

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Closed - date - 12/05/2006

O.A/T.A No. 340/2006.....

R.A/C.P No. 011/2006.....

E.P/M.P No. B.8/06 (in C.P. 01/06)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATIORDER SHEET
APPLICATION NO.

340/04 OF 199

Applicant(s) Dr. Suman Biswas.

Respondent(s) No 1 & 2.

Advocate for Applicant(s) MR. K.D. Chetri & MR. B. Das.

Advocate for Respondent(s) Case. A.K. Chaudhury

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.F. f : Rs. 10/- deposited wdg. IP/ED No. 206 117/76 Dated 27/12/04 1/C Dy. Registrar steps taken.	24.12.04	present: The Hon'ble Mr. K.V. Prahладan, Member (A). Heard learned counsel for the applicant as well as Mr. A.K. Chaudhury, learned Addl.C.G.S.C. for the respondents. Issue notice to the respondents to show cause as to why the application shall not be admitted, returnable by four weeks List for admission on 28.1.2005.
Notice of order sent to D/Section for issuing to resp. No. 1 to 4 by regd. A/D post. Date 29/12/04.	bb 28.1.2005 mb	None present. List on 2.3.2005 for admission.

K. V. Prahладan
MemberK. V. Prahладan
Member (A)S/R - awaited
27-1-05

Notes of the Registry	Date	Order of the Tribunal
	2.3.2005	<p>Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman</p> <p>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.</p> <p><i>G Jayalal</i> Vice-Chairman</p>
<u>15.3.05</u> W/S filed by the Respondent Nos. 1, 2, 324.	nkm	
<u>15-3-05</u> S/o - awarded	<i>Phis</i> 16.3.05	<p>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.</p> <p>Issue copy of the main order to the counsel for the parties urgently.</p> <p><i>G Jayalal</i> Vice-Chairman</p>
<u>28.3.05</u> Copy of the Judgment has been sent to the Office for sending the same to the applicant as well as to the L/Bv. for the Resps.	<i>pg</i>	

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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.

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

... Applicant

- 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)

11 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

G.N.

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



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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.

SD/VICE CHAIRMAN

23 DEC 2004

गुवाहाटी न्यायालय

**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.-.....340...../2004

Dr. Suman Biswas

.....Applicant.

-versus-

Union of India & Ors.

.....Respondents.

List of dates and synopsis of the case

Date

Synopsis of particulars in the application

11.01.1997 – Advertisement, Published on Employment News, for the post of Medical Officers under the Assam Rifles, Ministry of Health & Family Welfare, Department of Health, Central Health Service.
.....ANNEXURE – (I)[Page No. - 18]

✓ 10.06.1999 - Applicant joined at 30th, Assam Rifle
.....ANNEXURE – (II)[Page No.- 19 – 22]

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- (III)[Page No. – 23]

22.07.1998 -Government of India Ministry of Finance, Department of Expenditure issued Office Memorandum
.....ANNEXURE- (IV)[Page No. – 25]

11.08.2001 – Applicant submitted representation to the competent authority for posting on Compassionate ground.
.....ANNEXURE- (V)[Page No. - 27]

04.06.2002 –Applicant submitted representation, for consideration of the representation dated-11.08.01.
.....ANNEXURE- (VI)[Page No. – 28]

19.09.2002 – Applicant submitted representation, for Choice of posting.
.....ANNEXURE- (VII)[Page No. – 29]

31.12.2002 – Applicant submitted representation, for choice of posting.
.....ANNEXURE- (VIII)[Page No. – 34]

05.03.2003 - Applicant submitted representation, for choice of posting.
.....ANNEXURE- (IX)[Page No. – 38]

29.07.2004 - Applicant submitted representation, for choice of posting.
.....ANNEXURE- (X)[Page No. - 43]

25.12.2003 – Medical report of the applicant' mother.
.....ANNEXURE – (XI)[Page No. – 47]

19.06.2004 – Medical report of the applicant' mother.
.....ANNEXURE- (XII)[Page No. – 48]

25.10.2004 – Medical Certificate of the applicant's mother.
.....ANNEXURE- (XIII)[Page No. – 49]

29.09.2000 – Transfer order of some of the Medical Officer who were Junior to the applicant and joint subsequently in Assam Rifle.
.....ANNEXURE- (XIV)[Page No. – 50]

07.04.2003 – The representation submitted by the applicant was forwarded to the competent authority by the Deputy Director (Medical)
.....ANNEXURE- (XV)[Page No. – 51]

12.07.2001 - Judgment / Order passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati, in O.A. No.- 253 of 2001.
.....ANNEXURE- (XVI)[Page No. – 52]

01.05.2002 - Judgment / Order passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati, in O.A. No- 341 of 2001
.....ANNEXURE- (XVII)[Page No. – 54]

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 C.G.H., Kolkata, R.O.H., Kolkata & Dept. of P & T, Kolkata 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. 240/2004

Dr. Suman Biswas

.....**Applicant.**

-versus-

Union of India & Ors.

.....**Respondents.**

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Date :

Filed by –

Advocate

12
Filed by
Dr Suman Biswas

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

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

BETWEEN

Dr. Suman Biswas, age about – 35 years,
S/o – Late C. Biswas.
Senior Medical Officer (CHS),
11th Assam Rifles,
C/o – 99 A.P.O.

.....Applicant.

-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.

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:- CGHS, Kolkata, ROH, Kolkata & Dept. of P & T, Kolkata 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 within the Jurisdiction of this Tribunal.

3. LIMITATION: -

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

4. FACTS OF THE CASE :-

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

4.2 That the applicant has by way of this application made a grievance against the action on the part of the Respondent in not considering his representation for transfer to his choice station on

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Dr

completion of his tenure in North Eastern Region. That as per the advisement dated – 17 / 01 / 1997 of U.P.S.C. published on Employment News invite application under Ref. No. F1 / 334 / 95.R-I for post of Forty-four Medical Officer under the Assam Rifles, Ministry of Health & Family Welfare, Department of Health, Central Health Service, through U.P.S.C. your applicant has applied for the post of Medical Officer and has qualified for the post of Medical Officer under Central Health Service. That the applicant had joined in Assam Rifles on dated- 10 / 06 / 1999 as per appointment Letter dated – 27 / 05 / 1998 attached with 30th Assam Rifle from 10 / 06 / 1999 till 25 / 02 / 2001 and subsequently the applicant had to move to 32nd Assam Rifle on dated – 26 / 02 / 2001 to 29 / 04 / 04 and to 11th Assam Rifle on dated – 30 / 04 / 04 till date and on dated – 21 / 06 / 04 vide order No.- A.32012 / 4 / 03-CHS.II the applicant was promoted to the post of Senior Medical Officer. That the applicant who is the only son and have lost his father in the year 1984 and only earning member of the family to look after his age old mother suffering from congenital Heart Disease and has also suffered from Subacute intestinal obstruction in the recent past due to which the applicant has for convenient posting within the Assam Rifle has submitted representation on dated – 11 / 08 / 2001 and 04 / 06 / 2002 respectively to the authority concern but the same was not considered. 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.

Photo copy of the Advertisement dated – 17/01/97 and the appointment letter are annexed herewith and marked with ANNEXURE – (I) & (II) [Page No.- 18 to 22].

Sunan Biswas
Dr.

4.3 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.”

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.

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.

Photo 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 – (III) & (IV)
[Page No.- 23 & 25].

4.4 That the applicant has on dated – 11 / 08 / 2001 and 04 / 05 / 2002 has submitted representation through proper channel for posting on compassionate ground for posting to such unit of Assam Rifle which is preferably close to specialty hospital namely AC & A range – Jorhat, 31 AR-Lokhra, DGAR-Shillong, 1CC-Laikore, AR Hospital-Happy valley, 2MGAR-Silchar so that he can keep his age old mother with him suffering from congenital Heart Disease and has also suffered from Subacute intestinal obstruction in the recent past. But the Respondent Authority did not consider the representation. That the applicant has again on completion of the tenure fixed as per the above noted Office Memorandum made a formal request for his transfer vide his representation dated –31/ 12 / 2002, 05 / 03 / 2003 & 29 / 07 / 2004 on compassionate ground, inter- alia stated that he is need of said transfer as his age old mother suffering from congenital Heart Disease and has also suffered from Subacute intestinal obstruction and the applicant is the only son to look after his age old widow mother. 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. – BS / 99 / M – 1 dated – 0-7 / 04 /2003 by the Respondent No. – 3 under recommendation of Respondent

Dr. Sunam
 Biswas

No. - 4. Be it to be mention here that vide representation dated – 31/ 12 / 2002, 05 / 03 / 2003 & 29 / 07 / 2004 the applicant had specified his choice station –

- (i) C.G.H.S. Kolkata,
- (ii) R.O.H. Kolkata,
- (iii) Dept. of P & T, Kolkata
- (iv) Any C.G.H.S. posting in Kolkata or West Bengal.

A photo copy of the representation dated -11 / 08 / 2001 & 04 / 05 / 2002 along with representation dated – 19 / 09 / 2002, 31/ 12 / 2002, 05 / 03 / 2003 & 29 / 07 / 2004 for choice of posting is annexed herewith and marked as ANNEXURE – (V), (VI), (VII), (VIII), (IX) & (X) [Page No.- 27 to 43]

4.5 That your applicant most respectfully states that the applicant is the only son to support his age old mother suffering from congenital Heart Disease and has also suffered from Subacute intestinal obstruction in the recent past and is in continues supervision treatment under Advanced Medical & Research Institution, Calcutta from dated 05 / 05 / 1999 on ward.

A photo copy of the Medical Summery reports are annexed herewith and marked as ANNEXURE - (XI), (XII), & (XIII) [Page No.- 47 to 49]

4.6 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.A.R. Assam Rifle to their respective choice station. A few names of those Medical Officer who are junior to the applicant and joint subsequently after joining 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.

Therefore, against the present applicant the Respondent 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 Respondent to consider the transfer and posting of the applicant as he has completed his fixed tenure posting in North Eastern Region since dated – 10 / 06 / 1999 and has offered service in various *station of Assam Rifle.*

A photo copy of the Transfer order dated – 29 / 09 / 2000 is annexed herewith and marked as
ANNEXURE- (XIV) [Page No.- 50]

4.7 That the applicant in spite of repeated representation for consideration of the Choices of posting have been less drawn attention by the Respondent Authorities and reason for which is best known to them. Even the family problem face by the applicant due to ill health of his age-old widow mother had prayed that he be transferred to his choice stations. Be it be mention here that till date inspite of the facts that a policy 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 then 5 years of service work in the hard terrain of the North Eastern Region has not been considered.

4.8 That the applicant begs to state that his representation which 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

Summarised

physical arrival of relief vide office Memo No. – I . 14015 / Pers. – BS / 99 / M- 1 dated 07 / 04 / 2003, 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 – (XV)**

[Page No.- 51]

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

4.10 That the applicant begs to sate that in similarly situated cases, this Hon'ble Tribunal had been kind enough to pass Order earlier directing the same respondents to transfer those applicants to the place of their choice in terms O.M dated – 14 / 12 / 1983 of the Govt. of India. Such Order was passed in O.A No.-253 of 2001 vide Order dated – 12 / 07 / 2001 and in O.A. No.-341 of 2001 vide Order dated – 01 / 05 / 2001.

Photocopy of the Judgment / Order dated - are annexed herewith and marked as

Dr. Suman Biswas

ANNEXURE – (XVI) & (XVII) [Page No. -**52 to 54]**

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

5. GROUND FOR RELIEF WITH LEGAL PROVISION:-

5.1 For that the applicant completed 5 (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 North Sikkim, Mizoram, Nagaland and Tripura 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 condition of the applicants age old widow mother suffering from congenital Heart Disease and has also suffered from Subacute intestinal obstruction in the recent past he is entitled to be transferred posted at his choice place of posting.

5.5 For that the Authorities have not considered the representations of the applicant.

5.6 For that the applicant has acquired legal right for immediate transfer after completion of hard and difficult service of 5 (five) years approx. in North Eastern Region in terms of the order of Ministry dated 14 / 12 / 1983.

Dr. Suman Biswas

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 IN ANYOTHER COURT / TRIBUNAAL:-

That the applicant further declares that he 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 Para.-4 above, the applicant 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 right 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
- 8.2 Cost of the application.
- 8.3 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.

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

Suman Biswas
Dr.

to issue transfer and posting order in respect of the applicant in terms of option submitted to the Authorities on dated – 31 / 12 / 2002, 05 / 03 / 2003 & 29 / 07 / 2004.

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

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

- (i) O.P. No. - 20 C 117 176
- (ii) Date of issue – 24/12/04.
- (iii) Issue from –
- (iv) Payable G.P.O. Guwahati.

9.1 **List of Enclosures** -

As stated in the Index.

Dr. Suman Biswas

VERIFICATION

I, Dr. Suman Biswas, aged about - 35, Son of Late C. Biswas, Presently working as Senior Medical Office (CHS) at 11th Assam Rifle, C/O 99 AAPO do hereby solemnly affirm and stated the statement made in Paragraphs No. - 4.3, 4.4, 4.5, 4.6, 4.8, 4.10
8, 22, 23, 24, 25

27, 12, 47, 19, 12 - are matter of records and Paragraphs No. -

1 to 4, 7, 4-8, 14-9, 4-10, 5-1, 6-8, 5

____ are true to my knowledge and those made in paragraphs No. - 5. 1 to 8. 5

____ are my humble submission and relief sought for which I believe the information to be true. The annexure are true copy of the Originals.

I sign this verification on this day of 29th December, 2004, at Guwahati.

Dr. Suman Biswas

Deponent -

UNION PUBLIC SERVICE COMMISSION

Advertisement
No. 1

INVITES APPLICATIONS FOR THE FOLLOWING POSTS:

1. (Ref.No.F.1/434/96.R-II) ONE DIRECTOR (COOPERATION) IN THE DEPARTMENT OF AGRICULTURE & COOPERATION, MINISTRY OF AGRICULTURE. The post is reserved for SC candidates. **QUALIFICATIONS : ESSENTIAL :** (i) Master's degree of a recognised University or equivalent. (ii) 8 Years' experience in the field of Co-operative/Credit in a Govt. or Cooperative/Credit Organisation. **DESIRABLE :** Diploma in Cooperation from a recognised Institution or equivalent. **DUTIES :** Formulation of policies, plans and programmes of cooperative development in general and cooperative marketing and processing of agricultural produce, supply, storage and inputs and other allied agricultural programmes in particular. Examination of plans and programmes relating to cooperation received from State Govts., Cooperative Organisations and others. Monitoring and review of the progress of the cooperative development schemes/programmes in close coordination and liaison with various Central Departments, National Cooperative Development Corporation, National Level Cooperative Federation and other Organisations. HQ : At present at New Delhi but liable to serve anywhere in India/abroad in the exigency of public service.

2. (Ref.No.F.1/367/96.R-VI) FIVE SENIOR ADMINISTRATIVE OFFICERS, GRADE-I IN THE DEFENCE RESEARCH AND DEVELOPMENT ORGANISATION, MINISTRY OF DEFENCE. Of the five posts, one post each is reserved for ST & OBCs candidates. **QUALIFICATIONS : ESSENTIAL :** (i) Degree of a recognised University or equivalent. (ii) Six years' administrative experience in a supervisory capacity in a Government, Semi-Government Organisation or Commercial concern of repute. **DESIRABLE :** (i) Diploma in Personnel Management or Industrial Relation from a recognised institution. (ii) Experience in Scientific/Industrial/Technical Organisations/Departments. **DUTIES :** To assist the Director of the concerned Lab/HQ in the administrative management of the Lab/Dte. at the HQ. To coordinate and supervise all administrative functions of the Lab, viz., Recruitment, Promotion, posting, pay fixation, seniority, leave, etc. To liaise with the HQ/Lab on all administrative activities.

3. (Ref.No.F.1/191/96.R-II) ONE JOINT DIRECTOR(LEGAL)/OFFICIAL LIQUIDATOR GRADE-I/REGISTRAR OF COMPANIES, GRADE-I, MINISTRY OF FINANCE, DEPARTMENT OF COMPANY AFFAIRS. GRADE-I, LEGAL BRANCH OF CENTRAL COMPANY LAW SERVICE. **QUALIFICATIONS : ESSENTIAL :** (i) Attorney of Bombay/Calcutta High Court or Degree in Law of a recognised University. (ii) About 12 years' experience as Attorney/Legal practitioner preferably in matters connected with Joint Stock Companies or with 12 years' experience of Administering Company Law Legislation in a Govt. Department connected with the Administration of the Companies Act, 1956. **DESIRABLE :** Administrative Experience. **DUTIES :** To advise Company Law matters and other Legal Issues. To process Court Cases. To perform the duties of Official Liquidator under the provisions of the Companies Act, 1956. To perform the duties of Registrar of Companies under the provisions of the Companies Act, 1956. To attend to any other Legal work entrusted by the Department. **OTHER BENEFIT :** Benefit of added years of service as admissible under Rule 30 of CCS(Pension) Rules, is applicable to the post.

4. (Ref.No.F.1/506/96.R-II) ONE ASSISTANT DIRECTOR (STORAGE AND RESEARCH) IN THE DEPARTMENT OF FOOD PROCUREMENT AND DISTRIBUTION, MINISTRY OF FOOD. **QUALIFICATIONS : ESSENTIAL :** (i) Master's degree in Entomology/Plant Pathology/Bio-Chemistry from a recognised University or equivalent. OR Master's degree in Agriculture with specialisation in Entomology/Plant Pathology/Bio-Chemistry from a recognised University or equivalent. OR Master's de-

gree in Zoology/Botany with specialisation in Entomology/Plant Pathology from a recognised University or equivalent. (ii) 3 years of experience in teaching/research/extension work, including aspects related to Storage & Preservation of Foodgrains. **DUTIES :** To work under the guidance and control of the Head of office of the Central Unit/Regional Head of SGC. To undertake survey of existing storage conditions at different levels of handling of foodgrains in the project. To implement publicly programme envisaged under the project. To implement the training programme under the project including preparation of syllabus making arrangement for training and post training evaluation for award of certificates.

5. (Ref.No.F.1/334/95.R-I) FORTY-FOUR MEDICAL OFFICERS UNDER THE ASSAM RIFLES, MINISTRY OF HEALTH & FAMILY WELFARE, DEPARTMENT OF HEALTH, CENTRAL HEALTH SERVICE. Of the forty-four posts, seven posts are reserved for SC, three posts are reserved for ST and twelve posts are reserved for OBCs candidates. **QUALIFICATIONS : ESSENTIAL :** (i) A recognised medical qualification included in the First or the Second or Schedule or Part II of the Third Schedule (Other than Licentiate qualifications) to the Indian Medical Council Act, 1956. Holders of educational qualifications included in part II of the Third Schedule should also fulfil the conditions stipulated in sub-section (3) of Section 13 of the IMC Act, 1956. (ii) Completion of compulsory rotating internship. **DUTIES :** All duties attached to the post of Medical Officer. Such other duties as may be assigned from time to time.

NOTE : COMMISSION MAY HOLD A SCREENING TEST IF CONSIDERED NECESSARY. IMPORTANT :

(i) The Screening test, if considered necessary, will be held at the following centres: AHMEDABAD, ALLAHABAD, BANGALORE, BHOPAL, BOMBAY, CALCUTTA, CUTTACK, DELHI, DISPUR(GUWAHATI), HYDERABAD, JAIPUR, MADRAS, NAGPUR, PATNA, SHILLONG, SHIMLA, SRINAGAR, TRIVANDRUM, LUCKNOW, JAMMU, CHANDIGARH, PANAJI(GOA), PORT BLAIR, GANGTOK, AGARTALA, RAIPUR. Subject to change depending on the circumstances at the discretion of the Union Public Service Commission. (ii) The Centre chosen (only one) must be indicated clearly in the Application Form. No subsequent request for change in Centres will be entertained. (iii) The syllabus and date for the test would be announced later if necessary. (iv) Candidates are also requested to submit two identical copies of their photographs (size 6 cms x 7 cms) (not returnable) along with their applications for the test, which may be held. (v) Travelling and other expenses for appearing for the written test will have to be borne by the candidates themselves. HQ : Assam Rifles.

ANY OTHER CONDITIONS : (a) Private practice of any kind whatsoever shall not be allowed including any consultation and laboratory practice. (b) The candidates selected will, if so required, be liable to serve in any Defence Service, or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any, provided that (a) he/she will not be required to serve as aforesaid after the expiry of 10 years from the date of appointment. (b) he/she will not ordinarily be required to serve as aforesaid after attaining the age of 45 years. **OTHER BENEFIT :** Same as in item No. 3 above. **SPECIAL CONCESSION :** (a) Special Duty Allowance : 12 1/2% of the basic pay subject to maximum of Rs.1000/-, (b) Special Compensation (Remote Locality) Allowance : at the prescribed rates, (c) Rent free family accommodation, if available; otherwise single accommodation, (d) Officers Mess/Club, (e) Payment Ration at Central Police Organisation (CPO) Rates and (e) CSD Canine facilities.

6. (Ref.No.F.1/500/96.R-VI) ONE LECTURER (ELECTRICAL ENGINEERING) IN THE DIRECTORATE OF TRAINING

AND TECHNICAL EDUCATION, GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI. **QUALIFICATIONS : ESSENTIAL :** Bachelor's Degree in Electrical Engineering/Technology from a recognised University or equivalent. **DESIRABLE :** (i) Qualified in an All India Examination such as GATE. (ii) Master's degree in Electrical Engineering/Technology from a recognised University or equivalent. **DUTIES :** Teaching and Allied Duties. HQ : Delhi/New Delhi.

NOTE :

1. Candidates are requested to apply in the format published along with this advertisement and NOT write to the Commission for application forms. They are also requested to go through carefully the details of posts and instructions published below before applying.

2. **NATURE OF POSTS :** All posts belong to General Central Service except otherwise mentioned.

(a) Posts at S.Nos.1,2,3 & 5 are permanent. (b) Posts at S.Nos.4 & 6 are permanent but appointment will be made on temporary basis.

3. **PAY SCALES & CLASSIFICATION :** (Figures in brackets at the end of the pay scales indicate the total emoluments excluding CCA & HRA at the minimum of the scale).

(a) Rs.3700-125-4700-150-5000. (Hs. 10,105) Group 'A' Gazetted for posts at S.Nos.1 & 3. (The post at S.No.3 is group 'A')

(b) Rs.3000-100-3500-125-4500(Rs.8470) Group 'A' Gazetted for posts at S.N.2.

(c) Rs.2200-75-2800-EB-100-4000 plus NPA of Rs. 600 for pay below Rs.3000/-, Rs.850 for pay between Rs.3000 but below Rs.3700 and Rs.950 for pay of Rs.3700 and above (Rs.6800) Group 'A' for posts at S.Nos.5.

(d) Rs.2200-75-2800-EB-100-4000 (Rs.6238) Group 'A' Gazetted for posts at S.Nos.4 & 6.

4. **AGE LIMIT AS ON 30-1-1997**

(a) Not exceeding 55 years for post at S.No.1.

(b) Not exceeding 45 years for post at S.No.3

(c) Not exceeding 40 years for posts at S.No.2

(d) Not exceeding 35 years for posts at S.Nos.4 & 6

(e) Not exceeding 30 years for posts at S.Nos.5

N.B. The age indicated against post at S.No.1 is relaxed age limit for SC/ST candidates. The age limit shown against posts at other S.Nos. are normal age limits and only in these cases age is RELAXABLE FOR SC/ST CANDIDATES UPTO FIVE YEARS AND FOR OBC UPTO THREE YEARS. AGE IS ALSO RELAXABLE FOR GOVT. SERVANTS UPTO FIVE YEARS. For age concession applicable to other categories, please see relevant paras of the Instructions to Candidates below.

5. **PROBATION :** All persons selected will be appointed on probation as per rules.

6. **HEADQUARTERS :** At places specifically stated against certain posts, otherwise anywhere in India or abroad.

7. **PROMOTION :** Three are prospects of promotion to next higher posts wherever the recruitment rules provide for the same.

8. For medical posts, qualifications granted in U.K. shall be recognised medical qualifications only when granted on or before 11.11.1978. (This shall be applicable to both EQ(I) & EQ(II)).

INSTRUCTIONS AND ADDITIONAL INFORMATION TO CANDIDATES FOR RECRUITMENT BY SELECTION

1. CITIZENSHIP:

A Candidate must be either:

(a) a citizen of India, or

(b) a subject of Nepal, or

(c) a subject of Bhutan, or

(d) a Tibetan refugee who came over to

India before 1st January, 1962 with the intention of permanently settling in India, or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia or from Vietnam with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c) (d) and (e) above shall be a person in whose favour a certificate of eligibility has been granted by the Government.

NOTE: The application of a candidate in whose case a certificate of eligibility is necessary, may be considered by the Commission and, if recommended for appointment, the candidate may also be provisionally appointed subject to the necessary certificate being granted in his favour by the Government.

2. **AGE LIMITS:** The age limit for various posts have been given in the advertisement. For certain age concessions admissible to various categories please go through instruction No. 5.

3. **MINIMUM EDUCATIONAL QUALIFICATIONS:** All applicants must fulfil the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview.

3.1 Where the number of applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit on the basis of either qualifications and experience higher than the minimum prescribed in the advertisement or on the basis of experience higher than the minimum prescribed in the advertisement or on the basis of experience in the relevant field, or by holding a screening test. The candidate should, therefore, mention all the qualifications and experience in the relevant field over and above the minimum qualifications and should attach attested/self-certified copies of the Certificates in support thereof.

4. APPLICATION FEE:

(a) Candidates must pay the prescribed fee through crossed Postal Order(s) or Central Recruitment Fee Stamp for Rs. 10/-.

(b) No fee for SC & ST candidates. Physically handicapped candidates applying for group 'B' (Non-Gazetted) posts are also exempted from payment of fee subject to submission of prescribed medical certificate.

(c) Postal Orders should be crossed and marked payable to the Secretary, Union Public Service Commission at the New Delhi Post Office.

THIS IS IMPORTANT

(d) Candidates can purchase the Central Recruitment Fee Stamp in the denomination of Rs. 10.00 available in Head Post Office and selected Departmental Sub-post offices and affix it in the space ear-marked for the purpose in the application format and get it cancelled by the Counter Clerk of the post office with the date stamp in such a manner that the impression of cancellation stamp partially overlaps on the application form itself taking care that the impression must be clear and distinct to facilitate the identification of the date of issue and issuing post office.

(e) Candidates applying from outside India should deposit the prescribed fee at the

Continued

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True Copy. Pls. Mark (Signature)

REGISTERED

No. A. 12025/ 205 / 98 - CHS. I

Government of India

Ministry of Health & Family Welfare
(Department of Health)Nimrana Bhawan, New Delhi-110011
dated the 27/9/98

MEMORANDUM

SUBJECT : SPECIAL RECRUITMENT TO THE MEDICAL OFFICER GRADE
OF CENTRAL HEALTH SERVICE. FOR ASSAM RIFLES.

The Union Public Service Commission recommended Dr. Suman Biswas for appointment to the post of Medical Officer in the Central Health Service on the basis of Spl. Rect. for Assam Rifles. The President is pleased to give an offer of appointment to Dr. Suman Biswas as Medical Officer on regular basis under Assam Rifles on the following terms and conditions:-

(i) The appointment is on an officiating basis only on probation for a period of two years from the date of appointment which may be extended at the discretion of the competent authority. He/She will be considered for confirmation in the Medical Officers Grade after satisfactory completion of probation. The officer may be required to undergo such training as Government may prescribe. Failure to complete the period of probation to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any person or reversion to substantive post on which the candidate may be retaining a lien. After the satisfactory completion of period of probation the termination will be by giving one month's notice on either side. The appointing authority, however, reserves the right of terminating his/her service forthwith or before the expiration of the stipulated period of notice by making payment to him/her for the unexpired period.

THE CANDIDATE SHOULD HAVE COMPLETED SATISFACTORILY THE COMPULSORY ROTATING INTERNSHIP BEFORE JOINING SERVICE. IN CASE WHERE THIS HAS NOT BEEN COMPLETED, ALL DETAILS SHOULD BE FURNISHED FOR CONSIDERATION OF THE GOVERNMENT.

(ii) The scale of pay of the post is ₹.8000-275-13500. The initial pay of such candidates who are in govt. Service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(iii) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

page....2

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(iv) Dearness and other allowances will be admissible according to orders of the Central Government.

(v) Non-practicing allowances is admissible according to orders/instructions of the government, issued from time to time.

(vi) The officers will be required to contribute compulsorily to the G.P. Fund in accordance with the rules in force from time to time.

(vii) The employee is required to contribute towards central Govt. Employee's Group Insurance Scheme, 1980 at such rates as may be prescribed by the Government according to rules.

(viii) The appointment carries with it the liability to serve in any part of India or outside.

(ix) The officers shall, if so required, be liable to serve in Defence service or post connected with the Defence of India for a period of not less than 4 years including the period spent on training if any, provided:-

- The officer shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment.
- The officer shall not ordinarily be required to serve aforesaid after attaining the age of 45 years.

(x) Declaration regarding the marital status in the enclosed proforma may be sent to this Ministry immediately.

(i) On appointment the officer will be required to take an oath of allegiance to the Constitution of India or make a solemn affirmation to that effect in the prescribed proforma.

(xi) POST GRADUATE ALLOWANCE

A medical graduate appointed to the post of Medical Officer or Senior Medical Officer or Chief Medical Officer including Chief Medical Officer (Non-functional Selection Grade) for which possession of a recognised post-graduate qualification is not essential, shall be given over and above the pay admissible in the relevant scale, Post-Graduate allowance per month as per relevant orders/instructions, for possession recognised Post Graduate diploma(s) or post Graduate Degree respectively specified in CHG Rules, 1996, or under the Indian Medical Council Act, 1956 (102 of 1956). The allowance shall be payable only at the rate of the allowance admissible for possessing recognised Post Graduate Degree to an officer who possess both recognised Post Graduate Degree and Diploma.

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(xiii) He/She has been medically examined and found fit.

(xiv) His/Her character and antecedents have also been got verified and there is nothing against him/her.

(xv) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.

(xvi) NO REQUEST FOR EXTENSION OF JOINING TIME, FOR DOING POST GRADUATION OR CONTINUANCE OF POST GRADUATION WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES. THE CANDIDATES WILL HAVE TO CHOOSE BETWEEN POST GRADUATION OR JOINING THE CENTRAL HEALTH SERVICE.

(xvii) NO REQUEST FOR CHANGE IN THE PLACE OF POSTING WILL BE ENTERTAINED UNDER ANY CIRCUMSTANCES.

(xviii) The appointment is provisional and is subject to the Caste/Tribe Certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribes, Other Backwards Classes as the case may be is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for productions of false certificate.

2. The Ministry may please be informed within 30 days from the date of issue of this Memorandum whether or not the offer of appointment in Assam Rifles, Shillong on the above terms and conditions is acceptable to him/her and also return the declaration. If no reply is received within this stipulated period, it will be presumed that he/she is not interested in the offer which will be treated as cancelled.

3. In case the offer is acceptable he/she should report for duty to the Director General, Assam Rifles, Shillong - 793011.

positively within 30 days from the date of issue of this Memorandum under intimation to this Ministry. If no reply is received and he/she does not report for duty within the stipulated period of 30 days the offer of appointment will be treated as cancelled.

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4. The appointment of Dr. Suman Biswas is provisional and is subject to following certificate(s) being verified by UPSC/this Ministry.

1. Compulsory Rotating Internship Certificate.
2. Original B.B.C. Degree.
3. Original SC/ST/OBC certificate in the prescribed form from the competent authority.

5. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Government may deem necessary.

IN ALL FUTURE CORRESPONDENCE THE FILE NUMBER GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS BE QUOTED.

H. N. YADAV

UNDER SECRETARY TO THE GOVT. OF INDIA

To,

Dr. Suman Biswas,

k k
17, Majumder Road,

South 24 Parganas, P.O. Santoshpur,

CALCUTTA - 700075.

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ANNEXURE – (III)

[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 alteration and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, 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 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

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Anubhav K. J. To Be
Served on [Redacted] Advocate

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.

This Copy Is Certified To Be
True Copy Of.....(Advocate)

32
ANNEXURE - (IV)

[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-recommendations 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 Minister's O.M. No. 20014/16/86/E.IV/E.II (B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when 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 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) **Weight age 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 to the Government of India.

To:

The Deputy Director
M S Branch
Directorate General Assam Rifles
Shillong - 14
(Through proper channel)

Sub: APPLICATION FOR POSTING ON COMPASSIONATE GROUND

Sir,

With most respect I want to draw your attention on the following subject of my posting.
Myself, the undersigned, is currently employed with 32 Assam Rifles as Medical Officer (Central Health Service).

Being the only issue and having lost my father in the year 1984, I am the only one to look after my mother staying in Calcutta (my residence) all alone. Moreover, she is a patient of Congenital Heart Disease and has also suffered from Subacute intestinal obstruction in the recent past. With advancing age she is getting more and more feeble.

As such, I have ever been willing to have my mother staying with me but couldn't do so since the time I joined the Assam Rifles (Jun 1999).

My present unit being new raising is unable to provide me proper accommodation as applicable to CHS Officers.

Through this communication, I earnestly request you to kindly post me to such an unit of Assam Rifles which is well established accommodation wise, well connected by road / Air route and preferably close to specialty hospitals (namely AC & A range - Jorhat, 31 AR - Lakhra, DGAR - Shillong, 1 CC - Laikore, AR Hospital - Happy valley, 2 MGAR - Silchar etc.) so that I can keep my mother with me.

Failing this, I would pray for posting to the Battalion in North Sikkim which is much close to my place.

I hope and believe that you will consider my case with sympathy and oblige me.
I shall remain grateful to you forever for this act of favour.

Thanking you in anticipation,

Yours faithfully,

[DR. SUMAN BISWAS
M O (CHS)
Emply. No. 003568
32 Assam Rifles]

Date: 11 Aug 2001

Place: 32 AR
C/O 99 APO

Recd
Date 11/8/01
11a RECOMMENDATION BY COMDT
32 AR Recommended/ Not Recommended
32 Assam Rifles

Date: 2001

Place: 32 AR
C/O 99 APO

Col H K Ahluwalia
Comdt
32 Assam Rifles

Certified To Be

True Copy *[Signature]* (Advocate)

From : Dr Suman Biswas
 Medical Officer (CHS)
 32 Assam Rifles
 C/O 99 APO

To : Mahanideshalaya Assam Rifles
 Directorate General Assam Rifles
 (MS Branch)
 Shillong - 11

(Through Proper Channel)

APPLICATION FOR POSTING/TEMPORARY
 ATTACHMENT ON COMPASSIONATE GROUND

Sir,

This is further to my application no. nil dated 11th Aug 2001 on the above mentioned subject. (which could not be realised due to want of vacancies vide DGAR Sig No. A 1584 dt 15 Nov 2001)

Kindly be informed that my problems (as mentioned in the previous application) have aggravated further more and compelled me to write to your good self for the second time.

I shall be much obliged if you could consider the matter with priority and favour me with an early action.

Thanking you in anticipation,

Yours faithfully,


 (Dr Suman Biswas)

Place : Field

Dated : 04 Jun 2002

Encl : Photo copies of -
 1) Original application for ready reference
 2) Medical documents

Copy to :-

The Deputy Director
 Medical Branch
 DGAR
 Shillong - 11

Re. encld 3 sets of application with
 encld
 M. Biswas
 श्री असाम रिफ्ल्स
 32 असाम रिफ्ल्स
 32 असाम रिफ्ल्स

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 (Advocate)

(29)

ANNEXURE (VII)

From : Dr. Suman Biswas
Medical Officer
Central Health Service
32 Assam Rifles
C.O 99 APO

Advance copy submitted
by Regd. Post on 19 Sep 2002

To : The Secretary to Govt of India
Ministry of Health and Family Welfare
Nirmal Bhawan
New Delhi 110011

(Through proper channel)

Sub : APPLICATION FOR CHOICE POSTING ON COMPAS-
SIONATE GROUND REGARDING.

Ref : Ministry of Health & Family Welfare Memo No A.12025/205/98-
CHS I dated 27 May, 1999.

Sir,

Please find herewith an application for choice posting in prescribed
format (i.e., proforma I of Ministry circular No A.22012/20/98 - CHS III dated
30 March, 2000) in respect of the undersigned.

An early action is requested in view of the acute hardship the
undersigned is facing.

Thanking You,

Yours faithfully,

Suman Biswas

(DR. SUMAN BISWAS)

Dated: 19 Sep 2002

Place : 32 Assam Rifles
C.O 99 APO

Enclosed : 1. Request for posting in proforma I.

2. Photocopies of relevant medical documents

Copy in advance : Advance copy submitted for early action (please

True Copy
Certified To Be
True Copy
Placed on File
Advocacy

15/9/2002
15/9/2002
15/9/2002

(30)

PROV. NO. 1

TRANSFER PROPOSALS FOR CONSIDERATION OF TRANSFER COMMITTEE

Serial No	Name & Designation/ DOB/SC/ST/OBC	Date of Joining CHS	Previous Posting	Gist of Representation/ Request Reasoning etc	Remarks
1.	AS. B. K. BASKARAN Medical Officer DOB - 1.5.1970 General Case	11-6-1998 Medical Officer DOB - 1.5.1970 General Case	11-6-1998 Medical Officer DOB - 1.5.1970 General Case	<p>Transfer applied on compassionate ground Reasons -</p> <p>> AS the only child, not being able to look after elderly, disabled mother suffering from congenital heart disease and also subacute intestinal obstruction (See docu enclosed)</p> <p>> AS request for convenient posting with the Assam Rifles could be granted to. (Application in this regard submitted twice, on 11.8.2001 and 4-6.2002 respectively)</p>	<p>Place of birth - Post - > AS - S. KOLKATA > AS - S. KOLKATA S. KOLKATA KOLKATA</p>

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Certified To Be
True Copy
(Advocate)

(31)

38

Phone : 334-9863/9923, 337-4247

RAMESWARA NURSING HOME (PVT) LIMITED

P-155, C. I. T. SCHEME VII M (ULTADANGA), CALCUTTA-700 054

DISCHARGE SUMMARY CERTIFICATE

Admitted under Dr. R. K. SHARMA Indoor Registration No. 20269
 Name MRS. SHILAYA BISWAS
 Age 53 Sex F Religion H
 Address 17, KALI KUMAR MAJUMDAR,
SANTOSHPUR, CAL-75 Telephone No. _____
 Date of Admission 2.5.2000 Date of Operation _____
 Date of Discharge 8.5.2000
 Brief Clinical History _____

INVESTIGATIONS — AV attached

Blood _____ Urine _____ Stool _____

X-Ray Report _____

E. C. G. Report _____

Biopsy Report _____

Diagnosis ASD B° & ALI.D. P.H.T to sub acute intestinal obstruction

Treatment Operation _____

Result _____ Cured _____ Improved No Changes _____ Died _____Advice at the time of discharge Given in a separate sheet.

Follow up—To attend O.P.D. _____

Signature of H.S./R.S.

Date _____

AIT (SII)

*Dy. Comm. Major
Quarter Master
32 Assam Rifles*

Signature of Superintendent/Visiting Surgeon

Date 8.5.2000

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

Advanced Medicare & Research Institute

A Joint Sector with Government of West Bengal

39

NAME: MRS. CHAYA TALUK

AGE: 50 yrs

REFERRED BY: DR. D. R. S.

DATE: 03/05/99

REGISTRATION NO: 10015

PAGE: 1.

REPORT OF ECHOCARDIOGRAM/COLOUR DOPPLER STUDIES DEPARTMENT OF NON - INVASIVE CARDIOLOGY

ECHO SCREENING

DIMENSIONS

(Figures in the bracket indicate the normal adult values.)

AO: 2.45 cm	(2.0 - 4.0) cms	DE: 1.64 cm	(1.5 - 2.5) cms
PAO: 1.61 cm	(1.5 - 2.5) cms	EPSS: 0.62 cm	(0.0 - 1.0) cms
LA: 3.86 cm	(2.0 - 4.0) cms	EF: 0.39	(5.0 - 15) cms
IVS(L): 0.28 cm	(0.6 - 2.3) cms	IVS(R): 0.73 cm	(0.6 - 1.1) cms
LVEDd: 3.96 cm	(3.5 - 5.6) cms	LVPW(L): 0.90 cm	(0.6 - 1.1) cms
LVID: 2.43 cm	(2.4 - 4.2) cms	LVEF: 69 %	
		FS: 30 %	

DOPPLER DATA:

STRUCTURE	VELOCITY	PRESSURE GRADIENT	REGURGITATION
MITRAL	1.09	---	1/4
TRICUSPID VALVE	1.06	---	1/4
PORTAL VALVE	1.23	---	0/4
PULMONIC VALVE	1.26	---	0/4

OTHERS FINDINGS:

ESTIMATED PULMONARY ARTERIAL PRESSURE = 40 mm Hg (SYSTOLIC).

Registered Office : Advanced Medicare & Research Institute Ltd.
P-4 & 5, C.I.T. Scheme-LXXII, Block-A, Gariahat Road, Calcutta-700 029
Phone : 440 4102/9753/9754/9847, Fax : 440 4803

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(Advocate)



Advanced Medicare & Research Institute

A Joint Sector with Government of West Bengal

(33)

40

NAME: MR. UDAY DEBNATH

AGE: 50 yrs

REFERRED BY: DR. DEB K. CHATTERJEE

DATE: 05/07/99

REGISTRATION NO: 10015

PAGE: 2.

IMPRESSION:

1. Congenital heart disease.
Situs solitus. Atrioventricular concordance,
ventriculoarterial discordance.
Normally related great arteries.
Normal systemic and pulmonary venous drainage.
2. Ostium secundum type of atrial septal defect of moderate size with moderate left to right shunt across the defect.
3. Mild pulmonary arterial hypertension present.
4. Enlarged right atrium.
Right ventricular volume overload is present.
Left ventricle and left atrium sizes are within normal limits.
Good biventricular systolic function.
5. All four cardiac valves are morphologically normal.
Trivial MR and trivial TR present.
6. Infect interventricular septum.
No intracardiac mass.
No pericardial pathology.

CONSLUSION :

OSTIUM SECUNDUM TYPE OF ASD.
MILD PULMONARY ARTERIAL HYPERTENSION.

Debika Chatterjee

DR. DEBIKA CHATTERJEE, MD

Registered Office : Advanced Medicare & Research Institute Ltd.
P-4 & 5, C.I.T. Scheme-LXXII, Block-A, Gariahat Road, Calcutta-700 029
Phone : 440 4102/9753/9754/9847, Fax : 440-4803

*Certified To Be
True Copy
Dr. Debika Chatterjee*

From : Dr. Suman Biswas
 Medical Officer
 Central Health Service
 32 Assam Rifles
 C/O 99 APO

To : The Secretary to Govt of India
 Ministry of Health and Family Welfare
 Nirman Bhawan
 New Delhi - 110011

(Through proper channel)

Sub : APPLICATION FOR CHOICE POSTING ON
 COMPASSIONATE GROUND REGARDING

Ref : Ministry of Health & Family Welfare Memo No. A:12025/203/98-
 CHS I dated 27 May, 1999.

Sir,

Please find herewith an application for choice posting in prescribed format (i.e., proforma I of Ministry circular No. A.22012/20/98-CHS III dated 30 March, 2000) in respect of the undersigned. This is further to application No. nil dated 19 Sep. 2002.

An early action is requested in view of the acute hardship the undersigned is facing.

Thanking you,

Recd 5/12/02
appd Yours faithfully,

Suman Biswas

Dated : 31 Dec 2002

(DR. SUMAN BISWAS)

Place : 32 Assam Rifles
 C/O 99 APO

Enclo : 1. Request for posting in proforma I.

2. Photocopies of relevant medical documents.(03 Sheets).

Copy in advance - Advance copy submitted for early action, please.

Certified To Be

True Copy *.....(Advocate)*

TRANSFER PROPOSALS FOR CONSIDERATION OF TRANSFER COMMITTEE

Ser No	Name, Designation DOB (SC ST OBC)	Date of Joining CGHS	Previous postings	Gist of Representation Request Recomending etc	Remarks
1	DR. SUMAN BISWAS. Medical Officer, DOB - 01-07-1970, General Caste.	10-06-1999 (Ref:- Ministry memo No. A.I.2025/205/98- CGHS I dated 27 May, 1999)	(i) 30 Assam Rifles (from 10-06-1999 till 25-02-2001). (ii) 32 Assam Rifles (from 26-02-2001 till date).	Transfer applied on Compassionate Ground. Reasons :- (i) As the only child, not being able to look after elderly, widowed mother suffering from congenital Heart Disease and also Subacute Intestinal Obstruction (Medical docu enclosed). (ii) As request for convenient posting within the Assam Rifles could not be granted to. (application in this regard submitted twice, on 11-08-2001 and 04-06-2002 respectively).	Places of choice for posting :- (i) CGHS, Kolkata. (ii) ROH, Kolkata. (iii) Dept. of P & T, Kolkata.

True Copy/.....
.....(Advocate)

(36)

A M R I
APOLLO
HOSPITALS

43

ECHOCARDIOGRAPHY & COLOUR DOPPLER REPORT

=====

ECHO WINDOW GOOD FAIR POOR

NAME: MS. CHAYA BISWAS

AGE 56

SEX : F

REF'D BY: DR. S. BISWAS

ID NO. 164025 DT. 09.12.02

DIMENSIONS	PT. VALVE (cm)	NORMAL VALVES (ADULTS)	CHILDREN
AD	2.5	2.0 - 3.7	0.7 - 2.7
LA	3.4	1.9 - 4.0	0.7 - 3.0
LVS(D)	0.4	0.6 - 1.1	0.4 - 0.8
LVPW	0.6	0.6 - 1.1	0.4 - 0.8
LV(D)	4.6	3.5 - 5.2	1.3 - 4.7
LV(S)	2.7	2.3 - 3.9	

M MODE.

MOD. SIMPSON'S

NORMAL

EF% 68 %

60 - 80 %

MITRAL VALVE.

NORMAL. PML MOVES POSTERIORLY.

NO ASY/PML PROLAPSE/ SAM OR PREMATURE CLOSURE. NO B BUMP.

MITRAL REGURGITATION (MR)

ABSENT.

AORTIC VALVE

NORMAL, TRILEAFLET, CENTRAL CLOSURE

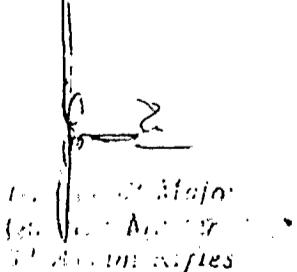
AORTIC VELOCITY = 1.2 m/s

NORMAL 1.0-1.7 m/s (adult)

AORTIC STENOSIS

ABSENT

ATTENDED



Registered Office : Advanced Medicare & Research Institute Ltd.

(A Joint Sector with Government of West Bengal)

P-4 & 5, C.I.T. Scheme-LXXII, Block-A, Garhatala Road, Kalkata-700 029

Phone : 440 4102, Fax : 440 4803, Email : amill@cal.vsnl.net.in

True Copy. *[Signature]* (Advocate)



44

AORTIC REGURGITATION

ABSENT

TRICUSPID VALVE

NORMAL. TRICUSPID REGURGITATION = TRIVIAL

RVSP = 28 mm of HG.

PULMONARY VALVE

NORMAL

PULMONARY REGURGITATION

ABSENT

COMMENTS.

LV SIZE = NORMAL LA = NORMAL

RA SIZE = ENLARGED RV = ENLARGED

NO REGIONAL WALL MOTION ABNORMALITY.

RA/RV/LV/LAN/LAA CLOT ABSENT.

NO VEGETATION ON ANY VALVE

NO PERICARDIAL EFFUSION

NO VSD, PDA SEEN.

3.7 cm ASD SECUNDUM WITH LEFT TO RIGHT FLOW.

NORMAL PULMONARY VENOUS DRAINAGE.

FINAL DIAGNOSIS

* LARGE ASD SECUNDUM

* LEFT TO RIGHT FLOW.

* RVSP = 28 mm.

DR. P. K. HAZRA
 MD. (PGI) DNB. DM. (CARDIO) PGI
 DIPLOMATE OF NATIONAL BOARD
 CONSULTANT CARDIOLOGIST

ATTESTED

D-7, 7th floor
 11th Avenue
 New Alipore
 Calcutta-700 029

Registered Office : Advanced Medicare & Research Institute Ltd.

(A Joint Sector with Government of West Bengal)

P-4 & 5, C.I.T. Scheme-LXXII, Block-A, Garhatal Road, Kolkata-700 029

Phone : 440 4102, Fax : 440 4803, Email : amill@cal.vsnl.net.in

Certified To Be
 True Copy And
 (Advocate)

Name : Dr. Suman Biswas
Medical Officer
Central Health Service
32 Assam Rifles
C.O. 99 APO

To : The Secretary to Govt of India
Ministry of Health and Family Welfare (Dept. of Health)
Nirman Bhawan
New Delhi 110011

(Through proper channel)

APPLICATION FOR CHOICE POSTING ON
COMPASSIONATE GROUND REGARDING

Ref : Ministry of Health & Family Welfare Memo No. A:12025/205/98-CHS I dated 27 May, 1999.

Sir

Please find herewith an application for choice posting in prescribed format (i.e., proforma 1 of Ministry circular No. A/22012/20/98-CHS III dated 30 March, 2000) in respect of the undersigned. This is further to applications no. nil dated 19 Sep, 2002 and 31 Dec, 2002.

An early action is requested in view of the Poor health conditions of the undersigned.

Thanking you,

Yours faithfully,

Samuel Birnbaum

Date : 5.3.2003.

(DR. SUMAN BISWAS)

Place : 32 Assam Rifles
C/O 99 APO

Replies: 1. Request for posting in proforma I.
2. Photocopies of relevant medical documents.(03 Sheets).

Given in advance - Advance copy submitted for early action please

(39)

Preforma -1

TRANSFER PROPOSALS FOR CONSIDERATION OF TRANSFER COMMITTEE

Ser No.	Name Designation DOB /SC/ST/OBC)	Date of Joining CGHS	Previous postings	Gist of Representation/ Request/ Reasoning etc	Remarks
1.	DR. SUMAN BISWAS, Medical Officer, DOB - 01-07-1970, General Caste.	10-06-1999 (Ref:- Ministry memo No. A.12025/205/98- CHS I dated 27 May, 1999)	(i) 30 Assam Rifles (from 10-06-1999 till 25-02-2001). (ii) 32 Assam Rifles (from 26-02-2001 till date).	Transfer applied on Compassionate Ground. Reasons :- (i) As the only child, not being able to look after elderly, widowed mother suffering from congenital Heart Disease and also Subacute Intestinal Obstruction (Medical docu enclosed). (ii) As request for convenient posting within the Assam Rifles could not be granted to. (application in this regard submitted twice, on 11-08-2001 and 04-06-2002 respectively). (iii) As the applicant has developed serious cardiac ailment, proper treatment being not available in the remote places of posting.	Places of choice for posting :- (i) CGHS, Kokkata. (ii) ROH, Kokkata. (iii) Dept. of P & T, Kokkata.

True Copy.....
Certified To Be
(Advocate)

Suman Biswas 46

Advanced Medicare & Research Institute⁽¹⁰⁾

Joint Sector with Government of West Bengal

NAME: MRS. CHAYA DEBNATH

AGE: 50 yrs

PREFERRED BY: DR. DEBNATH

DATE: 05/05/99

REGISTRATION NO: 56015

PAGE: 1.

REPORT OF ECHOCARDIOGRAM/COLOUR DOPPLER STUDIES DEPARTMENT OF NON - INVASIVE CARDIOLOGY

ECHO SCREENING

DIMENSIONS

(Figures in the bracket indicate the normal adult values)

ASD: 2.43 cm	(2.0 - 4.0) cms	DE: 1.64 cm	(1.5 - 2.5) cms
ADX: 1.41 cm	(1.3 - 2.5) cms	EPSS: 0.62 cm	(0.0 - 1.0) cms
LA: 3.86 cm	(2.0 - 4.0) cms	EF: 43.9 cm	(5.0 - 15) cms
RV(L): 5.28 cm	(0.6 - 2.8) cms	LVS(L): 0.73 cm	(0.6 - 1.1) cms
LVIDD: 5.96 cm	(3.5 - 5.6) cms	LVPW(L): 0.90 cm	(0.6 - 1.1) cms
LVIDD: 5.93 cm	(2.4 - 4.2) cms	LVEF: 69 %	
		FS: 38 %	

DOPPLER DATA:

STRUCTURE	VELOCITY	PRESSURE GRADIENT	REGURGITATION
MITRAL	1.09	---	1/4
TRICUSPID VALVE	1.06	---	1/4
AORTIC VALVE	1.23	---	0/4
PULMONIC VALVE	1.26	---	0/4

OTHERS FINDINGS:

ESTIMATED PULMONARY ARTERIAL PRESSURE = 40 mm Hg (SYSTOLIC).

Registered Office : Advanced Medicare & Research Institute Ltd.
P-4 & 5, C.I.T. Scheme-LXXII, Block-A, Gariahat Road, Calcutta-700 029
Phone : 440 4102/9753/9754/9847, Fax : 440-4803

Certified To Be
True Copy
(Dr. S. K. Bhattacharya, Advocate)

(41)

Advanced Medicare & Research Institute

A. Joint Sector with Government of West Bengal

WS

NAME: MR. CHINMAY BISWAS

AGE: 50 YRS

REFERRED BY: DR. DEBIKA CHATTERJEE

DATE: 01/01/2009

REGISTRATION NO: 100105

PAGE: 2

IMPRESSION:

1. Congenital heart disease.
Situs solitus with moderate ventricular concomitance.
Marked left ventricular hypertrophy.
Marked systolic and pulmonary venous desaturation.
2. Ostium secundum type of atrial septal defect of moderate size with moderate left to right shunt across the defect.
3. Mild pulmonary arterial hypertension present.
4. Enlarged right atrium.
Right ventricular volume overload is present.
Left ventricular and left atrium sizes are within normal limits.
Good left ventricular systolic function.
5. All four cardiac valves are morphologically normal.
Tricuspid MR and tricuspid LR present.
6. Intact atrioventricular septum.
No atrial arrhythmias.
No pericardial pathology.

CONSLUSION :

OSTIUM SECUNDUM TYPE OF ASD.
MILD PULMONARY ARTERIAL HYPERTENSION.

Debi Chatterjee
DR. DEBIKA CHATTERJEE, MD

Registered Office : Advanced Medicare & Research Institute Ltd.
P-4 & 5, C.I.T. Scheme-LXXII; Block-A, Garibhat Road, Calcutta-700 029
Phone : 440 4102/9753/9754/9847, Fax : 440-4803

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(Advocate)*

(42)

Phone : 334-9863/9923, 337-4247

u9

RAMESWARA NURSING HOME (PVT) LIMITED

P-155, C. I. T. SCHEME VII M (ULTADANGA), CALCUTTA-700 054

DISCHARGE SUMMARY CERTIFICATE

Admitted under Dr. R. K. SHARMA Indoor Registration No. 20269
Name MRS CHHAYA BISWAS
Age 33 yrs Sex F Religion H.
Address 17, KALI KUMAR MATUM DAR,
SANTOSH PUR, CAL-75 Telephone No. _____
Date of Admission 2.5.2000 Date of Operation _____
Date of Discharge 8.5.2000
Brief Clinical History _____

INVESTIGATIONS - AN attached

Blood _____ Urine _____ Stool _____

X-Ray Report _____

E. C. G. Report _____

Biopsy Report _____

Diagnosis A.S.D D⁰ & mild P.H.T & sub acute intestinal obstruction

Treatment Operation _____

Result Cured Improved No Changes Died _____

Advice at the time of discharge Given in a separate sheet.

Follow up - To attend O.P.D. _____

Signature of H.S./R.S.

Date _____

Sur
Signature of Superintendent/Visiting Surgeon

Date 8.5.2000

Certified To Be
True Copy *Shrikant K. S. (Advocate)*

From : Dr. Suman Biswas
 Senior Medical Officer
 Central Health Service
 11 Assam Rifles
 C/O 99 APO

To : The Secretary to Govt of India
 Ministry of Health and Family Welfare
 (Dept of Health)
 Nirman Bhawan
 New Delhi - 110011

(Through Proper Channel)

29 July, 2004

**APPLICATION FOR CHOICE POSTING ON EXTREME
 COMPASSIONATE GROUND**

Sir,

Please find herewith an application for choice posting in prescribed proforma (vide Ministry of Health and Family Welfare letter No A.22012/60/2003-CHS-II dated 04 September 2003) in respect of the undersigned.

This is further to applications on the same subject dated 19 September 2002, 31 December 2002 and 05 Mar 2003. You are hereby requested to consider the matter with priority in view of the urgency involved and also the delay, which has already complicated the problem.

Thanking you,

Yours faithfully,

Suman Biswas
 (Dr. Suman Biswas)

Place : 11 Assain Rifles
 C/O 99 APO

Encl : 1. Request for Transfer
 2. Photocopies of relevant
 Medical documents

Copy in advance

Advance copy submitted for early
 action please.

*Received
 Given set of
 copies on 29/7/2004
 respectively
 11 Assam Rifles
 C/O 99 APO
 New Delhi - 110011*

*True Copy
 Certified To Be
 Correct
 (Advocate)*

(44)
REQUEST FOR TRANSFER

1. Name	: DR. Suman Biswas
2. Employee Code No	: 003568
3. Designation	: Senior Medical Officer
4. Date of joining in CHS	: 10 June 1999
5. Date of joining the organization from where transfer is sought	: 10 June, 1999 (The Assam Rifles, Ministry of Home Affairs)
6. Details of the period of service rendered in other organizations including difficult areas like Assam Rifles, Arunachal Pradesh, Andaman & Nicobar Island, Sádra & Nagar Haveli, Lakshadweep Islands, Ministry of Labour, etc.	: (i) 10-06-99 upto 25-02-01 (North Sikkim) (ii) 26-02-01 upto 29-04-04 (Mizoram & Nagaland) (iii) 30-04-04 till date (Tripura)
7. Reasons for seeking transfer in Brief	: To attend bedridden, widowed mother, being the only child. Inability to do so may beget catastrophe.
8. Station(s)/organization(s) where Transfer is desired (in order of preference)	: (i) CGHS, Kolkata (ii) Any CHS posting in Kolkata or West Bengal.

Suman Biswas
(Signature of applicant)

Dated : 29 Jul 2004

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

1. The officer can be relieved/without a substitute in the event of his transfer.
2. Certified that the information given in columns 1 to 4 has been verified from records.

(Signature of the Head of office
Department with seal)

*True Copy Certified To Be
Adequate*

JHAYA BISWAS		Sex	Female	Age	56	Mth	
Doctor	RANJAN KUMAR SHARMA	ID #	S157100031225-11				Lab #
Spec #	DPD	Sample/Bill Date	Report Date December 25, 2003				Pg 1

ECHOCARDIOGRAPHY

M-Mode Data : (Parantheses Indicate Normal Adult Value In cms.)

AoD	: 2.1	(2.00 - 4.00)	DE	: 1.1	(1.50 - 2.50)
AoEx	: 1.8	(1.50 - 2.50)	EF SLOPE	: 7.8	(5.00 - 15.00)
LA	: 3.0	(2.00 - 4.00)	EPSS	: 0.5	(0.00 - 1.00)
LVIDd	: 3.4	(3.50 - 5.00)	LVS (d)	: 0.4	(0.20 - 1.10)
LVIDs	: 1.5	(2.40 - 4.20)	LVPW (d)	: 1.2	(0.50 - 1.10)
RV (d)	: 4.0	(0.60 - 2.30)	LVEF	: 88	%

Comments

1. LV cavity size is normal.
2. RV, RA and Pulmonary artery are dilated.
3. Trivial MR is seen on colour flow.
4. Big ASD secundum is noted (28 mm).
5. No evidence of pulmonary hypertension.
6. No pericardial disease noted.

Conclusion :- ASD secundum, no pulmonary hypertension.

Dr. RANJAN KUMAR SHARMA
(ECHO - CARDIOLOGIST)

Wish You Good Health.



SPECIALIST CORNER & DIAGNOSTIC LABORATORY

(For all Pathological Investigations and E.C.G . X-Ray
(Govt. Recognised)

Working Hours .
8 a.m. to 8 p.m.
Sunday 12. Noon



9. Smt. Smt. 429
Kata 200
Phone (Lab) 2416-7811

Name Smt. Chhaya Biswas.

58 yrs.

Ref. by Dr. R.K.Sharma. MD. Dip.CARD.

Paul Evans, Jr. Chest P.A.

X-RAY REPORT

Cheat No. 1. :-

Domes of the diaphragm are smooth.

Both C.P. angles are clear.

Cardiac size is enlarged with hypoplastic aortic knuckle with full pulmonary conus.

Evidence of Pulmonary plethora is seen

The app.suggests - C.H.D. left to Right
shunt & ALS.D

Suggested - Echo Cardiography.

Date : 19.6.2004.

Post Dr. M. S. M. M. 1985 10/10/85

True Copy Mark(Signature)
Certified To Be

MAYABINASH CHANDRA BANERJEE LANE,
BELLAGHATA, KOLKATA - 700010
PHONE (0350) 2761/4765/5636/2353/6008/9
WebSite: www.divinenursinghome.com
E-Mail: technical@yeditmail.com

DIVINE
NURSING HOME PRIVATE LIMITED

Patient Name	CHHAYA BISWAS	Sex	Female	Age	56 Yrs	Mth	54
Ref. Doctor	RAJAN KUMAR SHARMA	ID #	1315710031225-0		Lab #	52	
Bed #	EOPD	Sample/Bill Date	Report Date December 25, 2003			Pg 4	

ECHOCARDIOGRAPHY

ANNEXURE (X1)

M-Mode Data (Parantheses Indicate Normal Adult Value In cms.)							
ASD	2.1 (2.00 - 4.00)	DE	1.1 (1.50 - 2.50)	EF SLOPE	7.8 (5.00 - 15.00)	EPSS	0.6 (0.00 - 1.00)
AoEx	1.8 (1.50 - 2.50)	LVS (d)	0.9 (0.60 - 1.10)	LVPW (d)	1.2 (0.60 - 1.10)	LVEF	88 %
LA	3.0 (2.00 - 4.00)						
LVIDd	3.4 (3.50 - 5.60)						
LVIDs	1.5 (2.40 - 4.20)						
RV (d)	4.0 (0.60 - 2.30)						
Comments	<p>1. LV cavity size is normal.</p> <p>2. RV, RA and Pulmonary artery are dilated.</p> <p>3. Trivial MR is seen on colour flow.</p> <p>4. Big ASD secundum is noted (28 mm).</p> <p>5. No evidence of pulmonary hypertension.</p> <p>6. No pericardial disease noted.</p>						
Conclusion	ASD secundum, no pulmonary hypertension.						
<p><i>Dr. Ranjan Kumar Sharma</i> Dr. RANJAN KUMAR SHARMA (ECHO - CARDIOLOGIST)</p> <p>Wish You Good Health.</p>							

X-RAY • PATHOLOGY • CT • PET • TOE THERMOGRAPHY • MONITORING • ENDOSCOPY • COLONOSCOPY • ETC

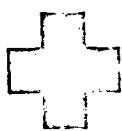
True Copy
Certified To Be
.....(Advocate)

CALCUTTA GENERAL & DIAGNOSTIC LABORATORY

(For all Pathological Investigations and E.C.G., X-Ray)

(Govt Recognised)

7th King Edward
Lane (108 p.t.)
Sunday 13 Noon.



90, Santoshpur Avenue
Kolkata - 700 075
Phone : (Lab) 2416-7636

Smt. Chhaya Biswas. Age 58 Yrs.
by Dr. R.K. Sharma. MD. Dip.CARD. Part Examined Chest P.A.

X-RAY REPORTChest P.A. :-

Domes of the diaphragm are smooth.
Both C.P. angles are clear.

Cardiac size is enlarged with hypoplastic
aortic Knuckle with full Palmonary Conus.

Evidence of Pulmonary plethora is seen.

The app.suggests - C.H.D. left to Right
shunt \Rightarrow A.S.D.

Suggested - Echo Cardiography.

Date 19.6.2004.

22/6/04
Radiologist
Prof. (Dr.) Mahadev Chakraborty
MBBS, MD, DMRD (CAL)

Certified To Be
True Copy.
M. Chakraborty (Advocate)

Dr. Ranjan Kumar Sharma

M.D. (PGI, Chandigarh), Dip. Card. (Cal.),
D.N.B. (Gen. Medicine), D.M. (Cardiology).

CONSULTANT CARDIOLOGIST

Residence :
Type 3R, 3/1, Purbachal,
Salt Lake, Kolkata-700 097
Phone : (033) 2335-6608
E-mail : ranjankumars@yahoo.com

Date..... 25/10/04

Certified that Mrs. Chhaya Biswas,
M. B. B. S. Biswas, of Santoshpur, Calcutta 75,
has been suffering from Atrial Septal Defect
Secundum type and undergoing treatment
now for past 5 years. She needs regular
medical supervision.

Chhaya Biswas

Signature of Mrs. Chhaya Biswas.

Attest
25/10/04

R
25/10/04
Ref No 42303
Dr. Ranjan Kumar Sharma
Asst. Professor, Cardiology
Burdwan Medical College
Burdwan

(50)

G.O.M.R. No. 2000, CGHS-II

Government of India

Ministry of Health & Family Welfare

Nimman Bhawan, New Delhi

Dated the 22nd April, 2000

MAILED

The President is pleased to order the transfer of the following officers of the GOIIC Sub-Unit of Central Health Service with immediate effect:

Serial Number of the Officer	Present Place of Posting	Transferred to
1. Dr. (I.M.S) A. Datta CGHS	Under transfer to M/o Labour	CGHS, Itanagar
2. Dr. Atanu Bhattacharya MO	Assam Rifles	CGHS, Delhi
3. Dr. Arvind Kumar MO	Assam Rifles	CGHS, Delhi
4. Dr. Ranajit Kumar Mandi Bazar, CGHS	On duty, due foreign assignment	CGHS, Delhi

All the above transfers, including the transfer of the officer mentioned at S No. 4 are of the two required.

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

✓
C. S. SRIDHAR
UNDER ATTACHMENT TO THE GOVT. OF INDIA

To

1. The Addl. Director (HQ) CGHS, Nimman Bhawan, New Delhi
2. The Addl. Director, CGHS, A.G. Colony, Unit-4, Bhubaneswar-751 001.
3. The Under Secretary, Ministry of Labour, Jaiswalmer House, Man Singh Road, New Delhi
4. Director, Central, Assam Rifles, Shillong
5. Addl. Director, CGHS
6. Addl. Director, CGHS/DS(CGHS)/DS(CGHS-I)
7. Addl. Director, CGHS/DS (CGHS cell)
8. Addl. Director, CGHS-II

True Copy
Certified To Be
(Advocate)

(51)

Tel No : 705095

REGISTERED

ANNEXURE (8)

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

L.14015/Pers-RS/99/H-1

© 1 Apr 2003

The Under Secretary to the
Government of India
Ministry of Health & Family Welfare
(CHS-II)
Nirman Bhavan
New Delhi-110011

REQUEST FOR REVERSION TO CHS

Sir,

1. I am directed to forward herewith an application received from Dr Suman Biswas, 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 only be relieved on physical arrival of his relief.

Yours faithfully,

7216

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

Encl. : As above

N.C.O.

1. Headquarters Inspector General Assam Rifles C/O 99 A P O - for info wrt their letter No L.120/A/2003/0457 dt 11 Mar 2003 please.
2. M S Branch(Internal) - for info wrt their IOW No L.11024/1/MS-2003 dt 04 Apr 2003 please.

True Copy
Certified To Be
True Copy
S. C. Singh
Colonel
Medical
Director General
Assam Rifles

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH

ANNEXURE (XVI)

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,
Nizoram, C/o 99 APO

... Applicant

By Advocate Mr. M. Chakraborty, Mr. G. N. Chakraborty,
Mr. H. Dutta.

•Vg•

O R D E R.

K.K. SHARMA, MEMBER (ADMIN)

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

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contd/-

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Certified To Be

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applicant has served Assam Rifles in NorthEastern 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 servants posted in the N.E. Region are entitled to choice station posting on completion of fixed tenure.

contd/-

11/1/2001
contd/-

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)



Deemed to be true copy
without signature

Sector Officer (I)
C.A T. GURUDEV BANCH
Guna 1-78-905

Certified To Be
True Copy
Shrikant (Advocate)



(34)

SL. NO. 224

ANNEXURE (XVII)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

b1

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

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.

ORDER

CHOWDHURY 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

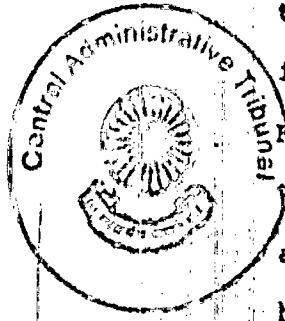
True Copy / *[Signature]* (Advocate)
Certified To Be

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.ii(B)/2000 dated 27.7.2000 wherein it was mentioned that the office memorandum dated 14.12.83 was

contd., 3

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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.G.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

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24/11/05
Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-781005
24/11/05

True Copy
Certified To Be
Guwahati (J)

11 MAR 2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of :-

O.A. No.340 of 2004

Dr. Suman Biswas ...Applicant

-Versus-

Union of India & Ors.

.... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENT NOS.1,2,3 & 4.

I, Colonel N. Khamma, working as Chief Law Officer in the Office of the Directorate General Assam Rifles, Shillong do hereby solemnly affirm and say as follows :-

1. That I am the Chief Law Officer in the Office of the Directorate General Assam Rifles, Shillong and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.
2. That the respondents have no comments to the statements made in paragraph 1 to 4.1 of the application being factual and matter of record.
3. That with regard to the statement made in paragraph 4.2 of the application, the respondents beg to state that the applicant was appointed to the post of Medical Officer in Assam Rifles, under Special Recruitment for Assam Rifles, vide Govt. of India, Ministry of Health & Family Welfare Memorandum dated 27-5-1999 (Annexure-II of the present Original Application). It is further respectfully submitted that in pursuance of Central Administrative Tribunal, Guwahati Bench order in O.A. No.315/2001, a schedule of transfer of CHS doctors from Assam Rifles order of their seniority has been prepared. In the said Original Application, the Hon'ble Tribunal vide their judgement dated 24-4-2002 held that :-

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Chair of India & Ors
Shri N. Khamma
Shri N. Khamma
Addl. Commr. Govt. of Assam
Guwahati

14/3/05
T:

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"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 North East 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 judgement 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 Tribunal judgement 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 Suman Biswas can be considered for his transfer in the year 2005 only.

4. That with regard to the statement made in paragraph 4.3 of the application, the respondent beg to state that the office Memorandum No.20014/2/83/G.IV dated 14 December, 1983 issued by the Ministry of Finance, Department of Expenditure, Govt. of India providing choice posting to the Central Govt. Employee on their posting to the North Eastern Region including the Doctors belongings to the Central Health Scheme (CHS) is wrongly interpreted by the applicant. Ministry of Finance, Deptt. 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 have stated that as regards the issue relating to Tenure of posting of the employee posted in North East Region, DCPT has clarified that there is no general Policy of posting and transfer of Central Government servants working in various Ministries/Departments. The Ministries' Departments are competent to formulate their specific scheme laying down the post tenure/station tenure 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 (Exdr)'s I.D. No. B.II(2)/E-II(P) /2000(509) dated 27-7-2000 is attached as Annexure-II.

5. That with regard to the statement made in paragraph 4.4 of the application, the respondent beg to state that the CGHS Medical Officers are posted to Assam Rifles and serve till the reversion orders are received from the Ministry of Health & Family Welfare, The Central Administrative Tribunal, Guwahati Bench had ruled on 24 April 2002 in OA No.315 of 2001 (Annexure-I refers) 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 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 judgement 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 & 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 Govt. 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 the applicant 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 respondent further beg 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 respondent respectfully submit that the present Original Application lacks merit and the HON'BLE Tribunal may be pleased to reject the present Original Application.

6. That with regard to the statement made in paragraph 4.5, 4.6, 4.7 and 4.8 of the application, the respondent beg to state that though few posting prior to Jul 2000 ordered by the Ministry of Health & Family Welfare has been implemented in letter but no posting has been carried our in the light of Govt. of India letter dated 27 July, 2000.

7. That with regard to the statement made in paragraph 4.9, 4.10 and 4.11 of the application, the respondent beg to state that the judgement of Hon'ble Tribunal has been received in a series of the cases and forwarded to Ministry of Home Affairs as well ministry of Health & Family Welfare for further implementation of the Learned Tribunal order but same has not been accepted by the Govt. of India and referred to the Govt. of India Memo dated 27 July, 2000 under which it has made clear that persons who are particularly enrolled for the North East Region, are not entitled to the benefit of choice posting after completion of fixed tenure, as stated in Govt. of India, Office Memorandum dated 14 December 1983.

8. That the respondent have no comment to the statement made in paragraph 5.1 to 5.6 of the application.

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

VERIFICATION

I, Col Naveet Khanna working as Chief Law Officer in the Office of the Directorate General Assam Rifles, Shillong being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 and 9 of the application are true to my knowledge and belief, those made in paragraphs 2 to 8 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 10 th day of March 2005.



DEPOSITION

(Naveet Khanna)

Colonel

Chief Law Officer

Directorate General Assam Rifles

5
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

68

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

CROWDHURY.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.

2. In December, 1998 he was transferred to Silchar at 2 M.G.A.R., Assam Rifles where he is still continuing.

Region
After serving for more than seven years in N.E. 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 No. 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 out of the N.E. Region. The learned counsel for the applicant submitted that the respondents are although 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.

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 decadering 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

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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

[Signature]
Section Officer

অসম প্রশাসনিক পরিষদ
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক অধিদপ্তর
Guwahati Bench, Guwahati
অসম প্রশাসনিক পরিষদ

Sd/ VICE CHAIRMAN

"TRUE COPY"
প্রতিক্রিয়া

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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 clarifications 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
27.7.2000
(N. P. Singh)
Under Secretary E.II(B)

FA(Health)

Mof(Expr)'s I.D. No E.II(2)/E.II(B)/2000 dated 27-7-2000
(509)

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31.200

Attested
M K Chaturvedi
Addl. C. G. S. G.

11
SPEED POST/CAT CASE

/PAK

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, Tinlali,
 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.

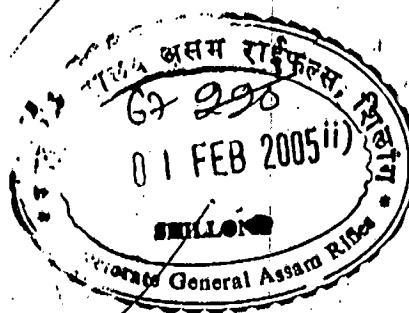
Sir,

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:-

i) 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.



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
J. K. Chatterjee
Addl. C. G. S. C.