

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 191/2005

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 191/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(S): K. C. D. Singha

Respondent(S): U. O. I. Govt.

Advocate for the Applicant(S):- Adil Ahmed

Advocate for the Respondent(S):- Cast.

Notes of the Registry | Date | Order of the Tribunal

29.7.05.

This application is in form
is filed/C. F. for Rs. 10/-
deposited vide IPO/DD
No. 20613301S.

Dated 5.7.05

Judgment delivered in open
Court. Kept in separate sheets. Application
is disposed of.

K. D. Singha
Member

G. S. Gopal
Vice-Chairman

guru
Dy. Registrar

Par

191/05

lm

Steps Taken:

Par

Recd
M. Gopal
Ad. C.S.C.

11.8.05

copy of the Judgment
has been sent to the
D/Secy for issuing the
Order to the applicant by Post.

guru

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

O.A. No. 191 of 2005.

DATE OF DECISION: 20.07.2005

Shri K.C.D.Singh

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. M.U.Ahmed, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

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

1. Whether Reporters of local papers may be allowed to see the judgments?
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.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No: 191 of 2005

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

HON'BLE MR JUSTICE G.SIVARAJAN, VICE-CHAIRMAN.
HON'BLE MR.K.V.PRAHLADAN, ADMINISTRATIVE MEMBER

Sri K.Chandra Dhan Singha, 8886366-
Upper Division Clerk, 119 DSC Platoon
Attached to No.19 Wing, Air Force,
C/o-99 APO
By Advocate Mr.A.Ahmed

Applicant

-Versus-

1. The union of India represented by the
Secretary to the Government of India,
Ministry of Defence, South Block, New Delhi-1.
2. The Deputy Director General,
Defence Security Corps/DSC-2,
General Staff Branch, Army Headquarters,
West Block III, R.K.Puram, New Delhi-110066
3. The Director, Defence Security Corps,
Headquarter Eastern Command
Fort, William, Kolkata-21.
4. The Joint Director, Defence Security Corps,
Headquarters, 101 Areas(Group Station/Defence
Security Corps),
C/o-99 APO.
5. The Chief Records Officer,
Defence Security Corps Records
Mill Road, Cannanore-670013
(Kerala).
6. The Officer Commanding Defence
Security Corps, Detachment, No.19
Wing Air Force, Borjhar-15.

Respondents.

By Advocate Mr.M.U.Ahmed, Addl.C.G.S.C.

ORDER(ORAL)SIVARAJAN J(V.C)

After hearing Mr.A.Ahmed learned counsel for the applicant and Mr.M.U.Ahmed learned counsel appearing for the respondents we are of the view that this application can be disposed of at the admission stage itself

2. The applicant is presently working as Upper Division Clerk(UDC) in the office of the 119 Defence Security Corps Platoon attached to No.19 Wing, Air Force, Borjhar,Guwahati-15. He was promoted to the post of Assistant vide DSC record's letter CA-2095/25 dated 29th June, 2004 and he was posted to office of the Joint Director, Defence Security Corps headquarter 101 Area C/o 99 APO. The applicant not being able to move to the present station due to extreme compassionate grounds of his children, requested for deferment of the promotion by representations dated 12.10.2004 (Annexure B).The grievance of the applicant is that, notwithstanding his unwillingness, the respondents insisted for his promotion and for joining in the transferred place. It is stated that the applicant has made detailed representation on 31.3.2005(Annexure F) pointing out his inability to accept the promotion but the respondents, without considering the circumstances by telegram dated 15th June,2005 (Annexure G) directed the applicant to comply with the promotion order and also stated that non-compliance of the transfer order of the applicant will attract disciplinary action against the applicant.

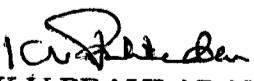
3. Mr.A.Ahmed learned counsel for the applicant submits that the 6th Respondent has recommended his case strongly to

Spfz

other respondents on each representation submitted by the applicant but the other respondents totally ignored the matter.

4. We have also heard Mr.M.U.Ahmed learned Addl.C.G.S.C. for the Respondents. Though the applicant was promoted as Assistant, because of his domestic problems the applicant submitted his representations for deferring of his promotion and otherwise expressed his unwillingness to accept the promotion for the time being. The Respondents 3,4 and 6 have recommended the unwillingness Certificate of the applicant. The 2nd Respondent insisted for accepting the promotion and for joining in the transferred place. The applicant has already made representation before the 2nd respondent; the 2nd respondent is duty bound to consider the same and to pass a reasoned order particularly in view of the fact that the applicant has declined to accept the benefit which was granted in his favour. Since the 2nd Respondent not assigned any reason in the Fax Message and not communicated any special circumstances for not accepting the unwillingness, we direct the 2nd Respondent to consider the Representation dated 31.3.05 (Annexure F) filed by the applicant and pass appropriate order in accordance with the law. This will be done within a period of four months from the date of receipt of this order. The promotion of the applicant in the meantime will be kept in abeyance.

3. Application is disposed of as above at the admission stage itself.


 (K.V.PRAHLADAN)
 ADMINISTRATIVE MEMBER

LM


 (G.SIVARAJAN)
 VICE CHAIRMAN

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Sri K. Chandra Dhan Singh

Applicant

- Versus -

The Union of India & Ors

. Respondents.

LIST OF DATES

29-06.2004	The applicant was promoted to the post of Assistant from the post of Upper Division Clerk.
12.10.2004	The applicant filed representation for deferment of his promotion and posting order till March 2005 on the extreme compassionate grounds of his children. The said representation was forwarded by the Respondent No. 6 to the Respondent No. 5 on the same date.
01.12.2004	The applicant filed his unwillingness certificate for posting and promotion before the Respondent No. 2.
01.01.2005	The Respondent No. 4 recommended the above said unwillingness certificate of the applicant.
07.02.2005	The Respondent No. 3 recommended the above said unwillingness certificate of the applicant.
23.03.2005	The Respondent No. 2 returned the unwillingness certificate of the applicant and recommended for promotion and posting order of the applicant by 31 st March 2005.
31.03.2005	The applicant filed a representation before the respondent No. 2 and also his willingness to retire from his service voluntarily after 31 st March 2007. The said representation was recommended by the respondent No. 6.
15.06.2005	The Respondent No. 5 vide telegram to Respondent No. 6 stated that non compliance of the transfer order of the applicant will attract disciplinary action against the applicant.
22.06.2005	The respondent No. 6 vide his telegram informed the other respondents that the applicant will be relieve by July last week 2005.
	Hence the applicant has filed this Original Applicant seeking justice in this matter.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. _____ OF 2005.

BETWEEN

Sri K. Chandra Dhan Singha, 8886366 - X,
Upper Division Clerk, 119 DSC Platoon
attached to No. 19 Wing, Air Force,
C/o - 99 APO

... Applicant

- AND -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, New Delhi - 1.
2. The Deputy Director General, Defence Security Corps/DSC-2, General Staff Branch, Army Headquarters, West Block III, R.K. Puram, New Delhi - 110 066.
3. The Director, Defence Security Corps, Headquarter Eastern Command Fort William, Kolkata - 21.
4. The Joint Director, Defence Security Corps, Headquarters, 101 Areas (Group Station/Defence Security Corps), C/o - 99 APO.
5. The Chief Records Officer, Defence Security Corps Records Mill Road, Cannanore - 670013 (Kerala).
6. The Officer Commanding, Defence Security Corps, Detachment, No. 19 Wing Air Force, Borjhar - 15.

... Respondents

K. Chandra Dhan Singha

Filed by
Sri K. Chandra Dhan Singha
Applicant
H. S. J. (Adv.)
(Adv. Adm.)
Handed over to
Abdul Ahmed
Advocate

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

This application is made for consideration of the representation dated 31st March, 2005 submitted by the applicant before the respondent No. 3 regarding his unwillingness for promotion and posting to the post of Assistant from Upper Division Clerk and also for seeking a direction from this Hon'ble Tribunal to the respondents to allow the applicant to continue in his present place of posting till he takes his voluntary retirement on 31st March, 2007.

2 JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. He is now aged about 49 years.

4.2 That your Applicant begs to state that he is presently working as Upper Division Clerk in the office of the 119 Defence Security Corps Platoon attached to No. 19 Wing, Air Force, Borjhar, Guwahati – 15. He was promoted to the post of Assistant vide DSC record's letter No. CA-2095/27 dated 29th June, 2004 and he was posted to Office of the Joint Director, Defence Security Corps Headquarter 101 Area C/o 99 APO.

ANNEXURE – A is the photocopy of the promotion and posting letter No. CA-2095/27 dated 29th June, 2004.

R. Chandra Khan Singh

4.3 That your applicant begs to state that after receiving the above said promotion and posting order he immediately filed a representation on 12th October, 2004 through proper channel before the Respondent No. 5 for deferment of his promotion and posting order till March, 2005 on the extreme compassionate grounds of his children. The Respondent No. 6 forwarded the same to the Respondent No. 5.

ANNEXURE - B is the photocopy of the representation of the applicant dated 12th October, 2004.

ANNEXURE - C is the photocopy of the forwarding letter of the representation of the applicant by the Respondent No. 6 vide letter No. 19W/P1-110/DSC/08(civ) dated 12th October, 2005.

4.4 That your applicant begs to state that he filed an unwillingness certificate for his promotion to the post of Assistant through proper channel before the Respondent No. 2 on 1st December, 2004. The Respondent No. 3 and 4 recommended the unwillingness certificate of the applicant vide their remarks dated 1st January 2005 and 7th February, 2005 respectively.

ANNEXURE - D is the photocopy of the unwillingness certificate of the applicant alongwith remarks of Respondents No. 3 and 4

4.5 That your applicant begs to state that the Respondent No. 2 vide his letter No. 12916/DSC/12 dated 23rd March, 2005 has informed the Respondent No. 6 that unwillingness certificate of the applicant has been returned herewith as the time limit allowed for rendering unwillingness upto August 2004 as a special case has already been expired. As such, the applicant's posting cum promotion order may be implemented by 31st March, 2005 at the end of the present academic session as requested by the individual and recommend by his present unit.

ANNEXURE - E is the photocopy of the letter No. 12916/DSC/12 dated 23rd March, 2005.

4.6 That your applicant beg to state that he has submitted a detailed representation through proper channel before the Respondent No. 2 on

K. Chandra Sekhar

31st March 2005 about his unwillingness for promotion and also his willingness to retire from his service voluntarily after 31st March, 2007. In the said representation he highlighted all his domestic problems he has facing alone. The said representation was recommended by the Respondent No.6

ANNEXURE - F is the photocopy of the representation dated 31st March 2005 submitted by the applicant.

4.7 That your applicant begs to state that the Respondent No. 5 vide his telegram No. A 2677 dated 15th June, 2005 addressed to the Respondent No. 6 stated that non compliance of transfer order of the applicant will attract the disciplinary action against the applicant. The Respondent No. 6 vide his telegram dated 22nd June, 2005 informed the other respondents that the applicant will be released by July last week 2005.

ANNEXURE - G is the photocopy of the telegram No. A 2677 dated 15th June, 2005.

ANNEXURE - H is the photocopy of the telegram dated 22nd June, 2005.

4.8 That your applicant begs to state that he is facing acute domestic problems for this he has been forced to forego his higher promotion and posting. He is also mentally prepare to voluntarily retire from his service after 31st March 2007. So he has humbly requested the Respondents to consider his case for continuation of his posting in his present place of posting. The respondent No. 6 who is the immediate superior officer has also recommended his case strongly to other respondents on each representations submitted by the applicant before the respondents since his promotion and posting order. But the respondents are totally ignored the matter in a arbitrary manner by using their dominating position. Now the applicant apprehends that at any moment the respondents may force the applicant to move from the present place of posting As such finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

S. Chandra dhan Singh

4.9 That your Applicant begs to state that his widow mother who is aged about 76 years is suffering from her old aged ailment and she needs constant attention and medical aid of the applicant, her physical condition is not allowing her to take journey to move alongwith the applicant. There is no body to look after her. The wife had gone a major operation by removing her complete uterus in the month of June, 2003. Ever since her health is deteriorating day by day. She is not capable to look after the domestic affairs without other's help.

4.10 That your applicant begs to state that he has purchased a small plot of land at Guwahati to construct a dwelling house to shelter his family. But he could not start the construction as some miscreants residing in the said locality forcefully encroached upon the part of the land by taking the advantage of his absent from the site. The applicant is now looking after the matter and the said matter is in progress. Besides this he has also obtained a House Building Advance loan from the Office of the Respondent No.6. He has signed an undertaking that he will not leave from the present unit i.e. Air Force to other unit. But now the Respondent has transferred him to an Army Unit which will amount to violation of undertaking signed by the Applicant for obtaining House Building Advance loan.

4.11 That your applicant begs to state that he has already completed 26 years dedicated service to the nation and also to the respondents, there is no blemish in his service life. But now due to unavoidable situation has compelled him to forego his promotion and posting which is beyond his controlled.

4.12 That your Applicant begs to state that action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts.

4.13 That your Applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.

4.14 That your Applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

K. Chandra Bhattacharya

4.15 That your Applicant submits that the action adopted by the Respondents in case of the applicant is improper, malafide, illegal and without jurisdiction.

4.16 That your Applicant submits that he has already submitted his unwillingness for his promotion and posting and he is also willing to retire from his service voluntarily on 31st March 2007, but the respondents are not considering this aspect the reasons best known to them.

4.17 That your applicant submits that the Hon'ble Tribunal may be pleased to interfere into this matter by granting interim order directing the respondents not to relieve the applicant from his present place of posting till the consideration of the applicant's representation dated 31st March 2005 by the respondents.

4.18 That this application is filed bonafide and for the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, due to the above reasons narrated in details the action of the Respondents is in *prima facie* illegal, malafide, arbitrary and without jurisdiction.

5.2 For that the applicant has expressed his unwillingness for promotion to the post of Assistant, as such, the respondents cannot force him to join in the new posting on promotion.

5.3 For that the respondents, particularly the Respondent No. 6 who is the immediate superior officer of the applicant had strongly recommended the case of the applicant as his case is genuine. Hence, the action of the other respondents is whimsical and arbitrary and not sustainable in the eye of law.

5.4 For that the applicant has suffering from acute domestic problems, as such in this stage the applicant cannot move to other place. Hence, the applicant has compelled to forego his promotion and also ready to take voluntary retirement on 31st March 2007.

R. Chandra Shekhar

5.5 For that the respondents have violated the fundamental rights guaranteed under the Articles 14, 16 and 21 of the Indian constitution.

5.6 For that the respondents have violated the principles of natural justice.

5.7 For that the action of the respondents arbitrary, malafide and discriminatory with ill motive.

5.8 For that the applicant's case is genuine and need to be considered by the respondents due to facts and circumstances narrated above.

5.9 For that in any view of the matter the action of the respondents are not sustainable in the eye of law as well as in fact.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents to show cause as to why the relief and relieves sought for by

K. Chandra Chari Saig

15

the Applicant may not be granted and after hearing the parties, may be pleased to direct the Respondents to give the following relieves.

8.1 To direct the respondents to consider the representation dated 31st March, 2005 submitted by the applicant before the respondent No. 3 regarding his unwillingness for promotion and posting to the post of Assistant from Upper Division Clerk and also allow the applicant to continue in his present place of posting till he takes his voluntary retirement on 31st March, 2007

8.2 To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the cost of the application.

9. INTERIM ORDER PRAYED:

The applicant most respectfully prayed that this Hon'ble Tribunal may be pleased to direct the respondents not to relieve the applicant from his present place of posting till the consideration of the applicant's representation dated 31st March 2005 by the respondents.

10. Application is filed through Advocate.

11. Particulars of I.P.O.:

I.P.O. No. :- 200-133015
 Date of Issue :- 18-7-05
 Issued from :- GPO
 Payable at :- Gwalior

11. LIST OF ENCLOSURES:

As stated above.

Verification.....

S. Chandra Dhan Singh

- 9 -
VERIFICATION

I, Sri K. Chandra Dhan Singha, 8886366 - X, Upper Division Clerk, 119-DSC Platoon attached to No. 19 Wing, Air Force C/o 99 APO, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.8, 4.9, 4.10, 4.11, 4.12 are true to my knowledge, those made in paragraph nos. 4.2, 4.3, 4.14, 4.5, 4.6, 4.7 are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph ...5..... are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 16th day of July, 2005 at
Guwahati.



Tele/Fax no : 2766993/6341

PRIVACY

Raksha Suraksha Corps Abhilash
Defence Security Corps Records
Mill Road, Cannanore - 670013

CA-6/2025 / 27

29 ဇុន 2004

1698 A.D.
(Units concerned)

PROMOTION FROM UDC'S TO ASSISTANTS OF CIVILIAN EMPLOYEES OF DSC

1. The following posting-cum-promotion is ordered on approval
of the same by the DDCB DDC, Army HQ :-

Serial No. _____, Grade & Name _____

		FROM	TO
(a) 8386360W UDC	Smt M Lalitamba	15 DSC Pl att to NAD	Jt Director DSC HQ ATN K & K Area Chennai
(b) 3386361X UDC	Shri Sanat Kumar Kayal	81 DSC Pl att to Rifle Factory Ishapeore	Director DSC HQ Eastern Command Kolkata - 700021
(c) 3386362F UDC	Shri Pradip Kumar Bose	103 DSC Pl att to Rifle factory Ishapeore	Jt Director DSC HQ 51 Sub Area C/O 99 APO
(d) 3386364X UDC	Shri Chandradhan Singhay	119 DSC Pl att to 19 Wing AF C/O 99 APO	Jt Director DSC HQ 101 Area C/O 99 APO
(e) 3386368W UDC	Shri Piyaray Krishan Mehta	410 DSC Pl att to 23 Wing AF C/O 56 APO	Jt Director DSC HQ 71 Sub Area C/O 56 APO
(f) 3386375Y UDC	Shri Kulbhushan Singh	10 DSC Pl att to 2 ASD (18 FAD) C/O 56 APO	Jt Director DSC HQ Allahabad Sub Area Allahabad
(g) 3386376F UDC	Shri Mohinder Pal (SC)	Jt Director DSC HQ 21 Sub Area C/O 56 APO	Jt Director DSC HQ 31 Sub Area C/O 56 APO
(h) 3386379P UDC	Shri Mihir Kanti Aich	28 DSC Pl att to 5 Wing AF C/O 99 APO	Jt Director DSC HQ 60B Sub Area Danapur Cantt
(i) 3386382P UDC	Shri Shamsher Singh	47 DSC Pl att to 69 Coy ASC (Sup) Pathankot	Jt Director DSC HQ 82 Sub Area C/O 56 APO
(k) 3386386L UDC	Shri Santokh Singh (SC)	393 DSC Pl att to 17 FAD C/O 56 APO	Jt Director DSC HQ 16B Area Jabolpur

DIARY NOTE
NO:- 870.
DATE:- 16/07/04

info \mail.gp

Admit

(1) 0886392Y/UDC Shri Subhash Chandra Roy (SC) Jt. Director DSC HQ 111, Sub Area C/O 99 APO Jt. Director DSC HQ MP & C Sub Area Bhopal

(m) 3806429P/UDC Shrikant Dabirji Doro (ST) 416 DSC Pl. att to 14, MPD C/O 56 APO Jt. Director DSC HQ Meerut Sub Area Meerut

2. The above individuals will be relieved of their duties and directed to report to their new offices forthwith. As their moves are ordered in public interest, they are entitled to TA/DA and joining time as per existing rules. Copies of movement orders will be endorsed to this office and Army HQ (DEG DSC) amongst others.

3. The promotion of the individuals will be effected on assumption of duties. On assumption, the following certificates in their respect are required to be forwarded to this office for publication of their promotion in Records Part II Orders :-

(a) Certificate showing the date of assumption as Assistant.

(b) Certificate to the effect that no disciplinary/vigilance case is pending/contemplated against the individuals.

4. No representation from the individuals regarding change in their posting will be entertained. In case, any individual is not willing to move to ~~the~~ new office, he/she may be advised to render their unwillingness, in writing, in accordance with Ministry of Home Affairs (DOP & AR) OM No 22034/3/81-Estt(D) dated 01 Oct 1981 for their refusal to accept the posting-cum-promotion (Specimen for uniform unwillingness certificate att). This certificate should accompany an application addressed to the appointing authority, i.e DDC DSC, giving the reasons for refusing promotion. It is the prerogative of the appointing authority to accept or reject the unwillingness/refusal of promotion. The unwillingness certificate should be unconditional and a certificate with conditions will not be entertained. Both the certificate and the application will be submitted through DSC channel, ~~or~~ ^{or} her

5. The vacancies occurring due to the above movements will be made up by either of the following:-

- (a) Adjustment by posting on compassionate grounds.
- (b) Adjustment under Surplus/Deficiency Scheme as per NO 22/2001.
- (c) Allotment of vacancies for direct recruitment on its release from the Govt.

Therefore, the movements of the individuals, who are ordered for posting-cum-promotion will not be withheld for want of a believer.

6. Please acknowledge receipt

(Auth : DDG, DSC, Army HQ letter No A/00365 /DSC--2 dated 29 Jun 2004).

(Surendran MN)
Lt. Col.
Chief Record Officer
For Officer-in-Charge Records
2/11

Alfred
J. Amato

Copy to :-

By Lt General DSC/DSD-2
General Staff Branch
Army Headquarters
West Block III, RK Puram
New Delhi - 110066

for information with reference to
Army HQ letter No A/00365/DSC-2
dated 29 Jun 2004.

Director DSC

(All concerned)

Joint Director DSC
HQ

(All concerned)

Internal

Case Files

UNWILLINGNESS CERTIFICATE

I, No _____ Grade _____ Name _____

of _____ in hereby
unconditionally refuse my promotion to the grade of Assistant
ordered vide DSC Records, Cannanore letter No CA-6/2095/27
dated 29 Jun 2004.

2. I, fully understand that my refusal to accept promotion
will affect my future promotion and seniority and I am fully
aware of the consequences of this refusal.

Station :

Signature of _____

Date :

No _____

Grade _____

Name _____

Unit _____

COUNTER SIGNED

Station :

(Signature of OG Unit)

Date :

(Shri Santosh Singh (SG) 12 PAD
C/056/2PO

HQ-112
Mabalpur
2/.....

DIARY NOTE

NO:- 370
DATE:- 16/07/04

OIC DSC

6/100 10

INFO VAD

12
1st
Aut

No. 8886366-X UDC
 KC Singha
 119 DSC Platoon attached to
 19 Wing, Air Force
 C/O 99 APO

12 Oct 2004

To

The Chief Records Officer
 DSC Records
 Mill Road Cannanore
 (Kerala) - 13

(THROUGH PROPER CHANNEL)

Sub : Deferment of posting on extreme compassionate ground

Sir,

- I have the honour to state the following few lines for favour of your kind consideration and sympathetic action please.
- That Sir, I am under orders of posting to HQ 101 Area (GS/DSC) on promotion to Assistant vide your Records letter No. CA-6/2095/27 dated 29 Jun 2004.
- I have came on posting to this unit during the year 1985. During the time of my posting in 1985, I have represented several applications to your Records for posting within the Narangi Cantonment Area. But I have ^{not} been considered my prayer by your Records and assured me that in future if any vacancy is occurred I will be given the same opportunity. Now, after completion of 19 years of service in this station, I have been given my posting to HQ 101 Area which is far away of 130 Kms, having the vacancy of Assistant at HQ 51 Sub Area.
- Further, it is submitted that my two children are studying under Board of Secondary Education Assam. Until the Academic Session of my children is completed I can not be moved on posting till Mar 2005.
- Therefore, I requested that my posting on promotion may please be deferred upto Mar 2005 on the extreme compassionate grounds of children.

Thanking you in anticipation Sir.

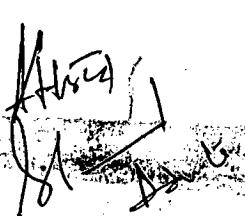
Yours faithfully



(K. Chandra Dhan Singha
 UDC NO. 8886366-X)

REMARKS BY O I/C DSC

Intervenor individual case, genuine, may be
 considered for deferment till academic session.
 Rec 1 fwd.


 (Amitabh Rai)
 Sqn Ldr
 O I/C DSC

Dated : 104

-14-

129

Tele : 2842720/246

ANNEXURE-C

REGISTERED POST

No. 119 DSC Pl att to
19 Wing, Air Force
C/O 99 APO

12 Oct 2004

19W/Pl-119/DSC/08 (civ)

DSC Records
Mill Road Cannanore
(Kerala) - 13

POSTING CIVILIAN CLERK : ON PROMOTION

1. Refer to your letter No. CA-6/2095/27 dated 29 Jun 2004.
2. An application for deferment of posting on extreme compassionate grounds submitted by No 3886366 UDC KC Singha of this platoon is forwarded herewith for your further necessary action.

Amitabh Rai

(Amitabh Rai)
Sqn Ldr
Flt Cdr HRM Flt

Copy to :

HQ 101 Area (GS/DSC) - for info
C/O 99 APO

P-13 P-27
P-134 P-110
P-116

filed
filed *sent*

Copy/20957

15
ANNEXURE-D

No. 0086366-X UDC
K. Chandra Dhan Singh
119 DSC Platoon attached to
No. 19 Wing, Air Force
C/o 99 AFU

01 Dec 2004

DDG DSC/DSC-2
General Staff Branch
Army Headquarters
West Block III, RK Puram
New Delhi - 110066

(Through Proper channel),

Sub - Submission of unwilling certificate

Sir,

I have the honour to state the following few lines for your kind information and necessary action please.

1. That Sir, I am under orders of posting to Office of the Joint Director, DSC HQ 101 Area on promotion to Assistant. But due to some unavoidable circumstances (on educational grounds of my children) I could not move to my new unit and I have applied for deferment of my posting till the Academic Session is completed i.e., up Mar 2005. But DSC Records did not accept my prayer thus requesting me to submit the unwillingness certificate.

2. Sir, I have come on posting to this unit during the year 1999. At the time of my posting, several applications were presented to DSC Records for posting to Narangti Cantonment Area. But DSC Records did not accept and assured me that in future if any post is occurred I will given the same opportunity.

3. That Sir, after a long interval of 13 year I have given posting to HQ 101 Area, having the vacancy of Asst. at HQ 51 Area. I was applied for deferment, that is also rejected. Thus there is no other alternative way other than submission of unwillingness Certificate Sir.

4. Therefore, I hereby enclosed herewith my unwillingness certificate for promotion from UDC to Asst. for your further necessary action please.

Thanking you Sir.

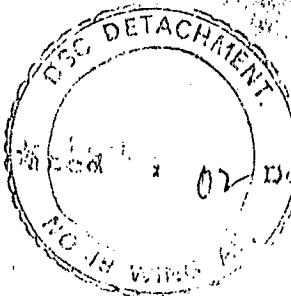
Yours faithfully

(K. Chandra Singh)

REMARKS BY O/I/C DSC DEPT

Rec & forwarded

(Amitabh Rai)
Sqn Ldr
O/I/C DSC Dept
19 Wing, AF



Amit
Jit
Amit

16

REMARKS OF JOINT DIRECTOR DSC

Recommended/Not Recommended

Date

16 Jan 2005

16 Jan 2005

Joint Director CS, USU

(Signature of Joint Director
Headquarter 101 DSC)

REMARKS OF DIRECTOR DSC HQ COMMAND

Recommended/Not Recommended

Date

07 Feb 2005

Amit Timothy
Colonel

(Signature of Director DSC HQ Command)
*नियमित दिनांक
०७ फरवरी २००५
०८ बाबर चौधरी*

REMARKS/RECOMMENDATION OF OIC RECORDS

Recommended/Not Recommended

Date

(Signature of OIC Records)

Approval of DDG DSC (Where applicable)

Approved/Not Approved

Date

(Signature of DDG DSC)

*After
GK
Ansari*

17
24
2nd

UN-WILLINGNESS CERTIFICATE

1. I, No. 8886366-X UDG K. Chandra Dhan Singh of 119 DSC Platoon attached to No. 19 Wing, Air Force C/o 99 APO is hereby unconditionally refuse my promotion to the grade of Assistant ordered vide DSC Records, Cannanore letter No. CA-6/2005/27 dated 29 Jun 2004.

2. I, fully understand that my refusal to accept promotion will effect my future promotion and seniority and I am fully aware of the consequences of this refusal.

Station : 19 Wing, AF
Dated : 01 Dec 2004

Signature D Singh
No. 8886366-X UDG
K Chandra Dhan Singh
119 DSC Pl att to 19 Wing, AF

COUNTERSIGNED

ATTACHMENT
Station : 19 Wing, AF
Dated : 01 Dec 2004

Amitabh Rai
(Amitabh Rai)
Sqn Ldr.
O i/c DSC Dett
19 Wing, AF

Amitabh Rai
Sqn Ldr.

100 MIL 3 6169

18

ANNEXURE - E 25

Mukhyalaya 101 Area (GS/DSC)
Headquarters 101 Area (GS/DSC)
C/0 99 APB

12916/DSC/12

23 Mar 2005

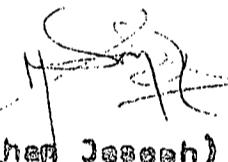
119 DSC PI att to
19 Wing AF
C/0 99 APB

IMPLEMENTATION OF POSTING-CUM-PROMOTION ORDERS

1. Ref East Comd Sig No 5867 dt 14 Mar 05 and DSC Records letter No CA-6/2095/35 dated 07 Mar 2005.

2. Unwillingness certificate and application dated 01 Dec 2004 in respect of No B206366X UDC Shri K Chandradham Singh of 119 DSC PI att to 19 Wing AF read from HQ East Comd letter under ref is fwd herewith unactioned/in original as the time-limit allowed for rendering unwillingness upto Aug 2004, as a special case has already expired. In this connection please ref to DSC Records letter No CA-6/2095/141 dated 27 Nov 2004.

3. You are requested to implement his posting-cum-promotion orders by 31 Mar 2005 i.e. at the end of the present academic session, as requested by the indl and recommended by your unit via letter No 19W/PI-119/DSC/CS(CIV) dated 12 Oct 2004.


(Nathan Joseph)

Com 1

As Director DSC

Enclo : As above.

Copy to :-

Director DSC
HQ Eastern Command
FI, Kolkata-21

For info with ref to your HQ letter No 114053/17/DSC dated 17 Mar 2005.

DIARY NOTE
NO:- 359
DATE:- 28/03/05

OI/C DSC
S/JCO
PI. Cdr
CLK

Attested
II *Approved*

Ref: 8886366-K UDC
 K. Chandra Dhan Singh
 119 DSC Platoon attd to
 No. 19 Wing, AAC Force
 C/O 88 A P O

31 March 2005

To. DDG DSC/DSC-2
 General Staff Branch
 Army Headquarters
 West Block - IIC, JK Puram
 New Delhi - 110066

(Through proper channel)

SUB : Submission of unwillingness for promotion from UDC to Asst.

Sir,

1. I have the honour to state the following few lines for favour of your kind consideration and sympathetic action thereupon please.

2. That Sir, I am on the posted strength of 119 DSC Platoon att to 19 Wing, AAC since Jun 1985.

3. Your good Office had graciously granted promotion to Asst, post vide DSC Records letter No: CA-2095/27 dated 29 Jun 2004 with posting to Office of the Joint Director, DSC HQ 101 Area. Since it was affecting academic session of my children, I had submitted an application dated 12 Oct 2004 for change of effective date to 31 Mar 2005. On your instructions, I had also tendered my willingness to accept promotion.

4. I had made up my mind to move on posting as authorised, however, the persisting domestic problems which have attained alarming proportion at present, has come in my way and therefore, I am to reconsider my thoughts. In the year 2004, I had purchased a small plot of land to construct dwelling unit for provision of a safe shelter unit for my family members. Before I could start construction some miscreants residing in the locality forcefully encroached upon a part of the land taking the advantage of my absence from the site. I had approached local Police and concerned committee for their eviction, but no avail. The only opinion remains that I should take shelter of an appropriate Court of Law for award of justice.

5. My old widow mother is aged 76 years and is suffering from various aged ailments. She needs an able person near her to assist in routine tasks and provide medical aid as when required. Her physical conditions is not allowing her to under take arduous journey to move alongwith me.

6. My wife had gone a Major operation and removed her complete Uterus in the month of Jun 2003. Ever since than her health is deteriorating day by day. She is not capable to look after domestic affairs without my help.

7. Considering the problems as stated above I have now decided to leave service immediately on completion of 28 years with all non effective benefits. I hereby re-submit my unwillingness for further service after 31 Mar 2007 for your kind perusal.

8. In the back drop of the foregoing submission, I earnestly urge upon your benignself to consider my case sympathetically and grant me cancellation of promotion posting. This will be great philanthropy on me and to my entire family members.

Thanking you Sir.

Yours, faithfully,

D. Singh

Adm'd
J. 1
Ans. to

2/-

205
ANNEXURE - 6
G.

DEBIT
ARMY

OIC DSC.....
S/JOO.....
Pl. Cdr.....
CLK.....

EXPRESS

20/6/05

MILITARY NOTE

NO: 901

DATE: 20 JUN 05

19 WING AIR FORCE
CARE, 99 APO

A 2677 AAA FOR PERSONNEL TRANSFERRED ON 19 JUNE 2005
DEC 119 DSC PLATRON AAA SUDHAKSHET CHANDRADHAN SINGH OF
119 ING PROMOTED AND POSTED JOINT DIRECTOR DSC
OIC 101 ARBASAAK TULSI DGA REQUESTED FOR DISBURSEMENT UPTO 31-3-05
RECOMMENDED BY OIC DSC PL COMMA RECEIVED AND APPROVED AAA
OUR LETTER CA-6/2095/35 MARCH SEVENTH REFERS AAA INSPIRE
REMINDERS DESPATCH DETAILS/MOVEMENT ORDER OF TRANSFEREE
STILL AWAITED AAA NON-COMPLIANCE ORDERS BY TRANSFEREE
ATTRACTING DISCIPLINARY ACTION AAA REQUEST DESPATCH
INDIVIDUAL FORTHWITH

SECRET

NOT TO BE TELEGRAPHED

CA-6/2095/11

Raksha Suraksha Corps Abhilash
Defence Security Corps Records
Mill Road, Cannanore - 670 013

11 Jun 2005

(VK George)
Lt Col
OIC Adm Group
For Officer-in-Charge Records

Copy by post in confirmation to:-
119 DSC Pl att te
19 Wing AF
C/O 99 APO

For immediate necessary action.

Director DSC
HQ Eastern Command
Fort William
Kolkata - 21

For necessary action.

Jt Director DSC, HQ
101 Area
C/O 99 APO

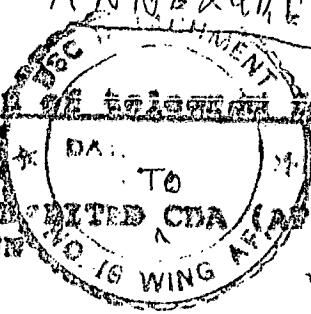
For necessary action with reference
to your letter No 12916/DSC/24
dated 30 May 2005.

Attached
JL
Form 6

21
EX-2222

ANNEXURE - 04

IN 119 DSC TELEGRAM ROOM



DSC RECORDING
MILITARY READ CRUSAHERA
(KOLKATA) -23

DIRECTOR DSC
HQ EC CALCUTTA-23

JOINT DIRECTOR DSC
HQ 201 AREA
C/o 99 APO

YOUR TELEGRAM A-2677 JUN FIFTHN AAA LEST K C SINGHA
OF 119 DSC PLATOON IS BEING DESPATCH ON POSTING TO
HQ 101 AREA BY JUL LAST WEEK CMA SINCE THE INDIVIDUAL
IS FACING SOME DOMESTICAL PROBLEMS AAA REQUEST ACCORD
SANCTION BY TELEGRAMMATICALLY AAA

O/C DSC

Not to be telegraphed

Ref: 100/Pl-119/DSC/00/CIV

Re: 119 DSC platoon attd to
101 Wing, AF
C/o 99 APO

22 Jun 2005

Copy by Post

Abu
(Amitabh Rai)
Sqn Ldr
O/C DSC

Abu
Abu
Abu