Officers and Section of Ministry of Personnel Public Grievances and pensions and Ministry of Home Affairs.

SD/-

(A. JAYARAMAN)
DIRECTOR

*Certified to be
true copy
Div P Branch
Advocate*

No. 23034/7/86-Estt(A) New Delhi, the 3rd April, 1986.

Copy, with usual number of spare copies, forwarded to:-

1. Office of C&AG, New Delhi, with reference to their U.O.No. 48-A-Ag.G(P)/86, dated 13.3.86.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Registrar, Supreme Court, New Delhi.
5. Lok Sabha Secretariat, Sansad Bhawan, New Delhi.
6. Rajya Sabha Secretariat, Sansad Bhawan, New Delhi.
7. Commissioner from Linguistic Minorities, Allahabad.
8. H.T. Division, Ministry of Home Affairs.
9. JS(S), Department of Personnel and Training. The question of issuing suitable instructions to State Govt. may be considered.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
11. All Officers and Sections of Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd/-

(A. JAYARAMAN)
DIRECTOR.

IS.

Certified to be true Copy.
Dikshu
Advocate

STA

1092

R.B.RM

32
GOVERNMENT OF INDIA.
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
D.S.K. BHAVAN, PARLIAMENT STREET
NEW DELHI-110 001.

ANNEXURE : H

25 JUL 1986

1781

No. 70/95/86-SPB I

Dated the 24 JUL 1986

To

All Heads of Postal Circles,
All Principals, Postal Training Centres.

Subject: Posting of husband and wife at the same station.

Sir,

I am directed to forward herewith a copy of
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training) New Delhi
office Memorandum No. 28034/7/76-Estt(A) dated 3rd April,
1986 on the above noted subject for your information and
guidance.

2. This may be brought to the notice of all concerned.
3. Hindi version will follow.

Yours faithfully

(Signature)

Encl:-As above.

(B.K. Chawla)
Assistant Director General (SPB).

Copy for Administration/SPB II/Pension/PLI/PE-I/PE-II/PAP/
CMR/Inspection/DEP/STN/Postal Account/CSE/MCC Sections
of the Department of Posts and Telecommunication.

All DDGs, All ADGs, PS to Secretary (P) /M(F)/M(O)/
M(D)/ Postal Staff College, New Delhi.

Copy to all recognised Unions/Associations/Federations.

Certified to be true Copy.
Dilip Kumar
Advocate

(Signature)
(B.K. Chawla)
Assistant Director General (SPB).



Staff Sec.

No. 137-46/97-SPB-II
 GOVERNMENT OF INDIA
 MINISTRY OF COMMUNICATIONS
 DEPARTMENT OF POSTS
 DAK BHAWAN, SANASAD MARG,

DATED AT NEW DELHI THE 21ST AUGUST, 1997.

To

All Heads of Circle.
 All Postmasters General.
 All Postal Training Centres.
 Controller, Foreign Mail, Mumbai.
 Director, Postal Staff College, Ghaziabad.

Sub:- Posting of Postmen and Clerks in the same station.

Sir,

I am directed to forward herewith a copy of Department of Personnel and Training O.M. No. 128034/2/97-Estt. (A) dated 12-6-1997 on the above mentioned subject for informations, guidance and for taking further necessary action.

Yours faithfully

(A.K. KAUSHAL)
 ASSTT. DIRECTOR GENERAL (SPN)

Copy to:-

1. All Section of the Directorate.
2. A.P.S. Record Office, Kamptee.
3. All Recognised Unions/ Societies.

Certified to be true Copy
 Dilip Kumar
 Advocate

(A.K. KAUSHAL)
 ASSTT. DIRECTOR GENERAL (SPN)

No. 28034/7/97-Estt. (A)

Government of India

Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June, 1997.

OFFICE MEMORANDUM1. Posting of husband and wife at the same station.

The undersigned is directed to ~~x~~ say that on the subject mentioned above, Government had issued detailed guidelines vide O.M. No. 28034/7/86-Estt. (A) dated 3.4.86. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organisation at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in OM No. 28034/7/86-Estt. (A) dated 3.4.1986 while deciding on the requests for posting husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organisation at the same station and if no administrative problems are expected to result as a consequence.

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

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.

5. A copy of this Department's OM No. 28034/7/86-Estt. (A) dated 3.4.86 is enclosed for ready reference and guidance.

sd/-

(Harinder Singh)
Joint Secretary to the Govt. of IndiaCertified to be true copy
Dr. R. P. Singh
Advocate

No. 28034/23/2004-Estt. (A)
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

106

New Delhi, dated the 23rd August, 2004

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

The undersigned is directed to say that the policy of the Government has been to give utmost importance to the enhancement of women's status in all sectors and all walks of life. Keeping this policy in view, the Government had issued detailed guidelines about posting of husband and wife at the same station vide O.M.NO. 28034/7/86-Estt. (A) dated the 3rd April, 1986 and O.M.No. 28034/2/97-Estt. (A) dated the 12th June, 1997. Attention of the Government was drawn that the instructions contained in these Office Memoranda are not being followed in letter and spirit by the Ministries/Departments even when there were no administrative constraints. Accordingly, it is impressed upon all Ministries/Departments that the guidelines laid down in the aforesaid Office Memoranda are strictly followed while deciding the request for posting of husband and wife at the same station.

S. Chandrasekaran
 (S. Chandrasekaran)
 Joint Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India
 (As per standard list)

4/23/04
 Certified to be true Copy.
 Dixit Anup Singh
 Advocate

SI - 36
ANEXURE : L
102

NO.141-178/2004-SPB-II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS & IT
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG.

NEW DELHI DATED THE 22nd SEPTEMBER, 2004.

To

1. All Principal Chief Postmasters General/Chief Postmasters General
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Principals, PUCs
5. Director Postal Staff College, Ghaziabad
6. CGAI, Postal Life Insurance, Chanakyapuri, New Delhi
7. BD Directorate, Malcha Marg, New Delhi

SUBJECT : Posting of husband and wife at the same station.

Sir/Madam,

I am directed to forward herewith a copy of OM No.28034/2.5/2004-Estt(A) dated 23rd August 2004, received from Department of Personnel and Training on the above mentioned subject for your information and guidance.

Yours faithfully

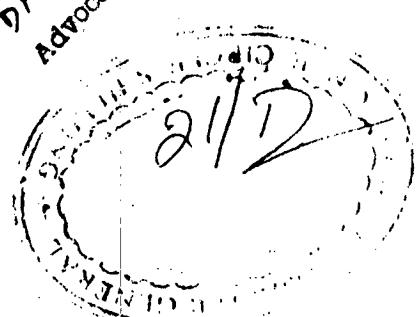
Archana Srivastava
ARCHANA SRIVASTAVA
SECTION OFFICER

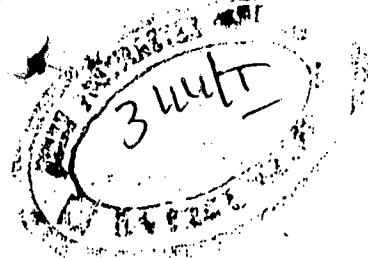
End : As above

Copy to :

Certified to be true Copy
Dipak Kumar
Advocate

2. All Sections of the Department of Posts
3. Director Postal Accounts, Delhi
All recognized Unions/Federations





No. 141-35/2001-SPB.II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG.

ANNEXURE : M/

T₀

NEW DELHI DATED THE 11, APRIL, 2001

1. All Chief Postmasters General
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Director, Postal Staff College, Ghaziabad
5. Chief General Manager, Postal Life Insurance, New Delhi
6. Director, Postal Life Insurance, Calcutta
7. General Manager, Business Development Directorate, New Delhi
8. All Directors, Postal Training Centers

Subject:- Rotational Transfer Policy Guidelines for the year 2001-2002.

Sir,

I am directed to invite reference to the guidelines for rotational transfers for the year 2000-2001 issued under this office letter NO.141-6/2000-SPB.II dated 24-4-2000. There is no deviation in the policy to be adopted for rotational transfer for the year 2001-2002. All the employees completing post tenure may be rotated subject to following broad principles of rotational transfers.

(i) Matching of human resource with requirements of posts and placing officials in the choice stations may be considered in the overall context of administrative requirements and austerity measures.

(ii) Inter-station transfers should be restricted to minimum in view of the austerity measures.

(iii) Extension of tenure by one year except in the case of single handed Sub Postmasters may be considered by the Head of Circle. The employees retiring within one year may be considered for retention. In respect of Group 'A' officers proposal of extension may be referred by Head of Circle to the Directorate.

2. New products and services are being introduced by the Department from time to time. Officials are being specifically trained to handle these products and services. Heads of Circle should build up a pool of trained officials to handle these newly introduced products and services. However, officials especially trained to handle newly introduced products and services will not be transferred on completion of their tenure unless trained substitutes are available for replacing them.

3. In respect of Senior Group 'A' officers, officers who have put in four years of service in a particular post or at a particular station may be invariably rotated, especially if the post occupied by them is sensitive in nature. Their transfers should be linked with their performance and requirements of the posts to be filled up.

be linked with their performance and
should be true ^{as} ~~as~~
Philip Morris
Advocate *DRH (as many as possible)*

4. In view of the well defined principles of rotational transfers in the Department and provision of tenures and other administrative instructions, annual issue of rotational transfer guidelines is being discontinued. Changes in the existing policies will be communicated whenever necessary.
5. Heads of Circles are requested to take immediate action for issuing orders for rotational transfers.
6. Receipt of this letter may kindly be acknowledged.

Yours faithfully,


11/4/01
(R. SRINIVASAN)
ASSISTANT DIRECTOR GENERAL (SPN)

Copy to:-

1. All Sections of the Directorate.
2. All recognized Unions/Federations.

*Certified to be true Copy.
D. L. P. Anand
Advocate*

DEPARTMENT OF POSTS: INDIA
 OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG 793 001

No. TEC/CH/40 1/76/11

Dated at Shillong the 16th Sept. 2004.

To,

The Asstt.Director (Commercial),
 O/o The G.M.T.D.,
 BSNL, N.E. Region,
 Barik, Shillong - 793 001.

Subject:- Withdrawal of STD facility to Residential and Office Telephone no. of Gazetted and Non-gazetted officers of Meghalaya Division.

Sir,

With reference to the subject cited above, you are requested kindly to withdraw STD facility provided to the Residential and Office telephone of Gazetted and Non-gazetted officers of Meghalaya Division as per the list given in the enclosed annexure.

Sd/-

(B.R. HALDER)
 Asstt.Director (Tech)
 O/o the Chief Postmaster General
 N.E. Circle, Shillong - 793 001

Copy to:-

Officers concerned for information. (By Name)
 • Shri B.R. Halder, AD (Staff & Tech)

Certified to be true Copy.
 J.S.K.P. Mawmaw
 Advocate

For Chief Postmaster General
 N.E. Circle, Shillong - 793 001

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL,
NORTH-EAST CIRCLE, SHILLONG-793001.

NO.BGT/1-1/2004-2005

Dated at Shillong the 23rd July, 2004.UNDER ENTRY

28

To,

1-2) The Director of Postal Services,
Aizawl/Kohima.

3) The Sr. Supdt. of Pos,
Meghalaya Division, Shillong.

4) The Executive Engineer,
PCD, Shillong.

5-7) The Dy. Supdt. of Pos,
Agartala/Imphal/Itanagar.

9-12) All Group Officer,
Circle Office, Shillong.

AD (S6ff)

Subject :- Economy in Tour TA.

1. It has been decided that in view of Postal Directorate New Delhi instructions on economy in Ceiling items expenditure and as part of preventive vigilance the undermentioned modes of travel will be adopted by the different grade of officers/officials while on official tour:-

SI No.	Grade of Officer	Permissible mode/Class	Remarks
1.	JAG and above	Full taxi	
2	STS/JTS	Share Taxi or single seat in passenger bus/Mini Bus.	
3	Group B	Share Taxi -do-	
4	Non-Gazetted Officer	Single seat in passenger bus/Mini Bus.	
5	Others	-do-	

2. Effective immediate.

3. The Chief Postmaster General, NE Circle, Shillong has seen the case.

[Signature]
 (K.C. Biswas)
 Accounts Officer (Accounts).

*Certified to be true Copy
 D. K. P. M.
 Advocate*

DEPARTMENT OF POSTS : INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTHEAST CIRCLE:
SHILLONG-793001NO. AP/TA/Misc/89-90
ToDated at Shillong the 10th September'04.

1-2) The Director of Postal Services,
Aizawl/Kohima.
 3) The Sr. Supdt.of Pos,
Shillong.
 4) The Supdt.of POs,
Dharmanagar.
 5-7) The Dy. Supdt.of Pos,
Agartala/Imphal/Itanagar
 9-12) All Group Officer, *AD (S)*
Circle Office, Shillong.

Subject :- Economy in Tour TA.

1. Reference:- No.Bgt/1-1/2004-2005 dated 28.07.2004

2. On further review to this office letter No.Bgt/1-1/2004-2005, dated 28.07.2005 on the above instruction, the under mentioned order issued for strict compliance.

3. In this connection, Government of India, Departmental order as under shall be followed :-

1. SR-46 Note-10 (G.I.M.F.O.M.No.19030/2/81-E.IV dated 03.06.85 :- Road mileage allowance for regular tours will be admissible from duty point/residence at Headquarters to railway station/airport/bus stand and vice versa depending upon the points between which journey is performed.)

4. In respect of tours by ASPOs and Inspector of Posts : They may reimbursed single Taxi shared fare , applicable to one passenger only; if journey undertaken and actually paid for.

The Chief Postmaster General N.E. Circle, Shillong has seen the case.

[Signature] 10.9.2011
(K. C. Biswas),
Accounts Officer (A/C).

Certified to be true Copy.
Dilip Kumar
Advocate

DEPARTMENT OF POSTS
NORTH EAST CIRCLE : SHILLONG-793001

Subject: Four monthly staff meeting with Representatives of Officers' Association, held at Circle Office, Shillong at 1500 hours on 01-9-2004

The following were present in the meeting:

1. Shri A. Ghosh Dastidar Chief Postmaster General N.E. Circle, Shillong.	1. Shri Niranjan Das, Circle Secretary C.O., Shillong-793001
2. Shri Lalhluna Postmaster General N.E. Region, Shillong	2. Shri B.R. Halder Asstt. Circle Secretary C.O., Shillong-793001.
3. Shri Manik Das, ADPS (Staff Relations) C.O., Shillong.	

Old Items:

1. **Item No.1/5/2004:** Requirement of post attached quarters for SP Dharmanagar, Tripura State, and all Dy. SPOs of Divisions in N.E. Circle.

Reply: Circle Office, Shillong has addressed DDG (Estates), Postal Directorate, New Delhi vide C.O., letter No. Bldg/10-27/Pt-V/Rlg/2004-05 dated 21-7-2004.

The case ~~has~~ will be monitored, subject to availability of land and budgetary allotments.

Action: ADPS(Bldg) C.O., Shillong, DPS Regions/Divisional Heads/Dy. Superintendent of Post Offices of Divisions.

Information: PMG N.E. Region, Shillong and DPS Shillong.

2. **Item No.2/5/2004:** Request for change of designation of Dy. Supdt. of Post Offices to either Superintendent of Post Offices or Assistant Director, Division, wherever the Division is headed by a DPS, so that there is a similarity in the hierarchy.

Reply: Circle Office, Shillong has addressed DDG (Estt), Postal Directorate, New Delhi vide No. Est/1-6/89/Rlg dated 23-8-2004.

Action: APMG(Est), C.O., Shillong.

Information: PMG N.E. Region Shillong and DPS Shillong.

*Certified to be true Copy.
Dilip Kumar
Advocate*

(Contd.) (2)

3. Item No.3/5/2004: filling up of vacant posts of stenos attached to Group Officers.

Reply: As per our records, Stenos/PAs to DPS Mizoram, Nagaland, Arunachal Pradesh, Manipur, Agartala and SSPOs, Meghalaya Division, Shillong have been vacant for more than one year. These posts are deemed to be abolished vide recent orders issued by Postal Directorate, New Delhi. Similarly, at Circle Office, Shillong, at least one more post of Steno/PA to two Group Officers is justified, but vacant for more than one year. A proposal has been submitted to Postal Directorate, New Delhi vide No. Est/34-18/76/Pt-I dated 21-7-2004.

Action: APMG (Est) and ADPS (Staff), C.O., Shillong and all DPS Région/Divisional Heads.

Information: PMG N.E. Region Shillong and DPS Shillong.

New Items

4. Item No.1/9/2004: Revocation of TA entitlement of Officers below JAG rank.

Reply: Financial orders and strict economy has been imposed as per powers of a Head of a Department given at Rule-61 of FHB Vol-I.

For movements within towns/cities in connection with government duty, in which official files and documents have to be carried under personal custody, entitled officers/ASP/IPO may hire full taxi, for movement within specific towns/cities only. Such expenditure on full taxi, within Municipal areas/Metropolitan cities or government duty shall be considered for reimbursement, if the claims are genuine.

(Item closed)

Action: ADPS (Accounts), C.O., Shillong.

5. Item No.2/9/2004: Extension of facility to travel by Air to the non-entitled Officers as a special case.

Reply: The powers of extension of Air travel to non entitled officers is beyond the powers of Head of Circle. The case may be taken up with the Postal Directorate, New Delhi by the staff side with their respective Apex organization.

(Item closed)

6. Item No.3/9/2004: Economy on provision of telephone and related difficulties experienced by the Officers.

Reply: Telephone facilities are provided at offices and residences, which conform government orders and rules, issued from time to time. Special consideration

Certified to be true Copy.
Dilip
Advocate

44 (3)

will be given to those holding operational charges in field areas, and for officials for whom a link is necessary, in the interest of service.

Action: ADPS (Technical) C.O., Shillong is requested to expedite submission of files through DPS and PMG, Shillong.

Information: PMG N.E. Region and DPS Shillong.

(Item closed)

In queue (Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General
N.E. Circle, Shillong-793001

No. WLF | 4-3 | 2004

Copy to : Dated Shillong - The 1/9/2004

- 1) Director of Postal Services, Aizawl/Kohima.
- 2) Sr. Supdt. of Post Offices, Meghalaya Division, Shillong.
- 3) Supdt. of Post Offices, Dharmanagar.
- 4) Dy. Supdt. of P.Os, Agartala/Imphal/Itanagar.
- 5) Shri Niranjan Das, Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 6) Shri B.R. Halder, Asstt. Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 7) All the Asstt. Directors/APMG, C.O., Shillong.
- 8) Sr. PS to Chief Postmaster General, N.E. Circle, Shillong.
- 9) PS to Postmaster General, N.E. Circle, Shillong.

In queue (Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General
N.E. Circle, Shillong-793001

Certified to be true Copy.
Dilip M. Advocate

DAYANIDHI MARAN

45
 22.7.04
 04/08/2004
 MOD & IC/VIP/2004
 MINISTER
 COMMUNICATIONS
 INFORMATION TECHNOLOGY
 GOVERNMENT OF INDIA

04 AUG 2004

Dear Thiru Dangji,

I have received your letter No.239/MOS (HI&PE)/IC/VIP/O/2004 dated 22.07.2004 regarding suppression of the activities of INTUC affiliated Postal Unions in Agartala by Chief Postmaster General, North East Circle.

I am having the matter looked into.

With kind regards,

Yours sincerely,

(DAYANIDHI MARAN)

Thiru Sontosh Mohan Dev,
 Hon'ble Minister of State (I/C) for
 Heavy Industries & Public Enterprises,
 Government of India,
 Udyog Bhawan,
 New Delhi - 110 011.

Copy, along with the letter under reference, in original, to:

..... (P-5/1) with a request to have
 the case examined and submitted to Hon'ble MOC & IT

I certify to be true Copy.
 Dhananjay
 Advocate

(A. MATAILINGAM)
 ADDL. PS TO MOC & IT



राज्यपाल जयते 46
 भारत सरकार (मेरा जीवन)
 (रांचार एवं रुचना प्रौद्योगिकी मंत्रालय)
 डाक विभाग
 डाक भवन, संसद मार्ग
 नई दिल्ली-110 001

V K Tiwary
 Director (Staff)
 Tele/Fax No. 011-2302 6103

Government of India
 (Ministry of Communications & IT)
 Department of Posts
 Dak Bhawan, Sansad Marg,
 New Delhi-110 001

D O No. 1.29/2004-SPG
 20 September, 2004

Dear Sir,

I am enclosing a copy of letters received from Shri Santosh Mohan Dev, Minister of Heavy Industries & Public Enterprises and Shri Surajit Datta, MLA, Tripura regarding allegations of corruption, irregular transfer of FNPO members and assault on women etc.

It is requested that detailed comments on the above subject may please be furnished to the department at the earliest to enable us to send a reply in the matter.

With regards,

Yours sincerely,

(V K Tiwary)

Enci. As above

Shri A G Dusidur
 Chief Post Master General
 SHILLONG
 793001

9.04
 22/9/04
 Office of Chief Post Master General
 V. E. Circle, Shillong
 Executed on 22/9/04
 Certified to be true Copy
 D. P. M.
 Advocate

647

(4)

ajit Datta M.L.A
Ex-Minister
Vice President : T.P.C.C. (I)

1611
Ramnagar Road
Agartala, Tripura
Pin - 799001
Ph. : (0381) 20 6861

118

Date : 12.7.04

O.P.G.
Liaise
P.L.

Respected Ranada,

This is regarding urgent necessity for transferring the Chief Postmaster General, N. E. Circle, (HQ- Shillong) named Sri. A. Ghoshdastidar, from this circle as he has started a planned attack by utilizing his subordinate Divisional officers on the INTUC based NUPE (ENPO) postal union in Agartala Postal Division to eliminate the existence of the said union as this union raises voice against irregularities and corruption of the officers. Very frequently the said Chief Postmaster General visits Agartala and every time he comes he is bent to the INTUC members including making irregular transfers of that union members by interfering into the Divisional administration. I have also come to know that his feeling for the tribal of the state is very bad. His all actions against the ENPO are motivated and biased. It has also come to my knowledge that the said Chief P.M.G is advocating to give the officials who were involved in alleged physical assault case of a lady Director in Agartala. Some positive steps have already been taken by him in their favour.

Under the situation cited above, it has become absolutely and urgently necessary to transfer the said CPMG from the N. E. Circle or to create a pressure on him so that he keeps himself restrain from disturbing the ENPO members and in this regard, your kind personal intervention solicited.

With regards,

Yours faithfully,

12/7/04

To

Sri. Santosh Mohan Dev
Hon'ble Minister Of Heavy Industries & Public Enterprises,
15, Safdarjung Lane, New-Delhi- 110011

Dipanjan
Advocate

ॐ मोहन देव
OSH MOHAN DEV



48
D.O. No. / MOHAN DEV / 05/07/2004
राजनीति (राजनीतिक)
(भारत सरकार और लोक सरकार)
प्रधान मंत्री, दिल्ली - 110 011
MINISTER OF STATE (INDEPENDENT CHARGE)
THE MINISTRY OF DEFENCE & PUBLIC EXPENSES
COMMITTEE OF INDIA
011-23010603

22 JUL 2004

Dear Shri Maran,

Please refer to my earlier letter dated 05.07.2004 regarding certain allegations, raised against Shri A. Ghosh Dastidar, CPMG, N.E. Circle, Shillong. I am enclosing a letter from Shri Surajit Datta, MIA, Tripura, alleging Shri Ghosh Dastidar's partisan role in suppressing the activities of the INTUC affiliated Postal Union in Agartala Postal Division. The letter is self-explanatory.

I shall be grateful if you could please look into the matter for necessary action.

With regards,

Yours sincerely,

(SON TO SHRI MOHAN DEV)

Shri Dayanidhi Maran
Minister of Communications & IT
Government of India
New Delhi.

Encl : As above.

*Certified to be true copy
Dipu P. Manna
Advocate*

49

Sir,

Very respectfully and humbly we take the shelter of your benevolent self for rescuing us from the hands of Chief Post Master General, Shillong namely SRI A. Ghosh Dastidar. In the name of his official visit he frequently comes to Tripura and sitting in the chamber (vacant) of the Director of Postal Service, Agartala use to give orders to some postal staff very local to him for supplying him boiled eggs, Milks, sweet, chicken, Mutton, Cold Drinks, varieties fruits etc. The said Loyal Staff collects subscription from the other employees regularly for his entertainment against the employees will. If anybody denies to give any subscription. The Chief PMG threatens them to transfer in remote areas. though to some extent this torture is considered tolerable, but the most dangerous thing that Chief PMG calls lady beautiful employees and directly tells them to pass nights with him at his places of stay like Circuit House, Agartala. His main target to a newly married lady employee working in South Tripura District while others are working in Agartala Head Post Office. All the female workers under Postal Department are in severe panic stricken and always apprehend sexual torture by the said Chief PMG. Apart from this he is taking bribe from the employees who wants to be transferred to their choicable places. Recently, on 2-06-04 issued an illegal transfer order under the signature of Superintendent of Post Office sitting at D.P.S. office, Agartala. This transfer order has been issued to give benefit to 8 (Eight) employees who have given him cash money for transferring them to their selected place. So far we could learn that Rs. 30,000/- (Thirty Thousand) has been paid to him as bribe.

We pray to cause a secret enquiry if you desire through any officer of your choice outside the Tripura State and Shillong region.

We demand for his immediate removal from the Post of Chief PMG, Shillong at any cost. Otherwise any mishap may occur by our guardians and well-wishers at any time.

In obvious reasons we are not giving our names.

Yours faithfully,
Few female Employees,
of Postal Devision, Agartala
Tripura.

The Director General of Posts,
New Delhi-1.

Copy to :-

- (1) Smt. Sonia Gandhi, President of All India Congress Party,
10, Janpath, New Delhi for kind information for intervention please.
- (2) Sri Santosh Mohan Deb, Honourable Minister of State (Independent Charge) for Heavy Industries, Government of India, New Delhi for kind information for taking appropriate action.

certified to be
true copy
Diposmita
Advocate

Diposmita
AC

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal

27 APR 2005
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

गुवाहाटी
Guwahati Bench

OA No. 240/04

B.R. HALDER

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

1) That the respondents have received a copy of OA and have gone through the same and have understood the contentions thereof. Save and the statements which are specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on record, are also denied and the applicant is put to the strictest proof thereof.

The respondents, before going through the various paragraphs of the OA, would like to give the brief history of the case.

The applicant joined in the Department of Posts as Postal Assistant in 1970. ON passing the Departmental examination he rose to the cadre of PS Group-B, his present status. The applicant being approved in the cadre of PS Group-B joined as Superintendent of Post Offices Malda Division, in West Bengal Postal Circle due to non-availability of vacancy in Group-B in his parent Circle, Assam. As a PS Group-B officer, the applicant is subject to transfer all over India. He was transferred from West Bengal Circle at his own request and joined in Circle Office Shillong on 1.7.02. The applicant was transferred to Kohima on 30.9.04 from Circle Office Shillong as Dy Superintendent of Pos, in the office of the Director of Postal Services, where he did not join. His request for allotment in the Assam Circle made earlier was acceded to Assam Circle under Dte Letter No. 9-2/2003-SPG (Pt. III) dated 11.10.04. The applicant's name is at serial 8/61 of the Dte letter ibid. The applicant was

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earlier was acceded to Assam Circle under Dte Letter No. 9-2/2003-SPG (Pt. III) dated 11.10.04. The applicant's name is at serial 8/61 of the Dte letter ibid. The applicant was released immediately vide Memo No. Staff/9-2/04 dtd 14.10.04 who has since joined at Nagoan in Assam Circle as Superintendent of Post Offices. So his argument that his representation was not considered is unacceptable and inadmissible.

- 2) That the respondents before giving paragraph-wise reply beg to raise the preliminary objection regarding maintainability of the OA. The has filed this OA with exhausting alternative remedy which is mandatory to approach this Hon'ble Tribunal Under section 20 of the Administrative Tribunal Act,1985. Before filing the application before the Hon'ble Tribunal, the applicant should have sought redressal from the higher competent authority if he was not satisfied with the disposal of his representations but he did not exhaust the Departmental channels and rather straightway sought redressal from the Hon'ble Tribunal. Therefore, his application in its present form is not maintainable and deserves to be dismissed.
- 3) That with regard to the statement made in paragraph 1 to 3 of the OA, the respondents beg to state that the application in its present form is not maintainable before the Hon'ble Tribunal because the applicant has not exhausted the remedies available in the Department. Before filing the application before the Hon'ble Tribunal, the applicant should have sought redressal from the higher competent authority if he was not satisfied with the disposal of his representations but he did not exhaust the Departmental channels and straightway has come before the Hon'ble Tribunal. Therefore, the respondents pray before the Hon'ble Tribunal that the application in its present form is not maintainable and deserves summary dismissal.
- 4) That with regard to the statement made in paragraph 4.1of the OA the respondents beg to offer no comment on it.
- 5) That with regard to the statement made in paragraph 4.2 of the OA, since these are service particulars of the applicant the respondents offer no comment on it.

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6) That with regard to the statement made in paragraph 4.3 of the OA the respondents beg to state that during his service life from the clerical cadre (now known as PA cadre) to the level of Group-B, at which the applicant is now functioning, he was transferred 13 (thirteen) times including the transfer order in question for which he has agitated before the Hon'ble Tribunal. During the period from PA cadre to approved Group-B cadre with his 34 years' span of service, he worked in Assam Circle as PA, Inspector of Post Offices, Asstt. Supdt. of Post Offices etc which are in chronological order of his local promotion unit approved for All India transfer liability in the present status. Correspondingly, he had to undertake transfer liability for up-gradation of his service carrier. After approval in the Group-B cadre, the applicant was transfer to West Bengal where he was allotted as there was no vacancy in Group-B cadre in Assam Circle during that time, wherefrom, he was re-allotted to this Circle by Postal Directorate, New Delhi on his own request. His posting was considered in Circle Office, Shillong where he worked up to September, 2004. As such the applicant's right was protected by allotting him in N.E. Circle and posting him in Circle Office, Shillong. The Govt. has prescribed maximum period of 4 years for retention in a particular post of an individual but not the maximum period. Hence, his argument for retention him for 4 years in Circle Office, Shillong is without any logical basis. The applicant was transferred from Shillong to Kohima in the interest of service.

7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that the averment of the applicant is not based on facts. The applicant held such a post in the office of the respondents No. 2 which deals with transfer and posting of the staff and, transfer orders are generally approved by the competent authority, and, orders are signed by the subordinate authority. In this instant case, also, transfer orders of the applicant along with others were approved by the competent authority and signed by the applicant including transfer orders of others in the same memo as service condition in his official capacity. He did not sign transfer orders for himself only. Therefore, the applicant's statement that he singed the transfer order under compulsion is utterly false and manipulative.

The respondents further beg to submit that the old order was to have immediate effect on administrative grounds and in the interest of service. Moreover, his reliever was available in the office and relieved him immediately. So, the purported charge of immediate relief is untenable. The rules quoted by the applicant in support of his averment are irrelevant as these are the prerogatives of the competent authority to transfer a Govt. servant. According to Sahdule-2 of Vol-III, the Head of the Circle is empowered to transfer a Class-II officer within his administrative jurisdiction. After that, in accordance with the approval of the competent authority, the applicant signed the transfer orders of the staff including himself in his official capacity. So his argument, as said, is untenable in the eye of law.

- 8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to state that the averment of the applicant is not based on facts. The leave was granted on 15.9.04 and the transfer order was issued on 30.9.04. So the argument that the arrangement was made to relieved the applicant on leaved prior to his irrelevant.
- 9) That with regard to the statement made in paragraph 4.6, 4.7 and 4.9 of the OA, the respondents beg to state that the applicant himself admitted that there is no post of his level at Karimganj, his native place, which is under Assam Circle and where his wife is in Govt. service, under the Assam State Govt. But in this paragraph he agitated for his posting either in Dharmanagar or Silchar while both the places are located far from Karimganj. It is unclear as to how he could have rendered assistance to his wife from such distant places.

The respondents further beg to submit that the orders exist that utmost attempts should be made to post both husband and wife at the same place, if administrative constraints are not there. In the instant case, there is no post of Shri Halder's level at Karimganj, i.e. the working place of his wife and that too belongs to the administrative jurisdiction of the Assam Circle, so his case could not be considered for posting at native place. Furthermore due to administrative constraints, the applicant could not be posted either to Dharmanagar or Silchar and his posting at Kohima was made on administrative grounds. However, before his joining at Kohima, his request for transfer to Assam Postal Circle/State, was considered by the

Postal Directorate and he was placed under the administrative jurisdiction of Chief Postmaster General, Assam Postal Circle. Accordingly, The Chief Postmaster General, Assam Postal Circle posted him at Nagoan and he joined at Nagoan in Assam Circle, vide SI-8 of Dte letter No. 9-2/2003-SPG (Pt. III) dated 11.10.04 . So his prayer for posting either to Dharmanagar or Silchar and again his request for transfer to Assam Circle/State, were contradictory. Therefore, his argument of looking after and providing assistance to his ailing wife is arguable.

A copy of the order dated 11.10.04 is annexed herewith and marked as Annexuer-A.

10) That with regard to the statement made in paragraph 4.8 of OA, the respondents while denying the contentions made therein beg to state that Rule 57 of P & T Vol.-IV provides for maximum period of retention of 4 years of a Govt. servant in a particular place of posting, but does not describe the minimum period. As per Rule 57 of P & T Vol. IV there is no compulsion over the administrative authority that the officer holding the charge of a Postal Division or functions as Asstt. Director should be retained for not less than 4 years; it rather states not to retain for more than 4 years and the officer holding the post can be transferred before completion of 4 years. Therefore retention in a particular post in a place is according to the performance of the officer and under the administrative convenience that the officer remains up to the maximum period of tenure as envisaged in Rule 57 of Vol.IV. A Govt. servant is transferable at any time according to administrative convenience; so long he is under the disposal of Govt. and on administrative grounds and in the interest of service.

It is further submitted that the applicant voluntarily applied for his re-allotment in Assam Circle and he is at present working in Nagaon under Assam Circle as per his choice, in Assam Circle. Therefore, his agitation before the Hon'ble Tribunal alleging that his case was not considered and thereby challenging the order of transfer dated 3.9.04 are contradictory.

A copy of the orders dated 14.10.04 and 20.10.04 are annexed herewith and marked as Annexure- B & C respectively.

11) That with regard to the statement made in the paragraph 4.9, 4.10 & 4.11 of OA the respondents while denying the contentions made therein beg to state that to enforce strict economy in the expenditure on ceiling items and to curtail unnecessary telephone expenditure in accordance with the instruction of the Postal Directorate it was felt necessary to issue the official letter (as annexed at Annexure-O of the OA), in original case impeding expenditure was not curtailed. So the statement of the applicant is false. In the earlier paragraphs, the applicant requested for his transfer either at Dharmanagar or Silchar his place of choice again in this paragraph he agitated before the Hon'ble Tribunal challenging the authority of transfer of an office-bearer of an association. Immunity of transfer of an office-bearer of an Association is clearly appreciated in G.O.I.M.H.A. OM No. 26/3/69-Estt(B) dated 8.4.69 and accordingly the General Secretary or Chief Executive of the Association will be retained at the HQ station. His association in this Circle comprised ten members only and as such, he being the Asstt. Secretary was not immune from transfer liability. Moreover his re-allotment to Assam Circle was made as per his request and hence this averment of the applicant is untenable and gives wrong information to the Hon'ble Tribunal.

Copies of the instructions of Postal Directorate and the G.O.I.M.H.A. OM are annexed herewith and marked as Annexure-D Series & E respectively.

12) That with regard to the statement made in paragraph 4.12 of OA the respondents while denying the contentions made therein beg to state that this averment of the applicant is also false. No right has been conferred to the applicant under Article 14 of the Constitution to agitate before the Hon'ble Tribunal on the grievances by personal attack to a higher Administrative Grade officer. He should have sought redressal of his grievances, if nay, before the Hon'ble Tribunal on service matters and not through personal attack. It depicts personal grudge against a higher officer. Such attitude of the applicant clearly exhibits/proves his motive against the superior officer.

It is further submitted by the respondents that the applicant pointed to the personal character of a senior officer, which is baseless and unwarranted from a subordinate

officer. Besides, the so-called evidence is an anonymous complaint, which does not invite cognizance. Therefore, this averment is not based on facts and portrays misinformation, misrepresentation to the Hon'ble Tribunal. Thus the application, itself, deserves summary dismissal.

- 13) That with regard to the statement made in paragraph 4.13 of OA the respondents while denying the contentions made therein beg to state that the applicant advocated in paragraph 4.10 for his retention in the HQ station being an office bearer of an association. In this paragraph too he voiced for consideration of his posting either at Dharmanagar or Silchar intimidating the authority, especially, respondent No. 3 even advancing personal attack whereas the applicant has already joined at Nagaon, in Assam Circle according to his own request. Therefore, the applicant himself was hesitant what to choose and his attitude indicates his personal grudge against respondent No.3. His transfer to Kohima was made on administrative grounds on the analogy of observation of his performance in the post he held prior to his transfer. Hence, his request in this paragraph is untenable and unacceptable.
- 14) That with regard to the statement made in paragraph 4.14 of OA the respondents while denying the contentions made therein beg to state that as per the applicant, one Shri Subrata Choudhury was transferred and posted at Silchar giving preference to him, because Sri Choudhury was on the verge of retirement on superanuation as on 30.6.05 while the applicant had long service of five years. As per rules, an officer/official may be posted in a station of his/her choice in the last tenure of service. So, there was no discrimination at all.
- 15) That with regard to the statement made in the paragraph 4.15 & 4.16 of OA the respondents while denying the contentions made therein beg to state that no injustice was done to the applicant.
- 16) That with regard to the statement made in the paragraph 5.1 of OA the respondents while denying the contentions made therein beg to state that the transfer order dtd. The competent

authority, in the interest of service, issued 30.9.04. The competent authority in accordance with the order of Postal Directorate, New Delhi, also issued the order dated 14.10.2004 as the applicant had requested the Directorate for his allotment to Assam Circle. Respondent No.4, issued the transfer order dated 20.10.2004 after allotment of the applicant according to his own request, as per administrative convenience.

- 17) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to state that the competent authorities, as per Departmental procedure, issued the transfer orders.
- 18) That with regard to the statement made in paragraph 5.3 of the OA the respondents while denying the contentions made therein beg to state that the applicant was Assistant Circle Secretary of the Association and was not the highest executive of the Association. As, such he was not entitled to immunity from transfer.
- 19) That with regard to the statement made in paragraph 5.4 of the OA, the respondents beg to state that the applicant himself stated in the application that there was no such post at Karimganj where his wife is working.
- 20) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to state that the applicant handed over the charge to his reliever in quite normal way.
- 21) That with regard to the statement made in paragraph 5.6 of the OA, the respondents beg to state that there was no discrimination. Because there was only one post at Silchar for which two officers of the same grade applied for. The case of the officer who was on the verge of retirement on superannuation (30.6.05) was considered.
- 22) That with regard to the statement made in paragraph 5.7 of the OA, the respondents do not admit anything contrary to the record of the case.

23) That with regard to the statement made in paragraph 5.8, 5.9 & 5.10 of the OA the respondents while denying the contentions made therein beg to state that there was no act of malafide. Everything was done according to the rules guiding the field.

24) That with regard to the statement made in the paragraph 5.11 of the OA, the respondents beg to state that the transfer orders were issued by the competent authority as per Departmental rules and procedure.

25) That with regard to the statement made in the paragraph 6 of the OA, the respondents while denying the contentions beg to state that the application is not maintainable in its present form. The applicant did not exhaust remedies available in Department of Posts. Without exhausting the remedies through channel available in the Department, the applicant straightway sought redressal from the Hon'ble Tribunal, which is evident from the foregoing paragraphs. He agitated that his representations are still pending for consideration by the respondent No. 2. So, the case deserves summary dismissal for non-exhausting the remedies available in the Department.

26) That with regard to the statement made in the paragraph 7 of the OA, the respondents do not admit anything contrary to the record of case.

27) That with regard to the statement made in paragraph 8 of the OA the respondents, while denying the contentions, beg to state that under the circumstances and in view of the facts of the case narrated above no relief/reliefs sought for by the applicant is/are deserved by the applicant.

28) That with regard to the statement made in the OA the respondents beg to state that the interim relief sought by the applicant is inadmissible.

29) That with regard to the statement made in the paragraph 10 to 12 of the OA, the respondents offer no comment on it.

30) That considering the facts and circumstances narrated above, the respondents pray before the Hon'ble Tribunal that the OA may be dismissed with costs.

VERIFICATION

I Shri Abhinav Walia at present working as -
Director Postal Services at 1. Chief Postmaster General,
Shillong who is taking steps in this case and duly authorized and
competent to sign this Affidavit, do hereby solemnly affirm and state that the statement
made in paragraph _____
are true to my knowledge and belief, those made in paragraph _____
being matter of records, are true to my
information derived there from and the rest are my humble submission before this
Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this VERIFICATION on this -----th day of April, 2005 at Guwahati.

DEPONENT

Abhinav Walia
Director of Postal Services (H.Q.)
N. E. Circle, Shillong-793001

ANNEXURE - A
S & C.F. S.C.

No. 9-2/2003-SPG (Pt III)
Government of India
Ministry of Communications & IT
Department of Posts

220
W.M
R-1
15
(21)

Dak Bhavan, Sansad Marg,
New Delhi-110001.
Dated: 11.10.2004.

ORDER

Sub: Postings/transfers of officers of P.S. Group 'B'.

The undersigned is directed to convey the approval of the competent authority for the following transfers/postings in Postal Service Group 'B' grade:

Sl. No.	Name of the Officer S/Shri	Circle of present posting	Circle allotted on transfer (request)
1.	P. Ram Babu	Maharashtra	A.P.
2.	M.H. Hanumantha Rao	W.B.	A.P.
3.	K. Ramanatham	Karnataka	A.P.
4.	G.C.H. Appa Rao	W.B.	A.P.
5.	Ch. Someswara Rao	Maharashtra	A.P.
6.	J. Raju Rao	Maharashtra	A.P.
7.	B.R. Das Gupta	W.B.	Assam
8.	Bipul Rajan Haldar	N.E.	Assam
9.	Satyendranath Singh	PTC, Darbhanga	Bihar
10.	S K Khanna	Orissa	Chattisgarh
11.	J K Thwari	Orissa	Chattisgarh
12.	V K Upadhyay	Punjab	Chattisgarh
13.	K.G. Keshavamurthy	PTC, Mysore	Karnataka
14.	B R Sankeshwar	DTE	Karnataka
15.	N S Hirremath	Rajasthan	Karnataka
16.	K Chhennappa	West Bengal	Karnataka
17.	Y E Honkar	West Bengal	Karnataka
18.	T Govinda Naik	West Bengal	Karnataka
19.	M Govinda Naik	West Bengal	Karnataka
20.	Thotappa Jyothi	West Bengal	Karnataka
21.	L.K. Gangadhurun	PTC, Mysore	Kerala
22.	K Kuruvilla Verghese	Gujarat	Kerala
23.	M C Ayyappan	Karnataka	Kerala

Contd 2/-

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24.	K T Balakrishnan	Maharashtra	Kerala	
25.	M V Paulose	Rajasthan	Kerala	
26.	G S Bhattacharya	HP	MP	
27.	P K Sovena	J&K	MP	
28.	A K Tomar	Punjab	MP	
29.	Kripachit Ranjan Roy	West Bengal	NE	
30.	J Krishnamoorthy	PSCL, GZB	Tamil Nadu	
31.	V Ramasamy	Maharashtra	Tamil Nadu	
32.	A K Kiroza Mohideen	Maharashtra	Tamil Nadu	
33.	V Sampath	Gujarat	Tamil Nadu	
34.	R P Chitra Devi	Gujarat	Tamil Nadu	
35.	M Niranjala Devi	Gujarat	Tamil Nadu	
36.	T Nalakrishnan	Karnataka	Tamil Nadu	
37.	S Ranganathan	DTE	Tamil Nadu	
38.	K Ravendran	Gujarat	Tamil Nadu	
39.	P Stalin	Maharashtra	Uttar Pradesh	
40.	C Balakrishnan	Haryana	Uttar Pradesh	
41.	H N Tiwari	PSCL, GZB	Uttar Pradesh	
42.	R K Mishra	J&K	Uttar Pradesh	
43.	Abdu Mansaf	PTC, Saharanpur	Uttar Pradesh	
44.	K N Mishra	PTC, Saharanpur	Uttar Pradesh	
45.	Mukhtar Ahmed	PTC, Saharanpur	Uttar Pradesh	
46.	A P Pandey	Haryana	Uttar Pradesh	
47.	U C Gupta	DTE	Uttar Pradesh	
48.	Ram Kolahal	Haryana	Uttar Pradesh	
49.	N C Pant	Punjab	Uttar Pradesh	
50.	R S Nigam	Punjab	Uttar Pradesh	
51.	Suresh Ghosh	Uttarakhand	West Bengal	
52.	Paaran Singh	Punjab	West Bengal	
53.	Gouranga Patra	DTE	West Bengal	
54.	Ashok Kumar Paul	PTC, Darrang	West Bengal	
55.	Muni Deb Mishra	Maharashtra	PTC, Mysore	
56.	N K Sushasti	Maharashtra	PTC, Mysore	
57.	R Satyavani	PLI-DTE	DTE (PHIL)	
58.	Nanu Singh	Rajasthan	PLI-DTE	
59.	R L Mall			

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P-3

60.	A K Bhownik	NE	WB
61.	S K Gupta	J&K	DTE

2. Benefit of TA/TP joining time etc. shall be permissible to the officers on the above transfer if they have been working in the present circle of posting for one year or more.

3. Relevant charge report may be sent to all concerned in due course.

SKT
(V K Tiwary)
Director (Staff)

Copy to:-

1. The Chief Postmasters General, Andhra Pradesh/Maharashtra/WB/Karnataka/NE/Oriissa/Punjab/Rajasthan/Gujarat/Himachal Pradesh/Bihar/Haryana/UT/Oranchal/Assam/Chittisgarh/Kerala/Madhya Pradesh/Tamil Nadu/Uttar Pradesh/Delhi/J&K Circles.
2. PTCs, Darbhanga, Mysore/ Postal Staff College, Ghaziabad.
3. DDG (Tech), DDG (PO&I), DDG (Phil), Postal Directorate/ PLI Directorate.
4. C.S. to Member(P), Postal Directorate.
5. Concerned Director of Postal Accounts.
6. SO's Guard File.

H.N.Gupta
(H.N. Gupta)
Section Officer(SPG)

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo. No. Staff/9-2/04

Dated at Shillong, the 14th October 2004.

Subject:- Postings/transfers of officers of P.S. Group 'B'.

1. In pursuance of Postal Directorate, New Delhi letter No.9-2/2003-SPG (Pt-III) dtd.11-10-2004, the Chief Postmaster General, N. E. Circle, Shillong is pleased to issue the following transfer and posting orders in the interest of service with immediate effect.

<u>Sl. No.</u>	<u>Name of Officer</u>	<u>Circle of present Posting</u>	<u>Circle allotted on transfer</u>	<u>Remarks</u>
1.	Sri B. R. Halder,	N. E. Circle	Assam Circle	On expiry of leave Sri Halder will report to CPMG, Assam Circle, Guwahati instead of joining as DSP/Kohima as was ordered under this office letter of even No. dtd.30-9-04.
2.	Sri Kripesh Ranjan Roy,	West Bengal Circle	N. E. Circle	Posted as DSPOs/ Kohima.

Benefit of TA/TP joining time etc. shall be permissible to the officers on the above transfer if they have been working in the present Circle of posting for one year or more.

2. Relevant charge report(s) may be sent to all concerned in due course:

Sd/- (A. B. Dutta)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

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for information & necessary action to:-

1. The D. G. (SPG) Deptt. of Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The Chief PMG, West Bengal Circle, Kolkata-700 012.
3. The Chief PMG, Assam, Circle, Guwahati-781 001.
4. The DPS/Kohima.
5. Sri B. R. Halder, DSP/Kohima.
6. Sri Kripesh Ranjan Roy, O/O CPMG, West Bengal Circle, Kolkata-700 012.
7. The D. A. (P) Kolkata
8. The D. A. (P) Shillong.
9. The D. A. (P) Guwahati.
10. The A. D. (A/Cs) C.O., Shillong.
11. The JAO (BGT), C.O., Shillong.
12. 13. P.Fs.
14. O/C.
15. Spare.

all info
For Chief Postmaster General,
N. E. Circle, Shillong.

S.1 off
ANNEXURE - C



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DEPARTMENT OF POSTS:INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE:GUWAHATI

No.Staff/3-4/92/Ch-II

Dated at Guwahati the October 20, 2004.

Sub:- Transfer and posting of PS Gr. 'B' Officers in Assam Circle.

In pursuance of Directorate, New Delhi letter No.9-2/2003-SPG(Pt-III) dated 11.10.04 and Chief PMG, N.E. Circle, Shillong letter No.Staff/9-2/04 dated 14.10.04, the Chief PMG, Assam Circle, Guwahati is pleased to issue the following transfer and posting orders of PS Gr. 'B' Officer to have immediate effect.

S/No	Name of officer	Circle of present posting	Posted on transfer	Remarks
1	Sri B.R.Halder, Sl.No.(8) of Dte. N/Delhi letter cited above.	N.E.Circle	SPOs, Nagaon	Vice vacant post

Benefit of TA/TP joining time etc. shall be permissible to the officer if he has been working in the present Circle of posting for one year or more.

Relevent charge reports may be sent to all concerned in due course.

S.
A.P.M.G. (Staff)
O/o the Chief Postmaster General
Assam Circle, Guwahati - 781 001

Copy to :-

1. The Director General(SPG), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi w.r.t. Directorate's letter No. cited above.
2. The Chief PMG, N. E. Circle, Shillong.
3. Sri B. R. Halder, O/o the Chief PMG, N.E.Circle, Shillong.
4. The PMG, Dibrugarh.
5. The DA(P), Guwahati/Shillong/Kolkata.
6. The SPOs, Nagaon.

For Chief Postmaster General
Assam Circle, Guwahati - 781 001

ANNEXURE - D.

No. 20-1/99 BGT(PA)/233-63

Government of India

Ministry of Communications

Department of Posts

Budget Branch

Dak Bhawan ; Sansad Marg

New Delhi-110001.

Dated: August 16, 1999

1. All the Heads of Postal Circles.
2. Post Master General, Foreign Mails, Mumbai.
3. All Directors, Postal Training Centers.
4. Director, Postal Life Insurance, Calcutta.
5. Director, Postal Staff College, Ghaziabad.
6. Chief General Manager, PLI Directorate, Chanakya Puri, New Delhi.
7. General Manager, Business Development, Malacha Marg, New Delhi.

Sub: **Guidelines on Expenditure management-fiscal prudence and austerity.**

Please find enclosed a copy of Ministry of Finance OM No 7(3)/E(Coord.)/99 dated 5Th Aug 1999 on the above subject for implementing the economy instructions contained in the said Office Memorandum.

While preparing the Revised Estimates 1999-2000 and Budget Estimates 2000-2001 under Major Head 3201-Postal Services (Working Expenses) called for vide this office letter No. 21-1/99 BGT(PA)/2173-2199 dated 9Th Aug, 1999 due care may please be taken in respect of all the items indicated in the Ministry of Finance OM referred to above.

10% mandatory cut must be taken into account while working out Revised Estimates 1999-2000 on (Non-Plan), Non-Salary object heads like *Traveling Expenses, Office Expenses, Overtime Allowances, Foreign Travel, Honorarium, Supplies & Material, Machinery & Equipment and other charges, Maintenance etc.* Budget Estimates 1999-2000 allotments already made vide this office letter No. 21-3/98 BGT(PA) dated 9.4.99 may be taken as reduced by 10% as per these instructions.

Continued.....2.....

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No fresh expenditure proposals will be entertained during the current financial year except those already circulated in the Budget Estimates 1999-2000.

Other instructions contained in OM of 5.8.99 may also be taken care of while preparing the Revised Estimates 1999-2000 and Budget Estimates 2000-2001 proposals for the Major Head 5201-Capital Outlays on Postal Service.

Receipts of this letter may kindly be acknowledged.

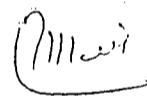

(Gurmel Singh)
Dy. Director General
(PAE)

No. 20-1/99 BG I (PA) 2364-89

August 16, 1999

Copy forwarded for information and necessary action to:

1. Trg./DA VMedical/C&A/PB/IR Sections of the Directorate.
2. Establishment Section of PA-Wing of the Postal Directorate.
3. Director, Army Postal Services, C/o 56 APO.
4. All Directors/ Dy. Directors of Accounts (Postal)
5. Assistant Director General (PA Admin.), Postal Directorate.
6. Assistant Director General (CP)


(Tara Chand)

Director PA-II

- 19 -
A series - 230/1
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No. 7(3)/E(Coord)/99
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, 5th August, 1999

Office Memorandum

Subject : Guidelines on Expenditure Management – fiscal prudence and austerity.

In continuation of this Department's O.M. No. 19(1)-E.II(A)/98 dt. 20th August, 1998 and 10th February, 1999 on the subject cited above, it has been decided to implement the following additional austerity measures with immediate effect:-

(1) Ban on creation of Plan and Non-Plan posts

The existing ban on creation of Non-Plan posts will continue and should be strictly enforced. Any unavoidable proposals for the creation of plan posts including Groups 'B', 'C' and 'D' posts shall continue to be referred to the Ministry of Finance (Department of Expenditure) for approval.

(2) Ban on filling up of vacant posts

Every Ministry/Department shall undertake a review of all the posts which are lying vacant in the Ministry/Department and in the Attached and Subordinate Offices, etc., in consultation with the Ministry of Finance (Dept. of Expenditure). FAs will ensure that the review is completed in a time bound manner and full details of vacant posts in their respective Ministries etc., are available. Till the review is completed no vacant posts shall be filled up except with the approval of the Ministry of Finance (Department of Expenditure).

(3) 10% cut in posts

Those Ministries/Departments which have not fully implemented Government's decision to achieve 10% reduction in the number of posts (as on 1.1.92) shall implement the said decision immediately.

(4) Purchase of new vehicles

Purchase of new vehicles is banned until further orders. Exceptions will be allowed only for meeting the operational requirements of Defence, Central Para Military Forces, etc.

(5) 10% mandatory cut on Non-Plan non-salary expenditure

Every Ministry/Department shall make a 10% mandatory cut during the current year (1999-2000) on Non-Plan, non-salary expenditure, i.e., on TA, Office Expenses, POL, OTA, honorarium, etc. No re-appropriation of funds to augment

these heads of expenditure would be allowed during the current financial year. Austerity must be reflected in functions organised by the Govt. of India (meetings, conferences, inaugurations, etc.) and in furnishing of offices/offices at residences. The expenditure limit prescribed for these purposes shall be strictly enforced.

(6) Foreign Travel

Foreign travel funded by the Govt. of India, unless it is absolutely unavoidable, shall not be undertaken till the end of the current financial year.

(7) New expenditure proposals

No new expenditure proposals will be entertained during the current financial year except those announced in the budget.

(8) Expenditure on existing schemes/programmes

Any unavoidable increase in expenditure on existing schemes/projects shall be met out of savings; no additional funds will be provided for this purpose. Proposals for inter State transfer of funds in respect of schemes covering all the States will not normally be entertained.

2. All existing instructions on austerity/economy in expenditure issued by the Ministry of Finance (Department of Expenditure) from time to time shall be strictly enforced.

3. Secretaries to the Govt. of India and Financial Advisers are requested to ensure strict compliance of the above instructions.

S. V. S.
(C. M. V. S. S.)
Secretary to the Govt. of India

To:

All Secretaries to the Govt. of India (By name)

All Heads of Public Sector Enterprises

All FAs (By name)

All Chief Secretaries of State Governments with the request that they may consider issuing similar instructions in respect of their State Governments.



229/2
A N N E X U E D
No. 13-3/97 BGT(PA)/5319-37
Government of India
Ministry of Communications
Department of Posts
Budget Branch
Dak Bhawan : Sansad Marg
New Delhi-110001.

January 28, 1999

To

All Heads of Circles.

Sub: Excess Expenditure over sanctioned grant.

Sir,

Attention is invited towards the Codal Provision contained in Rule 61 & 62 of P&T FHB, Vol. I and Rule 785 to 797 read with Appendix 16 of P & T Vol. II alongwith various instructions issued by Ministry of Finance from time to time regarding regularisation and control of expenditure by keeping the same within the sanctioned budget grant. But it appears that no sincerity has been shown in adhering to these instructions/guidelines with the result, the Public Accounts Committee of Parliament has adversely commented on excess expenditure over budget grant by Postal Department during previous years. (Extracts of PAC -Para enclosed).

It is, therefore, enjoined upon all concerned that the instructions/guidelines laid down in aforesaid rules should be followed in letter and spirit to have an effective control over expenditure. The Heads of Circles are fully accountable for control of expenditure and to strictly observe the instructions, rules and provisions to ensure that no expenditure is incurred in excess of authorised budget provisions. It is, therefore, essential and need of the time to tighten the exchequer control and to deal sternly with cases where any slackness in following the prescribed financial rules is noticed.

Yours faithfully

(Gurnel Singh)
Dy. Director General
(PAF)

Extract of para 6.2 and 7.2 of PAC First Report

(H.R. Lok Sabha)

62. Yet another disturbing feature, noticed by the Committee is that excess expenditure of over Rs. one crore each had occurred in as many as nine cases out of total 15 excess registering Grants/Appropriations. What is still worse is the fact that excess expenditure had exceeded Rs. one crore each under voted portion of both Revenue and Capital Sections of the lone Grant operated by the Department of Posts. Significantly, the Ministry of Railways had also incurred excess expenditure of over Rs. one crore in three out of five cases where excess expenditure had been incurred. An analysis of the reasons for excess expenditure during 1994-95, which have been discussed in some detail in the succeeding paragraphs of this Report, indicate that the lack of proper monitoring of the progress of expenditure, inadequate review and analysis of the financial requirement in terms of committed liabilities and non-observance of the prescribed financial rules were the main contributory factors in the incurrence of excess expenditure of such a high magnitude. Although General Financial Rules clearly provide that the grant administering authorities shall be fully accountable for control of expenditure and clear-cut instructions have also been laid down for the detailed procedures to be followed for checks against provision of funds, the Committee cannot help observing from the facts brought to their notice during examination of this subject that the concerned authorities in the various Ministries/Departments continue to display their negligence and callous attitude towards rules prescribed for containing the expenditure within the sanctioned provisions. The Committee view this situation with grave concern and emphasize that the Ministry of Finance should strongly impress upon all the Departmental Heads concerned to strictly observe the instructions issued under the financial rules so as to ensure that no expenditure is incurred in excess of the authorised limits. The Committee would also like the Ministry of Finance to devise suitable mechanism for tightening the exchequer control and to deal sternly with cases where any slackness in following the prescribed financial rules is noticed.

(PTO)

743 23

✓ 72. Under Voted portion of both Revenue and Capital Sections of Grant No. 14 Postal Services, Department of Posts had incurred an excess expenditure of Rs. 33.59 crores and Rs. 2.08 crores over and above the sanctioned provision of Rs. 2096.11 crores and Rs. 74.83 crores respectively during 1994-95. The Committee have been informed during evidence by the representative of Department of Posts that this excess expenditure was mainly on account of the mandatory and unavoidable payments intended to be made by the Department on salaries, overtime, office expenses, maintenance etc., and that they did not get the money which they had asked for from the Ministry of Finance during 1994-95. According to the Secretary of Department of Posts, the Ministry of Finance had put a ceiling of Rs. 2096.11 crores and Rs. 74.83 crores under Revenue and Capital Sections of the Grant respectively during 1994-95 which left an uncovered gap of substantial magnitude. In a subsequent note, the Department of Posts informed that the BE 1994-95 for the Department "was fixed by Ministry of Finance by a marginal enhancement across the board of 6% over RE 1993-94" and therefore, the excess requirements under various heads mostly the salaries were projected in RE 1994-95 which was to the tune of Rs. 185.33 crores and Rs. 111.86 crores under Revenue and Capital Heads respectively. The Committee's examination of the Information made available to them also reveals that initially, Secretary (Expenditure) did not agree to raise the budgetary support beyond BE 1994-95 and pointed out that "Department of Posts should devise the budget in such a way that the increase in the non-plan expenditure in the post-budget period is absorbed suitably by increase in receipts". However, Ministry of Finance finally agreed for additional funds of Rs. 121.98 crores and Rs. 18.02 crores under Revenue and Capital Heads respectively which, according to the Department of Posts, were inadequate resulting in excess expenditure.

From the facts enumerated above, the Committee are neither able to comprehend the principles adopted by the Ministry of Finance for putting a ceiling on the budgetary allocations to the Department of Posts nor the circumstances under which they finally agreed to allocate part of additional provisions sought by the Department of Posts at RE 1994-95 stage for meeting mandatory payments during 1994-95 on account of salaries to their employees. The Committee are of the view that the Ministry of Finance should have informed the Department of Posts well in advance before the commencement of the financial year 1994-95 if they wanted the Department of Posts to devise their budget in a manner where the increase in the non-plan expenditure in the post-budget period was to be absorbed suitably by increase in receipts. They also feel that the entire manner in which the Grant was managed by the Department of Posts left much to be desired. In the opinion of the Committee, the circumstances leading to excess expenditure under Grant No. 14 Postal Services during the year 1994-95 need a thorough examination both by the Ministry of Finance and the Department of Posts with a view to avoiding excess expenditure and violation of budgetary ceilings of this nature in future. They would also like to know the outcome of such examination.

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111
NO: 7(12)-E(coord)/87
Government of India
Ministry of Finance
Dept. of Expenditure

New Delhi, the 28th Oct, 87

OFFICE MEMORANDUM

Sub:- Economy in expenditure on telephones... regarding

The under signed is directed to refer to this Ministry's communications noted on the margin and to state that as a further measure of economy, the Government have decided as follows:-

1. O.M. NO. 14(6)-E(coord)/67-pt-I
dated 9.8.1968

2. Para 2(1) of O.M. NO. 7(18)/
E(coord)/79, dt. 7.9.79.

3. Para 1(11) of O.M. NO. 7 (20)
E(coord)/79, dt. 27.10.79.

1. STD facilities would be withdrawn from the residential telephones of all officers below the rank of Joint Secretary to the Govt. of India or equivalent. The only exception to this may be Private Secretaries/Additional, Private Secretaries to the Ministers and Private Secretaries to the Secretaries to the Government of India.

2. The residential telephones provided to officers below Group 'A' rank and to Group 'A' officers beyond the existing permissible limits of 25% as prescribed in this Ministry's O.M. NO. 14(6)-E(coord) 67-pt-I dated 9.8.68 referred to above, shall be discontinued forthwith.

3. These orders cover all Ministries/Departments including their attached and subordinate offices and come into force with immediate effect.

4. Ministry of Home Affairs etc. are requested kindly to undertake a critical review of the residential telephones provided to non-entitled officers in their Ministries/Departments including their attached and subordinate offices with a view to ensuring that no telephone should function in future at the residence of a Government officers beyond what is explicitly permitted under the relevant instructions of this Ministry.

Sd/-
(H.S. MATHUR)
DIRECTOR

All Ministries/Departments of the Govt. of India

P TO →

Government of India
Ministry of Communications
Doptt. of Posts
Dak Bhawan

NO: 87-46/87-GA(P)

25-
New Delhi dated 19/12/87

All Heads of Postal Circles &
Administrative officers.

Sub:- Economy in expenditure on telephones - reg.

Sir,

I am directed to enclose a copy of office Memorandum No 7(12)-E(Ex-Ex)/87 dated 28th October 87 received from the Ministry of Finance (Department of Expenditure) on the subject mentioned above for information and necessary action.

It is requested that the action on the instructions laid down in this O.M. may be taken immediately.

Yours faithfully,

Sd/-
(K.K. JARORA)
ASSTT. DIRECTOR GENERAL (ADMN. P.)

→ P TO

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14/11/86

Shri Janardan (Vigech)

Copy of letter No.76/8/86-GA(P) dt.12.6.86 from R.Kishore, Member(Personnel) Department of Posts, Min. of Commn. New Delhi addressed to Shri C.P.Thomas, PMG Bombay.

..... ANNEXURE - B. Seal.

Subject: Provision of official/residential telephones to the officers - entitlement and payment of bills thereof.

I am directed to state that the question of provision of official as well as residential telephones to the officers etc. of the Department of Posts consequent upon the formation of Mahanagar Telephone Nigam Ltd. has been under consideration. It has been decided that entitlement of the officers in the office of PMG will be as under:-

Sl.No.	Designation of officer	official/Residential telephone entitlement
1.	Postmasters General/Addl.PMG	Official as well as residential telephones with STD facilities.
2.	PA's to PMGs/Addl.PMG	Residential phone (with STD barred).
3.	Director (MPO)	Official/Residential with STD facility.
4.	Director (PA)	Official/Residential with STD facility.
5.	Other directors at HQs	Official/Residential with STD facility
6.	VO & CCO of Delhi and Bombay Circles.	Telephones at office and residence with STD facility
7.	ADPS(Personal) & AD(INV)	Residential phone with STD facility.
8.	APMG(SB)/APMG(PLI)	Office with STD facility and residential with STD barred (chargeable to Ministry of Finance).
9.	SSPOs	Official telephones with STD and residential phones (STD barred).
10.	SSRMs	Official and residential telephones with STD.
11.	APMG(Mails)/APMG(Comp)/APMG(Inv)/APMG(Staff)	Office and residential phones (both with STD).
12.	other ADs	Office & Residential phones (with STD barred).
13.	Office Superintendents	Office and Residential phones (with STD barred).
14.	Sections in circles	Extensions from PABX.

2. It has also been decided that the ceiling on free calls to be allowed to officials in respect of residential telephones provided at Government expenses will be 1000

...2/-

→ P70

142 275
as hitherto on bimonthly basis. This will be in addition to 200 free calls allowed by the MTNL on bimonthly basis. Calls in excess of 1000(excluding STD calls made for official purpose and so certified by the officer concerned with reference to the register maintained by him) will have to be paid by the officer himself.

3. The procedure of payment of bills may be decided in consultation with your Internal Financial Adviser and Mahanagar Telephone Nigam Ltd. authorities.

.....
Tech/PTC/Order/Ill. dated, the 30.6.86

True copy//

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foreign service should be given to Government servants to Foreign Service' issued by the Cabinet Secretariat. No contribution towards pension is payable by the Unions/Associations in respect of Government servants lent on foreign service to them. However, this concession of non-payment of pension contribution will be limited to recognized All India Associations/Unions/Federations of Central Government Employees and in respect of not more than two serving employees at a time on foreign service with each such Association/Union/Federation. Contribution towards leave salary can be waived if the concerned employee in respect of leave earned during the period of the service with the Unions, etc., and if the employee agrees to forgo his claim for leave from Government in respect of the period of their foreign service with the Union/Association/Federation. In such cases the balance of leave earned during foreign service lapses on repatriation.

ANSWER — E

The time-limit for deputation of an employee on foreign service with recognized Union/Association/Federation is three years and this period may be extended in special cases.

No. F. I (10)-E, O.M. No. 18/21/60-L1, dated the 5th September, 1981; M.F., O.M. No. 26/3/69-Estt. (B), dated the 20th October, 1975 and M.H.A., O.M. No. 26/3/69-Estt. (B), dated the 8th April, 1969.]

ANSWER — E

(i) Transfer of the Union Executive to the Headquarters.—The Chief Executive of the Union is defined in the Constitution of the Union/Association, etc., or the General Secretary or where the Chief Executive has not been specifically defined, the General Secretary may be brought on transfer to the Headquarters of the administrative head as far as possible. If the transfer to the Headquarters involves exemption from field duty, such transfer facility should be restricted to Chief Executive/General Secretary and one other executive member of each of the recognized association. However, when specific guidelines are available in any particular department in this regard, those instructions would apply.

[G.I., M.H.A., O.M. No. 26/3/69-Estt. (B), dated the 8th April, 1969.]

(ii) Union functionaries of JCM should not be shifted from Main administrative office to subordinate office.—The President and General Secretary of the Branch Unit of the recognized Union/Association who are members of the Staff Council should not, except for special reasons, be shifted from main administrative office to subordinate office (including other offices or buildings).

[G.I., Dept. of Per. & Trg., O.M. No. 27 (7)/88-CS. IV, dated the 19th August, 1988.]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH AT GUWAHATI

O.A. NO.240/2004

SRI BIPUL RANJAN HALDER.....APPLICANT

-VERUS-

UNION OF INDIA & OTHERS.....RESPONDENTS

(REJOINDER FILED BY THE APPLICANT TO THE WRITTEN STATEMENTS FILED BY THE RESPONDENTS)

I, Sri Bipul Ranjan Halder, son of Birendra Kishore Halder, aged about 55 years, permanent resident of Karimganj Town Post Office, District-Karimganj, Assam, do hereby solemnly affirm and state as follows:

1. That the respondents have filed their written statements (referred to as the "WS") in the case and a copy of the same has been served on me. I have gone through the same and understood the contents thereof.
2. That save and except those statements which are specifically admitted, all other statements made in the WS may be treated as denied by me.
3. That with regard to the statements made in para 1 of the WS I say that the respondents are trying to mis-lead the Hon'ble Tribunal by linking my earlier transfer from West Bengal Circle to N.E.Circle and the request to transfer the applicant to Assam Circle. In fact I

Bipul Ranjan Halder

Filed by the
Applicant
through
Dip Baruah
Advocate
13-6-2005

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applied transfer from West Bengal Circle to Assam Circle or N.E.Circle. My prayer was considered and I was transferred to the N.E.Circle and posted at Shillong. After my posting at Shillong, I never requested for transfer to Assam thereafter. But before issuing the impugned transfer order-dated 30.9.2004; I applied for my posting on 15.9.2004 at Silchar and on 30.9.2004 for my posting either at Silchar or at Dharmanagar for the continuing and serious ailment of my wife. This is pertinent to state here that the ailment of my wife is a chronic one and she is still continuously suffering from the serious ailment like rheumatoid Arthritis.

The copies of the proof of treatment during the pendency of the application are annexed as ANNEXURE-23.

4. That the statements made in para 2 and 3 of the WS is mis-leading and not factually correct as it is clear on the face of records that the impugned transfer order was issued on 30.9.2004 whereas I applied for transfer to Dharmanagar on 15.9.2004 on the ground of my wife's ailment etc. Hence, there was nothing wrong in preferring the application in the Hon'ble Tribunal.
5. That with regard to the statements made in para 6 of the WS, I say that while my tenure at Shilling was not yet over and I applied for my posting at Dharmanagar or at Silchar on account of my wife's serious illness and there being none to look after her in my absence. But without considering the above facts, the respondent No.3 in order to fulfill his personal grudge and ill-will ordered the transfer to Kohima and then to Nagaon instead of considering his case for Silchar or the Dharmanagar.

Bipul Rayjan Halder

6. That with regard to the statements made in para 7, I say that the Hon'ble Supreme Court has laid down the law that the Court or Tribunal shall interfere with the order of transfer if it is issued by an incompetent authority and such order is liable to be set aside. In view of the said law laid down by the Apex Court, the respondent No. 3 was under a duty to pass the transfer order dated 30.9.2004 which has not been done. Moreover, there is nothing to show that the said order was issued and approved by him as on the face of the said order there is nothing to indicate anything about such authority. Whereas, the modified order dated 14.10.2004 (as in Annexure-8) is quite indicative in this regard. Therefore I say that this has been done by the respondent No.3 as a part of his malafide action against me and to harass me with ulterior motive.

7. That with regard to the statements made in para 9, I say that the statements are false, incorrect. The distance between Karimganj and Silchar is about 50 Kilometers while the distance between Karimganj and Dharmanagar is about 75 Kilometers only. Whereas the distance between Karimganj and Nagaon is about 350 Kilometers and Kohima is about 400 Kilometers. But the facts remains is that the respondent No.3, in order to wreck his vengeance and malafide intention issued and caused to be issued the transfer orders of myself and another, namely, Sri Niranjan Das as both of us raised the voice and the demand on behalf of the Officers' Association. Sri Niranjan Das has been posted at Dharmanagar against his choice or willingness and I was transferred to a terrorists infested State like Nagaland (Kohima) and then to Nagaon, a place far far away from my lonely ailing wife. On the other hand one Sri S. Choudhury has been transferred and posted against the vacant post that existed at Silchar on the plea that the officer is on the verge of retirement and is retiring on 30.6.2005.

Bipul Rayjan Haber

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In this regard, I also state that there is no provision of law or any statutory rules that one is to be posted to a place near to his place of residence at the time of his retirement from service particularly in case of a responsible officer in a higher post. In this connection I also state that I am similarly situated with Sri Choudhury and also senior to him in the cadre and my representation was made prior to the request of Sri Choudhury and such representation was recorded in the request register showing above the name of Sri Choudhury. As such, the transfer and posting order dated 30.9.2004 to the extent of posting of Sri S.Choudhury at Silchar is discriminatory, illegal and violative of the provisions of Article 14 of the Constitution of India and therefore the same is liable to be set aside and quashed. There has been absolutely no administrative ground as stated by the respondents with regard to the non-consideration of my transfer and posting at Sichar or at Dharmanagar. I reiterate the foregoing other statements hereagain.

8. That with regard to the statements made in para 10 to 14, I reiterate and reassert the foregoing statements made in this rejoinder and the OA and state that the fact remains is that the respondent No.3 is still behind me and is planning to find out any clue against me so that he may go further against me in addition to keeping me away from my ailing lonely wife. I also apprehend that the said respondent No.3 is likely to take further steps against me either immediately or after disposal of this application out of personal vendetta.
9. That with regard to the statements made in para 15 to 30 of the WS I say that under the facts and circumstances of the case and the provisions of law, the respondents could not show any legal justification as to why I could not be posted at Silchar or at

Bipul Rayjan Halder

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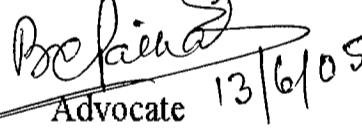
53

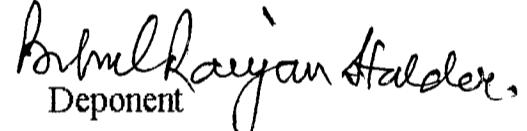
Dharmanagar. As the representations filed by the applicant are pending consideration and disposal, the Hon'ble Tribunal may direct the respondent kindly to consider the representations of the applicant by applying their mind with regard to the spouse clause and on the ground of ailment of my wife for posting me at Silchar against any suitable Group B post that may fall vacant in the nearest future and or to pass speaking order on such representations already submitted and pending with the respondents or a fresh representation that may be filed by me as per direction of this Hon'ble Tribunal.

10. That the statements made in para 1, 2, 4, 5, 6, 7, 8 & 9 are true to my knowledge and belief, those made in para -3- being matter of records are true to my information derived there from and the rest are my humble submission and statements on legal advice. I have not suppressed any material facts.

And I sign this affidavit on this 13th day of June, 2005 at Guwahati.

Identified by me


B.C. Pathak
Advocate 13/6/05


Bimal Rayan Haldar,
Deponent

Solemnly affirmed and signed before me by the deponent, who is identified by Sri B.C. Pathak, Advocate, on this 13th day of June 2005 at Guwahati.


Dilip Baruah
Advocate.



सर्वे सन्तु निरामयः

01334 244107
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e-mail: divyayoga@rediffmail.com
website: www.divyayoga.com

दिव्य योग मन्दिर ट्रस्ट, कृपालु बाग आश्रम, कनकखल, हरिद्वार
द्वारा संचालित

यिकित्सक

संस्था का नाम: दिव्य कित्सक ट्रस्ट

2 मात्र

(योग, आयुर्वेद, एक्युप्रेशर व नैसर्गिक चिकित्सा एवं अनुसंधान संरथान)

चिकित्सा एवं अनुसंधान विभाग प्रभुत्वः
वैद्यराज आचार्य बालकृष्ण

रोगी का नाम श्री/श्रीमती: कृष्ण कुमारी देवी पता: पति विवाहित वर्ष: 2004

आयु

दिनांक: 27-10-04

निदान

आयुर्वेदोक्त जीवन

के तीन रत्नम्

- * युक्त आहार
- * युक्त निद्रा (शयन)
- * युक्त व्रह्यचर्य

परिणामः सुखारथ्य, आनन्दमय,
शान्तजीवन

Q Rishabh Tulsidas 40 ॥ १६/८/२००४
प्रत्ययनात् ५० ॥ ८/८/२००४
त्रिलोक गुरु २० ॥ ०/८/२००४

② श्री देवी देवी १०० रुप ५१७ रुप
२००४

सुखी एवं दीर्घायु हेतु इन तीन
को त्याग दें।

- * मध्यपान * धुम्रपान
- * चायपान

Certified to be true Copy.
Dilip Bawali
Advocate

श्री देवी देवी
स्वामी

Govindanand Roy

A.S.F., W.U.G.S. (Ex.) F.I.C.A.
Ayurvedatirtha, Visagacharya
Meritus Professor (Ex.)
B. Roy State Ayurvedic College & Hospital

DHANWANTARI AYURVED BHAVAN

Chamber

85, Beadon Street,
Kolkata - 700 006 02530-2141
11-12 Noon, 7-10 P.M.
Sunday Evening Closed
Residence :
11B, Anath Debi Lane,
Kolkata - 700 006 01555-9075

Dated : 4 JUN 2003

ROGAVINASCHAYA

in all over the

41 - 3 yrs.

B.P. 1/2 of 800 ml.

Menopause - 1 yr
no issue

1. Smt. Malalika Baidya, 46 yrs. Githay
① Sunthadi Bati 240 Karimpong
2 tab. BD.

② Mahantashita. 500 ml x 2
2 + 88 BD Re.

③ Rujaharon + Bh. Prasari Guggul Achiforte.
1000 ml 1+1+1 at bed time. 60-

14 APR 2005
RPT all
three monthly
1500 ml

Copy.

Dilip Barua