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3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 325/04.....

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule-42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

325

OF 199 2004

Applicant(s) **Dr. R. S. Rawat**Respondent(s) **Union of India & Ors**Advocate for Applicant(s) **Mr. K. D. Chettri, Mr. B. Das.
Mr. A. K. Chaudhuri, Addl.**Advocate for Respondent(s) **C.G.S.C.**

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

20.12.2004

None for the parties. List on
21.12.2004 for admission.

This application is in form
is filed/C. H. for Rs. 50/-
deposited vide IPC/BD
No. **20/12/04**
Dated **17/12/04**

K. D. Chettri
Member (A)

mb

Dy. Registrar

21.12.2004

Heard Mr. K.D. Chettri, learned
counsel for the applicant and also Mr.
A.K. Chaudhuri, learned Addl. C.G.S.C.
for the respondents.

Issue notice to show cause as to
why the application shall not be admitt-
ed.

List on 28.1.2005 for admission.

K. D. Chettri
Member (A)

mb

Notice & order
sent to D/section
for issuing to
resp. Nos. 1 to 5,
by regd. A/D post.

C. H.
29/12/04.

SR *Govt. Thd*

22-11-05

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

28.1.2005

None present. List on 2.3.2005 for admission.

ICV Bhandari
Member (A)

Received Letter No=C18018
/1197-98/3115, dt-27/01/05
from C.G.H.S, A47-3,
at bile =^cv

mb

2.3.2005

Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

Heard Mr K.D. Chetri, learned counsel for the applicant. Mr A.K. Chaudhuri, learned counsel for the respondents requests for time to file reply. Post on 16.3.2005.

G. Sivarajan
Vice-Chairman

14.3.05

15/5 Submitted
on behalf of Respondents
2, 3, 4 & 5.

nkm

16.3.05

Heard counsel for the parties.
Arguments concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order.

Issue copy of the main order to the counsel for the parties urgently.

G. Sivarajan
Vice-Chairman

28.3.05

pg

Copy of the Judgment
has been sent to the
Office for issuing
the fine to the applicant
as well as to the L/Adv.
for the Respond.

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A.Nos.325 and 340 of 2004.

DATE OF DECISION 16.03.2005

Dr Ram Shankar Rawat & Ors.

APPLICANT(S)

Mr.K.D.Chetri & B.Das.

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

120
[Signature]

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CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

Original Application No. 325 of 2004 and
340 of 2004.

Date of Order : This the 15th Day of March, 2005.

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

O.A No. 325/2004

Dr. Ram Shankar Rawat
S/o S. Rawat
Senior Medical Officer (CHS)
40 Assam Rifles
C/o - 99 A.P.O.

... Applicant

By Advocates Mr. K.D. Chetri, Mr. B. Das.

- Versus -

1. Union of India,
represented by the Secretary
to the Govt. of India,
Ministry of Health & Family
Welfare Department
New Delhi.
2. The Secretary to the Govt. of India
Ministry of Home Affairs,
Govt. of India, New Delhi.
3. The Director General of Assam Rifles
Shillong.
4. The Commandant
40 Assam Rifles
C/o - 99 A.P.O.
5. The Commandant
24 Assam Rifles,
C/o - 99 A.P.O.

... Respondents

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

O.A. No. 340/2004

Dr. Suman Biswas
S/o Late C. Biswas
Senior Medical Officer (CHS)

11th Assam Rifles
C/o - 99 A.P.O.

... Applicant

By Advocates Mr. K.D. Chetri, Mr. B. Das.

- Versus -

1. The Union of India,
Represented by the Secretary
To the Govt. of India,
Ministry of Health & Family
Welfare Department,
New Delhi.
2. The Secretary to the Govt. of India,
Ministry of Home Affairs
Government of India, New Delhi.
3. The Director General of Assam Rifles,
Ministry of Home Affairs
Assam Rifles,
Shillong.
4. The Deputy director (Admn.)
Assam rifles,
Shillong.

... Respondents.

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

ORDER (ORAL)

SIVARAJAN J. (V.C)

Both the applicants are Doctors in the Assam Rifles. According to them since they have worked in the North East Region for a requisite period they are entitled to choice station posting in terms of Memorandum issued by Government of India, Ministry of Finance, Department of Expenditure. Their grievance is that though they have made applications for transfer in 2002 itself and instead of a direction issued by the Director General in this regard, they have not been given transfer to their choice station as yet.

2. The respondents have filed their written statements where it is stated that in pursuance of the direction issued by the Guwahati Bench of the Tribunal in

gma

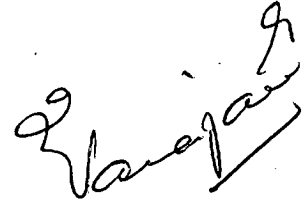
O.A.315/2001, a schedule of transfer of CHS doctors from Assam Rifles in order of their seniority in Assam Rifles has been prepared in the light of the extant rules and circulars issued by the Ministry of Health and Family Welfare. This seniority list was prepared under roster system and the applicants' case for transfer to the place of their choice can be considered only in the year 2005.

3. I have heard Sri K. D. Chetri, learned counsel for the applicants and Sri A. K. Choudhuri, learned Addl. C.G.S.C for the respondents. The learned standing counsel has placed before me a seniority list and submits that transfers under the extant rules and circulars can be made strictly in accordance with the seniority list and that the applicants' case will be considered during this year. In view of the fact that as per seniority list of doctors they are entitled for transfer to a place of their choice as per circular issued by the Ministry of Health and Family Welfare, there cannot be any doubt that the transfer can be made only as per seniority list. The learned counsel for the applicants has no case to the contra. However, the learned counsel for the applicants submits that the applicant in O.A.325/2004 is undergoing treatment for renal failure in the Christian Medical College at Vellore and the Medical Board which examined the applicant has also certified to that effect. The learned counsel submits that a special consideration is required in the case of this applicant for a choice station posting to enable him to pursue his treatment at Medical College, Vellore for the serious ailment. Learned Addl. C.G.S.C did not raise any serious objection for giving consideration to the concerned applicant. In the circumstances both these applications are disposed of with a direction to the concerned respondents to consider the case of the applicants strictly in accordance with the seniority list prepared and circulated and give them transfer to their place of choice as provided in the Rules which even according to the respondents can be done in the year 2005. However, as already noted in the

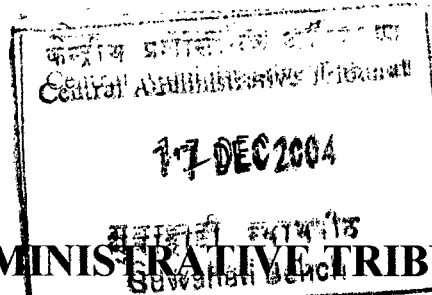
[Signature]

case of applicant in O.A. 325/2004, in view of his serious ailment and treatment undergone, the respondents shall consider as to whether a special treatment can be meted out to the said applicant for transfer out of turn from N. E. Region. A decision on this aspect will be taken within a period of one month from the date of receipt copy of this order.

Both the applications are accordingly disposed of. No costs.



(G.SIVARAJAN)
VICE CHAIRMAN



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

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

Title of the Case

O.A. No.- **325**...../2004

Dr. Ram Shankar Rawat

.....Applicant.

-versus-

Union of India & Ors.

.....Respondents.

List of dates and synopsis of the case

Date

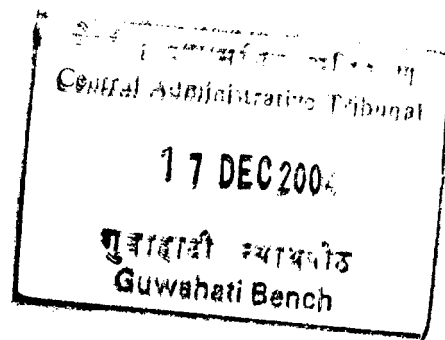
Synopsis of particulars in the application

- 08.02.1999 – Applicant joined at 16th, Assam Rifle .
- 14.12.1983 - Government of India Ministry of Finance, Department of Expenditure issued Office Memorandum. In terms of the said O.M. the Central Government civilian employees who are saddled with All India Transfer liability are entitled to choice station posting after serving for fixed tenure in the N.E. Region.
-ANNEXURE- (I)
- 22.07.1998 - Government of India Ministry of Finance, Department of Expenditure issued Office Memorandum
-ANNEXURE- (II)
- 24.04.2002 – Applicant submitted representation to the competent for is transfer to a station of his choice.
-ANNEXURE- (III)
- 06.01.2003 – Applicant submitted representation, for consideration of the representation dated-24.04.02.
-ANNEXURE- (IV)
- 20.06.2003 – Medical report of the applicant.
-ANNEXURE – (V)
- 02.10.2002 – Medical report of the applicant.
-ANNEXURE- (VI)
- 02.10.2002 – Medical report of the applicant.
-ANNEXURE- (VII)
- 29.09.2000 – Transfer order of some of the Medical Officer who were Junior to the applicant and joint subsequently in Assam Rifle.
-ANNEXURE- (VIII)
- Aug. 2002 – The representation submitted by the applicant was forwarded to the competent authority by the Deputy Director (Medical)
-ANNEXURE- (IX)
- 01.05.2002 - The Central Administrative Tribunal, Guwahati Bench, & Guwahati, passed Judgment in O.A. No- 341 of 2001 and 12.07.2001 in O.A. No.- 253 of 2001 directing the same Respondents to transfer in his choice of posting
-ANNEXURE- (X)

RELIEF (S) SOUGHT FOR

The applicant humbly prays that Lordships be pleased to grant following relief (s) :

1. That the Respondent No. – 1 be directed to issued order of transfer and posting in respect of the applicant either at Delhi, Lucknow, Gurgaon, Jabalpure (MP), Deharadun, Bhubaneswar (Orissa) in the light of the office Memorandum dated – 14 / 12 / 1983 issued by the Ministry of Finance, Department of Expenditure to the choice of posting of the applicant with immediate effect.
2. Cost of the application.
3. Any other relief / relief's to which the applicant is entitles to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.



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

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

Title of the Case

O.A. No. - 325 / 2004

Dr. Ram Shankar Rawat

.....Applicant.

-versus-

Union of India & Ors.

.....Respondents.

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Date :

Filed by –

Advocate

**N THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

**(An application under section 19 of the Administrative
Tribunal Act, 1985)**

BETWEEN

Dr. Ram Shankar Rawat,
S/o - S. Rawat
Senior Medical Officer (CHS)
40 Assam Rifles
C/o - 99 A.P.O.

-AND-

IN THE MATTER OF -

1. The Union of India,
Represented by the Secretary
To the Govt. of India,
Ministry of Health & Family
Welfare Department
New Delhi.
2. The Secretary to the Govt. of India,
Ministry of Home Affairs,
Govt. of India New Delhi.
3. The Director General of Assam Rifles,
Shillong,

4. The Commandant,
40 Assam Rifles,
C/o - 99 A.P.O.

5. The Commandant,
24 Assam Rifles,
C/o - 99 A.P.O.

DETAILS OF APPLICATION

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

This application is made praying for direction upon the Respondents for posting of the applicant in any of his choice station namely: Delhi, Lucknow, Gurgaon, Jabalpure (MP), Dehradum (Uttaranchal), Bhubaneswar (Orissa) in terms of Office Memoranda No.- 20014 / 3 / 83 - B . 10 dated - 14 / 12 / 83 issued by the Government of India, Ministry of Finance, New Delhi and also in terms of the O.M. dated - 01 / 12 / 88 and 22 / 07 / 88.

2. JURISDICTION OF THE TRIBUNAL: -

The applicant declares that the subject matter of the instant application is well with in the Jurisdiction of this Tribunal.

3. LIMITATION: -

The applicant further declares that the application is with in the period of Limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

R Shrey Narar Rosent

4. FACTS OF THE CASE :-

4.1 That the applicant has by way of this application made a grievances against the action on the part of the Respondent in not considering his representation for transfer to his choice station on completion of his tenure in North Eastern Region. The applicant who had joined in Assam Rifles on dated - 08 / 02 / 1999 as per appointment Letter dated - 04 / 02 / 1999 attached with 16th Assam Rifle till 12 / 02 / 1999 and subsequently the applicant had to move to 3rd Assam Rifle on dated - 12 / 02 / 1999 till 03 / 04 / 2000, further the applicant was again transfer to 14th Assam Rifle on dated - 03 / 04 / 2000 till 09 / 05 / 2003. Thereafter the applicant was transfer on dated - 10 / 05 / 2003 to 21st Assam Rifle and render his service till 08 / 10 / 2003, further he was transfer to 40 Assam Rifle and joint on dated - 09 / 10 / 2003 till date vide H.Q. Signal No.- A1517 dated - 04 / 09 / 2003 as the first Medical Officer posted to the new raising unit i.e. 40 Assam Rifle. The applicant has just completed the 11(eleven) months with the unit of 40 Assam Rifle have been frequently made transfer from one unit to another unit of Assam Rifle instead of the fact that your applicant is a patient of Mild Renal Failure with Hypertension stage - 1, and was sent to the Christian Medical College & Hospital, Vellore for higher special treatment as per recommendation by the Board Authority of the Director of Medical Service, Nagaland, Kohima, on dated - 16 / 10 / 2002 vide letter No.- MD / PK - 1 / 19 / 2002 - 2003. The applicant had to visit the Christian Medical College & Hospital, Vellore for his treatment in regular interval i.e. after every 1 (one) year, but

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A Shanykar Rawat

frequent transfer of your applicant had also prevent him from visiting the Christian Medical College & Hospital, Vellore for his routine health checkup / treatment which is highly essential as your applicant is suffering from Cortical scars in kidney which may amount to Renal Failure if the treatment is not provided as per the advice. The applicant who has joint Assam Rifle on dated – 08 / 02 / 1999 on deputation and till date completed more than 5 years & 7 months service in the North Eastern Region under different Unit of Assam Rifle, further your applicant was also abducted by NSCN (M-I) while he was working in 3rd Assam Rifles while going on duty to Tac Headquarters 3 Assam Rifles at Moreh (Manipur). The applicant has rendered his service to Assam Rifle into a string of his service extent to his capacity instead of frequent transfer. He is entitled to transfer out of this region and be posted at his choice place of posting. As such having failed to wake any response from the Respondents the applicant has by way of this application come before this Hon'ble Tribunal seeking redressal of his grievances.

4.2 That the applicant is a citizen of India and as such he is entitle to all the right and the privileges guaranteed under the Article – 14 / 18 / 19 / 21 of the Constitution of India.

4.3 That the applicant joined the Organization of Assam Rifles on dated – 08 / 02 / 1999 as Medical Officer vide appointment dated – 14 / 02 / 1999 and is at present attached to 40 Assam Rifles in the capacity of Senior Medical Officer.

R
Shykar Raut

4.4 That the applicant states that the Government of India, Ministry of Finance Department of Expenditure has granted certain improvement and facilities to the Central Government Civilian Employees who are posted at North Eastern Region vide Office Memorandum No. – 20014 / 3 / 83 – E . IV Dated – 14 / 12 / 1983 issued by the Government of India, Ministry of Finance, Department of Expenditure. In terms of the aforesaid office Memorandum the Central Government Civilian Employees who are saddled with All India Transfer Liability are entitle to choice station posting in the North Eastern Region. In accordance with the office Memorandum dated – 14 / 12 / 1983 issued by the Ministry of Finance the Central Government Civilian Employees who has rendered more than 10 (ten) years service is entitled to choice station posting on completion of 2 (two) years of fixed tenure in the North Eastern Region and those Central Government employees whose length of service is less then 10 (ten) years are entitle to choice station posting on completion of 3 (three) years in North Eastern Region. The present applicant has already completed 6 (six) years approx. of tenure in North Eastern Region. Under the Director General of Assam Rifles Ministry of Home Affairs, therefore the applicant is entitled to be posted at his choice station posting on completion of his tenure service in the North Eastern Region. The relevant portion of the Office Memorandum dated – 14 / 12 / 1983 issued by the Ministry of Finance, Department of Expenditure is reproduce below.

“Subject : Allowances and facilities for Civilian Employees of the Central Government serving in the States and Union Territories of North Eastern Region improvements thereof.”

R. Shyam Ray Baruah

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura and the Union Territories of the Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personal and Administrative Reforms, to review the existing allowances and facilities to the various categories of Civilian Central Government Employees serving in this region and to suggest suitable improvements the recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows....

(i) **TENURE OF POSTING / DEPUTATION :-**

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training etc in excess of 15 days per will be excluded in counting the tenure period of 2 / 3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The tenure of deputation of the Central Government employees to the States / Union Territories of the North Eastern Region will generally be for 3 (three) years which can be extended in exceptional cases in exigencies of Public service as well as when the employees concerned is prepared to stay long time. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

R Shyker Rawat

Therefore, in terms of the office Memorandum issued by the Government of India the applicant is entitled to be repatriated on completion of his fixed tenure. The office Memorandum was issued with the object to attract and retain the Central Government Civilian Officers having All India Transfer liability for rendering service in the North Eastern Region. Therefore, this special incentive is granted by the Government for the Central Government Employees who have completed their fixed tenure posting is entitled to get the fruits of the office Memorandum issued by the Government of India had also issued a revised Order in the recent past in this regard vide office Memorandum date – 22 / 07 / 98 on the same terms and conditions as laid down in the O.M. dated – 14 / 12 / 1983 issued by the Ministry of Finance Department of expenditure New Delhi.

Type copy of the O.M. dated-14.12.1983 (extract) and copy of the O.M. dated-22.07.1998 (extract) are annexed herewith and marked with ANNEXURE – (I) & (II) [Page No.- 16 & 18].

- 4.5 That on completion of the tenure fixed as per the above noted Office Memorandum the applicant made a formal request for his transfer vide his representation dated – 06 / 01 / 2003 and inter-alia stated there that he is need of said transfer as he was been abducted by the NSCN (I-M) and in torture he became kidney disease patient. The said application was sent to the Secretary to the Government of India, Ministry of Health & Family welfare and which was forwarded to the Ministry of Health & Family welfare vide HQ DGAR, Silliong Hr. No. – I . 14015 / Pers. – RSR / MO / Med. – 1 dated – 17 / 06 /2003 by the Respondent No. – 3 under recommendation of Respondent No. – 4. Be it be

R. Shanjkar Rawat

mention here that vide representation dated – 24 / 04 / 02 the applicant had specified his choice station in pre tenure period –

- (i) Safdarjung Hospitaal, New Delhi.
- (ii) Ram Manohar Lohia Hospital, New Delhi.
- (iii) Lucknow.
- (iv) Gurgaon.
- (v) Jabalpur (M.P.)
- (vi) Dehradun (Uttaranchal).
- (vii) Bhubeneswar (Orissa).

A photo copy of the representation dated – 06 / 01 / 2003 along with representation dated – 24 / 04 / 02 for choice of posting is annexed herewith and marked as ANNEXURE – (III) & (IV) [Page No. - 20 & 21]

- 4.6 That your applicant most respectfully states that the applicant is the only son to support his family besides having aliment of “Cortical Scars” in the right kidney and is under continues supervision treatment under Christian Medical College & Hospital, Vellore, since 2002 onward till dates.

A photo copy of the Medical Summery report dated – 20 / 06 / 2003, 17 / 10 / 02 & 18 / 10 / 2002 are annexed herewith and marked as ANNEXURE – (V), (VI), & (VII) [Page No. - 24 to 26].

- 4.7 That the applicant begs to state that the Medical Officer who have been posted from outside the north Eastern Region subsequently have been transferred from D.G.R.A. Assam Rifle to their respective choice station. A few name of those

R Shyngle Rawat

Medical Officer who were Junior to the applicant and joint subsequently after joining of the present applicant in the North Eastern Region are shown below -

- (i) Dr. (Mrs.) A. Dutta, CMO,
- (ii) Dr. Arvid Kumar, M.O.

Vide order dated - 29 / 09 / 2000.

And a good numbers of other have been transferred and posted to their choice stations, names of the same would be produce as soon as available with the present applicant by filing of an additional statement. Therefore, against the present applicant the Respondents shows a hostile discrimination in the matter of transfer and posting to his choice station as such the same is violative of Article - 14 and 16 of the Constitution of India. Therefore, the Hon'ble Tribunal be pleased to direct the Respondents to consider the transfer and posting of the applicant as he has completed his fixed tenure posting in North Eastern Region since dated - 04 / 02 / 1999 and has offered service in various Assam Rifles as such Memorandum dated - 14 / 12 / 83 , 01 / 12 / 88 and 22 / 07 / 88 issued by the Government of India, Ministry of Finance Department of Expenditure from time to time.

A photo copy of the transfer order dated - 29 / 09 / 2000 is annexed herewith and marked as

ANNEXURE - (VIII) [Page No. - 27]

- 4.8 That the applicant in spite of repeated representation for consideration of the choice of posting have been less drawn attention by the Respondent Authorities and reason for which is best known to them. Even the Medical problem face by the applicant had prayed that he be transferred to his choice stations. Be it be mention here that till date inspite the facts that a policy

P. Shrivastava Rawat

exists for consideration of cases of persons for transfer out of North Eastern Region who have completed more than 3 (three) years of service, the case of the applicant who has completed more than 5 years of service work in the hard terrain of the North Eastern Region of Nagaland (Wakha) has not been considered.

- 4.9 That the applicant begs to state that his representation dated - 24 / 04 / 2002 was duly forwarded by the Officer of the Director General Assam Rifles to the under Secretary, Government of India, Ministry of Health and Family welfare (CHS-I), Nirman Bhawan, New Delhi, and same was received and forwarded for consideration, on physical arrival of relief vide office Memo No. - I . 14015 / Pers. - RSR / MO / Med - 1 dated 06 / 08 / 2002, respectively, but no action was initiated by the Respondent No. - 1 till date, no proper action was taken for transfer.

A copy of the forwarding letter is annexed herewith and marked as ANNEXURE - (IX) [Page No.- 28]

- 4.10 That the applicant begs to state that there are large numbers of Medical Officers working under the Ministry of Health and Family Welfare in different regions of the Country, therefore it is obligatory on the part of the Administration to implement the office Memorandum dated - 14 / 12 / 1983 strictly in the Letter and spirit by posting other Medical officer of other regions on rotation basis to enable the officers who are serving in the North Eastern region on fixed tenure basis under the Director General of Assam Rifles who are posted by the Ministry of Health and Family Welfare other wise it would be

R. Shyngay Rawat

violative of Article – 14 of the Constitution of India. Although the applicant was under special requirement for Assam Rifles yet he is entitled to be benefits extended under the said policy with regard to tenure posting and the benefits extended to similarly situated persons.

- 4.11 That the applicant being aggrieved by the action on the part of the Respondents in not transferring the applicant according to his choice place of posting by the Respondent No.- 1 concern. That the Respondent No. – 1 on dated – 31 / 08 / 04 has again transferred your applicant from 40 Assam Rifle to 24 Assam Rifle vide HQ DGAR Signal No. – A. 1576 dated – 31 / 08 / 04. But the Hon'ble Gauhati High Court vide Order dated – 14 / 10 / 2004 disposed of the W.P.(C) No.-8010/04 directing the Respondent No.-3 to maintain the Status-quo till disposal of the Representation dated-06 / 09 / 04 submitted by your petitioner

It is pertinent to mention that the applicant is in the brisk of posting to CHS from Assam Rifles which was confirmed vide letter No. – I. 18013 / 25 / Post – MO / I / 2003 – A / 592 dated – 07 / 10 / 2003.

- 4.12 That the applicant begs to state that in similarly situated cases, this Hon'ble Tribunal had been kind enough to pass Orders earlier directing the same Respondents to transfer those applicants to the place of their choice in terms of O.M. dated-14 / 12 / 1983 of the Govt. of India. Such Order was passed in O.A. No.-341 of 2001 on dated – 01 / 05 / 02 in favour of the applicant Dr. Rajeev Ranjan and also in some other subsequent cases like that of Dr. Ujjwal Ray in O.A. No- 253 of 2001 vide Order dated – 12 / 07 / 2001.

R. Shankar Pawar

Copy of the Judgment and Order dated –
01/ 05 / 02 and Order dated – 12 / 07 /
2001 are annexed herewith and marked
as ANNEXURE – (X) | Page No.- 29 |

4.13 That this application is made bonafide and for the ends of Justice.

5. GROUND(S) FOR RELIEF(S) WITH LEGAL PROVISION(S):-

- 5.1 For that the applicant has completed 6 (six) years approx. Service in Assam Rifles in the post connected with Defence of India in the North Eastern Region.
- 5.2 For that the applicant is over due date to repatriation to Central Health Service Organization under the Ministry of Health and Family Welfare, Government of India.
- 5.3 For that the applicant already served in hard areas of Mram (Manipur), Phek (Nagaland) and Chakabama (Nagaland) and had rendered more than 5 years of field service and therefore he is entitled to be posted to his choice station on transfer from Assam Rifles.
- 5.4 For that the applicant has since his joining the Assam Rifles way back 1999 and at present he is also a patient of Kidney disease suffering from scars in the Kidney considering to be unfit for hard hilly terrain services and therefore he is entitled to be transferred posted at his choice place of posting.
- 5.5 For that the representations of the applicant have not been considered by the Authorities.

R Shankar Prasad

- 5.6 For that the applicant has acquired valuable and legal right for immediate transfer after completion of hard and difficult service completion of 6 (six) years approx. service of North Eastern Region in terms of the O.M. dated- 14 / 12 / 1983 and O.M. dated- 22 / 07 / 1998 of Government of India.

6. **DETAILS OF REMEDIES EXHAUSTED :-**

That the applicant states that he has no other alternative and efficacious remedy than to file this application before this Hon'ble Tribunal representations through proper channel were submitted by the Respondents.

7. **MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT / TRIBUNAL:-**

The applicant further declares that he had not filed any application, Writ petition or Suit regarding the matter in respect of which this application has been made before any Court or any other Authority of any other Bench of the Tribunal nor such application, Writ Petition or Suit is pending before any of them.

8. **RELIEF SOUGHT FOR :-**

Under the facts and circumstances stated in paragraph -4 above, the applicant most humbly prays for the following relief(s) –

- 8.1 That the Respondent No. – 1 be directed to issued order of transfer and posting in respect of the applicant in the light of the office Memorandum dated – 14 / 12 / 1983 issued by the Ministry of Finance, Department of Expenditure to the choice of posting of the applicant with immediate effect.

R. Sharykar Rawat

8.2 Cost of the application.

8.3 Any other relief / relief's to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

8.4 **INTERIM ORDER PRAYED FOR : -**

Pending disposal of this application, an observation be made that pendency of this application shall not be a bar for the Respondents to issue transfer and posting order in respect of the applicant in terms of option submitted to the Authorities on dated – 06 / 01 / 2003.

8.5 That this application is made bonafide and has been filed through Advocate.

8. **PARTICULARS OF THE POSTAL ORDER: -**

(i) O.P. No. 2002 117057, dt. 17/12/04.

(ii) Date of issue – 12 / 10 / 04.

(iii) Issue from – ~~Maligaon Post Office.~~

(iv) Payable G.P.O. Guwahati.

8.1 List of Enclosures -

As stated in the Index.

R - Shun Kar Rawat

VERIFICATION

I, Dr. Ram Shankar Rawat, aged about - 32 yrs., Son of S. Rawat, Presently working as Senior Medical Office (CHS) at 40 Assam Rifle, C/O 99 AAPO do hereby verify and affirm that the statement made in Paragraphs No.- 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 are true to my knowledge and those made in Paragraph No.- 4.10, 4.11, 4.12, 4.13, 5, 5.1, 5.2, 5.3, 5.4, 5.5, 6, 7, 8 to 8.5 are true to my legal advice and that I have not suppress any material fact.

I sign this verification on this day of 17th December 2004, at Guwahati.

R Shankar Rawat

ANNEXURE - (I) [Extract]

No. 20014/2/83/e.iv
Government of India
Ministry of finance.

New Delhi, the 14th Dec'83.

OFFICE MEMORANDUM

“Subject : Allowances and facilities for Civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region - improvements thereof.’

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government of some time. The Government had appointed a committee under the chairmanships of Secretary, Deptt. of Personal and Administrative reform, to review the existing allowances and facilities admissible to various categories of civilian Central Government employees serving in this region and to suggest suitable improvements, the recommendations of the committee have been carefully considered by the Government and the President is now pleased to decide as follows :

ii) Tenure of posting / deputation:

There will be fixed tenure of posting of 3 years at a time for officers with service of 10 years and less and

of 2 years of service at a time for officers with more than 10 years of service, periods of leaves, training etc, in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers on completion of the fixed tenure of service mention above may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the State/Union territories of the North Eastern region will generally be for 3 years which will be extended in exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended".

Sd/- S.C. MAHALIK
(Joint Secretary)
To the Government of India.

Certified To Be
True Copy *[Signature]* (Advocate)

ANNEXURE - (II) [Extract]

F.No. 11(2)/97-E.II(B)
Government of India
Ministry of finance.
Department of Expenditure

New Delhi dated July 22, 1998.

OFFICE MEMORANDUM

Subject : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Island recommendation of the Fifth Central Pay Commission.

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

Copy sent to
Ministry of Finance
22/7/98

December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when station in the North Eastern Region.

2. The fifth Central Pay commission have made certain recommendations suggesting further improvement in the allowances and facilities admissible to the Central Government employees including officers of the All India Services, posted in the North Eastern Region. They have also be extended to the Central Government employees including officers of the All India Services posted in Sikkim. The recommendation of the Commission have been considered by the Government and the President is now pleased to decide as follows:

(i) Tenure of Posting/Deputation:

The provisions in regard to tenures of posting /deputation in this Ministry's OM. No. 20014/3/83-E.IV dated December 14, 1983 read with O.M. No. 2004/16/86-EIV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) Weightage for Central Deputations/Training Abroad and special Mention in Confidential Records.

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

Sd/- (N. SUNDER RAJAN)
(Joint Secretary)

Ram Shankar Rawat
Medical Officer (CHS)

14 Assam Rifles
C/O 99 APO

Pers/RSR/2003/01

06 Jan 03

To

The Secretary
CHS - II
To the Govt of India
Ministry of Health & Family Welfare
Deptt of Health
Nirman Bhawan, 4th floor
New Delhi - 110011.

(through proper channel)

Subject : FOLLOW UP OF APPLICATION FOR REVERSION BACK TO CHS FROM ASSAM RIFLES UNIT

Sir,

With due respect and humble submission, I beg to state the following few lines for your information and kind consideration please.

That Sir, I had put up an application dt 24 Apr 02, through proper channel, for reversion back to CHS and the same application was forwarded to Ministry of Health and Family Welfare duly recommended from HQ DGAR vide their letter No. I.14015/Pers-RSR/MO/Med-I dt 06 Aug 2002. In connection with this, I had also sent an advance copy to Ministry concerned, under registered cover, but till date I had not received any information about my reversion back to CHS from Assam Rifles Unit.

That Sir, I will be completing my stipulated tenure of four years of my regular service as Medical Officer (CHS) in Assam Rifles within the North Eastern Region on 08 Feb 03 and as such I once again request you sir that I may please be given posting to the place of my choice mentioned in my previous application bearing application No. Pers/RSR/2002/01 dt 24 Apr 02. And I may please be intimated about the position of my posting out of the Assam Rifles Unit to CHS.

An early action is requested please.

Thanking you Sir,

Yours faithfully

R Shankar Rawat

(Dr Ram Shankar Rawat)
Medical Officer (CHS)
G/Employee No. 3546
14 Assam Rifles
C/O 99 APO

Encl : Attested Xerox copy of HQ DGAR letter
No. I.14015/pers/RSR/MO/Med-I dt 06 Aug 02

Advance Copy to

The Secretary
CHS - II
To the Govt of India
Ministry of Health & Family Welfare
Deptt of Health
Nirman Bhawan, 4th floor
New Delhi - 110011.

Certified To Be
True Copy (Advocate)

Contd 2/

In this circumstances I request you to please kindly transfer me out of Assam Rifles units to any of the above mentioned Hospitals/Places for which I will remain ever thankful to you.

An early action is requested please.

Thanking you sir,

Station : *Field*

Dated : *24 April 02*

Yours Faithfully
R Shankar Rawat
(DR RAM SHANKAR RAWAT)
Mediacal Officer (CHS)
14 Assam Rifles C/O 99 APO

Enclosure:-

- (1) An Application Form for transfer dully filled and recommended by Unit OC.
- (2) Attested Xerox copy of the following:-
 - (a) HQ DGAR ltr No. 14015/Pers-RSR/97/M-1 dated 06 Sep 2000.
 - (b) 21 Assam Rifles Special Order No. 12/S/99 dt 07 Sept 99.
 - (c) HQ DGAR ltr No. 14015/Pers-RSR/97/M-1 dt 21 Dec 98.
 - (d) Movement order dt 05 Sept 99.
 - (e) News paper cuttings of 'The Imphal Free Press & The Manipur Free Press' dated 07 Sep 99.

ADVANCE COPY TO :-

The Secretary,
CHS - II,
(Govt of India),
Ministry of Health and Family Welfare,
Department of Health,
NIRMAN BHAWAN, 4th Floor,
NEW DELHI - 110011.

Certified To Be
True Copy *Shankar D.* (Advocate)

PROFORMA FOR REQUEST FOR TRANSFER

1. Name : DR RAN SHANKAR RAWAT
2. Employee code No : 3546
3. Designation : MEDICAL OFFICER (CHS)
4. Date of joining in the CHS : 04 FEB 1999
5. Date of joining in the organization : 08 FEB 1999
6. Details of the period of service rendered in other organization including difficult areas like Assam Rifles Arunachal Pradesh, Andaman & Nicobar Islands/Dadra Nagar Haveli, Lakshadweep Islands, Ministry of Labour etc. : I had served in 16 Assam Rifles for 01 year on contact basis wef 06 Jan '98 to 05 Jan '99 I again rejoin 3 Assam Rifles on regular basis on 08 Feb '99 and again got posted to 14 Assam Rifles on 04 Apr 2000 and since then I am serving in 14 Assam Rifles.
7. Reasons for seeking transfer (in brief) : I am having a feeling of personal insecurity owing to the misfortune on being kidnapped by NSCN(IM), the Hostile group of Nagaland, earlier of 05 Sept 1999 while I was serving in 3 Assam Rifles and was going on duty to Tac HQ of 3 Assam Rifles at Moreh (Manipur)
8. Station/Organisation (s) where transfer is desired (in order of preference) : Any of the following CGHS/CHS/ P&T Dispensaries/ Hospitals in any of the places :-
 (i) Safdurjang Hospital, New Delhi.
 (ii) Ram Manohar Lohia Hospital, New Delhi
 (iii) Lucknow.
 (iv) Gurgaon
 (v) Jabalpur (MP)
 (vi) Dehradun. (Uttaranchal)
 (vii) Bhubaneswar (Orissa)

R Shankar Rawat
 (Signature of the Applicant)
 Dated : 24 April 02

(FOR USE IN THE OFFICE OF THE HEAD OF DEPARTMENT/ OFFICE WHERE THE OFFICE IS POSTED)

1. The officer can be relieved with/ without a substitute in the event of his transfer : The Officer can be relieved with a substitute in the event of his transfer.
2. Certified that information given in column 01 to 04 has been verified from records : The information given in coln 1 to 4 has been verified from records and found correct.
- (Signature of Head of Office/Dept) *Col V. V. D. C.*
 Commandant

(FOR USE IN THE MINISTRY OF HEALTH & FW (DEPT OF HEALTH)

1. Request registered at serial No _____ on _____ in the transfer register.
2. Transfer recommended/ Not recommended.
3. If recommended, wheather in public interest / at his own request.
4. Place of New Posting _____

✓ Certified To Be
 True Copy *M. K. A.* (Advocate)

Signature _____



(24)

ANNEXURE (V)
A-B-1
35

**CHRISTIAN MEDICAL COLLEGE
VELLORE - 4
CARDIOLOGY UNIT**

MEDICAL REPORT

CONSULTANTS :

Dr. George Joseph MD DM Card
Dr. Oommen K. George MD DM Card
Dr. Purendra Kumar Pati MD DM Card

Email : cardiolu@cmv.vellore.ac.in

Tel : 2222102 / 2223603 Fax : 98

Fax : 91-416-2232 035

Name : DR. RAM SHANKAR RAWAT

Hospital Number : 000000

Age : 34 **Sex :** MALE

Date of Report : 20/06/2003

Address : NARAYANPUR SAKRI
DARBHANGA 847 239

BIHAR

Pincode :

DIAGNOSIS :

STAGE I HYPERTENSION

ON EXAMINATION

PR: 78/min Regular; BP : 110/80mmHg

ECG

Rate: 77/min; PR: 170; QRSD: 94; QT: 347; QTc: 393; QRS axis: 184;
Normal sinus rhythm


INVESTIGATIONS

| | | | |
|------------|---------------------------|------|----------|
| 18/06/2003 | CREATININE | 1.1 | mg% |
| 18/06/2003 | URINE PROTEIN 24 HR URINE | | |
| | URN PROT 24H | 147 | MG |
| | URN VOL 24H | 2950 | ml |
| 18/06/2003 | LIPID PROFILE - FASTING | | |
| | CHOLESTEROL | 161 | mg% |
| | TRIGLYCERIDES | 115 | mg% |
| | HDL CHOLESTEROL | 46 | mg% |
| | LDL CHOLESTEROL | 92 | mg% |
| 18/06/2003 | GLUCOSE PL AC | 87 | mg% |
| 18/06/2003 | GLUCOSE PL PC | 101 | mg% 2HRS |

RECOMMENDATIONS

T. Lisinopril 2.5mg once daily in the morning

- * Daily walking 3 - 4kms
- * Normal diet
- * Review after 1 year


Dr. PURENDRA KUMAR PATI
Lecturer
CARDIOLOGY UNIT

(25)

CHRISTIAN MEDICAL COLLEGE & HOSPITAL
 10A SCUDDER ROAD
 POST BOX NO. 3
 VELLORE - 632 004, INDIA.



Telephones : (0416) 222102 (10 Lines) 222621
 Telegrams : "MISSIONHOS" Vellore
 Telefax : + 91 (416) 232035 or 232103

Ref :

Date :

October 17, 2002

Department of Urology-I
Medical Report

Dr. Ram Shankar Rawat (Hospital NO. : 222256C) was investigated for hypertension and mild renal failure(Reversible)

INVESTIGATION:

| | | | |
|-----------------|-------------|-------------|---------------|
| PCV | : 44% | Creatinine | : 1.1% |
| Potassium | : 4.3% | Bicarbonate | : 26mmol/L |
| Sodium | : 141mmol/L | TSH | : 1.87uIU/ml. |
| TFT :T4 | : 8.61ug% | FTC | : 1.55ng% |
| LFT : Bilirubin | : 0.4mg% | Direct | : 0.1mg% |
| Protein | : 7.1g% | Albumin | : 4.1g% |
| SGOT | : 37 U/L | SGPT | : 73 U/L |
| Alk.Phos | : 123U/L | | |

Urinalysis Routine

| | | | |
|---------|-------|--------------|---------|
| Glucose | : Neg | Bilirubin | : Neg |
| Ketone | : Neg | Sp gravity | : 1.015 |
| Blood | : Neg | pH | : 5.5 |
| Protein | : Neg | Urobilinogen | : 0.2 |
| Nitrite | : Neg | Leukocytes | : Neg |

Urine C/S : No growth.

ECHO : Normal LV function.KUB : NormalColour Doppler

Cortical scars in the right kidney. Negative for RAS.

ADVICE :

1. Control of BP.
2. Salt restricted diet.
3. Review after 6 months.

Dr. Lionel Gnanaraj, MS, MCh

Tel. (0416) 2232629*2055, 2232621

Fax : 0416--22232035

Email : uro1@cmcvellore.ac.in

PLEASE ENCLOSE SELF ADDRESSED STAMPED ENVELOPE FOR
 REPLY AND QUOTE CMCH NO. IF ANY

Certified To Be
 True Copy (Advocate)

RENAL DOPPLER : NO EVIDENCE OF RAS

CHEST X-RAY

No cardiomegaly; CTR: 14/29; Lung fields clear

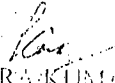
ECHO

AoD: 26 ; LA: 32; LVID(D): 49; LVID(S): 30; RV: 17; IVS: 8; PW: 8; EDV: 137; EF: 57%; FS: 37%; E/A: 83/50; Dec: 130msec;
Doppler : Aortic gdt: 6mmHg; Normal LV function

RECOMMENDATIONS

T. Lisinopril 2.5mg once daily in the morning

- * Daily walking 3 - 4kms
- * Normal diet
- * Review after 6 months


Dr. PURENDRA KUMAR PATI
Lecturer
CARDIOLOGY UNIT I



CHRISTIAN MEDICAL COLLEGE
VELLORE - I
CARDIOLOGY UNIT I

MEDICAL REPORT

CONSULTANTS :

Dr. George Joseph MD DM Card

Dr. Oommen K. George MD DM Card

Dr. Purendra Kumar Pati MD DM Card

Name : DR. RAM SHANKAR RAWAT

Age : 34 Sex : MALE

Date of Report : 18/10/2002

Address : NARAYANPUR SAKRI
DARBHANGA 847 239

Email : cardiol@cmv.ac.in

Tel : 2222102 / 2222103 / 2222104

Fax : 91-416-222 1055

Hospital Number : 222256

BIHAR

Pincode :

DIAGNOSIS :

ESSENTIAL HYPERTENSION STAGE I

CLINICALLY NORMAL CARDIOVASCULAR SYSTEM

ECG

Sinus rhythm Rate: 74 /min; PR: 174; QRSD: 92; QT: 338; QTc: 375;
QRS axis: 158; RBBB

INVESTIGATIONS

14/10/2002 P.C.V. 44 % Validated

14/10/2002 URINALYSIS ROUTINE

| | |
|----------------|-------|
| GLUCOSE | NEG |
| BILIRUBIN | NEG |
| KETONE | NEG |
| SPECI. GRAVITY | 1.015 |
| BLOOD | NEG |
| PH | 5.5 |
| PROTEIN | NEG |
| UROBILINOGEN | 0.2 |
| NITRITE | NEG |
| LEUKOCYTES | NEG |

14/10/2002 LFT

| | |
|-----------------|--------|
| BILIRUBIN TOTAL | 0.4mg% |
| DIRECT | 0.1mg% |
| PROTEIN TOTAL | 7.1g% |
| ALBUMIN | 4.1g% |
| SGOT | 37U/L |
| SGPT | 73U/L |
| ALK PHOS | 123U/L |

14/10/2002 CREATININE 1.1 mg%

16/10/2002 URINE PROTEIN 24 HR URINE

| | |
|--------------|--------|
| URN PROT 24H | 84 MG |
| URN VOL 24H | 4180ml |

15/10/2002 THYROID FUNCTION TESTS

| | |
|-----|---------|
| T4 | 8.61ug% |
| FTC | 1.55ng% |

15/10/2002 TSH 1.87 uIU/ml

14/10/2002 SERUM ELECTROLYTES

| | |
|-------------|------------|
| SODIUM | 141m mol/L |
| POTASSIUM | 4.3m mol/L |
| BICARBONATE | 26m mol/L |

14/10/2002 C/S URINE COMMON

| | |
|---------------------------|-----------|
| NO PUS CELLS, NO BACTERIA | UU15200 |
| ORGANISM | NO GROWTH |

Printout Taken on 18/10/2002 10:51:48 AM

22256C

(27)
No.A.22012/25/2000.CHS.II
Government of India
Ministry of Health & Family Welfare

Nirman Bhavan, New Delhi
Dated the 29th April, 2000

ORDER

The President is pleased to order the transfer of the following Officers of the GDMO Sub-Cadre of Central Health Service with immediate effect.

| Sr.No. | Name of the Officer | Present Place of Posting | Transferred to |
|--------|-------------------------------------|--------------------------------------|-------------------|
| 1. | Dr.(Mrs) A. Dutta CMO | Under transfer to M/o Labour | CGHS, Bhubaneswar |
| 2. | Dr.Akash Srivastava MO | Assam Rifles | CGHS, Delhi |
| 3. | Dr.Arvind Kumar MO | Assam Rifles | CGHS, Delhi |
| 4. | Dr. Manoj Kumar Mandkeoliar, CMO | On return from foreign assignment | CGHS, Delhi |

All the above transfers excepting the transfer of the officer mentioned at S.No 4 are at the own request.

The charge relinquishment/ assumption report in respect of above mentioned officers may please be sent to this Ministry urgently.

(Signature)
(S.SRIDHAR)

UNDER SECRETARY TO THE GOVT. OF INDIA

To

- 1) The Addl. Director (HQ), CGHS, Nirman Bhavan, New Delhi
- 2) The Dy. Director, CGHS, A.C. Colony, Unit -4, Bhubaneswar- 751 001.
- 3) The Under Secretary, Ministry of Labour, Jaisalmer House, Man Singh Road, New Delhi
- 4) Director, General, Assam Rifles, Shillong
- 5) PS to DGHS,
- 6) PS to AS(P)/ PS to JS(SR)/DS(CHS)/US(CHS.I)
- 7) CGHS/CGHS Desk/V Dte GHS (ACR cell)
- 8) CHS.IV
- 9) All dealing hand of CHS.II

Certified To Be
True Copy, *(Signature)* (Advocate)

(28)

ANNEXURE (X)

ANNEXURE (X)

Tel No : 705095

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Maharajmeharaj Assam Rifles
Directorate General Assam Rifles
Shillong- 793011

I.14015/Pers-RSR/MO/Med-1

Aug 2002

Under Secretary to the
Government of India
Ministry of Health and
Family Welfare
(CHS-I)
Nirman Bhavan
New Delhi- 11

POSTING : DR RAM SHANKAR RAWAT, MO(CHS)

Sir,

1. I am directed to forward herewith an application received from Dr Ram Shankar Rawat, Medical Officer(CHS) for seeking reversion to CHS.
2. It is requested that the relief of the Medical Officer be posted to Assam Rifles if request of the Officer is considered by the Ministry.
3. The Medical Officer will be relieved only on physical arrival of his relief.

Yours faithfully,

(S C Singh)
Colonel
Deputy Director (Medical)
for Director General Assam Rifles

Encls : Nine sheets

Enclosure :-

1. Headquarters
Machilong Bango (South)
Assam Rifles
2/8 99 APC

2. 14 Assam Rifles
2/7 99 APC

Enclosure

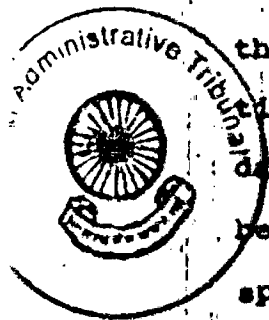
AS BRANCH

Certified To Be
True Copy (Advocate)

- for info please with ref to your
ICN No I.14015/1/RS-2002 dated 02
Aug 2002.

applicant has served Assam Rifles in North Eastern Region since 3.5.1993 and has served more than 7 years. The applicant acquired a right for the benefit of choice station posting given in the light of the O.M. No.2001/2/83/E/IV dated 4.12.83 issued by the Government of India, Ministry of Finance, Department of Expenditure after a specific tenure posting. The Civilian Employees of the Central Government employees are entitled to choice station posting after completion of 3 years tenure posting. The applicant submitted representations dated 20.9.1996 and 15.4.99 giving his choice station of posting outside the N.E.Region. The applicant submitted another representation (Annexure V) which has been rejected by the order dated 14.11.2000 (Annexure VII). The applicant's case has been rejected on the ground that the applicant was specifically recruited for Assam Rifles, N.E.Region, in consultation with Government of India, Ministry of Health. The respondents have further stated therein that his request for choice place of posting will be considered in due course. Keeping in view the administrative requirement. The respondents have not filed any written statement. However, Mr.B.C.Pathak argued that in view of the shortage of officers in the N.E.Region the applicant's request could not be accepted. Mr.M.Chanda learned counsel appearing on behalf of the applicant refers to the Judgment of this Bench in O.A.No.250 of 98 dated 8.1.1999 and O.A.No. 287 of 2001 dated 2.2.2001. In the said judgment it is held that the Government servant posted in the N.E.Region are entitled to choice station posting on completion of fixed tenure.

contd/-



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE (8)

Original Application No. 253 of 2001

Date of Order: This the 12th Day of July 2001.

HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER

Dr. Ujjwal Ray

S/O. Shri Parimal Ray,
Working as Sr. Medical Officer,
1 Assam Rifles, Aizawl,
Mizoram, C/o 99 APO

... Applicant

By Advocate Mr. M. Chandra, Mr. U.N. Chakraborty,
Mr. H. Dutta.

-Vs-

1. The Union of India,
Through the Secy. of the Govt. of India,
Ministry of Health & Family Welfare,
New Delhi.2. The Secretary to the Govt. of India,
Ministry of Home Affairs
Government of India,
New Delhi.3. The Under Secy. to the Govt. of India
Ministry of Health & Family Welfare,
Govt of India,
New Delhi.4. The Director General of Assam Rifles,
Headquarter, Shillong5. The Dy. Director (Admn)
Assam Rifles, Shillong.
Addl.

... Respondents.

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

O R D E R.K.K. SHARMA, MEMBER (ADMN)

By this application the applicant has requested for transfer and posting in choice station in the light of the O.M. dated 14.12.1983 issued by the Government of India, Ministry of Finance. The applicant was recommended for appointment to the Central Health Services. The

contd/-

10/11/2001

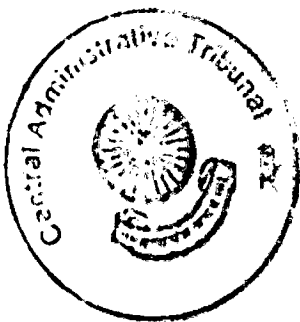
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True Copy (Advocate)



Application is allowed with direction to the respondents to consider the case of the applicant for his transfer from the North Eastern Region and posting at a place of his choice, as early as possible, preferably within 3(three) months from the date of receipt of this order.

Application is accordingly allowed. There shall however, be no order as to costs.

Sd/MEMBER(ADM)



Certified to be true Copy
সত্যি প্রমাণিত

Section Officer (I)
C.A.T. GUWAHATI BANCH
Guwahati-781005

24/11/04

Certified To Be
True Copy of the Order (Advocate)

He submitted application through proper channel for transferring him from Assam Rifles to CHS for posting him any of the CGHS Dispensaries at Patna, Ranchi or New Delhi. On 2.9.2000 his representation was forwarded by the Commandant indicating that officer was to complete his normal tenure of three years during February 2001 in Assam Rifles and due for posting. He accordingly recommended for posting him out to one of the station chosen by him on completion of three years tenure. By Memorandum dated 25.9.2000 the DGAR was informed that application for posting of the applicant was returned unactioned as Medical Officer did not complete the normal tenure of four years in the organisation with the direction to advise the officer to submit application on completion of tenure for processing the case. The applicant assailed the legitimacy of the said order. Hence this application.

2. As per the prescribed norms communicated through the memorandum dated 14.12.1983 in respect of facilities for civilian employees of Central Government serving in North Eastern Region and Union Territories the tenure posting is provided for three years at a time for officers with services of 10 years or less and 2 years of service at a time for officers with more than 10 years of service. On completion of fixed tenure of service the authority is to consider his posting to a station of his choice as far as possible. After completion of his tenure the applicant no doubt is entitled for consideration of his case for posting in a choice place. The respondents in its written statement however referred to the O.M. No.MoF(Espr)'s I.D. No.F.11(2)/E.11(B)/2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.83 was

contd..3



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

Date of Order : This the 1st day of May, 2002.
m

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

Dr. Rajeev Ranjan,
son of Prof. Rajendra Prasad Singh,
Medical Officer, CHS,
6, Assam Rifles,
P.O. Khunsa, Arunachal Pradesh. . . . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India
through the Secretary to the
Govt. of India, Ministry of Health and F.W.
New Delhi.
2. The Secretary to the Govt. of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles,
Shillong.
4. The Deputy Director (Admn.)
Assam Rifles,
Shillong. . . . Respondents.

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

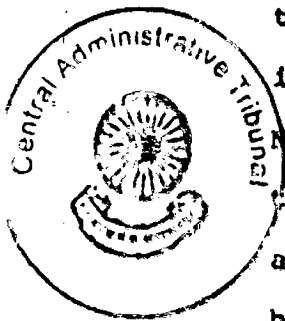
ORDERCHOWDHURY J.(V.C)

One more case of posting at a place of his choice in terms of the Government policy. The applicant was initially appointed under the Central Health Service (CHS) as Medical Officer on the recommendation of the UPSC. On his appointment to the post of Medical Officer under CHS in the Ministry of Health and Family Welfare his services was placed under the Director General, Assam Rifles and he was posted in 6, Assam Rifles and he is serving in the same place till the date of filing of this application.

contd..2

Certified To Be
True Copy (Advocate)

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not applicable to the employee on initial posting to the North Eastern Region. The policy guidelines were introduced to render justice to the employee posted on North East Region. The authority itself indicated that the applicant is entitled to be considered for getting a choice place of posting. The applicant has completed his tenure and therefore his case requires consideration.

3. Upon hearing Mr M.Chanda, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.O.S.C for the respondents and considering all aspects of the matter and also in the light of the judgment and order passed earlier in similar O.A.315/2001 disposed of on 24.4.2002, the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E.Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2002.

Subject to the observations made above the application stands disposed of. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN

Certified to be true Copy
সত্যি প্রমাণিত

Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati-781005

Certified To Be
True Copy. (Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH. BENCH

O.A. No. 325/2004

1. 4 MAR 2005

Dr. Ram Shankar Rawat

-Versus-

Union of India & Ors.

Applicant

Respondents

IN THE MATTER OF :

Written Statement submitted on behalf of
the Respondents No. 2,3,4 & 5.

The Respondents beg to submit the written statement as follows :-

1. That with regard to the statement made in paras 1 to 4.3 of the application the deponent begs to offer no comments being factual and matter of record.
2. That with regards to the statements made in para 4.4 of the application, the deponent submits that in pursuance of the Central Administrative Tribunal, Guwahati Bench order in O.A. No. 315/2001, a schedule at transfer of CHS doctors from Assam Rifles in order of their seniority has been prepared. In the said Original Application, the Hon'ble Tribunal vide their Judgment dated 24.4.2002 held that :-

"Appropriate mechanism is to be explored with utmost expediency, so that the morals of such officers can be kept high and that can only be done by authority finding out the solution by transferring them out as per their seniority in the NE Region.

Considering all the aspects of the matter, I direct the respondents to take up the case of the applicant in the light of the observations made in the Judgment as well as the policy guidelines on posting out on completion of terms with utmost

expedition. Subject to the observations made above the application stands disposed".

A copy of O.A. No. 315/2001 the Hon'ble CAT, Guwahati Bench Judgment dated 24.4.2002 is attached as ANNEXURE-I.

Accordingly a schedule of transfer was drawn by the Ministry of Home Affairs for transfers of CHS doctors out of Assam Rifles on the basis of their seniority in the Assam Rifles, i.e. those doctors who joined Assam Rifles early will be transferred first, Assam Rifles had then drawn a seniority roster and circulated it to all units where CGHS Medical Officers are posted. The Medical Officers are being reverted as per the Seniority roll after taking due sanction of the Ministry of Home Affairs. As per the seniority roster Doctor Ram Shankar Rawat can be considered for his transfer in the year 2005 only.

3. That with regard to the statements made in paras 4.5, 4.6, 4.7 and 4.8 of the application, the deponent respectfully submit that the Office Memorandum No. 20014/2/83/G.IV dated 14 December 1983 issued by the Ministry of Finance, Department of Expenditure, Government of India for providing choice posting to the Central Government Employee on their posting to the North Eastern Region including the Doctors belonging to the Central Health Scheme (CHS) is wrongly interpreted by the applicant. Ministry of Finance, Department of Expenditure E.II(B) Branch vide their letter No. MOF (Expdr)'s LD. No. E.II(2)/E.II(B)/2000(509) dated 27.7.2000 have stated that as regards the issue relating to Tenure of posting of the employee posted in North East Region, DOPT has clarified that there is no general Policy of posting & transfer of Central Government servants working in various Ministries/Departments. The Ministries/Departments are competent to

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formulate their specific schemes laying down the post tenure/station keeping in view the availability of manpower, functional needs, financial constraints and sensitivity of posts, etc.

A true copy of Ministry of Finance, Department of Expenditure E.II(b) Branch vide their letter No. MOF(Expdr)'s I.D. No. E.II(2)/E.II(b)/2000(509) dated 27.7.2000 is attached as ANNEXURE-II.

It is further submitted that the CGHS Medical Officers are posted to Assam Rifles and serve till the reversion orders are received from the Ministry of Health and Family Welfare. The Central Administrative Tribunal, Guwahati Bench, had ruled on 24 April 2002 in OA No. 315 of 2001, that "Appropriate mechanism is to be explored with utmost expediency, so that the morals of such officers can be kept high and that can only be done by authority finding out the solution by transferring them out as per their seniority in NE Region".

"Considering all the aspects of the matter, I direct the respondents to take up the case of the applicant in the light of the observations made in the Judgment as well as the policy guidelines on posting out on completion of terms with utmost expedition. Subject to the observations made above the application stands disposed".

Accordingly Assam Rifles had then drawn a seniority roster and circulated it to all units where CGHS Medical Officers are posted. The Medical Officers are being reverted as per the seniority roll after taking due sanction of the Ministry of Home Affairs. As regards his application, it is submitted that though few posting prior to Jul 2000 ordered by the Ministry of Health and Family Welfare have been implemented in letter but no posting has been

carried out in the light of Government of India letter dated 27 July 2000. Moreover Government of India, Ministry of Health & Family Welfare, New Delhi, vide their letter No. 27-01-2005 has intimated that "a schedule of transfer of CHS doctors from Assam Rifles in the order of their seniority has been prepared. As per the schedule Dr. Ram Shankar Rawat can be considered for his transfer out of Assam Rifles during the year 2005, for which necessary action will be initiated in this Ministry in due course of time".

Copy of the letter dated 27.01.2005 is annexed herewith as ANNEXURE - III. ✓

In view of above circumstances, the deponent further begs to submit that as per seniority list of the doctor prepared by the Ministry, the posting of the petitioner is due in the year 2005. As such the deponent respectfully submit that the present Original Application lacks merit and the Hon'ble Tribunal may be pleased to reject the present Original Application.

4. That with regard to the statements made in paras 4.9, 4.10, 4.11 and 4.12 of the application, the deponent respectfully submit the Judgment of the Hon'ble Judgment has been received in series of the cases and forwarded to Ministry of Home Affairs as well Ministry of Health and Family Welfare for further implementation of the Learned Tribunal Order but same has not been accepted by the Government of India and has referred to the Government of India Memo dated 27 July 2000 under which it has made clear that persons who are particularly enrolled for North East Region are not applicable to benefit of choice posting after completion of fixed tenure as stated in Government of India, Office Memorandum dated 14 December 1983.

It is further submitted that the CGHS Medical Officers are posted to Assam Rifles and serve till the reversion orders are received from the Ministry of Health and Family Welfare. The Central Administrative Tribunal, that

"Appropriate mechanism is to be explored with utmost expediency, so that the morals of such officers can be kept high and that can only done by authority finding out the solution by transferring them out as per their seniority in the NE Region".

"Considering all the aspects of the matter, I direct the respondents to take up the case of the applicant in the light of the observations made in the Judgment as well as the policy guidelines on posting out on completion of terms with utmost expedition. Subject to the observations made above the application stands disposed".

Accordingly Assam Rifles had then drawn a seniority roster and circulated it to all units where CGHS Medical Officers are posted. The Medical Officers are being reverted as per the seniority roll after taking due sanction of the Ministry of Home Affairs. As regards his application, it is submitted that though few posting prior to July 2000 ordered by the Ministry of Health and Family Welfare has been implemented in letter but no posting has been carried out in the light of Government of India letter dated 27 July 2000.

Moreover Government of India, Ministry of Health & Family Welfare, New Delhi, vide their letter No. 27-01-2005 has intimated that "a schedule of transfer of CHS doctors from Assam Rifles in the order of their seniority has been prepared. As per the schedule, Dr. Ram Shankar Rawat can be considered for his transfer out of Assam Rifles during the year

2005, for which necessary action will be initiated in this Ministry in due course of time".

Copy of the letter dated 27.01.2005 is annexed herewith as ANNEXURE-III.

As per the seniority roster, Doctor Ram Shankar Rawat, can be considered for his transfer in the year 2005 only.

5. That with regard to the statements made in paras 5.1 to 5.6 of the application, the deponent respectfully submit that a schedule of transfer has been drawn by the Ministry of Home Affairs pursuant to the orders of the Hon'ble Central Administrative Tribunal, Guwahati Bench Judgment dated 24.04.2002 in OA No.315/2002. As per the seniority roster, the petitioner can be considered for his transfer in the year 2005. It is further submitted that with regard to Office Memorandum No. 20014/2/83/G.IV dated 14 December 1983, issued by the Ministry of Finance, vide their letter No. MOF (Expdr)'s I. D. No. E.II(2)/E II(B)/2000(509) dated 27.07.2000, have clarified that as regards issued relating to tenure of posting at the employees posted in North East Region, there is no general policy of posting and transfer. The Ministries/Departments are competent to formulate their specific schemes laying down the post tenure/station tenure keeping in view the availability of manpower, functional needs, financial constraints and sensitivity of posts.

6. That in view of the facts mentioned herein above, it is humbly submitted that no injury whatsoever has been caused to the petitioner and it is prayed that since the present OA lacks merit, it is liable to be dismissed.

VERIFICATION

I, Colonel Narinet Khanna aged 50 years S/O Shri S.N. Khanna, working as

Chief Law Officer


In the Office of the Directorate General

Assam Rifles, being the respondents No.3, do hereby verify and declare that the

statements made in this written statement are true to my knowledge, information and

belief and I have not suppressed any material fact.

And I, sign this verification on this 10 th day of march 2005.


 (Narinet Khanna)
 Colonel
 Chief Law Officer
 Directorate General Assam Rifles
DEPONENT

8

Mr. B. C. Pathak
Addl. C. ANNEXURE-47

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.315 of 2001.

Date of Order : This the 24th Day of April, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

Dr. Tamal Kanti Roy
S/o Shri Anil Kumar Roy
Senior Medical Officer
2 M.G.A.R., Assam Rifles
Maintenance Group, Silchar
District : Cachar, Assam.

. . . Applicant.

By Advocate Mr.M.Chanda, Mr.H.Dutta, Mrs.N.D.Goswami
& Mr.G.N.Chakraborty.

- Versus -

1. The Union of India
Through the Secretary to the
Government of India
Ministry of Health & Family Welfare
New Delhi.
2. The Secretary to the
Government of India
Ministry of Home Affairs
Government of India
New Delhi.

The Director General of Assam Rifles
Ministry of Home Affairs
Assam Rifles, Shillong.

The Deputy Director (Admn.)
Assam Rifles, Shillong.

. . . Respondents.

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

ORDER

CHOWDHURY.J.(V.C.) :

This application under section 19 of the
Administrative Tribunal's Act, 1985 has arisen and is
directed against the order dated 14.11.2000 declining
to accede to the prayer of the applicant for posting

Contd./2

him at place of his choice in the following circumstances.

1. The applicant was initially appointed in the Central Health Services as a Medical Officer. He was transferred under Assam Rifles and initially posted at Jhalamukhi, Manipur under 21 Assam Rifles and continued there till September, 1995. During ^{his} assignment at Jhalamukhi, the applicant was sent to Jammu and Kashmir for about nine months and thereafter he was transferred to 29 Assam Rifles in September 1995 and posted at Kohima, Nagaland where he served upto December, 1998. In December, 1998 he was transferred to Silchar at 2 M.G.A.R., Assam Rifles where he is still continuing. After serving for more than seven years in N.E. ^{Region} the applicant submitted a representation for posting him

out and give him a choice posting in terms of Office

Memorandum No.20014/2/83/E.IV dated 14.12.1983 issued

by the Government of India, Ministry of Finance, New Delhi whereby the authority provided some special

facilities to the civilian employees of the Govt. of

India posted in N.E.Region including the facility of

transfer and posting to choice station after serving in

the N.E.Region for a specified tenure, 3 years in case

of the applicant. Failing to get appropriate response

from the authority against the representation submitted

the applicant knocked the door of the Tribunal by way

of an application which was numbered and registered as

O.A.387 of 1999. The aforesaid O.A. was disposed by

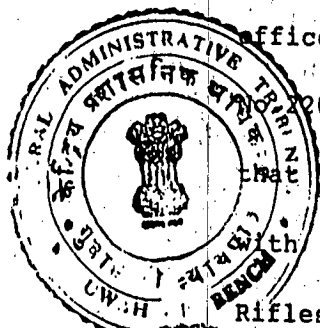
Contd./3

this Bench on 16.6.2000 directing the respondents to decide the representation filed by the applicant mentioned at Annexure-3 to 5 of the said O.A. in the light of the circular and instructions on the subject within the prescribed period. The applicant drew attention to the authority of the order of the Tribunal and the respondents authority by its communication dated 14.11.2000 informed the applicant about its inability to accede to the request. Hence this application assailing the legitimacy of the order of the respondents.

2. Mr.M.Chanda, learned counsel appearing for the applicant submitted that the respondents authority acted indiscriminately in the matter of transfer and posting. Mr.Chanda placed before me some transfer orders that took place on 16.1.2001 transferring officers from Assam Rifles to other stations vide order 2012/1/2001.CHS.II dated 16.1.2001. He submitted that the respondents in a arbitrary fashion continued with the Central Health Services officers in Assam Rifles without showing any concern for their posting of the N.E.Region. The learned counsel for the applicant submitted that the respondents are althrough out acting unfairly to these officers.

3. Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents, on the other hand, submitted that the Office Memorandum dated 14.12.1984 is not applicable to those persons who are initially posted in N.E.Region.

Contd./4



In support of his contention he referred to the Government of India Circular No. MoF(Expr)'s I.D.No.F.II(2)/E.II(B)/2000 dated 27.7.2000. Mr.Pathak submitted that the circular dated 14.12.1983 is only applicable to the Central Govt. Employees who are posted at N.E.Region on the basis of transfer/deputation. The order does not apply to the employees initially posted in N.E. Region. The order also indicated about its concern that has arisen in a number of pending requests for transfer of doctors from Assam Rifles and also the unwillingness of doctors selected through the Combined Medical Service Examination to join Assam Rifles. The Ministry of Health & Family Welfare has already taken up the matter with the Ministry of Home Affairs for decadrement of the CHS posts from the Assam Rifles and also, filling up the posts quickly by them so as to release all the CHS doctors. The order further mentioned about the Ministry of Home Affairs directions issued by letter dated 5.9.2000 decadring all the CHS posts for forming a separate Medical Cadre for Assam Rifles. The Ministry also requested the Ministry of Health & Family Welfare not to withdraw the Medical Officers till suitable arrangements are by way of creation of a Medical Cadre for Assam Rifles. It was also mentioned that all the doctors not willing to serve in Assam Rifles would ultimately be taken out from there.

Contd./5

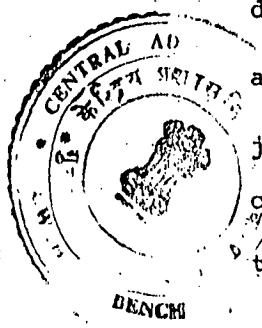
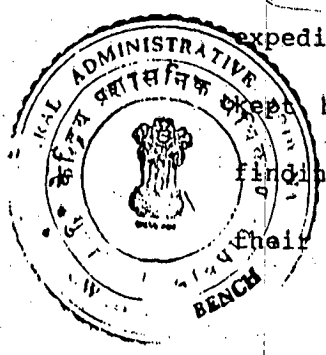
4. I have given my anxious consideration on the matter. The authority no doubt expressed its anxiety to withdraw the Central Health Services Medical Officers from the Assam Rifles, but at the same time the authority also kept in view the public interest, mainly the interest of the Assam Rifles who are working in difficult areas. It was mentioned at the Bar that the Ministry has already constituted a Transfer Committee for consideration of the case for posting out such officers. The case of the Central Health Services doctors who are working in the Assam Rifles, no doubt, has its own merit. Their grievances for posting them out requires early solutions. The authority has no doubt expressed its concern, but then these doctors cannot be kept guessing. The respondents must keep their side of the bargain.

Appropriate mechanism is to be explored with utmost expediency, so that the morals of such officers can be kept high and that can only be done by the authority finding out the solution by transferring them out as per their seniority in the N.E. Region.

Considering all the aspects of the matter, I direct the respondents to take up the case of the applicant in the light of the observations made in the judgment as well as the policy guidelines ^{on} posting out on completion of terms with utmost expedition. Subject to the observations made above the application ^{stands} disposed.

There shall, however, be no order as to costs

Sd/ VICE CHAIRMAN



TRUE COPY
प्रतिप्रति

[Signature]
13/5/02
Section Officer
राष्ट्रिय प्रशासनिक अधिकारी (प्रशासनिक शाखा)
Central Administrative Tribunal
कोर्टाई प्रशासनिक अधिकारी
Juwahati Bench, Guwahati
जवाहाली बेंच, गुवाहाटी

ANNEXURE - II

Ministry of Finance
Department of Expenditure
E.II (B) Branch

Reference Ministry of Health & Family Welfare's O.M. No. C-17011/5/99-CHS-II, dt. 16.5.2000, seeking clarification for admissibility of the North Eastern Package as available to Central Government employees on their posting to NE Region, to the doctors belonging to Central Health Scheme (CHS) in terms of Finance Ministry's O.M. dated 14.12.83.

The concessions / incentives granted vide this Ministry's O.M. No. 20014/2/83- E.IV dated 14.12.83 are applicable to Central Government Employees who are posted to any state /UT of N.E. Region on the basis of transfer/deputation. This order does not apply to the employees on their initial posting in NER. As regards the issue relating to Tenure of posting of the employees posted in NER, DOP&T has clarified that there is no General Policy of posting & transfer of Central Government servants working in various Ministries/Departments. The Ministries/Departments are competent to formulate their specific schemes laying down the post tenure /station tenure keeping in view the availability of manpower, functional needs, financial constraints and sensitivity of posts, etc. In case any further clarifications are desired on this issue, the matter may be taken up directly with the DOP&T.

N. P. Singh
27.5.2000
(N. P. Singh)

Under Secretary E.II(B)

FA(Health)

MoF(Expr)'s L.D. No F.II(2)/E.II(B)/2000 dated 27-7-2000
(509)

Attested
Attested
Addl. C. G. S. O.

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ANNEXURE - III

SPEED POST/CAT CASE / PAT

No.C.17011/2/05-CHS.II
Government of India
Ministry of Health & Family Welfare

New Delhi, the 25 Jan., 05
27th

Joint Director,
CGHS,
Anand Kutir Path,
Zoo Nagar, Tiniali,
Guwahati - 3.

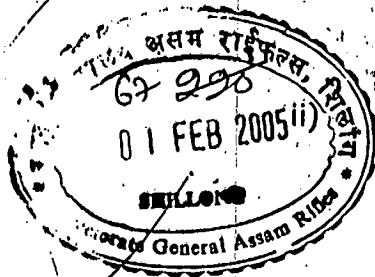


Sub:- OA No. 325/04 and No.340/04 filed by Dr. R.S. Rawat, SMO, and Dr. Suman Biswas, SMO, Assam Rifles respectively before CAT Guwahati bench regarding their transfer.

Sir,

I am directed to enclose herewith a copies of OA No. 325/04 and 340/04 filed by Dr. R.S. Rawat, SMO, and Dr. Suman Biswas, SMO, Assam Rifles received from Deputy Registrar, CAT Guwahati Bench. You are requested to approach the Govt. Counsel and request him to kindly defend the cases on behalf of Union of India. You are also requested to inform the Counsel to appear before the CAT, Guwahati bench on behalf of Govt. of India, Ministry of Health & Family Welfare on 28th Jan., 05 and oppose the admission of the OAs on the following grounds:-

- 1) Dr. R.S. Rawat and Dr. Suman Biswas were recruited specifically for Assam Rifles in the year 1998 through a special recruitment drive conducted by UPSC. Copies of Memo. No. A. 12025/210/98-CHS.I dated 04.02.99 and No.A.12025/205/98-CHS.I dated 27.05.99 are enclosed herewith.



In pursuance of CAT Guwahati Bench order in OA No. 315/2001 filed by Dr. T.K. Roy, a schedule of transfer of CHS doctors from Assam Rifles in the order of their seniority has been prepared. As per the schedule Dr. R.S. Rawat and Dr. Suman Biswas can be considered for their transfer out of Assam Rifles during the year 2005, for which necessary action will be initiated in this Ministry in due course of time.

2. In case the OAs are admitted inspite of above referred arguments, the Govt. Counsel may be requested to seek 8 weeks time for filing the counter reply in the respective OAs.

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3. As such the parawise comments for the OAs will be forwarded to you in due course.
4. The Ministry may be apprised of the further developments of the cases from time to time.

Yours faithfully,



(ARVIND KUMAR)

UNDER SECRETARY TO THE GOVT OF INDIA.

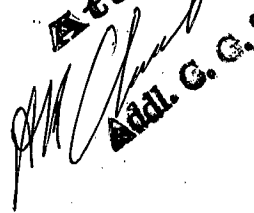
Copy to :

1. Director General, Assam Rifles, Shillong - 793 011.
2. Sh.A.K. Chowdhuri, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati Bench, Guwahati - 780 010



(ARVIND KUMAR)

UNDER SECRETARY TO THE GOVT OF INDIA.

Attested

Addl. C. G. S. O.