

50/1002

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 28/2004.....

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SECTION OFFICER (Judl.)

Signature
08.11.17

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

ORDER SHEET

Org.App/ ~~Misc. Petn/Cont. Petn/~~ Rev. Appl. 28/04

In O.A.

Name of the Applicant(s) S.C. Basumaty

Name of the Respondent(s) UOI & URS

Advocate for the Applicant Mn Adil Ahmed

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

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

16.2.2004

16.2.2004

Mr.A.Ahmed, learned counsel for the applicant and Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents were present.

Issue notice to the parties, returnable by two weeks.

Applicant is at liberty to file representation within one week from today. The respondents shall consider the representation, filed if any, within one week thereafter.

List the matter on 1.3.2004.

ICB Bala
Member

Notice & order dt- 16/2/04
Sent to D/section for
issuing to respondent
nos 1 & 5.

bb

1.3.2004

Heard the learned counsel for the parties. List the matter for hearing on 8.3.04. In the meantime the respondents may file their written statement.

ICB Bala
Member

25.2.04

O.A.28/2004

An additional
Statement submitted
by the applicant.

DD

8.3.2004

On the plea made by Mr.A.Ahmed,
learned counsel for the applicant,
the case is listed on 9.3.2004 for
admission.

9.3.04

Member (A)

bb

9.3.2004

Heard learned counsel for the
parties.

The application is dismissed for
reasons recorded in separate sheets. No
costs.

W/S has been
filed by the Responders.

by

Member (A)

Member (A)

19.3.04

mb

Copy of the order
has been sent to the
D/Sec. for issuing
the fine to the applicant
as well as to the
ADD. G.S. Sec. for the
Respondr.

HS

Revised copy

for 25/3/04

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 1111 28/2004.

DATE OF DECISION 9.3.2004.

Sri. S. Basumatary

.....APPLICANT(S).

Mr. A. Ahmed

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Ors.

.....RESPONDENT(S)

Mr. B.C. Pathak, Addl. C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE

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 Member (A).

br

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 28/2004.

Date of Order : This the 9th day of March, 2004.

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

Sri Sarat Chandra Basumatary
Office Superintendent
O/O Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India, Guwahati - 14.

. . . Applicant.

By Advocate Mr. A. Ahmed.

- VERSUS -

1. The Union of India,
Represented by the Secretary to the
Government of India
Ministry of Water Resource
Saran shakti Bhawan, New Delhi.
2. The Director, Administration,
Central Water Commission,
Government of India,
Sewa Bhawan, R.K. Puram,
New Delhi -66.
3. The Chief Engineer,
Central Water Commission,
Government of India,
Brahmaputra & Barrack Basin,
"Maranatha"
Pohkse
P.O. Umpling, Shillong - 793 006.
4. The Superintending Engineer (Coord)
Central Water Commission,
Government of India
Brahmaputra & Barrack Basin,
"Maranatha"
Pohkse
P.O. - Umpling, Shillong - 793 006.
5. The Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India,
Behind Adabari Bus Stand,
Guwahati - 14.

. . . Respondents.

By Mr. B.C. Pathak, Addl. C.G.S.C.

O R D E R

K.V. PRAHLADAN, MEMBER (A):

This application against the transfer order of the
applicant vide office order No. 1/4(C)/2003-BBB/329-36 dated

21.01.2004 issued by the Respondent No. 4.

2. The applicant is working as Office Superintendent, Central Water Commission, Guwahati and was transferred to North Eastern Investigation Circle, Central Water Commission, Shillong vide order dated 21.01.2004. The applicant has stated that the transfer of the applicant is total violation of the guidelines of transfer policy adopted by the Central Water Commission as well as illegal, arbitrary and malafide and not sustainable in before the eye of the law as well as in facts.

3. The Respondents stated that competent authority with the approval of the Chief Engineer transferred the applicant from Guwahati to Shillong and Sri A.R. Mikir was transferred from Shillong to Guwahati. The Respondents also stated that Sri Mikir is due to retire from service after 1½ years while the applicant is retiring after 2½ years. All the actions were carried out with the approval of the Chief Engineer.

4. I have heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents at length.

5. In O.A. No. 601/2003 of CAT, Mumbai Bench by order dated 21.11.2003 the Hon'ble Member (J) delivering the Judgment stated that :

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"The law relating to the transfer of Government servant has been laid down by the Apex Court. An order of transfer is an incident of Government service, who should be transferred and where is a matter to the proper authority to decide. Unless the order is violated or is made in violation of statutory provisions, the Court cannot interfere in the transfer. The Tribunal is not an appellate authority for the transfer orders. The Tribunal is not an appellate forum to decide transfers made on administrative grounds. It is settled law that the wheels of administration should be allowed to run smoothly and the courts or tribunals are not expected to interdict the working of the administrative system by transferring the officers to proper places.

It is for the administration to take appropriate decision and such decisions shall stand unless they are vitiated either by mala fides or by extraneous consideration without any factual background foundation (State of M.P. & Anr. Vs. S.S. Kourav & Ors. 1995 SCC (L&S) 666)."

In view of the above observations, I do not find any merit of the application. The application is accordingly dismissed. No order as to costs.


(K.V. PRAHLADAN)

ADMINISTRATIVE MEMBER

mb

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

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

ORIGINAL APPLICATION NO. 28 OF 2004.

BETWEEN

Shri Sarat Chandra Basumatary

-Applicant

-Versus-

**The Union of India & Others
Respondents**

LIST OF DATES AND SYNOPSIS

Annexure-A photocopy of office order No. MC/Estt-
13/94/1693-99 dated 13-09-1998.

Annexure-B photocopy of office order No. 1/4(C)/2003-
BBB/329-36 dated 21-01-2004

Annexure-C Relevant portion of type copy of transfer
policy for Central Water Commission issued vide office
Memorandum No. 49011/13(A)/85-Estt.IV dated 16-12-
1998.

This original application is directed against illegal and arbitrary transfer of the applicant vide office order No. 1/4(C)/2003-BBB/329-36 dated 21-01-2004 issued by the Respondent No. 4 by which your applicant is transferred to Shillong at the verge of his retirement age. The said Transfer order is clear violation of Transfer Policy adopted by the Respondents. Apart from this also the applicant has been posted here i.e. at Guwahati from Silchar at his own cost due to his family problem but the Respondents ignoring all the facts and circumstances of the applicant's case and they have transferred the applicant again at the verge ends of his devoted service career. Hence he has file this original application for seeking a direction from this Hon'ble Tribunal for setting aside the impugned transfer order of the applicant and also seeking a direction from this Hon'ble Tribunal to continue the posting of the applicant at Guwahati till his superannuation i.e. on 31-08-2003.



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Filed by
Sarat chandra Basumatary
Applicant
through
C.A.D. Ahmad
Advocate

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

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

ORIGINAL APPLICATION NO. 28 OF 2004.

BETWEEN

**Shri Sarat Chandra Basumatary
Office Superintendent
O/O Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India, Guwahati-14**

... Applicant.

-AND-

1. The Union of India represented by the Secretary to the Government of India
Ministry of Water Resource
Saran Shakti Bhawan, New Delhi
2. The Director, Administration,
Central Water Commission,
Government of India,
Sewa Bhawan, R.K.Puram,
New Delhi- 66
3. The Chief Engineer,
Central Water Commission,
Government of India,
Brahmaputra & Barak Basin,
"Maranatha"
Pohkseh
P.O. Umpling, Shillong-793006
4. The Superintending Engineer(Coord)
Central Water Commission,
Government of India,
Brahmaputra & Barak Basin,
"Maranatha"
Pohkseh
P.O. Umpling, Shillong-793006
5. The Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India,
Behind Adabari Bus Stand, Guwahati-14

... Respondents

[Signature]

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

This application is directed against illegal and arbitrary transfer of the applicant vide office order No.1/4(C)/2003-BBB/329-36 dated 21-01-2004 issued by the Respondent No. 4

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

- 4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. He is now aged about 58 years.
- 4.2) That your applicant is working as Office superintendent under office of the Respondent No.5. He joined under the Respondent as Lower Division Clerk on 01-01-1972 at Tezpur. He was promoted to Upper Division Clerk on 17-03-1977 and he was posted to Shillong. After that he was transferred to Bhutan as Upper Division Clerk on deputation on Foreign Service, and he joined there on 10-02-1982. Again he was transferred to Dibrugarh on completion of his tenure at Bhutan. He joined at Dibrugarh on 31-01-1985. He was promoted as head clerk and posted at Patna from Dibrugarh on 31-01-1987, he joined on 12-02-1987 at Patna. He was transferred from Patna to Guwahati on 09-09-1988 and he joined at Guwahati on 21-09-1988. Again he was promoted as Office Superintendent and posted at Silchar on 21-04-1997. After that he was transferred to Guwahati on 13-09-1998 at his own request and cost due to his family problem. His date of superannuation from service is on 31-08-2006.

Bans

- 4.3) That your applicant begs to state that his wife is suffering from ENT problem & Neurological problem. The wife of the applicant has now completely lost her hearing and also suffering from neurological trouble. She needs constant care. Due to this your applicant was compelled to take transfer from Silchar to Guwahati at his own cost vide office order No. MC/Estt-13/94/1693-99 dated 13-09-1998.

Annexure-A is the photocopy of office order No. MC/Estt-13/94/1693-99 dated 13-09-1998.

- 4.4) That your applicant begs to state that the respondent no.4 vide his office order No.1/4(C)/2003-BBB/329-36 dated 21-01-2004 transferred your applicant to North Eastern Investigation Circle, Central Water Commission, Shillong from Guwahati. He received the said impugned transfer order on 27-01-2004. Till now he has not been released by the authority but now he may be released at any time. Hence finding no other alternative remedy your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure-B is the photocopy of office order No.1/4(C)/2003-BBB/329-36 dated 21-01-2004

- 4.5) That your applicant begs to state that the service of the applicant under the respondent is less than three years and he is going to be retired on 31-08-2006. There are a departmental transfer policy for Central Water Commission Employees issued under office Memorandum No. A-49011/13(A)/85-Estt.IV dated 16-12-1998. The relevant portion of the above said transfer policy under Clause No.7 are reproduced below for kind perusal of this Hon'ble Tribunal.

"Clause 7:

Employees due for retirement on superannuation within a period of 5 years shall not ordinarily be transferred if the persons lesser age are available for morning the posts. However in respect of Drawing Staff the employees due for retirement on superannuation within a period of 3 years before their superannuation shall not ordinarily be transferred if

ds

persons of lesser age are available for manning the posts. The requests for transfer to the place of their choice, if made, would be considered (Amended vide O.M. No. A-49011/13(A)/85-E.IV dated 18-09-97 and again amended vide corrigendum No. A-49011/13(A)/85-E.IV dated 23-09-97). “

Annexure-C is the relevant portion of type copy of transfer policy for Central Water Commission issued vide office Memorandum No.49011/13(A)/85-Estt.IV dated 16-12-1998.

- 4.7) That your applicant begs to state that your applicant all along carried out his transfer order ever since his entry to this department without any protest he has already served in remote foreign places like Bhutan and he also served in remote locality in Arunachal Pradesh etc. Apart from this also he has served at different places like Patna, Dibrugarh, Silchar etc. Now at the verge of retirement he has settled at Guwahati along with his ailing wife and children. If he is posted out from Guwahati he will be suffer irreparable loss.
- 4.8) That your applicant begs to state that the said impugned transfer of the applicant is also total violation of the guideline of Transfer Policy adopted by the Central Water Commission.
- 4.9) That your applicant begs to state that action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts.
- 4.10) That your applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.
- 4.11) That your applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.
- 4.12) That your applicant submits that the action of the Respondents by which the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the

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Respondents have acted with a mala-fide intention only to deprive the application from his legitimate right.

- 4.13) That your applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the Transfer policy adopted by the Central Water Commission.
- 4.14) That your application submits that the Respondents have violated the fundamental rights of the applicant.
- 4.15) That in view of the facts and circumstances it is a fit case for issuing an interim order by this Hon'ble Tribunal by giving a direction to the Respondents not to release the applicant till disposal of this Original Application and he may be continued at present place of posting i.e. at Guwahati.
- 4.16) That this application is filed bonafide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- 5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction. Hence the impugned transfer order may be set aside and quashed.
- 5.2) For that, the Respondents have not considered the office memorandum of the Central Water Commission regarding transfer of employees who are due for retirement on superannuation within a period of five years before their superannuation. Hence the impugned transfer order may be set aside and quashed.
- 5.3) For that, the applicants wife who is suffering from severe medical problem and she needs constant care of her husband. Hence the impugned transfer order is illegal, arbitrary, malafide and also violative of administrative fair play. Hence the impugned transfer order may be set aside and quashed.

Bm

- 5.4) For that, the applicant has been transferred to Guwahati from Silchar at his own cost due to his family problem as such the Respondents after knowing fully again transferred the applicant to Shillong from Guwahati. Hence the impugned transfer order may be set aside and quashed.
- 5.5) For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the same benefit.
- 5.6) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.
- 5.7) For that, in any view of the matter the action of the respondents are not sustainable in the eye of law as well as fact.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your



Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set a aside and quash the impugned transfer order issued by the Respondents No.4 vide office order no. 1/4 (C)/2003-BBB/329-36 dated 21-01-2004 and also to continue the posting of the applicant at Guwahati till his superannuation i.e. on 31-08-2006.
- 8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

The applicant prays before this Hon'ble Tribunal seeking an interim order directing the Respondents not to release the applicant from present place of posting at Guwahati till disposal of this Original Application.

- 10) Application is filed through Advocate.

11) Particulars of L.P.O.:

L.P.O. No. 116, 387820
 Date of Issue 27.1.2004
 Issued from Guwahati G.P.O.
 Payable at Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification

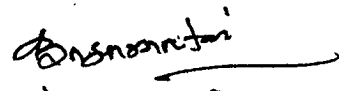
do

VERIFICATION

I, Shri Sarat Chandra Basumatary, aged about 58 years, office Superintendent office of the Superintending Engineer Hydrological Observation Circle Central Water Commission Government of India, Guwahati-14, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.7, 4.8, 4.9 —

Are true to my knowledge, those made in paragraph nos. 4.2, 4.3, 4.4, 4.5 —
Are being matter of records are true to my information derived there from which I believe to be true and those made in paragraph 5 in are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 14 day of February 2004 at Guwahati.



DECLARANT

6. MC/Estt-13/94/ 1693-99

Dated... 13-09-98

OFFICE ORDER

Consequent upon his transfer at his own cost vide CWC Office Order No.20012/6(1)/96-Estt.VII dt. 08.09.98, Shri S.C. Basumatari, Circle Superintendent, Meghna Circle, CWC, Silchar is hereby stands relieved from his duties on 28.09.98(AN) with instruction to report for duties in the office of the Superintending Engineer, Hydrological Observation Circle, CWC, Guwahati immediately.

(SOM DUPT GUPTA)
SUPERINTENDING ENGINEER

Copy to :

1. The Superintending Engineer, Hydrological Observation Circle, CWC, Nabin Nagar, Janapath, Guwahati for information. The Service Book & L.P.C. are being sent seperately.
2. The Under Secretary, Establishment-VII, CWC, RK Puram, New Delhi-66 for information with reference to his Office Order No. mentioned above.
3. The Executive Engineer, Meghna Division, CWC, Silchar for information.
4. Bill Section, Meghna Circle, CWC, Silchar (2 copies).
- ✓ 5. Shri S.C. Basumatari, Circle Superintendent for information. He is directed to hand over the charge to Shri A.K. Das, LDC.
6. Shri A.K. Das, LDC for information and necessary action. He is instructed to look after the works of Circle Superintendent till further order. He will not be entitled for any extra remuneration for performing additional duties.
7. Personal file.
8. Office Order File.

Office : 283-A, College Road (South) Silchar-788004.

No. 1/4(C)/2003-BBB/ 329-36
 Government of India
 Central Water Commission
 Office of the Chief Engineer
 Brahmaputra & Barak Basin Organisation

"Maranatha", Pohkseh
 P.O. Rynjah
 Shillong-793006.
 E-mail cebbb@sancharnet.in

Dated: 21/1/04

OFFICE ORDER

Consequent upon his promotion to the grade of Office Superintendent in the scale of Pay Rs.5500-175-9000/- vide CWC office order No.A-32015/1/2003-Estt.VII/1123-34 dated 31.12.2003, Shri A.R. Mikir, Assistant, UBD, CWC, Dibrugarh, is hereby reposted to Hydrological Observation Circle, CWC, Guwahati in place of Shri S.C. Basumatari, Office Superintendent with immediate effect in public interest.

Shri S.C. Basumatari, Office Superintendent, HOC, CWC, Guwahati is hereby transferred to North Eastern Investigation Circle, CWC, Shillong with immediate effect in public interest in place of Shri G. Satyanarayana, Office Superintendent transferred to KGB, Hyderabad.

(SURESHCHANDRA)

Superintending Engineer (Coord.)

Copy to:-

1. Pay & Accounts Officer, CWC, New Delhi.
2. Superintending Engineer, HOC, CWC, Guwahati.
3. Superintending Engineer, NEIC, CWC, Shillong.
4. Under Secretary(III), Estt.VII, CWC, New Delhi.
5. Executive Engineer, UBD, CWC, Dibrugarh.
- ✓ 6. Shri S.C. Basumatari, OS, HOC, CWC, Guwahati.
7. Shri A.R. Mikir, Assistant, UBD, CWC, Dibrugarh.
8. Office Order File.

Attested
 [Signature]
 [Signature]

ANNEXURE

-TYPE COPY-

**No.A-49011/13(A)/85-Estt.IV
Government of India
Central Water Commission**

Room No. 310, Sewa Bhawan,
R.K.Puram, New Delhi-66.

Date : 16-12-1998.

OFFICE MEMORANDUM

Subject : Transfer Policy for Central Water Commission .

The undersigned is directed to enclose a copy of the Transfer Policy with up to-date amendments brought out so far in respect of Group C & D employees of Central Water Commission for information and guidance.

Hindi Version will follow.

Enclosure : As above

(B.R. SHARMA)
UNDER SECRETARY (III)
CENTRAL WATER COMMISSION
TEL. : 6107794.

To

1. P.S. to Chairman/Members/Chief Engineers, C.W.C.
2. All Heads of Subordinate Offices including all Field Offices headed by Executive Engineers/Dy. Directors of C.W.C.
3. Director (Adm.)/Director(Estt./Secretary, C.W.C./All Under Secretaries /Accounts Officer/Director(Trg.), C.W.C.
4. All Directorates/Estt.Sections/Accounts Sections,C.W.C.
5. All recognised Associations of C.W.C.(As per list attached)

Attested
J.S.
Advocate

**RELEVANT PORTION OF THE TRANSFER POLICY
CENTRAL WATER COMMISSION**

Clause 7:

Employees due for retirement on superannuation within a period of 5 years before their superannuation shall not ordinarily be transferred if the persons of lesser age are available for manning the posts. However, in respect of Drawing Staff the employees due for retirement on superannuation within a period of 3 years before their superannuation shall not ordinarily be transferred if persons of lesser age are available for manning the post. The requests for transfer to the place of their choice, if made, would be considered (Amended vide N. A-49011/13(A)/85-E.IV dated 18-09-1997 and again amended vide corrigendum No. A-49011/13(A)/85-E.IV dated 23-09-1997.

Attested
Sil
Admin to

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No.A-45011/13(A)/85-Dett.IV
Government of India
Central Water Commission

Room No. 310, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Date: 16 - 12 - 1998.

OFFICE MEMORANDUM

Subject: Transfer Policy for Central Water Commission.

The undersigned is directed to enclose a copy of the Transfer Policy with upto-date amendments brought out so far in respect of Group C & D employees of Central Water Commission for information and guidance.

Hindi version will follow.

Encl: As above.

B.R. Sharma
(B.R. SHARMA)
UNDER SECRETARY (III)
CENTRAL WATER COMMISSION
TEL: 6107724.

To: 1. P.S. to Chairman/Members/Chief Engineers, C.W.C.

2. All Heads of Subordinate Offices including all Field Offices headed by Executive Engineers/Dy. Directors of C.W.C.

3. Director(Adm.)/Director(Dett.)/Secretary, CWC/
All Under Secretaries/Accounts Officer/Director
(Trg.), C.W.C.

4. All Directorates/Dett. Sections/Accounts Sections,
C.W.C.

5. All recognised associations of CWC (as per list attached)

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08/1/99

Pl examine & advise

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other facilities were not available at par with Delhi will not be counted as stay at Delhi/Faridabad for this purpose.

7. Persons who have served in North-Eastern region for a minimum continuous period of three years are not to be transferred again to that region before the expiry of 10 years from the date of their return from that place, unless they desire so.

Clause 5:

Employees transferred to stations away from their home state/requested station may be brought back if so requested by them after a period of 5 years of posting at such station subject to the exigencies of service. Such transfers, even though on request, effected after 5 years stay at a particular place will be considered as in the public interest.

In case of Drawing Staff, Group 'C', the service outside Home State, Delhi/Faridabad shall be restricted to two years unless extension is desired on voluntary basis.

Clause 6:

Officers returning from foreign posting/service shall be posted in offices located outside Delhi/Faridabad for a minimum period of two years.

Clause 7:

Employees due for retirement on superannuation within a period of 5 years before their superannuation shall not ordinarily be transferred if the persons of lesser age are available for manning the posts. However, in respect of

Attested
J. L.
Admin. Secy

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Drawing Staff the employees due for retirement on superannuation within a period of 3 years before their superannuation shall not ordinarily be transferred if persons of lesser age are available for manning the posts. The requests for transfer to the place of their choice, if made, would be considered (Amended vide O.M. No. A-49011/13(A)/85-E.IV dt. 18.9.97 and again amended vide corrigendum No. A-49011/13(A)/85-E.IV dated 23.9.97).

Clause 8:

Officer under zone of consideration of transfer including officers returning from a foreign posting, should give their preference for place of posting, well in time, and the same will be considered subject to the exigencies of work and administrative requirements, along with requests of other officers in the grade entered in the request register maintained for the purpose vide Clause 11.

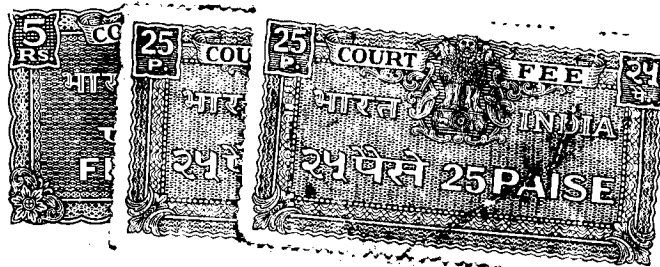
Clause 9:

As far as possible, transfers will be ordered in the months of ~~March/April~~ ^{Jan/Feb} and compliance of these orders secured by ~~May/June~~ ^{March/April} as this will cause the least disruption ^{is, during monsoon season} of the educational schedule of the School/College-going wards of the employees.

Clause 10:

Requests for posting to a station where the employees' spouse in Govt. service is posted, would be considered and efforts will be made to the extent possible to accommodate the official at or near the place of posting of the spouse subject to the administrative conveniences.

Attached
Am. to



DISTRICT: KAMRUP

-VAKALATNAMA-

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

OA NO. 28 OF 2004

Shri Sarat Chandra Basumatary APPLICANT
PETITIONER

-Versus-

The Union of India & others Respondents
Opposite party

Know all men by these presents that above named Sarat Chandra Basumatary
do he hereby nominate, constitute and appoint Shri ADIL AHMED

Advocate and such of the under mentioned Advocates as shall accept this
Vakalatnama to be my/our true and lawful Advocates to appeal and act for me/us
in the matter noted above and in connection therewith and for that purpose to do
all acts whatsoever in that connection including depositing of drawing money,
filing in or taking out deeds of composition, etc. for me/us and on my/our behalf
and I /We agree to ratify and confirm all acts so done by the Advocates as
mine/ours to all intents and purpose. In case of non payment of the stipulated fee
in full, no Advocate will be bound to appear and on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the 16th day February
2004.

ADVOCATES

| | | |
|---------------|--------------|---------------------|
| A.R.Barooah | J.M.Choudhry | A.S.Bhattacharjee |
| N.M.Lahiri | G.K.Joshi | ✓ <u>Adil Ahmed</u> |
| A.K.Chaudhuri | R.P.Sharma | P.Sarma |
| S.A.Laskar | M.H.Choudhry | B.Sinha |
| Sukumar Sarma | S.Jain | A.J.Atia |

Received from the executants and accepted.

Advocate

(Adil Ahmed)

Sarat Chandra Basumatary

To

Shri A. Deb Roy.

16.2.2004

Sr. Central Govt Standing Counsel.

Central Administrative Tribunal.

Guwahati Bench at Guwahati

Subject. Supply of Copy of Original Application.

Sir,

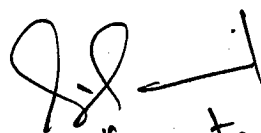
Please find herewith Copy of original Application filed by Shri Sarat Chandra Basumatary through me which will be moved before the Honble Tribunal, soon & kindly acknowledge the receipt of the same. Thanking you.

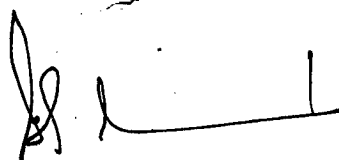
Faithfully

Received Copy

I undertake to secure

Copy to Sr. C.G.S.C.


Assante



(ADIC AHMED)
Assante

16

Central Administrative Tribunal
24 FEB 2005

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

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

ORIGINAL APPLICATION NO. 28 OF 2004.

Shri Sarat Chandra Basumatary

..... Applicant

-Versus-

The Union Of India & Others

..... Respondents

IN THE MATTER OF :

**Additional statements submitted by the above name applicant in the Original
Application No. 28 of 2004.**

-AND-

IN THE MATTER OF :

**Shri Sarat Chandra Basumatary
Office Superintendent
O/O Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India, Guwahati-14**

... Applicant.

-AND-

1. **The Union of India represented by the Secretary to the Government of India
Ministry of Water Resource
Saran Shakti Bhawan, New Delhi**

Filed by
Shri Sarat Chandra Basumatary
Applicant
through J. J.
(Advocate)
(Advocate)

Am

- 2 -
- 17 -
- 26
2. The Director, Administration,
Central Water Commission,
Government of India,
Sewa Bhawan, R.K.Puram,
New Delhi- 66
 - 3 The Chief Engineer, .
Central Water Commission,
Government of India,
Brahmaputra & Barak Basin,
"Maranatha"
Pohkseh
P.O. Umpling, Shillong-793006
 - 4 The Superintending Engineer(Coord)
Central Water Commission,
Government of India,
Brahmaputra & Barak Basin,
"Maranatha"
Pohkseh
P.O. Umpling, Shillong-793006
 - 5 The Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India,
Behind Adabari Bus Stand, Guwahati-14

... Respondents

The Humble applicant submits the additional statements as follows:-

- 1) That the applicant was transferred to the North Eastern Investigation Circle, Central Water Commission, Shillong from Guwahati at the verge ends of his retirement vide impugned Transfer Order No.1/4(C)/2003-BBB/329-36 dated 21-1-2004 by the Respondent No.4. (At Annexure-B of the Original Application No. 28 of 2004). In the said Transfer Order one Shri A.K.Mikir,

Bans

- 3 - - 18 - 27

Assistant, UBD, CWC Dibrugarh was posted in place of applicant Shri S.C.Basumatary, Office Superintendent HOC, CWC Guwahati .

It is pertinent to mention here that, earlier the Under Secretary, Government of India, Ministry of Water Resource (CWC) has issued an Office Order No. A-32015/2003-Estt.VII/1123-34 dated 31st December 2003 by which Shri A.K.Mikir was posted to the office of the Chief Engineer, (Brahmaputra and Barak Basin) Central Water Commission, Shillong against Shri G Sathyanarayana, Office Superintendent, who is posted to the O/o CE(KGB), Hyderabad against the existing vacancy at his own cost and will be relieved first. The promotion of Shri A.K.Mikir will be effective from the date he actually takes over the charge of the post of Office Superintendent.

Annexure-D is the Office Order No. A-32015/2003-Estt.VII/1123-34 dated 31st December 2003.

- 2) That your applicant begs to state that Ministry Of Water Resources, Government of India, Central Water Commission is competent to transfer Office Superintendent to different offices. As such the Ministry has issued the earlier transfer order dated 31st December 2003 at Annexure-D, in the said order your applicant was not disturbed. But the impugned Transfer Order dated 21-01-2004 issued by the Respondent No.4 without jurisdiction has transferred your applicant to Shillong by suppressing earlier order dated 31st December 2003.Hence the impugned transfer order dated 21-01-2004 is illegal, malafied, arbitrary and also without jurisdiction. As such the Order dated 21-01-2004 is liable to be set aside and quashed.
- [Signature]*

-19-

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- 9 -

VERIFICATION

I, Shri Sarat Chandra Basumatary, aged about 58 years, office Superintendent office of the Superintending Engineer Hydrological Observation Circle Central Water Commission Government of India, Guwahati-14, do hereby solemnly verify that the statements made in paragraph nos. - 1 -

Are true to my knowledge, those made in paragraph nos. - 2 -

Are being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 25th day of February 2004 at Guwahati.

Basumatary

DECLARANT

Room No 806(S), Sewa Bhawan
R K Puram, New Delhi-110066
Dated the 31st Dec'2003

OFFICE ORDER

Consequent upon the acceptance of the recommendation of the Departmental promotion Committee (Group-B No-Gazetted) by the competent authority, Sh A R Mikir, Assistant born on the Ministerial Cadre of subordinate offices of CWC is hereby promoted to the post of Office Superintendent in the scale of Pay of Rs 5500-175-9000 and posted to the O/o CE(BBB) CWC Shillong against Sh G Sathyanarayana, office Superintendent, who is posted to the O/o CE(KGB), Hyderabad against the existing vacancy at his own cost and will be relieved first. The promotion of Shri A R Mikir will be effective from the date he actually take over the charge of the post of Office Superintendent.

2. On his promotion Sh A R Mikir is entitled to opt for fixation of his pay in higher grade in terms of Deptt. of Personnel & Training OM No 1/10/89-Estt(Pay-1) dt. 30.08.1989 as amended from time to time.

Sd/-
(USHA GANDHI)
Under Secretary(III)
Telephone No 26107794.

Copy to:-

- 1 The PAO, CWC, Sewa Bhawan, R K Puram, New Delhi
- 2 CE(BBB), CWC, Shillong / CE(KGB), CWC, Hyderabad
- 3 SE(C), CWC Shillong/SE Godavari Circle, CWC, Hyderabad
- 4 SE, NEIC, CWC, Shillong
- 5 EE, UBD, CWC, Dibrugarh
- 6 Sh A R Mikir, Assistant, UBD, CWC, Dibrugarh
- 7 Sh G Satyanarayana, Office Superintendent, NEIC, CWC, Shillong
- 8 SO, CR Section, CWG, Sewa Bhawan, R K Puram, New Delhi
- 9 AD(Publicity), CWC, sewa Bhawan, R K Puram, New Delhi
- 10 Personal File
- 11 Spare copies.

Attested
SS
Advocate

-21-

30
Filed by
Deputy
8/8/04
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : AT GUWAHATI

O.A. NO 28 of 2004

Shri Sarat Chandra Basumatary

----- Applicant

-vs-

Union of India and Others

----- Respondents

(Written statements filed by the respondents No. 1,2,3,4 and 5)

The written statements of the respondents are as follows:-

1. That the copy of the O.A. No. 28/2004 along with the additional statements (hereinafter referred to as the "application") filed by the applicant has been served on the answering respondents. The respondents have gone through the said application and understood the contents thereof. The interest of all the respondents being similar the Written statements is filed as common for all in this case.
2. That the statements made in the application that are ^{not} specifically admitted by the respondents be deemed to be denied by the respondents.

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3. That the application has been filed prematurely as the representation filed by the applicant was pending disposal at the ends of the respondents. The application is liable to be dismissed for non-compliance of the provisions under Sections 20 and 21 of the Central Administrative Tribunal Act, 1985.
4. That before traversing the various statements made in the application, the respondents beg to give a background of the case as under:

- (a) That the competent authority to issue transfer order lies with the Chief Engineer for the staff below the rank of Executive Engineers. The same power to transfer a staff may also be exercised by the Superintending Engineer in consultation with the Chief Engineer. The transfer and posting of Executive Engineers and above lies with the Commission. The above delegation of power has been issued by the Commission vide order dated 28.01.1993.

The copy of the said order dated 28.01.1993 is annexed hereto as ANNEXURE R₁.

- (b) That the usual practice to transfer a staff is to be made according to the procedure as followed by the Commission is that such transfer order is initially made in the name of/ to the office of the Chief Engineer /Commission initially and after that initial order the final and actual place of postings are decided and made / issued by the Chief Engineer or the Superintending Engineer as the case may be. For example, some junior engineers were transferred from various locations to the office of the Chief Engineer / Commission vide Office Order No.20/1/2002-Estt.VI dated 21.04.2003. Pursuant to that order of transfer the Superintending Engineer with the approval of the Chief Engineer issued the actual posting placing the officers in different locations / offices vide Office Order No.1/4(F)/2003-BBB/1767-1813 dated 01.05.2003.

The copies of the said orders dated 21.04.2003 and 01.05.2003 are annexed hereto as ANNEXURES R₂ and R₃ respectively.

- (c) That according to the aforesaid procedure the competent authority issued the transfer and posting order of one Shri A.R. Mikir on promotion to the office of the Chief Engineer vide Office Order No. A-32015/1-2003-Estt.VII/1123-34 dated 31.12.2003. On receipt of the said order the competent authority issued the final order determining the actual place of posting as per need of the department. This was done vide Office Order No.1 /4(C)/2003-BBB/329-36 dated 21.01.2004. By the said order dated 21.01.2004 the competent authority in consultation / approval of the Chief Engineer issued the order of transfer of the applicant from Guwahati to Shillong and Shri A.R. Mikir was transferred from Shillong to Guwahati. This arrangement was also done keeping in view and considering the fact that Shri A.R. Mikir made a representation on 20.01.2004 to the competent authority to transfer him to Guwahati stating his various personal and family problems. In the said representation he also categorically stated that he would retire from service on 31.08.2005. The competent authority examined his case and found that Shri Mikir is due to retire from service after $1\frac{1}{2}$ years while the applicant is to retire after $2\frac{1}{2}$ years. All these actions were carried out with due approval of the Chief Engineer.

The copies of the Office Orders dated 31.12.2003 and 21.01.2004 and the representation dated 20.01.2004 are annexed hereto as ANNEXURES R₄, R₅ and R₆ respectively.

- (d) That in terms of the Office Order dated 31.12.2003 Shri G. Saithyanarayana has been relieved on transfer w.e.f. 30.01.2004 vide Office Order No.NEIC/PF-713/2003/312-19 dated 27.01.2004. Shri A.R.Mikir was also relieved from duty w.e.f. 05.02.2004 with a direction to report for duty at Guwahati vide Office Order No.UBD/DIB/PF-16/2004/842-49 dated 05.02.2004. Accordingly Shri A.K.Mikir reported for duty at Guwahati on 16.02.2004.

The copies of the Office Orders dated 27.01.2004 and 05.02.2004 and the joining report dated -

247 3

16.02.2004 are annexed as ANNEXURES R₇, R₈ And R₉ respectively.

- (e) That on receipt of the order of transfer dated 21.01.2004 the applicant applied for T.A. on 27.01.2004 and the T.A. was granted for Rs.8,500/- on 29.01.2004. The applicant accepted the T.A. advance. The applicant also submitted a representation with request to consider his transfer and to post him at Guwahati after the retirement of Shri A.R.Mikir. By this representation dated 11.02.2004 the applicant accepted the transfer from Guwahati to Shillong with categorical statements made in the said representation.

The copies of the said application dated 27.01.2004, sanction memo dated 29.01.2004 and the representation dated 11.02.2004. are annexed as ANNEXURES R₁₀, R₁₁ and R₁₂ respectively.

- (f) That in the mean time the applicant has approached this Hon'ble Tribunal with the above application thereby challenging the legality and validity of the transfer order and for cancellation of the same. This Hon'ble Tribunal pending disposal of the application passed an order on 16.02.2004 and granted liberty to the applicant to file a representation fixing the matter on 01.03.2004. The applicant submitted his representation on 16.02.2004. In the said representation the applicant stated some of his family problems and to cancel the said transfer order. The Hon'ble Tribunal has now fixed the matter for final hearing on 08.03.2004. The applicant also wrote a letter on 17.02.2004 with a request to treat his earlier representation dated 11.02.2004 as cancelled.

The copies of the representations dated 16.02.2004 and 17.02.2004 are annexed hereto as ANNEXURES R₁₃ and R₁₄ respectively.

- (g) That as Shri A.R.Mikir reported for his duty on 16.02.2004, the applicant went on casual leave and returned in 17.02.2004 and put his

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signature in the attendance register on 17.02.2004 and 18.02.2004 unauthorisedly ^{as} from 19.02.2004 onwards the applicant remained absent.

The copy of the said attendance register is annexed as ANNEXURE R₁₅.

- (h) That the competent authority considered the representation of the applicant submitted on 16.02.2004 and rejected the said representation vide letter No. 1(18)/2003-BBB/907-09 dated 25.02.2004. The said order was duly communicated to the applicant. Accordingly the applicant has been relieved from Guwahati with direction to report for duty at Shillong vide Office Order No. HOC/CWC/Gau/PF-840/04/645-53 dated 27.02.2004.

The copies of the letter dated 25.02.2004 and the Office Order dated 27.02.2004 are annexed as ANNEXURES R₁₆ and R₁₇.

- (i) That the competent authority after considering the representations submitted by Shri A.R. Mikir and the applicant found that Shri A.R. Mikir is going to retire from service on superannuation after 1½ years while the applicant will retire on superannuation after 2½ years. Shri A.R. Mikir is a permanent resident of Guwahati, so he represented that he may be posted at Guwahati as the last place of posting before retirement. Moreover, the department is going to extend its activities of investigation works relating to irrigation projects in the North-Eastern region and also in Maithon in Jharkhand by opening new Investigation Division under the direct control of the Superintending Engineer, NEIC, Shillong. To deal with the matter and to open up the scope of new projects, it has become the administrative needs to man the department properly. There would be further transfer and posting and adjustment of manpower for the above ^{mentioned} scheme / project as a matter of policy. Accordingly the competent authority decided as a matter of policy to transfer Shri A.R. Mikir to Guwahati and the applicant to Shillong as stated herein above. However, considering the genuineness and the date of superannuation of Shri A.R. Mikir and the applicant, the competent

authority has on principle agreed to accommodate the applicant and to repost him on transfer to Guwahati after the retirement of Shri A.R. Mikir. This consideration has been properly noted on the office note by the competent authority on 20.01.2004. In view of the above facts and circumstances and considering the pros and cons of the matter the representation of the applicant could not be acceded to and accordingly the same has been rejected.

The copy of the said Office Note is annexed as ANNEXURE R₁₈ (Series).

5. That the law relating to transfer and posting has been well settled by the Hon'ble Supreme Court in a catena of decisions pronounced from time to time. The settled position of law is that no Court or Tribunal should interfere in the matter of transfer unless :-

- (i) such transfer order is issued in violation of statutory rules ; or
- (ii) such transfer order is issued malafide ; or
- (iii) the said transfer order is issued by an incompetent authority.

It is also settled position of law that the Tribunal / Court shall not sit as a Court of Appeal over the administrative action. Any private / family problem raised in the case of transfer, is also not a subject matter to be tried by Court or Tribunal; the appropriate forum is to take up such personal matter with the administration through representation.

In the instant case it has been clearly explained herein above that the impugned transfer order does not suffer from any such infirmity or illegality making it liable to be interfered by any Court or Tribunal. The representations made by the applicant are contradictory to each other and the administration considering the pros and cons of the matter and also to mitigate the administrative need and exigency has rejected the representation of the applicant. However the competent authority has considered one aspect of the matter that the case of the applicant may be considered to retransfer him to Guwahati after the retirement of Shri A.R. Mikir. In view of the above

facts and circumstances and the provisions of law the application is liable to be dismissed with cost.

6. That with regard to the statements made in paragraph 1 of the application and paragraphs 1 and 2 of the Additional statements subsequently filed by the applicant, the respondents state that as explained herein above, there is no cause of action to justify the interference by this Hon'ble Tribunal.
7. That with regard to the statements made in paragraph 2 of the application, the answering respondents have no comment to offer.
8. That with regard to the statements made in paragraph 3 of the application, the respondents state that the application has been filed prematurely before the representation would be considered within the prescribed period. Therefore, the application is liable to be dismissed on this ground alone.
9. That with regard to the statements made in paragraphs 4.1 and 4.2 of the application, the respondents state that these are matters pertaining to records. Hence, nothing is admitted which are not supported by such records.
10. That with regard to the statements made in paragraph 4.3 of the application, the respondents state that there is no proof so far shown to respondents regarding the ailment of the wife of the applicant.
11. That with regard to the statements made in paragraph 4.4 of the application, the respondents state that Shri A.R. Mikir joined his duty in place of the applicant w.e.f 16.02.2004 and the applicant is not attending his office w.e.f. 16.02.2004. The applicant has already been relieved on 27.02.2004 to report for his duty at Shillong.
12. That with regard to the statements made in paragraph 4.5 of the application, the respondents state that the transfer policy referred to here is nothing but a guidelines and not a statutory provision under any statute. Therefore even if it is not followed as per settled provisions of law, the Court shall not interfere in such matters. Moreover, clause 7 of the said guidelines has categorically stated that man of lesser age should be transferred out in order to

accommodate persons of higher age. From the records it is clear that the applicant will retire from service w.e.f 31.08.2006 whereas Shri A.R. Mikir will retire on 31.08.2005. The applicant is of lesser age than Shri A.R. Mikir, who is a permanent resident of Guwahati. Therefore, the transfer order has been made in conformity with the said policy guidelines and not in derogation to it.

13. That with regard to the statements made in paragraphs 4.7 and 4.8 of the application, the answering respondents reiterates the foregoing statements and state that there has not been any violation of any guidelines and the personal problems are to be taken with the administration outside the Court.
14. That with regard to the statements made in paragraph 4.9 of the application, the respondents state that there is not a single iota of evidence on records to show that any of the respondents had ever acted malafide. Mere allegations of malafide will not sustain in law unless such allegations are made against the particular officer by his name (*eo nomine*). The allegations of malafide must be proved by clear, cogent and irrefutable evidence. In the instant case no allegation has been made *eo nomine* and there is no proof of malafide action on any part of the respondents.
15. That with regard to the statements made in paragraphs 4.10, 4.11, 4.13, 4.14, 4.15 and 4.16 of the application, the respondents state that there is no illegality in the transfer order and the respondents reiterate and reassert the foregoing statements in this regard.
16. That with regard to the statements made in paragraphs 5.1 to 5.7 of the application, the respondents state that in view of the facts and circumstances of the case and the settled provisions of law, the grounds shown by the applicant are not tenable in law. Therefore, the application is liable to be dismissed with costs.
17. That with regard to the statements made in paragraphs 6 and 7 of the application, the respondents offer no comment.

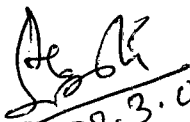
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18. That with regard to the statements made in paragraphs 8.1, 8.2, 8.3 and 9 of the application, the respondents state that the application is liable to be dismissed with costs as the applicant is not entitled to get any relief whatsoever as prayed for. The application is being filed devoid of any merit.

In the premises aforesaid it is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties, perusing the records also be pleased to dismiss the application with costs.

Verification

I, Shri Anup Kr. Srivastava, at present working as Executive Engineer in the office of the Middle Brahmaputra division, Central Water Commission, Guwahati, being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 3, 5 to 17 and 18 - are true to my knowledge and belief, those made in para - 4 - , being matter of records are true to my information derived therefrom 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 8th day of March, 2004 at Guwahati.


08.3.04

DEPONENT
(Anup Kr. Srivastava)

- 10 -

KIND

AM

SE (C)

SL. Wadhawan

ANNEXURE-R1

4/1/91- OM/VS
India
Commission

New Delhi, the 28th January, 1993.

ORDER

In supersession of all previous orders, powers to transfer officers and staff under the Regular Establishment in the Field Formations of Central Water Commission have been delegated as under:-

- i. Chief Engineers - To transfer officials below the level of Executive Engineers within their jurisdiction.
 - ✓ ii. Superintending Engineers - In consultation with their Chief Engineers may also make such transfers within their jurisdiction.
- Transfer/postings of Executive Engineers and above - will be issued by the Commission.

(M.S. MENDH)
Secretary, C.W.C.
Tele: 504316

To

1. All Chief Engineers, C.W.C.
2. All Superintending Engineers, C.W.C.
3. Director (Admn.)/Director (Estt.), C.W.C.
4. All Under Secretaries, C.W.C.
5. All Sections under AC&T Wing, C.W.C.

Copy forwarded for information to:-

1. PPS to Chairman, C.W.C.
2. PS to All Members, C.W.C.

-11-

ANNEXURE R2

40

No.20/1/2002-Estt.VI
Government of India
Central Water Commission

Room No.528, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated the 21st April, 2003.

OFFICE ORDER

The following transfers in the grade of Junior Engineers (C&M) are hereby ordered in public interest:—

| Sl. No. | Name of JEs(S/Shri) | Present posting | Transfer to the Office of CE/Commission | Choice Station | Remarks |
|---------|---------------------|------------------------|-----------------------------------------|----------------|---------------------------------------------------------------|
| 1. | 2. | 3. | 4. | 5. | 6. |
| 1. | K.J. Mohan Rao | Godavari Circle (KGB0) | B&BB, Shillong | | Vice Shri V.V.S.N. Murthy w.e.f. 15.5.2003. (Will move first) |
| 2. | VVSN Murthy | NEID-I, Silchar (B&BB) | KGB, Hyderabad | Hyderabad | |
| 3. | R. Srinivasan | HD, Chennai (C&SR) | B&BB, Shillong | | Vice Shri T. Marriappan w.e.f. 1.6.2003 (Will move first) |
| 4. | T. Marriappan | NEID-III, Itanagar | C&SR, Coimbatore | Madurai | |
| 5. | D.K. Rakshit | CSD, New Delhi (YBO) | B&BB, Shillong | | Vice Shri H.R. Maikhuri w.e.f. 15.5.2003 (Will move first) |

28/4/03

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| | | | | | |
|-----|-------------------|-------------------------|------------------|-------------------|---------------------------------------------------------------|
| 6. | H. R. Maikhuri | UBD, Dibrugarh (B&BB) | YB, New Delhi | New Delhi/NOIDA | |
| 7. | U.S. Verma | LYD, Agra (YBO) | B&BB, Shillong | | Vice Shri J.N. Arjun w.e.f. 15.5.2003 (Will move first) |
| 8. | J.N. Arjun | B&BB, Shillong | YBO, New Delhi | New Delhi | |
| 9. | G. Kadirvel | NEID-II, Aizwal (B&BB) | C&SR, Coimbatore | Coimbatore | |
| 10. | M. Radhakrishna | CD, Bangalore (C&SR) | B&BB, Shillong | | Vice Shri G. Kadirvel w.e.f. 1.7.2003 (Will move first) |
| 11. | G. Tamilmani | MBD, Guwahati (B&BB) | C&SR, Coimbatore | Trichy/Coimbatore | |
| 12. | S. Rajanagesh | C&SR, Coimbatore | B&BB, Shillong | | Vice Shri G. Tamilmani w.e.f. 15.5.2003 (Will move first) |
| 13. | S. Haridasan Nair | MID, Shillong (B&BB) | C&SR, Coimbatore | Cochin | |
| 14. | N. Subbaiah | SRD, Coimbatore (C&SR) | B&BB, Shillong | | Vice Shri S. Haridasan Nair w.e.f. 1.7.2003 (will move first) |
| 15. | GVRM Mohan Rao | HOC, Bhubaneswar (M&ER) | KGB, Hyderabad | | |

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| | | | | | |
|-----|---------------|-----------------------------|-------------------|--|-------------------------------------------------------------|
| 16. | Rafecq Ahmed | UGD, Hyd. (KGB) | M&ER, Bhubaneswar | | Vice Shri GVRR Mohan Rao w.e.f. 15.5.2003 (Will move first) |
| 17. | N. Laxmaiah | HOC, Vadodara (N&TB) | KGB, Hyderabad | | |
| 18. | PRK Rao | LKD, Hyd. (KGB) | N&TB, Vadodara | | Vice Shri N. Laxmiah w.e.f. 15.5.2003 (Will move first) |
| 19. | J. Venketesan | Tapi Division, Surat (N&TB) | KGB, Hyderabad | | |
| 20. | BMM Rao | UGD, Hyd. (KGB) | N&TB, Vadodara | | Vice Shri J. Venketesan w.e.f. 15.5.2003 (Will move first) |
| 21. | PLN Rao | N&TB, Vadodara | KGB, Hyderabad | | |
| 22. | KJR Reddy | UKD, Pune, (KGB), Hyderabad | N&TB, Vadodara | | Vice Shri PLN Rao w.e.f. 15.5.2003 (Will move first) |
| 23. | K. Pochiah | WGD, Nagpur (MC) | KGB, Hyderabad | | |
| 24. | A. Somaraju | LKD, Hyd. (KGB) | MC, Nagpur | | Vice Shri K. Pochiah w.e.f. 15.5.2003 (Will move first) |
| 25. | Ch. Prasad | ERD, Bhubaneswar (M&ER) | KGB, Hyderabad | | |

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-4- -34- 43

| | | | | | |
|-----|------------------|------------------------------|-------------------|-----------------------------------------|-----------------------------------------------------------|
| 26. | V.K. Mohan Rao | LKD, Hyd. (KGB) | M&ER, Bhubaneswar | | Vice Shri Ch. Prasad w.e.f. 15.5.2003 (Will move first) |
| 27. | VV Sattikar | Tapi Division, Surat, (N&TB) | KGB, Hyderabad | | |
| 28. | S. Sampath Kumar | UGD, Hyd. (KGB) | N&TB, Vadodara | | Vice Shri VV Sattikar w.e.f. 15.5.2003 (Will move first) |
| 29. | R.N. Chauhan | CD, Jammu (IBO) | UGB, Lucknow | | |
| 30. | K.N. Singh | MGD-III, Varanasi (UGB) | IB, Chandigarh | | Vice Shri R.N. Chauhan w.e.f. 15.5.2003 (Will move first) |
| 31. | S.L. Singh | M&A, Jammu (IBO) | UGB, Lucknow | | |
| 32. | A.K. Saxena | MGD-I, Lucknow (UGB) | IB, Chandigarh | | Vice Shri S.L. Singh w.e.f. 15.5.2003 (Will move first) |
| 33. | Arun Kumar | NEID-II, Aizwal (B&BB) | UGB, Lucknow | Sultanpur/ Allahabad/ Varanasi/ Lucknow | |
| 34. | S.C. Sharma | HGD, Dehradun, (UGB) | B&BB, Shillong | | Vice Shri Arun Kumar w.e.f. 15.5.2003 (Will move first) |
| 35. | L.M. Vishwakarma | NEID-III, Itanagar (B&BB) | UGB, Lucknow | Lucknow | |

-15-
 Attn: *Shri Swarnata, EE, MBD, J*

ANNEXURE-R3



भारत सरकार
 Government of India
केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION

ब्रह्मपुत्र एवं बराक बेसिन
 Brahmaputra & Barak Basin
 शिलांग - 793006
 Shillong - 793006

114(F)/2003-BBB/ 1767-1813

Date 1/5/03

Ref No.

OFFICE ORDER

In pursuance of CWC's office order No.20/1/2002-Estt.VI dated 21.04.2003 the following Junior Engineers are hereby reposted to the places/sites shown against each with effect date mentioned against each in public interest.

| Sl. No. | Name of JE S/Shri | Present place of posting | Reposted to | Remarks |
|---------|-------------------|--------------------------|------------------------------------------------------------|---------------------------------------------------------------------|
| 1. | K.J. Mohan Rao | Godavari Circle, (KGBO) | MBD, (Hq) Guwahati | Against existing vacancy (w.e.f. 15.5.2003) |
| 2. | R. Srinivasan | HD, Chennai (C&SR) | O/o CE, B&BB, Shillong | Vice Shri J.N. Arjun. (w.e.f. 01.06.2003) |
| 3. | D.K. Rakshit | CSD, New Delhi (YBO) | Meghna Circle (HQ), (Hq) Silchar | Vice Shri Naveen Chandra (w.e.f. 15.5.2003) |
| 4. | U.S. Verma | LYD, Agra (YBO) | Sairang G&D Site of MISD-III, Silchar under MD, Silchar | Vice Shri R.C. Verma (w.e.f. 15.5.2003) |
| 5. | M. Radhakrishna | CD, Bangalore (C&SR) | Belonia G&D Site of MSD-I, Agartala under MD, Silchar. | Vice Shri D.K. Mazumdar (w.e.f. 01.07.2003) |
| 6. | S. Rajanagesh | C&SR, Coimbatore | UBD (Hq), Dibrugarh | Against existing vacancy (w.e.f. 15.5.2003) |
| 7. | N. Subbaiah | SRD, Coimbatore (C&SR) | DSKSD(HQ), Nagaon under UBD | Vice Shri H.R. Maikhuri (w.e.f. 01.7.2003) |
| 8. | S.C. Sharma | HGD, Dehradun (UGTB) | Chawngte Site of MHISD, Serchhip under NEID-II, Aizawl | Vice Shri G.Muthaiyan. To be relieved on joining of Shri S.C.Sharma |
| 9. | G.K. Tripathi | MGD-III, Varanasi (UGB) | B.P. Ghat Site of MISD-II, Silchar under MID, Shillong | Against existing vacancy (w.e.f. 15.5.2003) |
| 10. | Raj Pal Singh | MGD-II, Lucknow (UGB) | Muruga bridge site of NEISD, Jang under-NEID-III, Itanagar | Vice Shri T. Mamappan (w.e.f. 15.5.2003) |
| 11. | R.N. Yadav | MGD-I, Lucknow (UGB) | Lokai Site of NEISD-II, Guwahati under NEID-I, Silchar | Vice Shri A.K. Tonk (w.e.f. 15.5.2003) |
| 12. | Ratan Singh | HGD, Dehradun (UGB) | UBSD-II, Jorhat under UBD, Dibrugarh. | Vice Shri V.C. Sharma (w.e.f. 15.5.2003) |
| 13. | Satish Kumar | RD Dte., CWC (HQ) | SSD(HQ), Naharlagun under UBD, Dibrugarh. | Vice Shri S.K. Goel (w.e.f. 15.5.2003) |
| 14. | S.P. Keshri | YB, New Delhi | GDS, Pandu of MBSD-I, Guwahati under MBD, Ghy. | Against existing vacancy (w.e.f. 01.7.2003) |
| 15. | A.K. Gupta | RD Dte., New Delhi. | GDS, A.P. Ghat, MISD-II, Silchar under MID, Shillong | Vice Shri S. Haridasan Nair (w.e.f. 15.5.2003) |
| 16. | C.P. Gaur | CWC (HQ) | MBSD, Guwahati | Vice Shri Swarn Singh (w.e.f. 01.8.2003) |
| 17. | Rajinder Singh | M&A, Guwahati | CWC(Hq), New Delhi | On joining of G.Muthaiyan |

Contd..2.

“मरानाथा”, पोहकशे, पो.आ. रिंजा (उम्पलिंग), शिलांग-७९३००६

"Maranatha", P.O. Rynjah (Umpling), Shillong 793006. Phone : 0364-230424, 232294, 534928 Fax : 0364-232294

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The following transfer/posting of Junior Engineers under this organization are also hereby ordered in Public Interest/Own Interest with immediate effect.

| Sl. No. | Name of AE S/Shri | Present place of posting | Reposted to | Remarks |
|---------|---------------------|--------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------|
| 1. | D. Ghosh | MID, Shillong | Bhomoraguri site of DKSD, Nagaon under UBD, Dibrugarh | Against existing vacancy |
| 2. | D.K. Rakshit | LBD, Jalpaiguri | MID, CWC, Shillong | Vice Shri D. Ghosh |
| 3. | K.R. Deb | NEISD-I, Phaileng | MSD-II, Dhamanagar under MD, Silchar. | Vice Shri S.P. Gupta (w.e.f. 15.5.2003) |
| 4. | K. Surchandra Singh | Serchhip under NEID-II, Aizawl | NESID-III (HQ), Aizawl | Vice Shri Arun Kumar (w.e.f. 15.5.2003) Own Cost |
| 5. | S.K. Goel | SSD, Naharlagun under UBD | NEID-III (HQ), Itanagar | Vice Shri L.M. Vishwakarma (w.e.f. 15.5.2003) Own Cost |
| 6. | D.K. Mazumdar | Belonia G&D Site under MSD, Agartala | Chawgte site of MHISD, Serchhip under NEID-II, Aizawl. | In supersession of order No.1/4(E)/2003-BBB/1442-52 dt. 04.04.2003 |
| 7. | Nabendu De | Sitlangpui site under MHISD, Serchhip | Tuirini site under NEISD-III, Aizawl | Vice Shri G. Kadirvel (w.e.f. 01.7.2003) |
| 8. | A.H. Laskar | GDS, B.P. Ghat under MID, Shillong | New Latwah site under MHISD, Serchhip | Against existing vacancy |
| 9. | Ashim Chakraborty | GDS, Fulertal, Silchar under MID, Shillong | Dimapara GDS of MISD-I, under MID, Shillong | Against existing vacancy. |
| 10. | G.Muthaiyan | Chawngte Site of MHISD, Serchhip under NEID-II, Aizawl | M&A, Guwahati | Own Cost |

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

(C.L. WADHAWAN)

Superintending Engineer (Coord.)

Copy to:-

1. Pay & Accounts Officer, CWC, New Delhi.
2. Chief Engineer, KGB, Hyderabad/C&SR, Coimbatore/M&ER, Bhubaneswar/N&TB, Vadodara/MC, Nagpur/Indus Basin, Chandigarh/UGB, Lucknow/Yanuna Basin, New Delhi/TB, Siliguri.
3. Superintending Engineer (Coord), KGB, Hyderabad/C&SR, Coimbatore/M&ER, Bhubaneswar/N&TB, Vadodara/MC, Nagpur/Indus Basin, Chandigarh/UGB, Lucknow/Yanuna Basin, New Delhi/TB, Siliguri.
4. Director M&A, CWC, Guwahati/M&A Jammu.
5. Director, RD Dte./SM Dte & D&R Coord., New Delhi.
6. Under Secretaries-VI, CWC, New Delhi.
7. All Superintending Engineer under B&BB Organisation.
8. Executive Engineer, MID, Shillong/MD, Silchar/NEID-I, Silchar/ NEID-II, Aizawl/NEID-III, Itanagar/MBD, Guwahati/UBD, Dibrugarh/ LBD, Jalpaiguri/MGD-I, Lucknow/MGD-II, Lucknow/MGD-III, Varanasi/HGD, Dehradun/SRD, Coimbatore/CD, Bangalore/LYD, Agra/CSD, New Delhi/HD, Chennai.
9. Person concerned.
10. File No.1/4(E)/2002-BBB.
11. Office order file.

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37-40 ANNEXURE R4

159
14.1.2004
1-1No.A-32015/1-2003-Estt.VII/1122-34
Government of India
Central Water CommissionRoom No.806(S), Sewa Bhawan,
R.K. Puram, New Delhi - 110066.Dated the 31st December, 2003.OFFICE ORDER

Consequent upon the acceptance of the recommendation of the Departmental Promotion Committee (Group-'B' - Non-Gazetted) by the competent authority, Shri A.R. Mikir, Assistant, born on the Ministerial Cadre of Subordinate Offices of CWC is hereby promoted to the post of Office Superintendent in the scale of pay of Rs.5500-175-9000 and posted to the O/o CE(BBB), CWC, Shillong against Shri G.Satyanarayana, Office Superintendent, who is posted to the O/o CE(KGB), CWC, Hyderabad against the existing vacancy at his own cost and will be relieved first. The promotion of Shri A.R. Mikir will be effective from the date he actually takes over the charge of the post of Office Superintendent.

2. On his promotion, Shri A.R. Mikir is entitled to opt for fixation of his pay in higher grade in terms of Deptt of Personnel & Training OM No.1/10/89-Estt.(Pay-I) dated 30.08.1989 as amended from time to time.

Usha Gandhi
(USHA GANDHI)
Under Secretary (III)
Telephone No. 26107794

Copy to:

1. The PAO, CWC, Sewa Bhawan, R.K. Puram, New Delhi.
2. CE(BBB), CWC, Shillong / CE(KGB), CWC, Hyderabad
3. SE(C), CWC, Shillong / SE, Godavari Circle, CWC, Hyderabad
4. SE, NEIC, CWC, Shillong
5. EE, UBD, CWC, Dibrugarh
6. Sh. A.R. Mikir, Assistant, UBD, CWC, Dibrugarh
7. Sh. G. Satyanarayana, Office Superintendent, NEIC, CWC, Shillong
8. SO, CR Section, CWC, Sewa Bhawan, R.K. Puram, New Delhi.
9. AD(Publicity), CWC, Sewa Bhawan, R.K. Puram, New Delhi.
10. Personal File
11. Spare Copies

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ANNEXURE 5

Tel. No.0364-2534424, 2232294, 2534928

Tel.Fax No.0364-2232294

No. 1/4(C)/2003-BBB/ 329-36
Government of India
Central Water Commission
Office of the Chief Engineer
Brahmaputra & Barak Basin Organisation

"Maranatha", Pohkseh
P.O. Rynjah
Shillong-793006.
E-mail cebbb@sancharnet.in

Dated: 21/1/04

OFFICE ORDER

Consequent upon his promotion to the grade of Office Superintendent in the scale of Pay Rs.5500-175-9000/- vide CWC office order No.A-32015/1/2003-Estt.VII/1123-34 dated 31.12.2003, Shri A.R. Mikir, Assistant, UBD, CWC, Dibrugarh, is hereby reposted to Hydrological Observation Circle, CWC, Guwahati in place of Shri S.C. Basumatari, Office Superintendent with immediate effect in public interest.

Shri S.C. Basumatari, Office Superintendent, HOC, CWC, Guwahati is hereby transferred to North Eastern Investigation Circle, CWC, Shillong with immediate effect in public interest in place of Shri G. Satyanarayana, Office Superintendent transferred to KGB, Hyderabad.



(SURESHCHANDRA)
Superintending Engineer (Coord.)

Copy to:-

1. Pay & Accounts Officer, CWC, New Delhi.
- ✓ 2. Superintending Engineer, HOC, CWC, Guwahati.
3. Superintending Engineer, NEIC, CWC, Shillong.
4. Under Secretary(III), Estt.VII, CWC, New Delhi.
5. Executive Engineer, UBD, CWC, Dibrugarh.
6. Shri S.C. Basumatari, OS, HOC, CWC, Guwahati.
7. Shri A.R. Mikir, Assistant, UBD, CWC, Dibrugarh.
8. Office Order File.



No.UBD/DIB/PF-16/2004/ 548-49
Government of India
Central Water Commission
Upper Brahmaputra Division

Phone: (0373)2314398

2313496

FAX: (0373)2314398

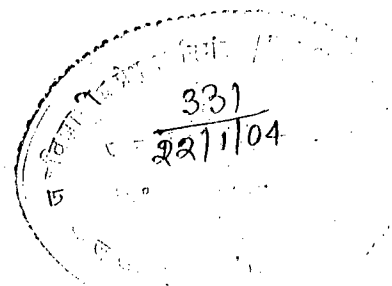
Email: ubddibrugarhewc@sify.com

Jibon Phukan Nagar,
P.O. C.R. Building,
Dibrugarh-786003.
(Assam)

Dated: 20.1.2004

To,

✓ The Superintending Engineer,
Hydrological Observation Circle,
Central Water Commission,
CWC Complex, Behind Adabari Bus Stand,
P.O. Guwahati University,
Guwahati - 781014.



Sub :-

Request for reposting order for transfer on promotion from U.B. Division, CWC, Dibrugarh to the office of the Superintending Engineer, H.O. Circle, CWC, Guwahati of Shri A.R. Mikir, Assistant - regarding.

Sir,

An application dated 20.01.2004 addressed to the Chief Engineer, Brahmaputra & Barak Basin, CWC, Shillong, received from Shri Ananta Ram Mikir, Assistant requesting for transfer from U.B. Division, CWC, Dibrugarh to the office of the Superintending Engineer, H.O. Circle, CWC, Guwahati, is duly recommended and forwarded herewith for favour of onward transmission from your end please.

Encl: As above

(in triplicate)

Yours faithfully,

(G. PENCILALALIAH)
EXECUTIVE ENGINEER

Copy for information to :-

1. Shri Ananta Ram Mikir, Assistant, U.B. Division, CWC, Dibrugarh with reference to his letter dated 20.01.2004.

(G. PENCILALALIAH)
EXECUTIVE ENGINEER

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To,
The Chief Engineer,
Brahmaputra & Barak Basin,
Central Water Commission,
Maranatha, Pohkseh,
P.O. Rynjah, Shillong - 793006.

(THROUGH PROPER CHANNEL)

Sub :- Request for reposting order for transfer on promotion from U.B.Division, CWC, Dibrugarh to the office of the Superintending Engineer, H.O.Circle, CWC, Guwahati - regarding.

Sir,

In response of Under Secretary, CWC, New Delhi O.O.No A-32015/1/2003-Estt.VII/1123-34 dated 31st December.2003. I Would like to lay down the following few lines for favour of your kind sympathetic consideration.

That Sir, I am working in this Department continuously more than 31 years since April,1972 and till to date. My initial appointment was as L.D.Clerk and posted at Jorhat Sub-Division in the year 1972, and transferred to U.B.Sub-Division, CWC, Dibrugarh in the year 1974. Since then i.e. more than 31 years, I am away from my home town Guwahati.

That Sir, being a eldest son and only income source of my family, I am to look after as well as bear the whole expenditure of both the two establishments, one at Guwahati and another at Dibrugarh. It is too impossible for me to maintain the two establishment with a meagre pay staying away from home during the hardship days. On the other hand my all ancestral old houses are going to destroy due to non repairing which is urgently required my presence, to look after the destroyed houses.

That Sir, date of retirement also very near which will be effected from 31.8.2005 and I am not capable to have alone without any help of my family members during the last old stage.

In view of above circumstances, I beg to request your honour to be kind enough to consider my case sympathetically and communicate your valued reposting office order and transferring me from U.B.Division, CWC,Dibrugarh to place of choice i.e. in the office of the Superintending Engineer, H.O. Circle, CWC, Guwahati which is the nearest my home town.

I shall be highly grateful to you for ever if you kindly consider my case.

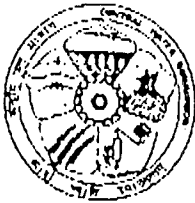
Thanking you Sir,

Yours faithfully,

(Signature)
20/01/2004
(A. E. MIKIR)

ASSISTANT
U.B.DIVISION,CWC,DIBRUGARH

Gram: SENEC:SHILLONG



No. NEIC/PF-713/2003/312-19
 Government of India
 Central water Commission
 North Eastern Inv. Circle
 "Jamir Mansion" Nongshilliang,
 Shillong- 793014.

Phone : (0364) 2521049

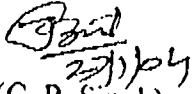
Fax : (0364) 2521330

Dated, the 27/1/2004

Office Order

Consequent upon his transfer & posting to office of the Chief Engineer, (KGB), CWC, Hyderabad against the existing vacancy of his own cost vide Chairman, CWC, New Delhi office order No. A-32015/1/2003-Estt-VII/1123-34 dated 31.12.2003, Shri G. Styanarayana, Office Superintendent stands relieved from this office w.e.f. 30.01.2004 (AN) with instructions to report for duty at the new place of posting.

MA 30/1 SECY / AE


 (C. P. Singh)
 Superintending Engineer

Copy forwarded to:-

1. The Chairman, CWC, New Delhi-110066 (attention Section Officer Estt-VII).
2. The Chief Engineer, B&BB, CWC, Shillong.
3. The Chief Engineer, KGB, CWC, Hyderabad. It is requested that the reposting orders of Shri G. Styanarayana, Office Supdt. May please be issued at an early date. 8 days CL & 2 days RH are at his credit as on 30.01.2004 (AN).
4. The Pay & Accounts Officer, CWC, Seba Bhawan, R. K. Puram, New Delhi.
5. The Executive Engineer, NEID-I, CWC, Silchar.
6. The Cashier, NEIC, CWC, Shillong (in duplicate).
7. Shri G. Styanarayana, Officer Supdt., NEIC, CWC, Shillong.
8. Office Order file.

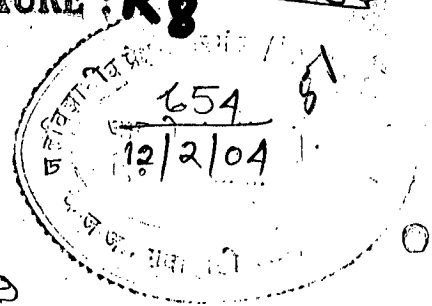
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ANNEXURE : R8 CP. 80(R)



No.UBD/DIB/PF-16/2004/ 842-49
Government of India
Central Water Commission
Upper Brahmaputra Division

Jibon Phukan Nagar,
P.O: C.R. Building,
Dibrugarh-786003.
(Assam)

Dated: 5.2. /2004

Phone: (0373)2314398
2313496
FAX: (0373)2314398

Email: ubddibrugarhwc@sify.com

OFFICE ORDER

In pursuance of CWC, New Delhi's Office Order No.A-32015/1/2003-Estt-VII/1123-34 dated 31.12.2003 and reposting orders of Chief Engineer, B&B.B.,CWC, Shillong No. 1/4 (C)/2003-BBB/329-36 dated 21.01.2004, Shri A.R.Mikir, Assistant, U.B.Division,CWC, Dibrugarh who is transferred on his promotion to the post of Office Superintendent, is hereby relieved from his duties w.e.f. the afternoon of 05.02.2004 with instructions to report for duty at the office of the Superintending Engineer, H.O.Circle, CWC, Guwahati.

(G. PENCHALAI AH)
EXECUTIVE ENGINEER

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Copy forwarded for information and necessary action to :-

1. The Chief Engineer, Brahmaputra & Barak Basin, CWC, Shillong.
2. The Superintending Engineer, Hydrological Observation Circle, Central Water Commission, CWC, Complex. Behind Adabari Bus Stand, P.O. Guwahati University, Guwahati - 781014.
3. The Under Secretary-III, Estt. VII Section, CWC, Room No.806(S), Sewa Bhawan, R.K.Puram, New Delhi - 110066.
4. The Pay & Accounts Officer, CWC, Room No.704, Sewa Bhawan, R.K.Puram, New Delhi - 110066.
5. Shri A.R.Mikir, Assistant, with instruction to hand over the charge to Shri D.N.Saikia, U.D.C.
6. Accounts Branch, U.B.Division, CWC, Dibrugarh.
7. Bill Clerk, U.B.Division, CWC, Dibrugarh.
8. Office Order file No.G-5.

mk
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-23-

ANNEXURE R₉ 82(P)

TO

The Superintending Engineer
Central water Commission,
C.W.C. Complex, Adabari Bus Stand
P.O. - Gauhati University, Gauhati-781014.

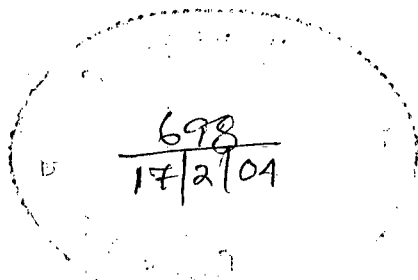
Sub:- Submission of joining report of self
— regarding.

Sir,

In response of the Executive Engineer, U.B. Division, C.W.C. Dibrugarh, office order NO-4132/Dile/PF-16/2004/842-49 dated 05-02-2004, I am submitting herewith my joining report to day is on 16/02/2004 (F.N.) as office Superintendent (after acceding 10 days joining time i.e. 06/02/2004 to 15/02/2004) which may kindly be accepted please.

Yours faithfully,

Pratik
16/02/2004
(A.R. NEUTIZ)



B.L.

B.L. (M)

16/2

17/2/2004

APPLICATION FOR ADVANCE OF TA ON TRANSFER

ANNEXURE : R 10 71 (P/20)

- 1 Name :- Shri S.C. Basumatari.
- 2 Designation :- O. S.
- 3 Whether temporary / permanent :- Pmt.
- 4 Office / Station in which working :- HOC, CWC, Guwahati.
- 5 Basic pay + NPA + SI :- RS. 7,250/-
- 6 Station to which transferred :- NEI Circle, CWC, Shillong.
- 7 No. and Date of the transfer order :- NO. 1/4(C)/2003-AMB/329-36
dt. 21/1/04.
- 8 Details of family members along with their age and relationship :- ① Bharati Basumatari - wife
- 9 Whether the advance is required for-
 - a) Self :- —
 - b) Self and family; or :- self and family dependent.
 - c) Family alone :- —
- 10 Amount of advance required :-

| | |
|--------------------------------------|--------------------|
| ① Transfer grant (Composite grant) | → 7,250/- |
| ② Fare 2 NOS | → 180/- |
| ③ Transportation of personal effects | → 2,000/- |
| | <u>9,430 * 80%</u> |
| | <u>= 8994/-</u> |
| | Say Rs. 8994/- |

I declare that the particulars furnished above are correct

Station:- Guwahati

Date:- 27.01.2004

Signature of the Government servant.

Estt (m)
27.01.04

414
29/1/04

27.01.04

27.01.04

Rs. 7,250/-
Rs. 1,744 @ 80% of 2180/-
8,994

48 =

- 25 -

ANNEXURE : Rn 72(I) 24

सं. टी. एन. एफ. सी. / गुवा/ पी. एफ. - 840/55-59. 64

गुवाहाटी

दूरभाषा: 2674191

भारत सरकार

सामाजिक न्याय प्रभाग परिमंडल

केन्द्रीय जन आयोग

आदरणीय

गुवाहाटी-781 014 उ.प्र.

दिनांक: 4/2/04

कार्यालय आदेश

श्री एच. बी. बी. सी. डब्लू. सी., शिलांग के आदेश सं 1/4(9)/2003-

BBB/329-36

दिनांक 21.1.04

के अनुसार श्री/श्रीमती

एन. सी. ब्रह्ममाताजी, कार्यालय अधीक्षक का स्थानांतरण हेतु गुवाहाटी

से शिलांग तक जाने के फलस्वरूप अधोहस्ताक्षरी द्वारा सामान्य वित्तीय

नियम 222 एवं 223 परिशिष्टों के प्रावधानों के अंतर्गत अपने अधिकारों का

प्रयोग करते हुए उनके रु. 8,500/- रुपये आठ हजार पाँच सौ

केवल स्थानांतरण यात्रा भत्ता अभिग्राही स्वीकृत किया जाता है। स्वीकृत की गई पेशगी

उनके द्वारा प्रस्तुत अंतिम स्थानांतरण यात्रा भत्ता बीजक से एक मुफ्त समायोजित की

जाएगी।

3
4.2OLC अधीक्षण अभियंता
मध्य प्रदेश
29.1.04

1. वेतन एवं लेखा अधिकारी, के. ज. आयोग, रोनाभन, नई दिल्ली-66।
2. अधीक्षण अभियंता, एन. ई. आर्. सी., सी. डब्लू. सी., शिलांग
3. कार्यकारी अभियंता, मध्य ब्रह्मपुत्र मंडल, कै. ज. आ., गुवाहाटी।
4. शौकधिया, ज. प्रे. परि. कै. ज. आ., गुवाहाटी।
5. संबंधित व्यक्ति।

To

The Chief Engineer
B&BB, CWC,
Shillong.

(Through Proper Channel)

Sub:- Appeal in connection with transfer of self.

Ref:- Your office order No 1/4(c)/2003-BBB/329-36 dt 21.01.04

Sir,

With profound respect & humble submission, I beg to lay before your goodself the following few lines for favour of kind information.

That sir, I have been serving in this Department that since 01.01.1972 and have been transferred a number of times as detailed below:-

| Sl.No | Place of posting | Period | |
|-------|--------------------------------------------------------|----------|--------------|
| | | From | To |
| 1 | NEFA Inv.Divn, Tezpur (Initial Appointment), as LDC | 01.01.72 | 31.01.82 |
| 2 | CHP, Bhutan, as UDC | 01.02.82 | 31.01.85 |
| 3 | CFF Divn, Dibrugarh as UDC | 01.02.85 | 31.01.87 |
| 4 | CE, Patna as Head clerk | 01.02.87 | 09.09.88 |
| 5 | MBD, Guwahati, as Head clerk | 10.09.88 | 21.04.97 |
| 6 | Meghna Circle, Silchar as Supdt | 22.04.97 | 28.09.98 |
| 7 | HOC, CWC, Guwahati as Supdt. | 29.09.98 | Till to date |

That Sir, due to my frequent transfer from one station to another, I became unable to lead a normal family life and due to which, education to my children were hampered.

That sir, my wife has been suffering from permanent disease which is not curable and this fact was conveyed alongwith all the supporting medical treatments to your good office vide my application dated 20.05.98, which was forwarded to the CWC (HQ) vide your office letter No 1(3)/97-BBB/2320-22 dt 09.07.1998(copy enclosed for ready reference). Accordingly the CWC (HQ) was kind enough to transfer me from Meghna Circle, CWC, Silchar to H O Circle, CWC, Guwahati vide CWC's office order No A-20012/6(1)/96-Estt-VII dt 08.09.98 at my own cost.

That sir, my date of retirement on superannuating is on 31.08.2006. Now, the present transfer order under reference issued from your good office shocked me very much on the verge of my retirement. However, I am ready to obey the order of your goodself & requesting fervently that, after the retirement of Sh A R Mikir, Office Superintendent I may kindly be posted to H O Circle, CWC, Guwahati which is nearer to my home town i.e. Tezpur and for this act of kindness, I shall remain ever grateful.

Encl:-as above.

Yours faithfully,

(S C BASUMATARI)

OFFICE SUPERINTENDENT
HOC, CWC, GUWAHATI.

To

The Chief Engineer,
Central Water Commission,
Government of India,
Brahmaputra & Barak Basin,
"Maranatha"
Pokhseh
P.O.- Umpling, Shillong - 793 006.

'Through Proper Channel'

Ref.: O.A. No. 28/2004, Sri Sarant Chandra Basumatary
Vs. Union of India & Ors.

Sub.: Representation submitted by the Applicant of the
above Original Application against the impugned
transfer Office Order No. 1/2(C)/2003-BBB/329-
36 dated 21.1.2004.

Sir,

Most humbly and respectfully I beg to state that I have ^{filed} an Original Application No. 28/2004 before the Hon'ble Tribunal, Guwahati Bench against the impugned transfer order dated 21.1.2004. The Hon'ble Tribunal heard the matter today and issued notices to the respondents including you and directed me to file a representation to consider my case of transfer, hence I have filed this representation with following grounds for reconsideration of my transfer from Shillong to Guwahati till date of my superannuation i.e., 31.8.2006.

1. That I am working as office superintendent under Supertending Engineer, Hydrological Observation Circle, Central Water Commission, Guwahati - 14. Now I am aged about 58 years. I have joined as LDC on 1.1.1972 at Tezpur. I was promoted to UDC on 17.3.1977 and I was posted to Shillong. After that I was transferred to Bhutan as UDC on deputation to Foreign Service. Again I was transferred to Dibrugarh on completion of my tenure. I was promoted to Head Clerk and posted to Patna from Dibrugarh. Again I was transferred from Patna to Guwahati. I was promoted to office superintendent and posted to Silchar. Due to my family problems at my own cost and request I have been transferred to Guwahati on 13.09.1998. It is worth to mention that my wife is suffering from E.N.T and Neurological problem. She is now completely bedridden. I have received a transfer order under office order No. 1/4/(C)/2003-BBB/329-36 dated 21.1.2004 transferring me from Guwahati to Shillong.

2. That Sir, I am all along carrying out my transfer order ever since my entry to this department without any protest. I have already served remote places like Bhutan, Arunachal Pradesh, Patna, Dibrugarh, Silchar etc. Now at the verge end of my retirement I have settled at Guwahati

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48=

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alongwith my ailing wife and childrens. If I posted out from Guwahati I will suffer irreparable loss.

3. I, therefore, most humbly request you to cancel my transfer order dated 21.1.2004 to Shillong and allow me to continue in my present place of posting i.e., at Guwahati.

Thanking you with anticipation.

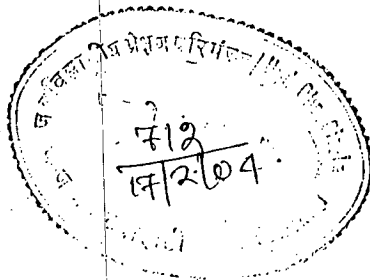
Your faithfully,

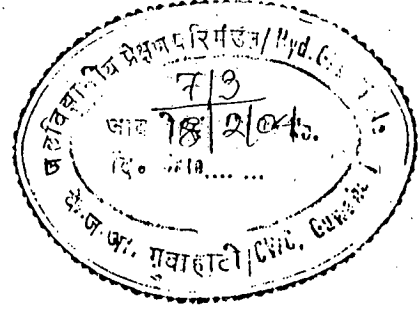
Date: 16.02.2004

Sarant Ch. Basumatary

(SARANT CH. BASUMATARY)

Office Superintendent
O/O Superintendent Engineer
Hydrological Observation Circle
Central Water Commission
Government of India, Guwahati-14.





To

The SuperIntending Engineer,
Hydrological Observation Circle,
Central Water Commission,
Guwahati-781 014

Sub:- Appeal in connection with transfer of self.

Sir,

The representation submitted vide No.NII dt.11.02.04 addressed to Chief Engineer, B&B Basin,CWC,Shillong may kindly be treated as cancelled as I have submitted another representation dt.16.02.04 as per Hon'ble CATs verdict.

Thanking you.

Yours faithfully,

S.C. Basumatary
17.02.2004
(S.C.Basumatary)
Office SuperIntendent

M.L.

CC

M/L

17/2/04

Tel. No.0364-2534424, 2232294, 2534928

Tel. Fax:0364-2232294

No.1(18)/2003-BBB/907.09

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

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

Dated 25/02/04

To

✓ Shri S.C. Basumatary
Office Superintendent
Hydrological Observation Circle
Central Water Commission
Guwahati.

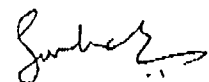
(THROUGH SE, HOC, CWC, GUWAHATI)

Subject: Representation requesting for cancellation of transfer order
No.1/4(C)/2003-BBB/329-36 dated 21.01.2004.

Reference: Your representation dated 16.02.2004.

Your representation requesting for cancellation of your transfer from
H.O. Circle, CWC, Guwahati to NEIC, CWC, Shillong has been duly considered by
the office of Chief Engineer (B&BB), CWC, Shillong but cannot be acceded to,
due to administrative reasons.

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


(SURESHCHANDRA)

Superintending Engineer (Coord.)

Copy to:-

1. The Superintending Engineer, H.O. Circle, CWC, Guwahati for necessary action.
2. The Executive Engineer, MBD, CWC, Guwahati for necessary action.

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ANNEXURE : R17



NO. HOC/CWC/Gau/PF-840/04/ 645-53
Government of India
Central Water Commission
Hydrological Observation Circle

Phone: 2674191
FAX: (0361)2674268

CWC Complex,
Behind Adabari Bus Stand
PO: Guwahati University,
Guwahati-781014 (Assam)

E-mail: hocguwahati@sify.com

Dated : 27/02/.2004

OFFICE ORDER

Consequent upon the joining of Shri A.R. Mikir, as Office Superintendent, HOC, CWC, Guwahati on promotion & transfer from UBD, CWC, Dibrugarh in the forenoon of 16.02.04, Shri S.C. Basumatari, Office Superintendent, HOC, CWC, Guwahati is hereby stands relieved from his duty on 27.02.04 (A.N.) on his transfer to NEIC, CWC, Shillong vide office order No.14(c)/2003-BBB/329-36 dtd.21.01.2004 of B&BB, CWC, Shillong and further disposal of his representation Dated.16.02.04 regarding cancellation of his transfer order vide letter No.1(18)/2003-BBB/907-09 dtd.25/02/04 of B&BB, CWC, Shillong. He is instructed to report for duty to his new place of posting immediately.

(A.K. KHARYA)
SUPERINTENDING ENGINEER

Copy for information to:-

- 1) The Pay & Accounts Officer, CWC, New Delhi-66.
- 2) The Superintending Engineer(C), B&BB, CWC, Shillong.
- 3) The Superintending Engineer, NEIC, CWC, Shillong.
- 4) The under Secretary-III, Estt-VII, CWC, New Delhi.
- 5) The Executive Engineer, MBD, CWC, Guwahati.
- 6) The Executive Engineer, UBD, CWC, Guwahati.
- 7) Shri S.C. Basumatari, O/S for compliance. His representation Date.16.02.04 has been considered by the office of C.E., B&BB, CWC, Shillong but could not be acceded to due to administrative reasons. The same has already been intimated to you vide this office letter No.HOC/Gau/PF-840/638 dtd.27.02.04.
- 8) Shri A.R. Mikir, O/S, HOC, CWC, Guwahati.
- 9) The Cashier, HOC, CWC, Guwahati.

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Note Sheet

ANNEXURE: R18
(Series)

Ny No. 345 dt. 20.01.2004 -- CP-339

PUC is from LE, UBD, Dibrugarh forwarding therewith a representation of Shri A.R. Miki, Assistant requesting herein for his posting on promotion as Superintendent to Guwahati. Shri Miki, Asst. has been promoted as Office Superintendent vide CWC office order No. A-32015/1/2003-LSH VII/1123-34 dt. 31-12-2003. - CP-335

As noted in the PUC it is proposed that Shri A.R. Miki, Asst. on promotion as Office Superintendent may be posted at HOC, Guwahati and Shri S.C. Basumatary, OS. working in the office of HOC, Guwahati may be posted at NEIC, Shillong.

Accordingly draft office order placed below for perusal please.

Asst. Secy.

20/1/2004

DFA of O/O for the posting of Sh. A. R. Miki Asst to HOC, CWC. Guwahati as directed by CE, & SDO on teleph on 19-1-04 - ③
Part of for Rtd formal / approval flows.

88cc/1000.

Sh. Miki in retiring within 1 1/2 yrs. So, Mr. Basumatary can then be posted to Guwahati on retirement of Sh. Miki.

Fair order H.

20/1/04

AE I/II

20/1/04

Fair o/o as modified

20/1/04

Wait office order placed below for signature phase.

Assistant.

21/1/04 = 54 =
21/1/04

AE o/o Part of Signature plan
50x/1000 For train 16
AE-T/D 21/1/04

21/1/04

-35- Note Sheet

55=

64

Ry. No. 950 dt. 23/02/2004 & No. 981 dt. 23/2/2004.
L. CP-111
L. CO. 96

PUCs are from SR, HOC, Guwahati forwarding therewith original application of BA No. 28/2004 filed by Shri S.C. Basumatary, OS. of HOC and related documents respectively for information. It is to state that Shri Basumatary, OS. approached CAT Guwahati bench against his transfer from Guwahati to Shillong. The case has already been entrusted to Lt. Engineer, MBD and Shri B.C. Pathak, Adl. CGSC has been defending in favour of all the respondents.

Along with above PUC SR, HOC endorsed the following documents.

- ① TTA application form submitted by Shri Basumatary (at CP-112) and subsequent sanction order (at CP-113). It is also mentioned in the PUC that Shri Basumatary, O.S. drawn the representation on 02.02.2004.
- ② submitted by him, prior to ^{his} approach to the CAT, accepting the transfer with the condition that "after the retirement of Shri A.R. Mike's, OS. he (Shri Basumatary) may be posted to HOC, Guwahati". Thereafter, Shri Basumatary, OS. filed another representation (at CP-117), after approaching to the CAT, stating that his previous application/representation which he had submitted before i.e. on 11.02.2004 (CP-114) ^{should} ~~may~~ be treated as cancelled.

The above documents are already been supplied to the LR, MBD by SR, HOC to defend the respondents.

Contd. to page-⑩

- 36 -

- 10 -

562

Contd. from page- 9.

From the documents stated above it has emerged that Shri Basumatary, A.S. has initially accepted his transfer by way of applying TTA advance and also subsequently by accepting the said advance. Moreover he has not given time to the office to re-act on his representation dt. 11.02.2004.

In view of the above the case is put up for perusal/suggestion please.

Assistant Secy

23/2/04

As per the point explained above in writing he has accepted his transfer from Tezpur to Shillong on per representation dt. 11-2-04. But with out giving time to deptt, he has filed the case in CAT which is not a correct practice. He should have first sought departmental remedy. But in this case deptt is not given time to respond and hence case needs to be quashed at the admission stage itself. Moreover to be SE/DOE. & DE/MSD may be instructed accordingly to defend this case accordingly by starting for perusal/advice please

SE (G)

Spoke to CSE (DOE) & received many directions to defend our decision letter on Sh. S.C. Basumatary today I have sent letter from SE (DOE) received in the office by fax yesterday. Pl discuss with all the relevant papers immediately

AE-I

As intimated by SE, DOE vide PUC Shri A.R. Miller, has joined duty in the office of the Government. It is also not a correct practice for him to approach CAT once he has accepted

-37-

Note Sheet

=57=

His transfer and down TTA advance. Moreover he has been transferred to accommodate an official who is leaving 12 years service only left for retirement. So we may know down his request for cancellation of his transfer order intimating that above reasons.

A DFA put up for perusal/approval please

SE/C

Discussed with CE (B4450).

Immediately DL spoke to me.

Jm 24/2
RECollect data by Tatham. ^{from him} for to

- ① When did Mr S.C. Basumatari applied for TTA Advance (date) & amount of advance.
- ② When did Mr A.R. Mikir joined? (date)

AE-I

Jm 24/2

Adm IV

The following informations are available in this office.

- ① Shri S.C. Basumatari, OS. had applied TTA advance on 27.01.2004 (TTA application submitted by Shri Basumatari at cp-112) for Rs 8500/- (Rupees eight thousand five hundred only).
- ② As per SL HOC's letter at cp-118, Shri A.R. Mikir, was joined as O.S. on the forenoon of 16.02.2004.

Put up for perusal please.

Asst. Sagg

while considering the representation of Sh. See Basumatari, O.S. requesting for cancellation of his transfer order from Guwahati to Shillong. The following facts need to be taken into

- 38 -

12-

58-

67

account for preceding the case.

Sh. A.R. Miki, Asst on promotion as O.S has been posted at Guwahati is having about only 1 1/2 year service left for retirement as he has volunteered for his posting to Guwahati.

Sh. A.R. Miki, O.S. has already joined his duty in the office of the SE/HO Circle, Guwahati on 18-2-04 (PN) as per order No 114/9/2003-BB/324-36 dt 21-1-04 and as such the order is deemed to be implemented from that date.

The fact that Sh. S.C. Barumathang has applied for and TTA advance of Rs 8500/- for proceeding outwards to NEIC, CWC, Shillong is indicative that he has accepted the transfer order from Guwahati to Shillong.

Due to the above facts his request for cancellation of his transfer cannot be allowed and he is to be intimated accordingly.

A DPA placed below for perusal/ approval please.

SE/C

24/2

Noting from Ap 9 ante refs.

Mr A.R. Miki ^{officially} had only 1 1/2 years service when as Mr S.C. Barumathang has 2 1/2 years of service. Therefore it was proposed give chance for both of them to retire from their chosen place, as Mr A.R. Miki has also volunteered for his posting to Guwahati (there is only one post of official in Guwahati).

Mr Barumathang gave representation on 11th of Feb. intending to join at Shillong, however with a request to post him back to Guwahati on the retirement of Mr Miki after 1 1/2 years. As he had applied for TTA advance & got it.

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Note Sheet

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- On 16th Feb 2004, Mr. N. K. Jaiswal joined at Guwahati, the transfer order is deemed to be implemented. Mr. Basumatary had enough time between 20th Jan 2004, the day he got the transfer order to 16th of Feb, 2004, the day Mr. N. K. Jaiswal joined at Guwahati to address his grievances.

Since it is proposed to send request letter as in DFA plan. May kindly approve.

P.V. for DFA plan

[Signature]
25/2/04

CE(B4660)

Now further process & dispose the case

SE(C)

For Office use H.

Mr
25/2

By
25/2

DE-I
Adm. IV

As above fax letter addressing Shri S.C. Basumatary, OS, HOC, Guwahati is placed below for signature please.

Alast. Egg
SE(C)

[Signature]

For issue by post followed by CC by speed post

[Signature]
25/2/04

DE-I
Adm. IV

By
25/2