

50/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)


INDEX

O.A./T.A No. 181/05

R.A/C.P No.

E.P/M.A No.

- ✓ 1. Orders Sheet.....Pg. 01 to
2. Judgment/Order dtd. 01-07-05 Pg. 01 to 03
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg. 01 to 33
5. E.P/M.P.....Pg. to
6. R.A/C.P.....Pg. to
7. W.S.....Pg. to
8. Rejoinder.....Pg. to
9. Reply.....Pg. to
10. Any other Papers.....Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....
17. Misc - 04


21/11/17
SECTION OFFICER (Judl.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 181/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): D. N. Boruah

Respondant(S): U. O. I. Jay

Advocate for the Applicant(S): M. Chanda, S. Nath, Miss S. Das
Chandany

Advocate for the Respondant(S): Case

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. 50/- deposited P. 5/BD No. 209.134.56.1 Dated 30.6.05	01.07.2005	Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets. at the admission stage itself.

Heard
Dy. Registrar

PT

NS
30.6.05

Steps taken

mb

PT

V. Jangra
Vice-Chairman

R
PAC
8/7/05
Addl. C.S.C.

20.7.05
Copy of the Judgement
has been sent to the
D/Sec. for issuing the
Rule to the applicant
by post.
Hh

2
16.12.05

A. Compliance report
has been submitted by
R.K. Ahluwalia, under
Secretary to the govt. of India
New Delhi in terms of order
passed by this Honble Tribunal
no. A 181/05.

laid before the Honble
Court for further orders.

Noted
16.12.05
SO(G)

DR

16.12.05

Hon'ble

no action is
required from

16/12/05
SO(G)

20.12.05

Speed Post

Disposed
on 1.7.05

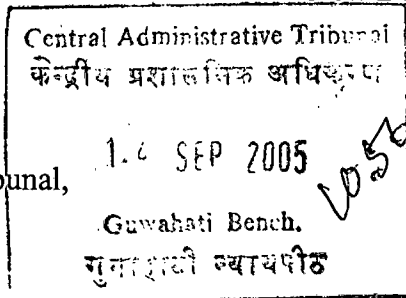
No.DGE&T-A-22012/2/2003-Adm.II
Bharat Sarkar/Government of India
Shram Aur Rozgar Mantralaya/Ministry of Labour & Employment
(Directorate General of Employment & Training)

4

New Delhi, Dated: 9th September 2005

To

The Section Officer,
(Judl.),
Central Administrative Tribunal,
Guwahati Bench,
Guwahati - 781005.



Subject: O.A. No.181/2005 filed by Shri D.N.Biswas, Deputy Director General (Training), NES Cell, Guwahati in the Hon'ble CAT, Guwahati.

Sir,

I am directed to say that Shri D.N.Biswas, Deputy Director General (Training), NES Cell Guwahati had filed the aforesaid O.A. against Union of India & Others in the Hon'ble CAT, Guwahati Bench, Guwahati regarding his transfer from Guwahati to DGE&T(Hqrs.), New Delhi. The Hon'ble CAT Guwahati Bench has directed the Union of India & Others vide Order dated 01/07/2005 to consider the representation in the light of the guidelines governing the organization and in accordance with law and pass appropriate Order within a period of two months from the receipt of the order (Order received in the Directorate General on 18/07/2005). Accordingly, a copy of the Order No.DGE&T-A-22012/2/2003-Adm.II 08/09/2005 is enclosed in compliance of the directions of the Hon'ble CAT.

2. Kindly acknowledge the receipt.

Yours faithfully,


(R.K.AHLUWALIA)

Under Secretary to the Govt. of India
Tel.: 23718903

Encls.: As above.

16/9/05
SO (Judl)

M. Dutta
14.9.05

By Speed Post

**No. DGE&T-A-22012/2/2003-Adm.II
Bharat Sarkar/Government of India
Shram Aur Rozgar Mantralaya/Ministry of Labour & Employment
(Directorate General of Employment & Training)**

New Delhi, Dated 8th September, 2005

ORDER

Whereas, the Hon'ble CAT, Guwahati Bench has directed the Respondent No.1 (Union of India represented by the Secretary, Government of India, Ministry of Labour & Employment) vide order dated 01.07.2005 (Order received in this Office on 18.07.2005) in O.A. No. 181 of 2005 filed by Shri Debendra Nath Biswas, Deputy Director General (Training), North Eastern States Cell, Guwahati.

“to consider the representations in the light of the guidelines governing the organization and in accordance with law and pass appropriate Order within a period of two (02) months from the date of receipt of this Order. If the applicant in writing requests for personal hearing, same will be accorded to the applicant before passing any order on the representations.”

2. AND WHEREAS, Shri Biswas represented vide his letter dated 14.06.2005 (enclosed with the O.A.) for transfer from Guwahati to DGE&T (HQ), New Delhi. Shri Biswas has raised the following points in his representation dated 14.06.2005:

- (i) The post of DDG has been existing in DGET (HQ) and it was never transferred out of DGET (HQ);
- (ii) The nature of job being carried out by him is much below the rank and scope of DDG and he has been denied performing his usual designated duties as Deputy Director General (Training).
- (iii) As per transfer policy an officer has to be compulsorily posted in DGET (HQ) during his career;
- (iv) As he has completed two years tenure in North-Eastern Region, he should be transferred to DGE&T (HQ), New Delhi;



4

(v) As per transfer policy an officer has to be posted in his choice place before two years of his retirement;

3. AND WHEREAS, Shri D. N. Biswas vide his letter dated 10.08.2005 has informed that he is not seeking any personal hearing.

4. AND WHEREAS, this North Eastern Cell was established in November, 2002 for implementation of the Centrally Sponsored Scheme "Establishment of ITIs in North-Eastern States and Sikkim under Prime Minister's Package programme at a cost of Rs. 100 crore.


5. AND WHEREAS, this North-Eastern Cell was established in consultation with Ministry of Finance and as per the decision arrived at in various review meetings held in Prime Minister's Office and Department of North Eastern Region wherein the progress of the "Establishment of ITIs in North-Eastern States and Sikkim" was being reviewed / monitored periodically. Creation of NES Cell was also recommended by Planning Commission at the time when the project was cleared by Expenditure Finance Committee. It was decided to provide higher level supervision and monitoring to ensure effective, proper and timely implementation of the project. Therefore, his contention that the nature of job being carried out by him is much below the rank and scope of DDG is not tenable.

6. AND WHEREAS, this Centrally Sponsored Scheme is specially taken up at the instance of the Prime Minister to increase the skill level of the youth of North Eastern States and bring them at the national average level so as to ensure that the youth from the North East can find opening for employment and self employment within and outside the North-East. The scheme is for setting up of 22 new Industrial Training Institutes (ITIs) and upgradation of 35 existing ITIs and therefore, required continuous technical and administrative inputs at relatively higher level at the workplace. This necessitated transfer of the post of DDG (Trg.) along with the incumbent to Guwahati. The incumbent has been associated with the project since beginning and the project is at a critical stage. Withdrawing the officer at this stage and posting a new officer now is not desirable in the interest of the project.

WMS

7. AND WHEREAS, it is desirable that Training Directorate officers are also posted in the headquarter to have all-round exposure of the working of the DGET. It is also conceded that it is desirable to provide choice posting to the officials posted in the North-East Region after completion of their tenure. It is also conceded that the officials may be posted in his place of choice before two years of retirement. Considering the importance of the project and its impact to the youth of North-East, his presence will be required for continuity and actual implementation of the training in these Institutes. As soon as the project is completed, the post along with the incumbent will be brought back.

8. NOW THEREFORE, the matter has been considered and it is decided that Shri D. N. Biswas, Deputy Director General (Training) shall continue to stay at Guwahati for the present without prejudice to his request for transfer at a later stage.



(K. M. SAHNI)
Secretary (L & E)

To

Shri D. N. Biswas,
Deputy Director General (Training),
NES Cell, 21 B,
Baninagar, 1st Bye Lane,
Rehabari,
Guwahati – 781008.

08 Sept 2005

Copy forwarded for information and appropriate action to:

1. Shri Manik Chanda, Advocate, Guwahati High Court, Bye Lane-7, Lalchit Nagar, Guwahati – 781007 with reference to his letter dated 11.07.2005.
2. Shri Anup Kumar Chaudhuri, Additional Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, 74, K.R. Chaudhuri Road, Bharalumukh, Guwahati – 781009 with reference to his letter dated 29.07.2005.
3. The Section Officer (Judl.) Central Administrative, Guwahati Bench, Guwahati – 781005 in compliance of the directions/order dated 01.07.2005 delivered in the Hon'ble CAT, Guwahati Bench in the O.A. No. 181/2005.



(K. M. SAHNI)
Secretary (L&E)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./P/A.No. 181/2005

DATE OF DECISION 01.07.2005

Sri D.N. Biswas.....APPLICANT(S)

Mr. M. Chanda, Mr. G.N.Chakrabarty, Mr.S.Nath.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India & Ors.....RESPONDENT(S)

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

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

THE HON'BLE MR.

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

Judgment delivered by Hon'ble Vice-Chairman.

no
V. Sivarajan

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 181/2005

Date of Order : This the 1st day of July, 2005.

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

Sri Debendra Nath Biswas
S/o- Late R.K. Biswas
Dy. Director General of Training, NES Cell, 21 B, Baninagar,
1st Bye lane, Rehabari,
Guwahati - 781 008.

... Applicant

By Advocates Mr. M. Chanda, Mr. G.N. Chakrabarty,
Mr. S. Nath.

- Versus -

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi - 110 001.
2. The Director General of Employment and Training,
DGE&T/Joint Secretary,
Ministry of Labour and Employment,
Government of India,
New Delhi - 110 001.

... Respondents

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


.....

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

The applicant is holding the post of Deputy Director General of Training in the Directorate General of Employment and Training (DGE&T), Government of India and presently working at Guwahati. The applicant, it is stated, has completed 2 years of service at Guwahati. The applicant wants transfer from Guwahati to DGE&T, HQ, New Delhi. According to the applicant, as per the transfer policy guidelines (Annexure - VII), he is entitled to get transfer. The applicant, it is stated, has made representations (Annexures - VIII series) for his transfer to New Delhi, last one is dated 14.06.2005 to the 1st respondent.

2. Mr. M. Chanda, learned counsel for the applicant submits that the respondents have taken a hostile attitude towards the applicant and that the applicant who is the senior most officer is not even consulted with regard to the developmental activities within his jurisdiction and that he is being sidetracked by the respondents. Counsel submits that respondents must be directed to consider the representations (Annexures - VIII series) in the light of the norms and guidelines governing the organization. Counsel also submits that a vacancy is due to arise on retirement of Sri S.K. Gupta, Deputy Director General (Apprentice), New Delhi in the month of August 2005.

3. I have also heard Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Since the applicant has submitted representations (Annexure - VIII series), last one being dated 14.06.2005 to the 1st respondent, there will be a direction to the 1st respondent to consider the representations in the light of the



guidelines governing the organization and in accordance with law and pass appropriate orders within a period of two months from the date of receipt of this order. If the applicant in writing requests for personal hearing, same will be afforded to the applicant before passing any order on the representations.

The O.A. is disposed of at the admission stage itself as above. The applicant will produce this order before the 1st respondent for compliance.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

30 JUN 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 181 /2005

Shri Debendra Nath Biswas.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 1975- Applicant was initially appointed as Deputy Director of Training in the Directorate General of Employment and Training (DGE & T), Govt. of India.
- 1986- Applicant was promoted to the post of Joint Director.
- 1991- Applicant was further promoted to the post of Director.
- 13.06.2002- Applicant approached CAT, Bangalore Bench for promotion to the next higher post of Deputy Director General, the Hon'ble Tribunal, Bangalore Bench directed the respondents to consider the applicant's case for promotion to the post of Dy. Director General within three months. (Annexure-I)
- 22.11.2002- Applicant got promotion to the post of Dy. Director General and thereafter the respondents managed to get the post of DDG (training) and temporarily shifted him from New Delhi to Guwahati. (Annexure-II)
- 27.01.2003- Applicant was promoted to the post of Dy. Director General and was posted to the North Eastern Project at Guwahati.
- 18.10.04, 10.01.05, 08.04.05- Three different meetings were held at different stations for reviewing the progress of works which is headed by the secretary, Ministry of labour by Director General of DGE & T.
- 25.04.2005- The Director General wrote a letter to the Secretary to expedite the commencement of training programme but surprisingly the matter not consulted with the applicant although the applicant is supposed to be officer in charge of those training. (Annexure-IV)
- 08.04.2003- Applicant assumed charge of the post of Dy. Director General in the N.E States cell at Guwahati on 27.03.03. (Annexure-V)

Debendra Nath Biswas

16.03.2004- Applicant would exclusively monitor and supervise but this has never been implemented which would be evident from the office order dated 16.3.04. (Annexure-VI)

21.2.03, 12.11.03, 12.12.03, 01.03.05, 22.04.05, 09.05.05, 14.06.05- Applicant submitted different representations for restoration of his post at H.Q Office, New Delhi but to no result. (Annexure-VIII series)

Hence this Original Application before this Hon'ble Tribunal.

Prayers

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to transfer and post the applicant at headquarter office, DGE & T, New Delhi with immediate effect.
2. Costs of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for considering the case of the applicant for providing relief as prayed for.
2. To direct the respondents to consider the posting of the applicant at New Delhi against the resultant vacancy, which is going to fall vacant, due to retirement of Sri S.K.Gupta (D.D.G Apprentices) in the month of August, 2005.

Deben
Nath

30 JUN 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A.No 181/2005

Shri Debendra Nath Biswas.

: Applicant.

-Versus-

Union of India & Ors.

: Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	—	Application	1-11
2.	—	Verification	-12-
3.	I	Copy of the judgment dated 13.06.02	13-17
4.	II	Copy of the order dated 22.11.02.	-18-
5.	III	Copy of the order dated 27.01.03	-19-
6.	IV	Copy of the letter dated 25.04.05.	20-21
7.	V	Copy of the letter dated 08.04.03.	-22-
8.	VI	Copy of the letter dated 16.03.04.	-23-
9.	VII	Copy of the transfer policy dated 01.05.00.	24-25
10.	VIII (Series)	Copy of the representations dated 21.02.03, 12.11.03, 12.12.03, 01.03.05, 22.04.05, 09.05.05 and 14.06.05.	26-33

Date: - 30.06.05

Filed By:

Subrata Nath

Advocate

Debendra Nath Biswas

15
Filed by me applicant
in court.
Subrata Nath
Advocate
30.06.05.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 181 /2005

BETWEEN:

Shri Debendra Nath Biswas.

S/o- Late R.K. Biswas.

Dy. Director General of Training,
NES Cell, 21 B, Baninagar,
1st Bye lane, Rehabari,
Guwahati-781008.

—Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi- 110001.
2. The Director General of,
Employment and Training,
DCE & T./ Joint Secretary,
Ministry of Labour and Employment,
Govt. of India,
New Delhi- 110 001.

..... Respondents.

Debendra Nath Biswas

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made not against any particular order but against non-consideration of the representations of the applicant for his posting in Directorate General of Employment & Training, Headquarter, New Delhi, even after completion of tenure posting of two years in the N.E. Region, and in violation of the transfer policy in respect of Group 'A' and 'B' officers in DGE & T in case of the applicant.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals 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, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant is a Master Electronic Engineering and was initially appointed as Deputy Director of Training in the Directorate General of Employment & Training (DGE & T), Govt. of India, in the year 1975. In 1986, he was promoted to the post of Joint Director and thereafter further promoted to the post of Director and thereafter further promoted to the

Debedeo Nath Paul

post of Director in the year 1991. He was then eligible for promotion to the next higher post of Deputy Director General but his case was not considered and he had to continue for a long time as Director in Apex Hi-Tech Institute, Bangalore. Eventually the applicant had to approach the Hon'ble Central Administrative Tribunal, Bangalore Bench through O.A. No. 162/2002 for enforcement of his rights. The Hon'ble Bangalore Bench of this Tribunal vide its judgment and order dated 13.06.2002 in O.A. No. 162/2002 directed the respondents therein to consider the applicant's case for promotion to the post of Dy. Director General within three months time.

(Copy of judgment and order dated 13.06.02 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- 1).

- 4.3 That it is stated that there are two sanctioned posts of Deputy Director General under the Directorate General of Employment and Training out of which one post is meant for Craftsmen training and the other post is meant for Apprenticeship training. Since inception, both the posts of Deputy Director General had been operating in the Headquarter Office of the Directorate General of Employment and Training in New Delhi. The basic job of Dy. Director General (Training) is to supervise the Craftsman training scheme throughout the country including conducting Industrial Training Institute (ITI) examinations at the national level and affiliation of ITI's to National Council of Vocational Training etc., and to supervise 11 advance training institutes of DGE & T. As such the post of DDG (Training) is required to operate from the Headquarter office of the DGE & T, New Delhi and accordingly it was operating from New Delhi since inception.
- 4.4 That it is stated that when the applicant approached the Hon'ble CAT, Bangalore Bench in the matter of his promotion and got order in his favour for his promotion to the post of Dy. Director General as stated in para 4.2 hereinabove, the Respondents became vindictive on the applicant

Deben Nath Prasad

and managed to get the post of DDG (Training) temporarily shifted from New Delhi to Guwahati vide order No. DGET.A-22020/1/2002-Adm.II dated 22.11.2002 with an ulterior motive and in an unfair manner.

(Copy of order dated 22.11.02 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- II).

- 4.5 That thereafter, the applicant was promoted to the post of Dy. Director General vide office order No. DGE & T-A-32013/2/2001-Adm.II dated 27.01.2003, whereby the applicant was further posted in the new office of the North Eastern Project at Guwahati, as stated above. It is relevant to mention here that the applicant was promoted only after shifting of his promotion post from New Delhi to Guwahati on grudging motive for which the promotion was given after more than seven months from the passing of the order dated 13.06.02 by the Hon'ble CAT, Bangalore Bench although the Hon'ble Tribunal in its order dated 13.06.02 directed the respondents to complete the exercise within three months time.

Copy of the order dated 27.01.03 is annexed hereto for perusal of Hon'ble Tribunal as Annexure-III.

- 4.6 That your applicant begs to state that the applicant joined in his promoted post at Guwahati on 27.03.03 under compelling circumstances. None of the staff of the establishment carried out the said order of transfer and posting at Guwahati office except one Dy. Director. Initially there was no accommodation, no chair, table etc. and no working facilities in the new office but the applicant was posted to face all odds and humiliation whereas the applicant is in the equivalent cadre of Joint Secretary level.

It was stated in the order dated 22.11.02 that the post of DDG (Training) had been shifted to Guwahati for implementation of centrally sponsored schemes under the Prime Minister's Package. But surprisingly, since his posting at Guwahati not a single scheme has been routed through the applicant and everything is being dealt in from the

Debenendra Nath Prasad

Headquarter office and only the copies of communication are being endorsed to the applicant at the final stage, thereby leaving no scope of work for the applicant whatsoever. As such the applicant is virtually without any duties of his rank and status and without having any Peon, Personal, Assistant, Steno or any other supporting staff in his office.

4.7 That the applicant begs to state that since he is known to be a man of strong integrity and honesty in the department, the respondents did never like his posting in the Headquarter office and he was never allowed to work in the Headquarter office although in the transfer policy of the department, it is clearly mentioned that all the officers must work at DGE & T Headquarters as well as in its field formations. It is relevant to mention here that every year equipments and machineries worth of Crores of rupees are purchased from the Headquarter office at New Delhi and understably the applicant is never posted at the Headquarter office, New Delhi only with the purpose of bypassing him in such decisions and processes.

4.8 That it is stated that at least three meetings were held in the N.E. Region for reviewing the progress of works in N.E. Region and those meetings were headed by the Secretary, Ministry of Labour, by Director General of DGE & T in different occasions on 18.10.04 (at Shillong), 10.01.05 (at Aizwal) and 08.04.05 (at Kohima). Thereafter, the Director General vide his letter No. DGET 2 (1) 2005-CPIU/NES dated 25.04.05 wrote to the Secretaries of All the North Eastern States to expedite the commencement of the training programme but surprisingly the applicant who is supposed to be the officer in charge for those training in his official capacity in the N.E. States, was neither consulted in the matter nor a copy of the said letter was marked to the applicant even for information.

(Copy of letter dated 25.04.05 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- IV).

Deborah Nally Prasad

- 4.9 That applicant assumed charge of the post of Dy. Director General in the North Eastern States Cell at Guwahati on 27.03.03 vide office order No. DGE & T-26/398/75-Adm.II (Vol. II) dated 08.04.2003. Thereafter, vide office order No. DGE & T-A-22012/2/2003-Adm.II dated 16.03.2004 it was clearly mentioned that the applicant would exclusively monitor and supervise but this has never been implemented.

(Copy of letter dated 08.04.03 and dated 16.03.04 are annexed hereto for perusal of Hon'ble Tribunal as Annexure-V and VI respectively.)

- 4.10 That the applicant begs to state that while he was working as Director at Apex Hi-Tech Institute, Bangalore, Shri K.K. Mittal was also working in the same Directorate as Director in the Headquarter office of the DGE & T, New Delhi. Although Shri Mittal was junior to the applicant in the cadre of Director but he directed the applicant to monitor and supervise the works of N.E. States Cell as evident from office order dated 16.03.04 (Annexure-VI). As such Shri Mittal started exercising powers on the applicant even when he was junior to the applicant in the cadre of Director without any jurisdiction and authority. Later on, on assumption of the office of the Director General, Shri Mittal became more vindictive and has been exercising all such powers against the applicant which are arbitrary, malafide, unfair, illegal and violative of the principles of natural justice.
- 4.11. That in the transfer policy of Group 'A' and 'B' officers in the DGE & T as notified under No. DGET.A. 22011/1/2000-Adm.II dated 01.05.2000, the following conditions amongst others have been clearly mentioned; -

There should be a fixed tenure of posting in North-Eastern Region- 3 years at a time, for officers with service of 10 years or less and 2 years for officers with more than 10 years of service. Officers on completion of fixed tenure of service in North-Eastern region

Debasish Nath
Prin.

will be considered for posting to a station of their choice as far as possible.

. As far as possible, the officers should be posted at a place of his choice during the last 2 years prior to his superannuation, provided he has worked at other station for at last 5 years.

. In order to enable the officers to have all round exposure of DGE & T, it will be compulsory for the officers working in the Training Directorate to work at DGE & T headquarters as well in its field formation.

The applicant is in the verge of retirement and is left with only about 2 years of service, and as such is entitled for posting in the headquarter office.

It is relevant to mention here that the applicant has never been allowed to work in the DGE & T headquarters. Further, his requests for transfer to the DGE & T headquarters, New Delhi has not been considered even though he has completed his fixed tenure of 2 years in the N.E. Region and despite that the applicant will retire from service after another 2 years 3 months time. As such three conditions of the transfer policy stated above have been flouted in case of the applicant.

(Copy of the transfer policy dated 01.05.2000 is annexed hereto for perusal of Hon'ble Tribunal as Annexure - VII).

4.12 That the applicant begs to state that since his posting at Guwahati, he has been submitting representations to the respondents for restoration of his post at headquarter office, New Delhi and his transfer to New Delhi since the said post of Dy. Director General was all along been operating from the headquarter office only until it was shifted to Guwahati with malafide intention and ulterior motive as stated hereinabove. But no action whatsoever has been taken on his representations. Copies of representations are annexed hereto for perusal of the Hon'ble Tribunal.

Debarun Nath Prasad

(Copy of representations dated 21.02.03, 12.11.03, 12.12.03, 01.03.05, 22.04.05, 09.05.05 and 14.06.05 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- VIII Series.)

4.13 That the applicant most respectfully begs to state that Shri S.K Gupta, Dy. Director General (Apprentice) is going to retire in August, 2005 and there will be a resultant vacant post of Dy. Director General in the headquarter office of the DGE & T, New Delhi where the applicant can be accommodated without any impediments.

4.14. That due to non-consideration of the prayers of the applicant for his posting in the headquarters office, which he is legitimately entitled to, the applicant has been suffering great losses in addition to his extreme harassments and humiliation. As such, finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant, directing the respondents to transfer the applicant from Guwahati and to post him in the headquarter office, DGE & T, New Delhi with immediate effect.

4.15. That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, the post of Deputy Director General to which the applicant has been promoted was all along operating from the headquarters office in New Delhi and as such the applicant was required to be posted in headquarter office only. But the said post has been shifted from Delhi to Guwahati only to harass the applicant with ulterior motive and malafide intention and the applicant has been posted at Guwahati.

Deben Nath Biswas

- 5.2 For that, the applicant has acquired a valuable legal right to operate from headquarter office in his promoted post of Deputy Director General, which is operative from headquarter office all along.
- 5.3 For that, the applicant has been posted at Guwahati without assigning any work and without any supporting staff and working facilities.
- 5.4 For that, name of the staff posted at Guwahati vide order dated 22.11.2002 carried out the said order of transfer and posting except the applicant and one Deputy Director.
- 5.5 For that, the shifting of office of the applicant from Delhi to Guwahati was without any reason and as such is malafide, arbitrary, unfair, ill-motivated and illegal.
- 5.6 For that, as per transfer policy dated 01.05.2000 the applicant is entitled to the benefit of choice station posting at New Delhi since he has completed fixed tenure of two years service in N.E. Region.
- 5.7 For that, as per transfer policy, it is compulsory that each officer has to work in the headquarter office at least once in his whole tenure which has never been given to the applicant.
- 5.8 For that the applicant is in the verge of retirement and is left with only 2 years 3 months service, and as such is entitled for posting in the headquarter office.
- 5.9 For that all works relating to N.E Region are being directly dealt in from headquarter office only and as such there is no justification of keeping the applicant at Guwahati without any job, which is not only the wastage of manpower resource but also goes counter productive and against the interest of public service.

Deborah Nath Buis

5.10 For that the applicant has submitted several representations praying for his transfer to headquarter office, New Delhi but with no effect.

5.11 For that one post of Deputy Director General is going to fall vacant in the headquarters office in August 2005 following retirement of Shri S.K. Gupta, DDG (Apprentice) where the applicant may be accommodated without any impediments.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to transfer and post the applicant at headquarter office, DGE & T, New Delhi with immediate effect.

Deben Nath

8.2 Costs of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for considering the case of the applicant for providing relief as prayed for.

9.2 To direct the respondents to consider the posting of the applicant at New Delhi against the resultant vacancy, which is going to fall vacant, due to retirement of Sri S.K. Gupta (D.D.G Apprentices) in the month of August, 2005.

10

11. Particulars of the I.P.O

i)	I.P.O No.	: 20 G 1 434564
ii)	Date of issue	: 29.6.05
iii)	Issued from	: GPO, Guwahati
iv)	Payable at	: GPO, Guwahati

12. List of enclosures:

As given in the index.

Deben Nath Boro

VERIFICATION

I, Shri Debendra Nath Biswas, S/o- Late R.K Biswas, aged about 58 years, working as Dy. Director General, NEC Cell, in the office of the VRC for physically handicapped, Rehabari, Guwahati-8, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 30th day of June, 2005.

Debendra Nath Biswas

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

2nd Floor, BDA

Commercial Complex,
Indiranagar,
BANGALORE - 560038.

DATED:

5 JUL 2002

ORIGINAL APPLICATION NO. 162 of 2002

MISCELLANEOUS APPLICATION NO. :

REVIEW APPLICATION NO. :

CONTEMPT PETITION NO. :

APPLICANTS (S) : D.N Biswas

- vs -

RESPONDENTS : Secretary, M/o. Labour, New Delhi and another
TO:

1. Sri. B. Veerabhadra, Advocate
No. 46/2, Wheeler Road
Cox town, Bangalore-5

2. Sri. M. Vasudeva Rao, Senior CGSC.
High Court Bldg, Bangalore 1

SUBJECT: - Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

A copy of the Order passed by this Tribunal in the above
said application(s) is enclosed herewith for your information and
further necessary action.

The Order was pronounced on dated: 13-06-2002

certified to be
true copy

[Signature]
Advocate

[Signature]
FOR Deputy Registrar
Judicial Branches.

-14-

Annexure-9 28

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.162/2002

THURSDAY, DATED THIS THE 13TH DAY OF JUNE, 2002

SHRI JUSTICE B.S. RAIKOTE

...VICE CHAIRMAN

SHRI V. SRIKANTAN

...MEMBER (A)

D.N. BISWAS,
S/o late R.K. Biswas,
Aged about 54 years,
Working as Director,
Apex Hi-Tech Institute,
Directorate General of Employment
& Training, Ministry of Labour,
Tumkur Road,
Bangalore - 560 022.

...Applicant

(By Advocate Shri B. Veerabhadra)

Vs.

1. The Union of India,
Ministry of Labour,
Represented by its Secretary,
Shram Shakti Bhavan,
2/4, Raji Marg,
New Delhi - 110 001.

2. The Director General/Joint Secretary,
Directorate General of Employment
& Training (DGE & T),
Ministry of Labour,
Shram Shakti Bhavan,
2/4, Raji Marg,
New Delhi - 110 001.

...Respondents

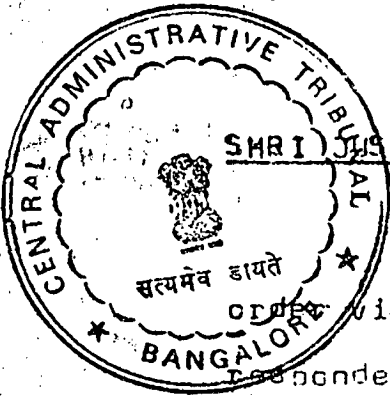
(By S.C.G.S.C. Shri M.V. Rao)

ORDER

SHRI JUSTICE B.S. RAIKOTE

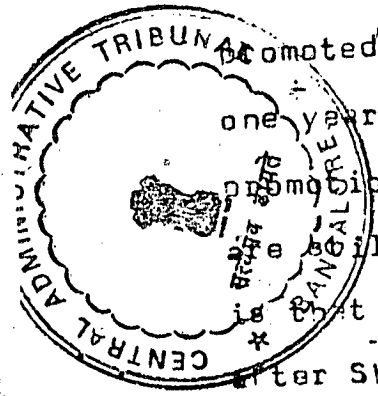
...VICE CHAIRMAN

This application is filed for quashing the impugned order vide Annexure A7 with a further direction to the respondents to consider the case of the applicant and promote him to the post of Deputy Director General, as in the case of Shri M.N. Das, on regular basis with all the consequential benefits.



Advocate

2. The case of the applicant is that as on now he is working as the Director in the Department of Employment and Training. The next promotional post is that of Deputy Director General (DDG for short). He further submits that on the retirement of Shri G.S. Sethi on 30-6-2001 a vacancy has arisen on the post of DDG w.e.f. 1-7-2001. Since one year has lapsed the applicant's case for promotion has not been considered by the respondents. It is further case of the applicant that after Shri Sethi, the applicant is the senior most Director in the department and he is eligible to be promoted to the post of DDG. His further case is that Shri M.N. Das was the immediate senior to the applicant who was promoted to the post of DDG by obtaining relaxation from the UPSC. The applicant submits that on the basis of the same principle the applicant's case should have been referred to the UPSC for relaxation and the applicant should have been promoted by this time. The vacancy is lying for the last one year. However, the department is postponing such promotions only on the ground that the Rules to be framed are still in the contemplation. But the case of the department is that the applicant no doubt is senior most immediately after Shri M.N. Das and his case is not being considered because the Rules to be framed are in the contemplation. He further submits that the UPSC and the DOPT have agreed to the draft Recruitment Rules and the same are expected to be notified shortly in consultation with Ministry of law. It is averred in the reply statement that immediately after the Rules come into force the case of the applicant would be considered and as on today the applicant's case cannot be considered. Their further contention is that the applicant has no right



for such promotion and if there is an occasion for promotion he would be entitled for the same. They further draws our attention to Annexure A7 that as per the direction issued by the Government no appointment may be made in any post on adhoc basis until the Recruitment Rules are issued. In the circumstances, it is submitted that the application has no merits and is liable to be dismissed.

3. Heard and perused the records.

4. It is not in dispute that after the retirement of Shri G.S.Sethi on 31-6-2001 a vacancy has arisen and same has not been filled up. Earlier to that Shri M.N.Das was promoted after obtaining the relaxation from UPSC. It is stated that during such integral period when draft Recruitment Rules are to be issued the relaxation of UPSC was obtained in the case of Shri Das. The fact remains that pending finalisation of issue of such Recruitment Rules, Shri M.N.Das is promoted to the post of DDG by obtaining relaxation from UPSC. When the vacancy has fallen since last one year there is no impediment for the department to obtain similar relaxation from the UPSC and DOPT, if required. Obtaining relaxation in respect of Shri M.N.Das and not obtaining such relaxation in respect of the applicant prima facie appears to be discriminatory. By adopting one stand in the case of Shri M.N.Das and adopting different stand in the case of applicant prima facie is not acceptable. We hasten to add that the applicant has no right for such promotion but he is entitled to be considered as per law as on the date for promotion. Having regard to this circumstances we think it appropriate to direct the respondents to consider the case of the applicant for



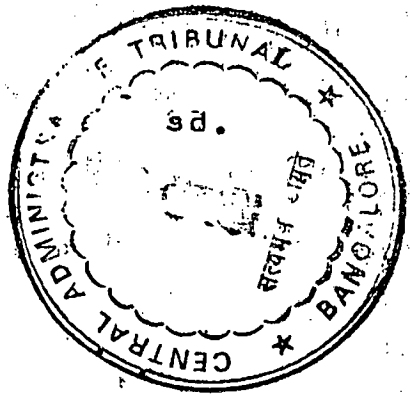
promotion by referring his case to the UPSC and the DOPT, if necessary for relaxation. Accordingly, we pass the order as under:

This application is disposed of with a direction to Respondent-2 to refer the case of the applicant to the UPSC for relaxation, as it is done in the case of Shri M.N.Das, and after obtaining necessary opinion from the UPSC and DOPT, consider the applicant's case for such promotion. This exercise shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

Sd-
(V.SRIKANTAN)
MEMBER (A)

Sd-
(B.S.RAIKOTE)
VICE CHAIRMAN

TRUE COPY



Inkarn
Section Officer,
Central Administrative Tribunal
Bangalore Bench
Bangalore

*certified to be
true copy
Advocate*

3/11/02 10:30 FAX

12/001

No.DGE&T-A-22020/1/2002-Adm.II
 Bharat Sarkar/Government of India
 Shram Mantralaya/Ministry of Labour
 (Directorate General of Employment & Training)

New Delhi, Dated: 22 November 2002

The Pay and Accounts Officer,
 DGE&T,
 Ministry of Labour,
 New Delhi.

Subject: Transfer of posts from DGE&T (Hqrs.) and CSTARI, Kolkata to North Eastern States Cell, Guwahati for implementation of the Central Sponsored Scheme for "Establishment of ITIs in the North Eastern States and Sikkim" under PM's Package Programme.

Sir,

I am directed to convey the approval of the Competent Authority for transfer of the following sanctioned posts temporarily from the Directorate General of Employment and Training (Hqrs.) and from the Central Staff Training & Research Institute, Kolkata to North-Eastern States Cell, Guwahati for implementation of the Central Sponsored Scheme "Establishment of ITIs in North-Eastern State and Sikkim" under PM's Package Programme:-

Sl. No.	Designation of the post	No. of posts	Scale of pay	Name of the office/Institute	
				From	To
1.	Deputy Director General of Training	One	Rs.18,400-360-22,400/-	DGE&T (Hqrs.)	NES Cell, Guwahati
2.	PA to DDG	One	Rs.5,500-175-9,090/-	DGE&T (Hqrs.)	NES Cell, Guwahati
3.	Lower Division Clerk	One	Rs.3,050-75-3,950-80-4,590/-	DGE&T (Hqrs.)	NES Cell, Guwahati
4.	Peon (Group 'D')	One	Rs.2,350-55-2,660-60-3,200/-	DGE&T (Hqrs.)	NES Cell, Guwahati
5.	Deputy Director of Training	One	Rs.10,990-225-15,360/-	CSTARI, Kolkata	NES Cell, Guwahati

2. This issues with the concurrence of the Ministry of Finance, Department of Expenditure (E.Coord.-I Branch) I.D No.1904-E.Coord.-I/2002 dated 23/10/2002.

Yours faithfully,

(R.K.AHLUWALLA)

Under Secretary to the Govt. of India
 Tel : 3001267

Copy to:

1. Director, CSTARI, Kolkata.
2. PS to DG/IS,
DDG(AT)/DWDAT/DT/PYDT(WCTYD/PERM)/DS/NLA DGE&T (Hqrs.), New Delhi.
3. JS (P)/DS(MCM), Ministry of Labour, New Delhi.
4. Ministry of Labour (Adm.I Section), New Delhi.
5. DGE&T (Adm.I Section), New Delhi.
6. Cash Section, DGE&T, New Delhi.
7. PCT/B.P.Section, DGE&T.

certified to be
 true copy for
 Advocates

New Delhi, Dated: 27th January 2003

OFFICE ORDER No. 9 of 2003

The President is pleased to appoint on promotion, Shri D.N. Biswas, Director, Apex Hi-Tech Institute, Bangalore to the post of Deputy Director General in the pay scale of Rs.18,400-500-22,400/- in the North Eastern Project newly Office sanctioned vide letter No.DGET.A-22020/1/2002-Adm.II dated 12.11.2002 at Guwahati with effect from the date of assumption of charge of the post and until further orders.

2. The North - Eastern Cell will temporarily function from the VRC for Physically Handicapped, Rehabari, Guwahati - Pin - 781008.
3. The transfer/posting of the officer is "in public interest" and the officer would accordingly be entitled to Transfer TA/DA and joining time etc. as per rules.

(K.K.MITTAL)
Director
Tel.: 23714765

Distribution.

1. Shri D.N.Biswas, Director, Apex Hi-Tech. Institute, Bangalore.
2. PS to LM/ PS to MOS(L)/PPS to Secretary (L)/PS to DG/JS.
3. DDG(E)/DT/DAT/DT(P)/DT(WOT)/DS(NL).
4. All Joint Secretaries, LEA, CLC(C), FA(L) and Director (Admn.) of Ministry of Labour (M.S.).
5. All Training Institutes including WOT under the DGE&T.
6. PAO(DGE&T), New Delhi.
7. PAO, DGE&T-II, Guindy, Chennai.
8. Cash Section, DGE&T, New Delhi.
9. All officers/sections/units of the Training Directorate, DGE&T(Hqrs.).
10. Ministry of Personnel, Public Grievances & Pensioners, Department of Personnel & Training.
11. Secretariat of the Appointments Committee of the Cabinet (Ms. R.Jaya, Under Secretary), North Block, New Delhi - 110001 w.r.t. their note No.3/3/2002-EO(SM.II) dated 08/01/2003.
12. VETA/IWSU/Library/Hindi unit, DGE&T(Hqrs.).
13. NES Cell Guwahati (temporarily located at VRC for Physically Handicapped, Rehabari Guwahati Campus, Pin - 781008).
14. PCT Unit, DGE&T(Hqrs.), New Delhi for information and necessary action.
15. B.P.Section, DGE&T (Hqrs.), New Delhi it is requested that necessary funds for setting up of North-Eastern Cell at Guwahati may be provided by re-appropriation for R.E. 2002-2003 at B.E. 2003-2004.
16. Personal file.
17. Office order bundle.

certified to be
true copy

for
Advocate

502-56
4/2/03

- 20 -
DGET 2(1)/2005-CPIU/NES
Government of India
Ministry of Labour
D. G. E & T
Central Project Implementation Unit

Shram Shakti Bhawan
Rafi Marg, N. Delhi
Dated : 25.04.2005

To

The State Secretaries of Arunachal Pradesh, Assam,
Manipur, Mizoram, Meghalaya Tripura,
Nagaland and Sikkim.

Subject : Implementation of the Centrally Sponsored Scheme (CSS) of 'Establishment of new ITIs in North-Eastern States and Sikkim' – State of preparedness to start trade courses from August 2005 session.

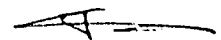
Sir/ Madam,

In continuation to DGET letter No. DGET 2(4)/2001-CPIU/NES dated 23rd April 2001, I am directed to convey the approval of Government of India for continuation of the Centrally Sponsored Scheme (CSS) of 'Establishment of new ITIs in North-Eastern States and Sikkim' up to the end of X Plan period i.e. 31.03.2007. The recurring cost under the scheme would be 100% borne by the Central Government during the X Plan. Thereafter, the full operational cost is to be borne by the respective State Government.

Further, a time schedule has been reported to Cabinet Committee for Economic Affairs (CCEA), which is based on the progress of implementation of the CSS in the States. As per this schedule, training in at least 14 ITIs out of 22 new ITIs and 25 existing ITIs out of 35 ITIs should commence in August 2005 and training in remaining (trades) should commence from August 2006. The ITIs which are lagging much behind the schedule, the target date for completion of activities under civil construction and equipment procurement is March 2006.

You are therefore requested to get the enclosed proforma filled up so as to assess the state of preparedness in respect of your State for starting courses in the August 2005 session and forward the same to this office for information and necessary action.

Yours faithfully,



(K. K. Mittal)
Joint Secretary / Director General of Employment & Training
Government of India

Verified to be
true copy.

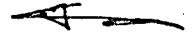
Advocate

Call - 2 Jan
Dated 2/5/05
on 2/5/05

cc'd

Copy forwarded for information and necessary action to

- 1) The concerned State Directors dealing with Craftsmen Training Scheme.
- 2) Director, Planning Commission, LEM Division, Yojna Bhawan, N. Delhi.
- 3) Fin. I Branch, Ministry of Labour *Int. / FD*
- 4) Director, Plan Finance II, Department of Expenditure, Ministry of Finance, North Block, Central Secretariat, New Delhi.
- 5) Joint Secretary, Plan Finance II, Department of Expenditure, Ministry of Finance, North Block, Central Secretariat, New Delhi.
- 6) Joint Secretary(NE), Ministry of Home Affairs, North Block, New Delhi.
- 7) PPS to Secretary (Expenditure), Ministry of Finance, North Block, New Delhi.
- 8) PPS to Secretary (Labour)



(K. K. Mittal)
Joint Secretary / Director General of Employment & Training
Government of India

No.DGE&T-26/398/75-Adm.II (Vol.II)
 Bharat Sarkar/Government of India
 Shram Mantralaya/Ministry of Labour
 (Directorate General of Employment & Training)

New Delhi, Dated: 8th April, 2003

OFFICE ORDER NO.31 OF 2003

Consequent upon his promotion to the post of Deputy Director General, vide this Directorate General's Office Order No.9 of 2003 (No.DGET.A.32013/2/2001-Adm.II) dated 27.01.2003, Shri D.N. Biswas, has relinquished the charge of the post of Director, Apex Hi-Tech Institute, Bangalore w.e.f 25.3.2003 (A.N). Shri D.N. Biswas has assumed the charge to the post of Deputy Director General in the Pay Scale of Rs.18,400-22,400 at North Eastern States Cell, Guwahati in the forenoon of 27th March, 2003.

(R.K.AHLUWALIA)

Under Secretary to the Govt. of India

Tel. : 23001367 & 23731398

Distribution:

1. Shri D.N. Biswas, Deputy Director General, NES Cell, Guwahati, C/o VRC for Physically Handicapped, Rehabari, Guwahati - 781008.
2. Director, Apex Hi-Tech Institute, Bangalore.
3. Deputy Director General, NES Cell Guwahati C/o VRC for Physically Handicapped, Rehabari, Guwahati - 781 008.
4. PS to LM/PS to MOS(L & Parliamentary Affairs)/PPS to Secretary(L)/PS to DG/JS/ DDG(E)/DDG(AT)/DT/DT(P)/DAT/DT(WO)/Dir. (KKM)/DS(NL).
5. All Joint Secretaries, LEA, CLC (C), FA(L) and Director (Admn.) of Ministry of Labour (M.S.)
6. All Training Institutes including WOT under the DGE&T.
7. Pay and Accounts Officer, PAO, DGE&T, New Delhi.
8. Pay & Accounts Officer, DGE&T-II, ATI Campus, Guindy, Chennai - 600032.
9. Cash Section, DGE&T(Hqrs.), New Delhi.
10. All Officers/Sections/Units of the Training Directorate, DGE&T (Hqrs.)
11. Ministry of Personnel, Public Grievances & Pensioners, Department of Personnel & Training, Secretariat of the Appointments Committee of the Cabinet (Ms. R.Jaya, Under Secretary), North Block, New Delhi - 110001 w.r.t. their note No.3/3/2002-EO(SM.II) dated 08/01/2003.
12. The Secretary, UPSC, New Delhi w.r.t. their letter No.1/27(9)/2002-AP-I dated 01.10.2002.
13. VFTA/Adm.I/Adm.III/IWSU/Library/Hindi Unit/B.P.Section/PCT Section, DGE&T, New Delhi.
14. Personal file of the officer concerned.
15. Service Book of the officer concerned.
16. Office order bundle (4 copies).

certified to be
true copy

for
Advocate

SP 280
8/4

23

No.DGE&T-A-22012/2/2003-Adm.II
Bharat Sarkar/Government of India
Shram Mantralaya/Ministry of Labour
(Directorate General of Employment & Training)

New Delhi, Dated: 16th March, 2004

OFFICE ORDER NO. 16/2004

Shri D.N.Biswas, Deputy Director General (Training) in the Directorate General of Employment & Training, Ministry of Labour will exclusively monitor and supervise the work of the North-Eastern States Cell at Guwahati being a time bound project for smooth, effective and timely implementation of the activities.

(K.K.MITTAL)
Director
Tel.: 23714765

Distribution:

1. Shri D.N.Biswas, Deputy Director General (Training), NES Cell, Guwahati, c/o Coaching-cum-Guidance Centre for SC/ST, Rehabari (old ITI campus), Guwahati - 781008.
2. PS to DG/JS/DDG(AT)/DDG(E)/DT/DAT/DT(P)/DT(WO).
3. All Heads of the Field Training Institutes under DGE&T.
4. VFTA/IWSU/PCT, DGE&T (Hqrs.).

certified to be
true copy
As
Advocate

No. DGET. A. 22011/1/2000-Adm.II
Ministry of Labour
D.G.E. & T.

Shram Shakti Bhawan, Rafi Marg
New Delhi, dated 01st May, 2000

Subject: Transfer policy in respect of Group 'A' and 'B' Officers in DGE&T.

The Directorate General of Employment & Training is having its field formations throughout the country. Group 'A' & 'B' (Technical) Officers in DGE&T are transferable on their respective cadre posts throughout the country. As far as Group 'C' & 'D' staff are concerned, they are transferable among the offices within their respective Units. Further, within the Unit also, Group 'C' & 'D' staff are generally transferred only at the time of promotions.

Representations have been receiving from a large number of officers for their posting / transfer near their Home Town. In some cases, at the time of initial appointment also, the candidates have been requesting for posting of their choice.

Generally, the requests for transfer / posting are being considered keeping in view the training requirements and other administrative constraints.

It has been decided to document the following general guidelines for deciding transfer / posting of Group 'A' & 'B' (Technical) officers in DGE&T:-

- Group 'A' & 'B' officers on Direct Recruitment will not be offered initial posting at Delhi, Noida, Faridabad or in their Home States. However, there will be exception in case of female Training Officers in the WOT sub-cadre, as far as possible, within the constraints of Administrative feasibility, such officers will be posted near to their Home Town
- As far as possible, no transfer will be effected unless the officer has completed a minimum tenure of 3 years in the post, except: -
 - (i) Transfer on Promotion
 - (ii) Transfer on account of complaints etc, or other administrative exigencies.
 - (iii) Transfer on genuine compassionate grounds in very exceptional circumstances.

There should be a fixed tenure of posting in North-Eastern region - 3 years at a time, for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service (excluding periods of leave, training etc. in excess of 15 days per year). Officers on completion of fixed tenure of service in North-Eastern region will be considered for posting to a station of their choice as far as possible.

contd.....2.

*certified to
be true copy*

Advocate

-25-
39
: 2 :

• As far as possible, the officer should be posted at a place of his choice during the last 2 years prior to his superannuation, provided he has worked at other station for at least 5 years.

• As far as possible, routine transfers should not be effected during academic session so as to avoid difficulty in children's education.

• In order to enable the officers to have all round exposure of working of DGE&T, it will be compulsory for the officers working in the Training Directorate to work at DGE&T headquarters as well as in its field formations.

Henceforth, all transfer / posting of Group 'A' & 'B' (Technical) officers will be considered in accordance with the above guidelines.



(Raj Pal)

Deputy Secretary to the Government of India

Distribution

All Field Institutions under DGE&T

All Directors / Additional Directors at DGE&T Headquarters.

PS to DG/JS

Adm.II / TA-I / TA-II / WOT / EE-II / EE-III Sections.

Govt. of India
Ministry of Labour & Employment
DGE & T
NES Cell, 21B, Baninagar Bye Lane No. 1
Near Krishna Mandir, Rehabari, Guwahati-781008

No. NES/A-19011/1/2003/26-

14.06.2005

To

The Secretary
Ministry of Labour & Employment
Govt. of India
New Delhi - 110 001

(THROUGH PROPER CHANNEL)

Sub: Transfer to DGE&T Headquarters after serving tenure in North East and fulfilling other conditions.

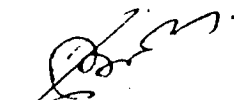
Ref: D.O. Letter No. NES/A-19011/1/2003/6 dated 09.05.2005 of this Cell

Sir,

In the above quoted letter under reference, I had requested you to kindly transfer me to DGE&T Headquarters, New Delhi as I have completed two years' tenure of serving in North East region of the country. According to transfer policy of DGE&T, an officer will **compulsorily** get an opportunity to work in DGE&T Headquarters during his career. Also, as per this transfer policy, he will be posted in his chosen place before two years of his retirement. In addition, the post of DDG was ever existing in DGE&T HQ and it was never transferred out of DGE&T HQ, New Delhi. Time and again, I have mentioned that the nature of job I am carrying out here is much below the rank and scope of DDG whose scale is incidentally same as that of DG/JS. For last two years, due to the transfer of this post to Guwahati, I have been denied of performing my usual designated duties as Deputy Director General.

In view of the above, it is once again requested to kindly transfer me to DGE&T HQ in public interest.

Yours faithfully,


(DN Biswas)

Dy. Director General of Training

*certified to be
true copy*

*Adv.
Advocate*

etc

SPEED POST

Govt. of India
Ministry of Labour & Employment
D G E & T
NES Cell, 21B, Baninagar Bye Lane No. 1
Near Krishna Mandir, Rehabari, Guwahati-781008

D.O. No. NES/A-19011/1/2003/6,

09/05/2005

DN Biswas
Deputy Director General of Training

Dear Shri respected Sahaniji,

Thank you very much, Sir, for kindly allowing me to explain you personally regarding my transfer to DGE&T HQ as I have completed my two years' tenure of serving in N.E. States. In this connection I have written two letters to DG/JS (Copy enclosed for ready reference) for his kind consideration. As per DGE&T's transfer policy (Photo copy enclosed for ready reference) every officer will get an opportunity to serve in HQ before his retirement. As well before his retirement he will be posted in his chosen place. As I will retire from Govt service within two years and 3 months, I should get a chance to work in HQ. In view of this as well as I being the senior most officer in the Training Directorate and as this post was ever prevailing in DGE&T HQ, I would request to kindly transfer me to HQ in public interest. This post of DDG (Trg) was never transferred out of DGE&T H.Q.

In fact, more than last two years I have undergone a painful experience in working in NES Cell in Guwahati as any supporting staff like Peon, LD, & Steno did not join this Cell as per original office order for formation of NES Cell.

Sir, I therefore look forward to your kind consideration for transferring me DGE&T HQ.

With kindest regard

Yours sincerely,



[DN Biswas]

To:
Shri K.M. Sahani
Secretary
Ministry of Labour & Employment
Govt. of India. New Delhi-110001.

Affected
Mr. Advocate

-28-

Govt. of India

Ministry of Labour & Employment

DGE & T

NES Cell, 21B, Baninagar Bye Lane No. 1
Near Krishna Mandir, Rehabari, Guwahati-781008

By Fax / Speed
Fax
42

No. NES/A-19011/1/2003 / 4,

22/04/2005

To
The Director General
DGE&T, Ministry of Labour, Govt. of India,
2 & 4, Rafi Marg, Shram Shakti Bhawan,
New Delhi-110 001

Sub: Approval of tour programme to DGE&T HQ.
Ref: My earlier D.O. letter of even no. 1st March, 2005.

Sir,

Kindly refer to the above quoted D.O. letter reply of which is yet to be received wherein it was narrated in detail regarding senior most officer being kept in the dark on the developmental work of the organisation like setting up 100 ITIs as Institute of excellence etc. For getting involved in the modernisation programme of DGET I forwarded one tour programme to DGE&T Hq from 14/3 to 18/3/2005. Mr. Gupta DDG informed not to come now.

For the same purpose I am forwarding tour programme to DGE&T HQ from 2nd to 4th May 2005 for your approval.

It was also narrated in detail in the D.O. letter regarding under-utilisation of the two officials (undersigned and another DDT) posted at this cell as majority of the work in the N.E. States have been completed. DGET / CPIU officials are also carrying out this work. For this purpose as well as per DGE&T's transfer policy that every officer will get an opportunity to work in DGE&T HQ before their retirement and also as I have completed my tenure of working in N.E. States it is requested to transfer me to DGE&T HQ in public interest.

Yours faithfully

(DN Biswas)

Dy. Director General of Training

TENTATIVE TOUR PROGRAMME

DEP GUWAHATI 1/5/2005
ARR NEW DELHI 1/5/2005

by Air

Halt at DGET Hq. New Delhi 2nd, 3rd & 4th May, 2005 on official matter as above and also on PM's Package in N.E. States.

DEP NEW DELHI 5/5/2005
ARR GUWAHATI 5/5/2005

by Air

(D.N. Biswas)

Dy. Director General of Training

O/C

Attended
for Advocate

- 29 -

43

SPEED POST

Govt. of India
Ministry of Labour & Employment
DGE & T

NES Cell, 21B, Baninagar Bye Lane No. 1
Near Krishna Mandir, Rehabari, Guwahati-781008

D.O. No. NES/A-19011/1/2003/86

1/3/2005

DN Biswas

Deputy Director General of Training

Dear Shri M. Halji,

Kindly refer to the discussion I had with you during my last visit to DGE&T Hq in December, 2004. regarding much less work at this cell for me as well as for one Dy. Director posted here. I had also narrated the work I am carrying out here is not suitable to the rank of Dy. Director General. Of late I have come to know that lot of development is taking place in the Craftsmen Trg. Programme of DGE&T like setting up 100 ITIs as Institute of excellence, their syllabus design etc. I would request you to kindly involve me in this work as I am the senior most officer in the Training Directorate and also head in the Craftsmen Training like Mr. S. K. Gupta is the head of Apprenticeship Trg. Programme under your administrative control. This is quite unusual situation that head/senior most officer in the Dept. who has served 30 years in the Dept. with excellent record is remaining in the dark on what is happening in his own Dept. With this view in mind of getting apprised of the latest development in the Craftsmen Training Programme of DGE&T and for getting actively involved in the matter I am putting forward my tour programme to Hq. for your kind approval.

In this context it may be mentioned here that majority of the work in N. E. States like physical verification of civil construction work is over. The job left now is random equipment inspection which is normally carried out in one or two days for one state. DGET /CPIU officials are also carrying out this work. As well, two officials posted here including the undersigned are completing their tenure in N.E States in this month. It is therefore requested, as per prevailing norm for serving N.E. region to kindly consider for transferring them in their respective position for better utilization of man power.

With kind regards,

Yours sincerely,

[DN Biswas]

To:
Shri K.K. Mittal, Director General,
DGE&T, Ministry of Labour & Employment,
Govt. of India. New Delhi-110001.

TENTATIVE TOUR PROGRAMME
by Air

DEP GUWAHATI 14/3/2005
ARR NEW DELHI 14/3/2005
Halt at DGET Hq. New Delhi on 15th, 16th & 17th March, 2005 on official matter as above
and also on PM's Package in N.E. States.

DEP NEW DELHI 18/3/2005
ARR GUWAHATI 18/3/2005
by Air

(D.N. Biswas)

Dy. Director General of Training

Gupta informed in
tel. on 2/3/05 as per
not to come now.

Affected
Advocate

- 30 -

44

Government of India
Ministry of Labour (DGE&T)
NES Cell

C/O. C G C, Rehabori, Guwahati-781008

No. NES/A-19011/1/2003/150
12/3/2003

12/12/2003

To
The Secretary
Ministry of Labour, Govt. of India,
Shram Shakti Bhawan,
2&4, Rafi Marg,
New Delhi-110 001

(Through proper channel)

Ref: i) My earlier letter of even.no. dated 21/02/2003

ii) My earlier letter of even no. Dated 12/11/2003

Sub: Request for taking back the Post of Deputy Director General of Training to DGET Hd.Qtr, New Delhi from Guwahati enabling me to discharge my duties in my designated usual responsibility

Sir,

In above quoted letter under ref.(ii) (copy enclosed for ready reference), details were provided how I have been deprived of performing my duties to overall supervise training activities of 12 DGE&T Trg. Institutes of the Country by sending this post to Guwahati, never done in the past, without any chair/ table to sit and work (furniture approval still awaited from H. Q.) & without any supporting staff like Steno, Dealing Asst. Peon as per DGE&T order dated 22/11/2002 (copy enclosed).

I would therefore request you Sir, earnestly to kindly transfer this post back to DGET Hq in New Delhi as it was ever prevailing there so that I would no more remain deprived of performing my own duties.

I am also forwarding a tour programme to DGET HQ with the request for permission to meet you Sir, to narrate present status of NES Cell in Guwahati for PM's package NE States.

Yours faithfully

(D.N.Biswas)

Deputy Director General of Training

Encl: as above

TOUR PROGRAMME

Dep: Guwahati, 11/1/2004

Arrive New Delhi 11/1/2004 By Air

Halt at DGET HQ on 12th & 13th Jan. 2004 to meet Secretary as above and for attending other official activities.

Dep: New Delhi, 14/1/2004

Arrive Guwahati 14/1/2004 By Air

(D.N.Biswas)

Deputy Director General of Training

3/c

Affd
for
Advocate

-31-

45

Government of India
Ministry of Labour (DGE&T)
NES Cell

C/O. Coaching-Cum-Guidance Centre for SC/ST
Rehabari (Old ITI Campus),
Guwahati-781008

No.NES/A-19011/1/2003/134-135,
To

Dated 12th Nov. 2003.

The Director General
DGE&T, Min of Labour, Govt. of India,
Shram Shakti Bhawan,
2&4, Rafi Marg,
New Delhi-110 001

Sub: Request for allowing DDG(Trg) to discharge his duties in the designated usual responsibility by shifting back the Post of DDG(Trg), to DGET Hd.Qtr, New Delhi from Guwahati.

Sir,

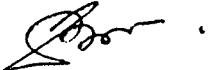
Even after creation of NES Cell about a year ago by transferring the post of DDG(Trg), from DGET Hq, to Guwahati, for a Project on Modernisation of ITIs in N. E. States, till today no supporting staff like Peon, Steno, LD, (as per DGET letter No. DGET-A/22020/1/2002-AdmII . dated 22nd Nov. 2002, copy enclosed for ready reference) has yet joined his Cell in Guwahati. Even approval for a single furniture has not yet been received from Hd.Qtr. As there is no Table, no Chair, or any other furniture to sit and work both for me and for the Dy. Director. (Two Gr. A officers are the only Staff Members of this Cell). Both of us are somehow sharing a single table in the office of CGC, Rehabari, Guwahati. No fund has been provided under Rents & Taxes in the Budget for NES Cell. As such we are not in a position to hire a rented accommodation. Duties & responsibilities of DDG(Trg) are to monitor the training activities of 12 DGET Training Institutes situated in the different parts of the Country along with improvement of Craftsmen trg. Programme. And that of DDG(Appr) is to monitor activities of 7 RDATs and apprenticeship trg in the country. Approximate organisation-chart is enclosed for ready reference. Since inception of DGET any of these two senior most regular posts of the Dept. were never shifted out of DGET Hq. At the moment I am the snior most officer n the Dept and holding the charge of DDG (Trg) As the post has been transferred to Guwahati, I am being kept in the dark on up gradation, modernization, expansion & subsequent procurement of machinery, tools, plants for different DGE&T Training Institutes as well as for ITIs for which I am the overall in charge next to DG/JS..

A specific plan post, Director (Project) has been created in Hd.Qtr who is solely responsible to implement any project as and when taken up by DGE&T. It is not clear without touching the right personnel why DDG(Trg) has been suddenly shifted from Hd.Qtr depriving me to perform my usual duties..

It may not be out of place to mention that as unusual delay was taking place for my promotion to the post of DDG I was forced to approach CAT. Under the Directive of Hon'ble Tribunal I was promoted to this post after nineteen months which has never happened for any of my seniors, nor even for my junior who got their promotion immediately. When my promotion case was being cleared by UPSC, at that point of time the post has been suddenly transferred to Guwahati even without taking the views of the then DDG, senior most regular officer in the Dept..

As already I have suffered a lot for not getting my promotion in due time and also under this situation in Guwahati I am feeling humiliated and mentally tortured as I, being the Senior most officer in the Dept, holding a senior position in the Scale of Rs. of Rs.18400/- --to Rs.22400/-, equivalent to the post of Joint Secretary to Govt. of India) am being continuously ignored in the main activities of Trg. Directorate. Since my joining in the Dept in 1975, I have a continuous excellent performance record. I would therefore request you to kindly transfer the post of DDG(Trg) in public interest to DGET Hd. Qtr. as was ever prevailing there allowing me to work in my capacity and dignity.

Yurs faithfully

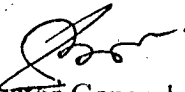


(D.N. Biswas)

Deputy Director General of Training

Copy to

The Secretary,
Ministry of Labour, Govt. of India, Shram Shakti Bhawan,
2&4, Rafi Marg, New Delhi-110 001. with the request to kindly allow me to work in DGET Hq. like my Seniors as well as like my Junior to enable me to work in accordance responsibility and status and dignity of the post. It is also requested to allow me to meet him in DGE&T Hq. any time convenient to him in last week of Nov.2003 to narrate the matter.

 12/11/2003.

Dy. Director General of Training

o/c

H



-33-
Government of India, Ministry of Labour
Directorate General of Employment & Training
APEX HI-TECH INSTITUTE
Tumkur Road, Bangalore - 560 022

SPEED POST



Phone: 080-3378335 / 3379178
Fax/Tel: 080-3374248

No. Apex.A-19011/4/99-Estt/ 68

21.02.2003

Smt. Asha Murthy
Director General/Joint Secretary
DGE&T, Ministry of Labour
Shram Shakti Bhawan, 2/4, Rafi Marg
NEW DELHI - 110 001

Madam,

Sub: Promotion and posting to the post of Deputy Director
General of Training at NES Cell, Guwahati - Reg.
Ref: DGET letter No. DGET/A 32013/2/2001.Adm.II dt: 27.01.2003

While thanking you very much for promoting me to the post of Deputy Director General of Training, I am hereby conveying my acceptance of this promotion.

In this connection, I would like to bring to your kind notice that the issue of my promotion has been delayed for various reasons since last one and a half years. The post of Deputy Director General of Training (erstwhile Director of Training) was existing in DGE&T Headquarters due to upgradation of two permanent posts of Director of Training vide DGET letter No. Z-20013/1/97-Adm.II/Adm.II dated 12.05.2000 (copy enclosed for ready reference) which were ever existing in DGET Headquarters. Either of these two permanent posts of Director of Training, presently DDG was in no occasion shifted out of Headquarters though a number of projects have been implemented by DGET. As such, I was all along looking forward to work in the post of DDG in DGET Headquarters, New Delhi.

I also made an appeal in October 2001 for posting me in DGE&T Headquarters in the same capacity (copy enclosed for ready reference) as I did not get any opportunity to work in Headquarters in my career.

In view of the above, I would earnestly request you to kindly post me in DGE&T Headquarters to the post of DDG (Training) in public interest under whose supervision Director of Training (Project) implements the projects through CPIU officials.

In the meantime, I would also like to request you to kindly give me time till the last week of March 2003 as my only child is appearing in 12th class CBSE final examination. Her exams will be over in the last week of March 2003, soon after which I will be joining in the post of DDG (Training).

I look forward to your kind consideration for posting me in DGE&T Headquarters to the post of Deputy Director General of Training.

Thanking you,

Yours faithfully,

[O.N. Biswas]
DIRECTOR

Encl: As stated

ok

Certified to be
true copy
Advocate