

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 203/2005

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Original Application No. 203/05

Wise Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s): Rajen Das

Respondent(s): I.S.Q.I. Govt.

Advocate for the Applicant(s):- M. Chanda, S. Nath, S. Das Chaudhury

Advocate for the Respondent(s):- CASE A.K. Chaudhury

Notes of the Registry	Date	Order of the Tribunal
Application is in form is filed/C. F. f. r. Rs. 30/- dep. vide I.P.C./D.D. No. 206/155538	3.8.2005	Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. Hon'ble Mr. K.V. Prahladan, Administrative Member.
Dated 29.7.05		Heard Mr. M. Chanda, learned counsel for the applicant and Mr. A. K. Chaudhury, learned Addl. C.G.S.C. for the respondents.
<i>Alen S. Dy. Registrar</i>		Issue notice to the respondents to show cause as to why the application shall not be admitted.
<i>Par</i>		Post on 2.9.2005.
<i>Par</i> for comply order dated 3.8.05 12/8/05	mb	<i>Parbat</i> Member

Vice-Chairman

DT: 11/8/05
steps taken.
11/8/05.

Notice & order
sent to D/Section for
issuing to resps Nos.
1 to 5. by regd. A/D post.
12/8/05. D/No. 1258 to
1262
DT: 16/8/05.

Notice duly served
on resp. No-3, 4.

2.9.05.

Mr. M. Chanda learned counsel for
the applicant is present. Mr. A. K. Chou-
dhury, learned Addl. C.G.S.C. seeks for
time.t.c

1-9-05

Post the matter on 1st November.

Notice duly served on R.no. 3 2005.

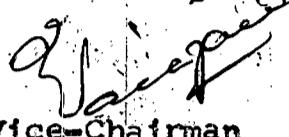
Others admitted.

by

lm

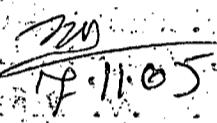
8.11.2005

Heard Mr. S. Nath, learned couns-
el for the applicant and Mr. A. K.
Chaudhuri, learned Addl. C.G.S.C.
for the respondents.



Vice-Chairman

No Reply has been
filed.



16-12-05

No written statement
has been filed



mb

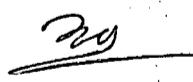
19.12.2005 Mr. M. Chanda, learned counsel
for the applicant is present. Mr. A. K.
Chaudhuri, learned Addl. C.G.S.C.
for the respondents seeks for time
for filing written statement. Post
on 1.2.2006.



Vice-Chairman

31-1-06

No WIS has been filed.



3-3-06

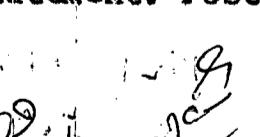
No WIS has been
filed.



mb

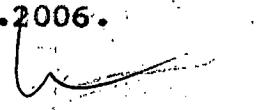
1.2.2006

Mr. A. K. Chaudhuri, learned Addl.
C.G.S.C. submits that he would like to
have some more time to file written
statement. Post on 6.3.2006.



Vice-Chairman

bb



Vice-Chairman

6.3.2006

Four weeks time is requested for filing reply statement. Let it be done. Post on 5.4.2006.

24.3.06

W/S filed by the Respondents.

Vice-Chairman

bb

05.04.2006

Learned counsel for the applicant submits that he would like to file rejoinder to the reply statement filed ~~by~~ by the respondents.

Post on 25.04.2006.

No Rejoinder has been filed.

Vice-Chairman

mb

25.4.06.

At the request of learned counsel for the applicant two weeks time is granted to file rejoinder.

Post the matter on 15.5.06.

24 - 4 - 06
No Rejoinder has been filed.

Vice-Chairman

lm

15.05.2006

Post on 18.05.2006.

28.4.06.
Power has been filed by Mr M.H. Ahmad,
Addl. CAGC.

Vice-Chairman

mb

18.05.2006

Learned counsel for the respondents has not yet well and still at Mumbai for treatment. Other standing counsel on behalf of the respondents submitted that they are making arrangement.

Post on 26.05.2006.

25 - 5 - 06
No Rejoinder has been filed.

Vice-Chairman

mb

26.05.2006 Mr. A.K. Chaudhuri, learned Addl.

C.G.S.C. who ~~was~~ was engaged in this case for the respondents is said to be in hospital. Mr M.U. Ahmed, learned Addl. C.G.S.C. stated that he will get record either from Mr Chaudhuri or from ~~the~~ the respondents and will ~~get~~ ready ^{for} next hearing.

Post on 15.06.2006 for hearing.

14 - 6 - 06

No rejoinder has been filed.

3

Vice-Chairman

mb

15.6.2006

Mr. M.U. Ahmed, learned Addl. C.G.S.C. submits that he will get instruction on the subject and get ready on 19.6.2006.

16 - 6 - 06

No rejoinder has been filed.

3

Vice-Chairman

bb

19.06.2006

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.

Hearing concluded. Reserved for orders.

21.6.06
C. Copy has been
collected by the
L/Advocate for
the applicant
sh

Vice-Chairman.

mb

26.07.2006

Judgment pronounced in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

Vice-Chairman

/mb/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.203 of 2005.

DATE OF DECISION: 26-07-2006

Shri Rajen Das

.....APPLICANT(S)

Mr M. Chanda, Mr G.N. Chakraborty
and Mr S. Nath

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

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

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No

Vice-Chairman

26/7/06

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 203 of 2005

Date of Order: This the 26th day of July 2006.

The Hon'ble Shri K. V. Sachidanandan, Vice-Chairman.

Shri Rajen Das
Working as Driver
Office of the Regional Director
Narcotics Control Bureau
N.E. Regional Unit
Videocon House, 1st Floor
Paona Bazaar, Imphal - 79501. Applicant.

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

- Versus -

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi - 110 001.
2. The Director General,
Narcotics Control Bureau (HQ)
West Block No. 1, Wing No. 5,
Sector - I, R.K. Puram,
New Delhi - 110 066.
3. The Zonal Director,
Eastern Zonal Unit,
Narcotics control Bureau,
4/2, Karaya Road,
Kolkata - 700017.
4. The Regional Director,
North East Regional Unit,
Narcotics Control Bureau,
Videocon House, 1st Floor,
Paona Bazar, Imphal - 795 001.
5. The Assistant Director (Admn.)
Narcotics Control Bureau (HQ)
West Block No. 1, Wing No. 5,
Sector - I, R.K. Puram, New Delhi - 110 066. Respondents

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

.....



ORDERK.V. SACHIDANANDAN (V.C.)

The applicant who is working as a Driver in the Office of the Regional Director, Narcotics Control Bureau, North East Regional Unit, Imphal was originally appointed as Driver in the same Department at Kolkata in 1991. Thereafter the applicant was relieved on 1.04.1991 for joining on deputation in the Office of the Eastern Region (Annexures- I & II). On 06.07.1993, the applicant was posted at Imphal and ultimately repatriated and relieved from the office of the competent authority with effect from 31.03.1994 on completion of the three-year term on deputation to join at Narcotics Control Bureau (NCB for short), Imphal Unit. Vice Annexures-III and IV the applicant joined in the said unit. The applicant had domestic problems and submitted representation praying for his transfer from Imphal to Kolkata. The applicant was eventually selected for appointment as Driver on deputation basis in the Office of the Director General of Customs and Central Excise, Eastern Region, Kolkata. The applicant was relieved from North East Regional Unit, Imphal so as to join on deputation to Kolkata (Annexure-V). After completion of the tenure of deputation as stated above, the applicant was repatriated to his parent department on 20.01.2003 relieving from the Customs and Central Excise, Eastern Regional Unit, Kolkata with a direction to report to Imphal. Accordingly, the applicant joined back at Imphal on 03.02.2003 and has been working at Imphal till now (Annexure-VI). After joining at Imphal the applicant submitted representation praying for transfer from Imphal referring his earlier representation pinpointing that his family is residing at Kolkata and that he is the

sole male member to look after his family. The applicant's parents are old and are chronically sick and even the applicant's wife had a premature miscarriage of 4 months pregnancy due to improper medical care. The applicant's case was not considered on the ground of administrative reasons (Annexures- VII & VIII). Another representation was submitted which was forwarded to the 2nd respondent, but with no fruitful result (Annexure-IX). The applicant again submitted a representation on 10.02.2005 which was forwarded to the 2nd respondent with special reference to the recommendations of the Ex DG of the NCB Headquarters, New Delhi for consideration of the applicant's case (Annexure-X). Vide Annexure-XI dated 07.04.2005 the applicant was communicated that his transfer to Kolkata cannot be acceded to because of administrative reasons. Aggrieved by the said inaction of the respondents, the applicant has filed this O.A. seeking the following reliefs:

- “8.1 That the Hon’ble Tribunal be pleased to direct the respondents to consider the case of the applicant for choice station posting in Kolkata in terms of the office memorandum dated 14.12.1983, 22.07.1998 issued by the Govt. of India, Ministry of Finance, Department of expenditure, New Delhi (Annexure-XII and XIII) with immediate effect.
- 8.2 That the Hon’ble Tribunal further be pleased to set aside and quash the impugned letter bearing No.F.No.11/2 (18)/203-Estt/143 dated 07.04.2005 (Annexure-XI).”
- 2. The respondents have filed a detailed written statement contending that since there is no vacancy of Driver, the applicant's request for transfer to Kolkata could not be acceded to. It is also pertinent to mention that NCB has a small cadre of twenty Drivers



only and out of which only two posts are authorized at Kolkata Zonal Unit. The applicant's representation was forwarded by the Regional Director of Imphal Regional Unit with the condition of providing a substitute Driver. Since there were no other requests for transfer and no other vacancy was available at that time, the request of the applicant could not be considered. The applicant's every representation was considered but due to non-availability of specific vacancy at Kolkata the applicant's posting to that unit could not be materialized. The applicant is the only Driver presently posted at Imphal and moreover the NCB does not have any post of Sepoy-cum-Driver. Therefore, the applicant's contention that other Sepoy-cum-Driver are presently posted at Imphal Unit is not tenable and the respondents denied the claim of the applicant.

3. Heard Mr M. Chanda, learned counsel for the applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. The learned counsel for the applicants argued that on completion of fixed tenure of two years in the North Eastern Region the applicant shall be entitled to a choice station posting. The benefit/privilege in the O.M. dated 14.12.1983 was extended by the Government of India vide O.M. dated 01.12.1988 and further by O.M. dated 22.07.1998 and the applicant has acquired a valuable right for posting at any of his choice station since he has already completed the tenure of two years in the North Eastern Region. There are other Drivers/Sepoy-cum-Drivers who are working in the office of the NCB who have never been transferred out of Kolkata and to illustrate such cases, the names of Shri Sunil Mukherjee, Shri Rattan Das, Drivers, are worth mentioning. The applicant alone has been transferred twice and his representation for choice posting at Kolkata has not been considered, which is

malafide, arbitrary, discriminatory, opposed to the professed policy of the government and also violative of Articles 14 and 16 of the Constitution of India.

4. The learned counsel for the respondents, on the other hand, stood on the firm footing that since there is no other vacancy of Driver at Kolkata the applicant's case could not be considered.

5. I have given due consideration to the arguments advanced by the learned counsel for the parties and materials placed on record. It is an admitted fact that the applicant was initially appointed as Driver on 30.01.1991 and the applicant joined back at Imphal on 03.02.2003. During the period from 1991 to 2003, almost twelve years, the applicant was on deputation and was working at Kolkata, i.e. half of his period was spent in Kolkata and finally he came back to Imphal in 2005, wherein the applicant is seeking a transfer back to Kolkata. Admittedly, though the applicant was selected in Kolkata the North Eastern Region is the applicant's base station. The respondents did not dispute that the applicant has a right for transfer to Kolkata as per the O.M. dated 14.12.1983 which was extended by O.M. dated 1.12.1988 and further by O.M. dated 22.07.1998. For better elucidation the O.M.s dated 14.12.1983 and 22.07.1998 are reproduced as under:

O.M. dated 14.12.1983

"Subject: Allowance and facilities for civilian employees of the Central Government serving in the states and Union Territories of North Eastern Region - improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the states of Assam, Meghalaya, Manipur, Nagaland, Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of



the Government of some time. The Government had appointed a committee under the chairmanship of Secretary, Deptt. Of Personnel and Administrative reforms, to review the existing allowances and facilities admissible to the various categories of civilian central Government employees serving in this region and to suggest suitable improvements; the recommendations of the committee have been carefully considered by the Government and the President is now pleased to decide as follows:

1. Tenure of posting/deputation

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

O.M. dated 22.07.1998

"Subject: Allowances and facilities for civilian employee of the Central Government serving in the states and Union Territories of North Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands - recommendations of the Fifth Central Pay Commission.

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

this Ministry's O.M. No.20014/16/86/E.IV/E.II (B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

i) **Tenure of Posting/Deputation**

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

ii) **Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records.**

The provisions contained in this Ministry's O.M. No.20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable."

6. The respondents have no quarrel with the proposition of the applicant, but their only contention is that there is no vacancy to accommodate the applicant at Kolkata. The discrimination pointed out with reference to two names, Shri Sunil Mukherjee and Shri Rattan Das, Drivers, according to the respondents the applicant is the only Driver presently posted at Imphal and the NCB does not have any post of Sepoy-cum-Driver, therefore, the applicant's contention that other Drivers/Sepoy-cum-Drivers are presently posted at Kolkata is not tenable. This contention has got certain force. Moreover, the material and evidence placed on record show that NCB has a small cadre of twenty Drivers only out of which only two posts are authorized at the



Kolkata Zonal Unit. The applicant's representation was forwarded by the Regional Director of Imphal Regional Unit with a condition of providing substitute Driver and since there were no other requests for transfer and no other vacancy the request of the applicant could not be considered.

7. The learned counsel for the applicant has taken my attention to a decision of this Tribunal in O.A.No.341 of 2001 decided on 1.05.2002 in the case of Dr Rajeev Ranjan Vs. Union of India and others. In the operative portion this court observed as follows:

"..... the respondents are directed to take up the matter of the applicant also for posting him out on completion of his tenure with utmost expedition. The respondents are accordingly directed to consider the matter afresh for posting the applicant out of N.E. Region as expeditiously as possible in the light of the observations made in this application and also in O.A.315/2001."

8. This proposition was confirmed by the Hon'ble Gauhati High Court in Writ Petition (C) of 1999 in the case of Shri Bhagwan Menghani Vs. Union of India and others. The Hon'ble High Court quoting the O.M. dated 14.12.1983 observed that the petitioner therein was entitled for transfer to a place of his choice and directed the respondents to consider the petitioner's representation. This was followed by Writ Petition (C) No.2252 of 2006 in the case of Union of India and others Vs. Shri S. Venkateswara Rao and another in which the Hon'ble High Court directed the authority to examine the matter and pass appropriate orders in terms of the observations and directions of the Tribunal as well as the provisions contained in the O.M. dated 14.12.1983. Therefore, it is quite clear that after completion of a tenure posting of an employee he is entitled to seek for a transfer to a choice station which will have to be considered by

the respondents. In this case, admittedly, the applicant had completed his tenure posting and therefore the applicant is entitled to get a transfer to his choice station, but, the specific contention of the respondents is that there is no vacancy. The contention of the applicant that others could be discharged and the applicant could be accommodated will not stand to the spirit of the Memorandum nor any judicial pronouncement. The reason for rejection of the applicant's representation is on the ground that, it cannot be acceded to due to administrative reasons and when it came to the reply statement the respondents have amplified the reason as non-availability of vacancy.

9. Vacancy is a factual matter and the domain of the administration in which the court cannot interfere with. In the absence of clear vacancy that could be pointed out by the applicant this court also cannot accede to the claim of the applicant for creation of a supernumerary post. Since such exigencies are not contemplated in the given circumstances.

10. Considering the entire issue involved and the case established by the applicant I am of the view that the applicant is entitled to have a choice station posting as and when the next vacancy arises. The Annexure-XI letter dated 07.04.2005 for that reason is hereby set aside and this court directs the respondents to consider the case of the applicant for posting at his choice station as and when the next vacancy arises. This court is not stipulating any time limit, but the respondents shall adhere to the above observations with its true spirit and integrity.



The O.A. is allowed to the above extent. In the circumstances there will be no order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

26/07/06

nkm

प्रतिलिपि के लिए आवेदन की
तारीख
Date of application for
the copy

स्टाम्प और फोलियो की अपेक्षित
संख्या सूचित करने की तिथि
Date fixed for notifying
the requisite number of
stamps and folios.

अपेक्षित स्टाम्प और फोलियो
देने की तारीख
Date of delivery of the
requisite stamps and
folios.

तारीख, जबकि देने के लिए
प्रतिलिपि तैयार थी
Date on which the copy
was ready for delivery.

आवेदक को प्रतिलिपि देने की
तारीख
Date of making over the
copy to the applicant.

12/5/06

12/5/06

12/5/06

15/5/06

15/5/06

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

205. P.C. No. 2252 of 2006

Union of India & ors

versus

Sri B. Venkateswara Rao & anns

Appellant
Petitioner

Respondent
Opposite Party

Appellant
For
Petitioner

Mrs. B. C. Shyam

Respondent
For
Opposite Party

Mrs. M. Chanda
Mrs. S. Butta
Mrs. S. R. Ghose
Mrs. S. Chaudhury Advocate for Censor

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature

IN THE MATTER OF :

1. Union of India
Represented by the Secretary to the
Govt of India, Ministry of Defence
South Block, New Delhi-01.
2. The Director General,
Personnel/E1B
Military Engineer Services
Engineer-in-Chief's Branch
Army Headquarters
DHQ Post, New Delhi-01.
3. The Chief Engineer (Air Force)
Shillong Zone, Military Engineer
Services, Elephant Falls Camp
Nonglyer Post, Upper Shillong-09.

Petitioners.

Versus

1. Shri S. Venkateswara Rao,
SE (QS&C)
Office of the Chief Engineer (AF)
Shillong Zone, MES
Elephant Falls Camp
Nonglyer Post
Upper Shillong-09.

2. The Central Administrative
Tribunal, Guwahati Bench
Guwahati (Assam)

Respondents

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) No.2252/2006.

BEFORE

THE HON'BLE MR JUSTICE D. BISWAS
THE HON'BLE SMT. JUSTICE A. HAZARIKA

10.5.2006.

Heard Mr SC Shyam, learned counsel for the writ petitioners and also Mr JL Sarkar, learned counsel for the caveator-respondent

No 1.

2. The caveat is discharged.
3. The Original Application No.265/2005 was initiated at the instance of the respondent No.1 who is serving as Superintending Engineer (QS&C). He belongs to the Military Engineer Service and presently he is posted at Shillong. He filed the aforesaid Original Application before the Central Administrative Tribunal, Guwahati Bench, Guwahati challenging the order of his transfer to Mumbai.
4. The learned Tribunal, after detailed hearing, by the judgment and order dated 28th February, 2006 disposed of the said application. The operative part of the judgment and order reads as follows:

"13. In all fairness the respondents on the basis of the interim stay that has been granted by the Tribunal could have avoided the posting of the incumbent to the applicant's post which has resulted in two persons handling the post in one place, i.e. Upper Shillong. The learned counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the respondents to consider his case for transfer to Visakhapatnam where there is a

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

clear retirement vacancy. In the written statement the respondents had not denied the said averments. Therefore, the respondents if find it difficult to retain the applicant at Shillong till his tenure period is completed, they are at liberty to consider the same for transfer in Visakhapatnam and pass appropriate orders, if they so desire. Till then the applicant will be permitted to continue at Shillong.

14. In the conspectus of facts and circumstances I set aside the impugned order of transfer of the applicant (alone) from Upper Shillong to Mumbai and direct the respondents to pass appropriate orders in compliance of the observations within the stipulated period mentioned above.”.

5. There is no dispute at the Bar that the respondent No.1, on completion of his tenure in the North-East, is entitled to a posting in the place of his choice, as far as practicable. The Memorandum dated 14th December 1993 provides for transfer and posting of civilian employee of the Central Government posted in the States and Union Territories of North Eastern Region to posting of his choice. The relevant provision of the aforesaid Memorandum is quoted below:

“1) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.”.

6. The learned Tribunal, after taking into consideration the materials on record as well as the factual matrix on which the application was founded, passed the aforementioned order directing the respondent authority to

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p>consider the case of the respondent No.1 for posting to Visakhapatnam, if possible. The learned Tribunal also held that if it is not possible to transfer the petitioner to the place of his choice, he may be allowed to continue at Shillong till his tenure is completed in the North-Eastern States. Having observed thus, the learned Tribunal set aside the order of transfer of the applicant-respondent No.1 to Mumbai and directed the authority to pass appropriate orders in compliance with the above observations.</p> <p>7. We do not find any adequate reasons for interfering with the aforesaid order passed by the learned Tribunal firstly, because the respondent No.1 was transferred to North-East and he is expected to continue till he completes his tenure. Once he completes his tenure, he is entitled to a posting of his choice, but on his representation, which can now be ignored, the respondent No.1 is sought to be transferred to Mumbai before the completion of the tenure in North-East. It is only in this context the learned Tribunal directed that if the transfer is unavoidable, his case for transfer to Vishakpatnam should be considered at the first instance.</p> <p>8. That being the position, we are of the opinion that the appellant authority shall examine the matter and pass appropriate orders in terms of the observations and</p>

(b)

✓

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			directions of the learned Tribunal as well as the provisions contained in the Office Memorandum dated 14 th December, 1993 and the options exercised by him.
			9. The Writ Petition accordingly shall stand disposed of.
			10. A copy of this order be furnished to the respondent No.1 for his information.

sd/- A. Hazarika

Judge

P.W.D. 52789

dat/12/5/06

sd/- D. Biswas

Judge

CERTIFIED TO BE TRUE COPY
Kereng Lam Tendo
Date 15/5/06
Superintendent (Copying Section)
Gauhati High Court
Authorized U/S 76, Act I, 1872

15/5/06

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 203 /2005

Sri Rajen Das.
-Vs-
Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

30.01.1991- Applicant was initially appointed as Driver in the Narcotics Control Bureau, Calcutta and accordingly he joined as Driver in the office of Eastern Zonal Unit (FOP) of Narcotics Control Bureau, in Calcutta. (Annexure-I)

01.04.1991- Applicant was relieved from Eastern Zonal Unit (FOP) of Narcotics Control Bureau, Calcutta to join on deputation to the office of the Competent Authority, Eastern Region, Calcutta. (Annexure-II)

06.07.1993- Applicant was transferred and posted in Narcotics Control Bureau, Imphal Regional Unit, Imphal. (Annexure-III)

31.03.1994- Applicant was released from the office of the Competent Authority, Calcutta on completion of three years terms of deputation to facilitate to join at NCB, Imphal Unit. Applicant accordingly joined at Imphal on 08.04.1994. (Annexure-IV)

12.01.2000- Applicant was selected for appointment as Driver on deputation basis in the office of the Director General of Inspection, Customs and Central Excise, Eastern Regional Unit, Kolkata and accordingly released from NCB, Imphal to facilitate his joining at Kolkata. (Annexure-V)

20.01.2003- Applicant was repatriated to his parent department i.e. Narcotics Control Bureau and directed to join at NCB, Imphal. (Annexure-VI)

03.02.2003- Applicant joined at Imphal and has been working there till now.

02.07.2003- Applicant submitted representations to the Respondent No. 2, praying for his transfer from Imphal and posting at Kolkata, which was forwarded by the Respondent No. 4 vide his letter dated 03.07.2003. (Annexure-VII)

05.08.2003- Respondents rejected his prayer for transfer and posting at Kolkata vide letter dated 05.08.03. (Annexure-VIII)

Rajen Das.

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10.10.2003- Applicant submitted another representation praying for his transfer and posting at Kolkata which was forwarded by the Respondent No. 4. (Annexure-IX)

10.02.2005- Applicant submitted another representation, which was forwarded by the Respondent No. 4 to the Respondent No. 2 on 14.02.2003 with a specific request for considering the case of the applicant for his transfer and posting at Kolkata in view of his personnel problems, but to no result. (Annexure-X)

07.04.2005- Respondents vide their impugned letter bearing No. F. No. 11/2 (18)/203-Estt/143 rejected the prayer of the applicant for transfer to Kolkata. (Annexure-XI)

Hence this Original Application before this Hon'ble Tribunal.

P R A Y E R S

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):

1. That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for choice station posting in Kolkata in terms of the office memorandum dated 14.12.1983, 22.07.1998 issued by the Govt. of India, Ministry of Finance, Department of expenditure, New Delhi (Annexure-XII and III) with immediate effect.
2. That the Hon'ble Tribunal further be pleased to set aside and quash the impugned letter bearing No. F. No. 11/2 (18)/203-Estt/143 dated 07.04.2005 (Annexure-XI).
3. Costs of the application.
4. 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 this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents the pendency of this application shall not be a bar to the respondents for considering the representations of the applicant for his transfer to Kolkata.

Rajen Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 203 /2005

BETWEEN

Shri Rajen Das.
Working as Driver.
Office of the Regional Director,
Narcotics Control Bureau.
N.E. Regional Unit,
Videocon House, 1st Floor,
Paona Bazaar.
Imphal-79501.

...Applicant.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Finance,
Department of Revenue, ^{new} North Block,
New Delhi- 110001.
2. The Director General,
Narcotics Control Bureau (HQ),
West Block no.1, wing no.5,
Sector-I, R.K.Puram,
New Delhi-110066.
3. The Zonal Director,
Eastern Zonal Unit,
Narcotics Control Bureau,
4/2, Karaya Road,
Kolkata-700017.
4. The Regional Director,
North East Regional Unit,
Narcotics Control Bureau,
Videocon House, 1st floor,
Paona Bazar,
Imphal-795001.

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filed by the applicant
through: Subrata Das.
Advocate
29.07.05

Rajen Das.

5. The Assistant Director (Admn.)
Narcotics Control Bureau (HQ),
West Block no-1, wing no. 5,
Sector-I, R.K.Puram,
New Delhi-110066.

... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned letter issued under F. No. 11/2(18/2003-Estt/143 dated 07.04.2005 by the respondent No. 5, whereby the prayers of the applicant for his transfer from Imphal and posting at his choice station, Kolkata on completion of his tenure posting in the N.E. Region has been rejected, which he is legitimately entitled to get in terms of O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 of the Govt. of India.

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 period of 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

Rajen Das.

India. He belongs to Scheduled Caste category and hails from a very poor family.

4.2 That your applicant was initially appointed as Driver in the Narcotics Control Bureau, Calcutta vide office letter No. NCB F. No.: 3/FORP/CAL/90/281 dated 28/29.01.1991, and he joined in the office if the Eastern Zonal Unit (FOP) of Narcotics Control Bureau in Calcutta on 30.01.1991. He was thereafter relieved w.e.f. 01.04.1991 (forenoon) from the said Eastern Zonal Unit (FOP unit), Narcotics Control Bureau, Kolkata vide order No. NCB F. No. 98/CAL/90/740 dated 01.04.1991 for joining on deputation to the office of the Competent Authority, Eastern Region, 20, Abdul Hamid Street, Kolkata-700069 w.e.f. 01.04.1991 (sorenoon).

(Copy of offer later dated 28/29.01.1991 and order dated 01.04.1991 are annexed hereto as Annexures-I and II respectively).

4.3 That vide order No. NCB F. No. II/17(1)/93-Estt. (C)/10867 dated 06.07.1993, the applicant was posted in Narcotics Control Bureau, Imphal Regional Unit, Imphal on reversion from the office of the Competent Authority, Kolkata. Pursuant to the said order and the subsequent departmental communications thereof, the applicant was ultimately repatriated and relieved from the office of the Competent Authority w.e.f. 31.03.1994 (A.N.) on completion of his three years term of deputation vide release order No. CA/CAL/I-5/PT-II/93-94/1158 dated 31.03.1994 so as to facilitate his joining at NCB, Imphal unit. Thereafter, the applicant joined at Imphal in the North East Regional unit of the Narcotics Control Bureau (NCB) on 08.04.1994.

(Copy of order dated 06.07.1993 and order dated 31.03.1994 are annexed hereto as Annexure -III and IV respectively).

4.4 That subsequent to his joining at Imphal, the applicant had serious domestic problems and he submitted representation through proper

Rajen Das

channel to the Respondent No. 2 on 10.06.1994 praying for his transfer from Imphal and posting in Calcutta. His representation was duly forwarded by the Asst. Director, NCB (RU), Imphal. Thereafter, he submitted series of representations pursuing his prayer aforesaid, but with no fruitful results whatsoever.

4.5 That eventually, the applicant was selected for appointment a Diver on deputation basis in the office of the Directorate General of inspection, customs and Central Excise, Eastern Regional Unit, Kolkata. Accordingly, vide order No. NCB. F.No.1/22/Estt/NCB/Cal/97 dated 12.01.2000, issued by the Respondent No. 3, the applicant was relieved from the duties of North east Regional unit of the NCB, Imphal so as to facilitate his joining on deputation to the office of the Assistant Director, Directorate General of Inspection, customs and Central Excise, eastern Regional Unit, Kolkata.

(Copy of release order dated 12.01.2000 is annexed hereto as Annexure-V).

4.6 That after completion of his tenure of deputation stated above, the applicant was eventually repatriated to his parent department i.e. Narcotics Control Bureau and vide order No. C. No. 30-ERU/Estt/Gr. D/ 2000/149 dated 20.01.2003 he was relieved from the services of the Directorate General of Inspection, Customs and Central excise, eastern regional Unit, Kolkata w.e.f 20.01.2003 (AN) with direction to report for duty at his original place of posting in his parent department i.e. Narcotics Control Bureau, North East Regional Unit, Imphal. Accordingly, the applicant joined back at Imphal on 03.02.2003 and has been working there till now.

(Copy of release order dated 20.01.2003 annexed hereto as Annexure-VI).

Rojin Das.

4.7 That after joining at Imphal, the applicant submitted a representation on 02.07.2003 through proper channel to the respondents No. 2 praying for his transfer from Imphal and posting in Kolkata which was forwarded by the respondents No. 4 vide his letter dated 03.07.2003. In the said representation, the applicant referred to his earlier representations wherein he had submitted that his family have been residing in Kolkata and he is the sole male member to look after his family. His parents are old enough and are chronically sick and he has been failing in taking due care of them from such far-flung place of the country. Even his wife had a pre-mature miscarriage of 4 months pregnancy due to improper medical care which he could not afford to provide from such a distant place. But his case was not considered on the ground of administrative reasons which was communicated vide letter No. F. No. II/2(18)/2003-estt/18014 dated 05.08.2003.

(Copy of representation dated 02.7.2003 and letter dated 05.08.2003 are annexed hereto as Annexure-VII and VIII respectively).

4.8 That thereafter, the applicant submitted another representation which was forwarded by the respondent No. 4 to the respondent No.2 vide letter No. NB F.No.1/12/Estt/NCB/IMP/2003/651 dated 10.10.2003. Thereafter, the applicant submitted subsequent representations praying for his transfer from Imphal to Kolkata but with no fruitful results whatsoever.

(Copy of the forwarding letter dated 10.10.2003 is annexed hereto and marked as Annexure-IX).

4.9 That finding no response to his repeated prayers, the applicant submitted another representation on 10.02.2005 which was forwarded by the respondent No. 4 to the respondent No.2 vide forwarding letter No. 1/12/estt/NCB/IMP/2003/975 dated 14.02.2003 wherein the respondent No. 4 was pleased to make specific request to the respondent No. 2 for considering the case of the applicant in view of his personnel problems. In

Rajen Das

his said representation dated 10.02.2005 aforesaid, the applicant has also mentioned that the Ex-D.G at NCB Headquarters, New Delhi also recommended for consideration of his case when the applicant has personally explained his condition to the Ex-D.G in his chamber earlier on 12.04.2004 and submitted a representation to him. But even thereafter, the case of the applicant has not been considered and no justice has been shown to him.

(Copy of representation dated 10.02.2005 with forwarding letter dated 14.2.2003 is annexed hereto as Annexure-X).

4.10 That it is utter misfortune, the applicant has been communicated vide impugned letter No. F. No. 11/2(18)/203-Estt/143 dated 7.4.2005 that his prayer for transfer to Kolkata cannot be acceded to due to administrative reasons.

(Copy of the impugned letter dated 7.4.2005 is annexed hereto as Annexure-XI)

4.11 That the applicant most respectfully begs to submit that he is a bonafide resident of West Bengal, having his address at 17/A Ramesh Mitra Road, Bhawanipur, Kolkata-25 and he was initially posted as Driver in 1991 in the Eastern Zonal Unit Office of the NCB in Kolkata. Thereafter he was transferred and posted at Imphal unit in the North Eastern Region where he joined in 1994, after serving for about 6 years in N.E. Region, he was sent for deputation service in Kolkata but after completion of his tenure of deputation, he has again been posted at Imphal in 2003 and since then he has been serving at Imphal in the N.E. Region for more than two years. As such, the applicant has already rendered services for more than 8 years in two spells in the N.E. Region by now.

2000
2003

4.12 That the Govt. of India, Ministry of Finance, Department of expenditure, New Delhi issued on office memorandum bearing no. 20014/2/83/E-IV dated 14.12.1983. Herein it is stated that a civilian Central Government

employee posted from outside the N.E. Region, on completion of fixed tenure of 2 years service in the North Eastern Region shall be entitled to a choice station posting. Eventually the benefit/privilege contained in the said O. M. dated 14.12.1983 was extended by the Govt. of India vide office memorandum dated 1.12. 1988 and further by O.M dated 22.07.1998.

In view of the aforesaid office memorandum the present applicant has acquired a valuable legal right for posting in any of his choice station since he has already completed the stipulated tenure of 2 years in this region, in his present spell, in addition to his six years service in the region in earlier spell. As such he is legitimately entitled for transfer to his choice station Kolkata which he prayed for.

(Copies of extract of memorandum dated 14.12.1983 and 22.7.1998 are annexed hereto as Annexures XII and XIII respectively).

4.13 That your applicant being a loyal government employee carried out the order of transfer to N.E. Region twice in 1994 and 2003 leaving his ailing old parents and wife in Kolkata in an uncared condition and maintaining two establishments with great difficulties with such a meager income. As such he has been submitting representations for his transfer and posting in Kolkata as his choice station in terms of the provisions laid down in the office memoranda of the Government referred to above. But his case has not been considered and justice has been denied to him.

4.14 That the applicant most respectfully begs to state that there are other drivers/sepoy-cum-drivers who have been working in the office of the Narcotics Control Bureau, Kolkata Zonal Unit who have never been transferred out of Kolkata and to illustrate such cases, the names of Shri Sunil Mukharjee, Shri Rattan Das, drivers are worth mentioning. But the applicant inspite of his loyalty and sincere services, has been transferred from Kolkata to Imphal (N.E. Region) twice and his representations for his choice posting at Kolkata, as provided by the Government, is also not

Rajen Das

being considered which is malafide, arbitrary, discretionary, opposed to the professed policy of the government and violative of Article 14 and 16 of the Constitution of India. It is also relevant to mention here that there are other drivers/sepoys-cum-drivers who are presently working at NCB, Imphal, therefore, it will not be difficult on the part of the respondents to transfer the present applicant to his choice place of posting i.e. at Kolkata.

4.15 That similarly situated cases have earlier been dealt in by this Hon'ble Tribunal and vide judgment and order dated 01.05.2002 in O.A. No. 341/2001, this Hon'ble Tribunal has been pleased to pass appropriate directions upon the respondents therein for consideration of choice station posting. Similar directions have been passed by the Hon'ble Gauhati High Court also in W.P. (C) No. 3577/99 decided on 16.12.2002. As such this applicant is also entitled to the same benefit of choice posting as prayed by him.

Copy of the judgment and order dated 01.05.02 and 16.12.02 are annexed herewith as Annexure- XIV & XV respectively.

4.16 That the applicant most respectfully begs to state that due to non-consideration of his prayer of transfer to his choice station in Kolkata, the applicant has been suffering extreme financial difficulties in running two establishments and he has further been failing in taking due care of his ailing old parents and wife from such far-flung place. As such finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and interests and it is a fit case for this Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant, directing the respondents to grant transfer of the applicant from Imphal and to post him in his choice station in Kolkata in terms of Govt. memorandum dated 14.12.1983.

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

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

Rajen Das.

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- 5.1 For that, the applicant has completed two years fixed tenure in North Eastern Region in terms of the O.M dated 14.12.1983 and 22.7.1998 in his present spell. He even served for about another 6 years in this region in his earlier spell
- 5.2 For that, the applicant has acquired a valuable and legal right for consideration of his choice station posting in terms of the O.M dated 14.12.1983.
- 5.3 For that, the benefit of choice station posting has been granted to the Central Government servants by the Govt. of India as an incentive/concession for serving in N.E. Region for a prescribed tenure and as such the applicants legitimately entitled to get the said benefit.
- 5.4 For that, the old parents and wife of the applicant are chronically sick who are residing in Kolkata and the applicant is unable to take care of them from such remote place. He is only male member in his family.
- 5.5 For that, the case of the applicant is covered by the judgment and order dated 01.05.2002 in O.A. No. 341/2001 of this Hon'ble Tribunal and also by the judgment and order dated 16.12.2002 in W.P (C) No. 3577/99 passed by the Hon'ble Cauhati High Court.
- 5.6 For that, the applicant has been transferred from Kolkata to Imphal in the N.E. Region twice which he carried out, whereas some other Drivers/sepoys-cum-divers who are working in Zonal unit, Kolkata of NCB have never been transferred out of Kolkata which is discriminatory and opposed to Article 14 and 16 of the constitution of India.
- 5.7 For that, the applicant has been facing extreme financial difficulties in maintaining tow establishments with his meager income.

Rafin Das.

5.8 For that, the applicant has submitted several representations praying for his transfer to Kolkata but the same has not been considered which is malafide, arbitrary, unfair, opposed to the professed policy of the Govt. and violative of the principles of natural justice.

5.9 For that, the applicant's case of choice station posting to Kokata was specifically recommended by the respondents No.4 to the respondent No. 2 for consideration and was also recommended by the Ex-D.G at NCB Headquarters, New Delhi but with no results.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious 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 consider the case of the applicant for choice station posting in Kolkata in terms of the office memorandum dated 14.12.1983, 22.07.1998 issued by the Govt.

Rajin Das

of India, Ministry of Finance, Department of expenditure, New Delhi (Annexure-XII and III) with immediate effect.

8.2 That the Hon'ble Tribunal further be pleased to set aside and quash the impugned letter bearing No. F. No. 11/2 (18)/203-Estt/143 dated 07.04.2005 (Annexure-XI).

8.3 Costs of the application.

8.4 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 this application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents the pendency of this application shall not be a bar to the respondents for considering the representations of the applicant for his transfer to Kolkata.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) L.P.O. No.	:	20G 155538
ii) Date of Issue	:	27.7.05
iii) Issued from	:	GPO, Guwahati
iv) Payable at	:	GPO, Guwahati

12. List of enclosures.

As given in the index.

Rajin Das

VERIFICATION

I, Shri Rajen Das, S/o Shri Jatin Das, aged about 40 years, resident of 11/A, Monohar Pokur Road, Kalighat, Kolkata, presently working in the office of the Regional Director, Narocotics Control Bureau, Regional Unit, Pawni Bazar, Imphal, 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 10th day of July, 2005.

Rajen Das.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
NARCOTICS CONTROL BUREAU
EASTERN ZONAL UNIT
27, KARAYA ROAD, (3RD FLOOR)
CALCUTTA-700 017



BY SPL. MESSENGER

Tel No.: 47-4589, 44-0556

भारत सरकार

वित्त मंत्रालय

राजस्व विभाग

स्वापक नियंत्रण ब्यूरो

पूर्व अंचलिक ब्यूरो

4/2, कराया रोड, (गीगारी गाँव)

कलकत्ता-700 017

Dated: 28.01.91

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To

Shri Rajen Das
S/o, Shri J. Das
17A, Ramesh Mitra Road
Bhowanipur
Calcutta - 700 025.

Sub: Offer Letter for the post of DRIVER in the
NARCOTICS CONTROL BUREAU, CALCUTTA.

You have been selected for the post of DRIVER and
Offer Letter has been issued in your favour.

You are directed to report for duty on or before
31st January, 1991.

If no reply is received or you fail to report
for duty by the above date, the offer of appointment will
be treated as cancelled.

The offer of appointment alongwith the blank forms
medical examination and others are sent herewith for being
duly filled in.

Encl: An Above.

15, N.Y. 28/11/

ASSISTANT DIRECTOR

Abdul
Salman

sg:

NCB F.NO.II/5/Estt/HQ/90/1045
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
NARCOTICS CONTROL BUREAU
RANJIT HOTEL (FIFTH FLOOR)
MAHARAJA RANJIT SINGH MARG
NEW DELHI-110 002.

- 14 -

Dated: 14.1.91

M E M O R A N D U M

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SUBJECT:-NCB-Estt- Recruitment to the post of DRIVER
in the Narcotics Control Bureau -

The undersigned hereby offers Shri Rajan Dass a temporary post of Driver in the C.A.'s office Narcotics Control Bureau's Calcutta on a pay of Rs.950-1500 plus usual Allowances in the scale of Rs.950-20-1150-EB-25-1500 on provisional basis subject to verification of his character and antecedents. The appointee will also be entitled to draw dearness. The other allowances at the rates admissible under the rules and subject to the conditions laid down in the Rules and orders governing the grant of such allowances in force from time to time:

2. The terms of appointment are as follows:-

- i) The post is temporary. In the event of its becoming permanent, the candidate's claim for permanent absorption will be considered in accordance with rules in force against the vacancies earmarked for direct recruitment personnel.
- ii) The appointment may be terminated at any time by a month's notice given by either side, viz, the appointee or the appointing authority, without assigning any reason. The appointing authority, however, reserves the right of terminating the service of the appointee forthwith or before the expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay & allowances for the period of notice or the unexpired portion thereof.
- iii) The appointment carries with it the liability to serve in any part of India.
- iv) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to :-

- i) Production of certificate from the competent Medical authority viz, the authorised medical attendant.
- ii) Submission of a declaration in the enclosed form (Annexure-I) and in the event of the candidate's having more than one wife living, or being married to a person having more than one wife living or being married to a person having more than one wife living, the appointment will be subject to the candidate's being exempted from the enforcement of the recruitment in this behalf.
- iii) Taking of an oath of allegiance to the Constitution of India in the enclosed prescribed form (Annexure-II)
- iv) Production of the following certificates:

Contd.....2/-

- a) Certificate / and other certificates of Educational and technical qualification (In original).
- b) Certificate of age (in original).
- c) Two character certificates in the enclosed prescribed form (Annexure-III).
- d) Certificate in the enclosed prescribed form in Support of the candidate's claim to belong to a schedule caste/ or tribe community(Annexure-IV).

4. The candidate should also note that he is to conform to rules governing discipline and conduct in force in this Bureau and which may be imposed by the Government on all their employees from time to time.

5. If any declaration given or information furnished by the candidate prove to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as the Government may deem necessary.

6. No travelling allowance will be allowed for joining the appointment and the past service will not count towards seniority in this Bureau.

7. The inter-seniority of Shri Rajan Dass will be determined in accordance with his position in the panel and not from the date of his joining.

8. If Shri Rajan Dass accepts the offer on the above terms he should report to the Deputy Director, Narcotics Control Bureau, Calcutta, on or before 31st Jan., 1991.

9. If no reply is received or the candidate fails to report for duty by the above date, the offer of appointment will be treated as cancelled.


(S.K.GOEL)
DEPUTY DIRECTOR (ADMN.)

To

Shri Rajan Dass
Through Deputy Director,
Narcotics Control Bureau,
CALCUTTA.

Copy to :-

Personal file/Service Book.

-16-

GOVERNMENT OF INDIA
NARCOTICS CONTROL BUREAU
EASTERN ZONAL UNIT
4/2, KARAYA ROAD (3rd FLOOR)
CALCUTTA - 700 017

ANNEXURE-II

H.C.U.F.No.98/CAL/90/ 740

Dated 1st April 1991

ORDER

In pursuance of Government of India, Office of the Competent Authority, Eastern Region, (Smugglers & Foreign Exchange Manipulators (Forfeiture of property) Act, 1976) Calcutta's letter No. CA/CAL/SA/BBM(FOP) A/R/2384 dt 21st March, 1991 Shri Rajen Das, Driver of the erstwhile Forfeiture of Property Unit of Narcotics Control Bureau, Calcutta is hereby relieved from 1-4-1991 forenoon to join Office of the Competent Authority, Eastern Region, 20, Abdul Hamid Street (4th floor), Calcutta-700069 as Driver on 1-4-1991 (forenoon).

(S. S. Bag)
Assistant Director
Narcotics Control Bureau
(E.Z.U), Calcutta

Copy to :

1. The Competent Authority, Eastern Region, Smugglers & Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, 20-Abdul Hamid Street (4th floor) Calcutta - 700.069.
2. The Deputy Director (Adm), Narcotics Control Bureau, Ranjit Hotel (5th floor), Maharaja Ranjit Singh Marg, New Delhi-110002.
- ✓ 3. Shri Rajen Das, Driver, Narcotics Control Bureau, (FOP) Unit, Calcutta- 17.
4. Bill Section, Narcotics Control Bureau, Calcutta.

(S. S. Bag)
Assistant Director
Narcotics Control Bureau
(E.Z.U), Calcutta

*Abdul
S. Bag*

GOVERNMENT OF INDIA,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NARCOTICS CONTROL BUREAU,
WEST BLOCK NO.1, WING NO.5
2 ND FLOOR, R.K.PURAM,
NEW DELHI - 110066.

NCB F.NO. I/17(1)/93-Estt(C)

Dated: 30.6.93

O R D E R

Sh. Rajan Dass, Driver, who was appointed in the erstwhile Forfeiture of Property Unit of NCB, Calcutta, is hereby posted in Narcotics Control Bureau, Imphal Regional Unit, Imphal on reversion from C.A. vide Ministry's order No. 16(2)/93-CA, dated 16.2.93. This order will come into effect from the date of assumption of duty by Sh. Rajan Dass at Imphal Regional unit.

Jayni Lamba

(Miss J. Lamba)
Dy. Director (Admn.)

Copy to:-

1. Sh. Rajan Dass, Driver through Deputy Director, Narcotics Control Bureau, Calcutta.
2. Deputy Director, Narcotics Control Bureau, Calcutta to inform headquarter of his date of joining.
3. Asstt. Director, Narcotics Control Bureau, Imphal
4. Under Secretary to the Govt. of India, Ministry of Finance, North Block, New Delhi w.r. to his office letter quoted above.
5. Pay & Accounts Officer, Ministry of Finance, Department of Revenue, New Delhi.
6. Guard file.

*After 1st of July
Advocate*

F.NO. CA/CAL/I-5/Pt.II/93-94/

Dated: 31.03.1994

ORDER NO. 1158

Shri Rajen Das, Driver, who is working in this organisation on deputation and is under order of reversion to the Narcotics Control Bureau on completion of his three years' term of deputation as per Dy. Director, Narcotics Control Bureau, West Block No. 1, Wing No. 5, R.K. Puram, New Delhi's Order No. NCB/F.NO. II/17(1)/93-Estt.(C)/10863 dated 30.6./6.7.1993, is hereby released from this organisation w.e.f. 31.03.1994 (A.N) to enable him join the office of the Narcotics Control Bureau, Imphal Regional Unit, Imphal, where he has ordered to be posted on reversion.

(A. K. Biswas)
Superintendent (Admn.),
Competent Authority, Calcutta.

Office of the Competent Authority & Administrator,
20, Abdul Hamid Street (4th Floor): Calcutta-69.

Memo No. CA/CAL/I-5/93-94/1159-65

Dated: 31.03.1994

Copy forwarded for information & necessary action to :-

1. Dy. Director (Admn.), Narcotics Control Bureau, West Block No. 1, Wing No. 5, 2nd Floor, R.K. Puram, New Delhi-1100066 with reference to the order as quoted above and clarificatory letter No. F.II/17(1)/93-Estt.(C) dated 2.2.1994 on the subject.
2. Dy. Director, NCB, Eastern Zonal Unit, 4/2, Kayaya Road, Calcutta.
3. Asstt. Director, Narcotics Control Bureau, Imphal.
4. Accounts Officer, ZAO, CBDT, 20, British Indian Street, Calcutta.
5. Accounts Officer, CC(A)'s Field Pay Unit, Calcutta.
6. Shri Rajen Das, Driver.
7. Bill Section of this organisation.

(A. K. Biswas)
Superintendent (Admn.),
Competent Authority, Calcutta.

*A. K. Biswas
Advocate*



फ़ॉरम नं. : 247-0556
दूसरा नं. : 247-4889/247-1324
दूसरा नं. : 247-1839
मारत रास्कार
वित्त विभाग (राजस्व विभाग)
आपक नियंत्रण व्यूरो
पूर्व आंचलिक युनिट
4/2 कराया रोड, कलकत्ता-700 017

खा. नं. अ. फू. फू. सं.....
N.C.B. F. NO.....1/22/Estt/NCB/Cal/97

GOVERNMENT OF INDIA
MIN. OF FINANCE (DEPTT. OF REVENUE)
NARCOTICS CONTROL BUREAU
EASTERN ZONAL UNIT
4/2, KARAYA ROAD, CALCUTTA-700 017
कलकत्ता, दिनांक12/1/2000.....
Calcutta, the12/1/2000.....

O R D E R

Consequent upon his selection for appointment as
Driver in Regional Unit vide Dte. General of Inspection,
Customs and Central Excise, New Delhi's Office Order No.
1040/11/99(ERU) dated 27/10/99, Shri Rajen Das, Driver
of Narcotics Control Bureau, Regional Unit, Imphal is
being relieved of his duties w.e.f. 10/1/2000(A.N.). He
is directed to report for duty to the Assistant Director,
Directorate General of Inspection, Customs and Central
Excise, East Regional Unit, Calcutta after availing normal
joining time.

2. This issues with the approval of D.G., NCB received
vide Fax MSG. F.no. 13/17(1)/92-Estt dated 7/1/2000.

12/1/2000
(R.K.SAHOO)
ZONAL DIRECTOR, ERU, CAL.

Copy forwarded to:-

1. Shri Rajen Das, Driver, Narcotics Control Bureau, Regional Unit, Imphal.
2. Superintendent, NCB ERU, Imphal with the direction to relieve Shri Rajen Das. Dvr, on 10/1/2000(A.N.). Shri E. Nima Chand Singh, Sepoy will continue as Sepoy-cum-Dvr. in R.U., Imphal.
3. Assistant Director of Inspection, Dte. General of Inspection, Customs and Central Excise, E.R.Unit Calcutta.
4. Dy. Director (Adm), Narcotics Control Bureau, West Block-1, Wing No. 5, R.K.Puram, New Delhi- 110066.
5. Pay and Accounts Officer, P.A.O., Min. of Finance, Deptt. of Revenue, Church Road Hutsments, New Delhi- 110066.
6. Intelligence Officer(Hrs..) NCI ERU, Calcutta.
7. Accts. Section at NCI, ERU, Calcutta.

11
3-1-2000

Abdel
Abdul
Khan



Gram ; DICE

Fax : (033)247-3048

भारत सरकार

GOVT. OF INDIA

निरीक्षण महानिदेशालय

DIRECTORATE GENERAL OF INSPECTION

सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क

पूर्वी क्षेत्रीय युनिट,
44, पार्क स्ट्रीट (द्वितीय तला)
कलकत्ता - 700016

Tel : (033)247-4751, 240-6138

E-Mail : diceeru@vsnl.com

Customs & Central Excise,
Eastern Regional Unit,
44, Park Street (2nd Floor)
Calcutta - 700016

Establishment Order

Dated: 46th January, 2003

Shri Rajen Das, Driver of Narcotics Control Bureau, Imphal, who was on deputation to the Eastern Regional Unit of the Directorate General of Inspection, Customs & Central Excise, Kolkata w.e.f. 20.01.2000, is hereby relieved of his duties in the afternoon of 20.01.2003 after completion of deputation tenure with the direction to report for duty at his original place of posting from where he proceeded on deputation i.e. Narcotics Control Bureau, Regional Unit, Imphal.

sd/-

(P.K. Chattopadhyay)
Assistant Director of Inspection
DGICCE, ERU, Kolkata.

C. No.30-ERU/Estt./Gr.I/2000/ 111

Dated: 46th January, 2003

Copy forwarded for information and necessary action to:

✓ 1. Shri Rajen Das, Driver for compliance. He is directed to hand over the key of the Vehicle, Log Book and also his Identity Card to this office.

2. Regional Director, Narcotics Control Bureau, Kolkata.

3. Deputy Director, NCB, Regional Unit, Imphal

- contd. on p.2 -

*Abeshto
Advocate*

- 3.A. Dy. Director (Admn.), Narcotics Control Bureau, West Block, No.-1, Wing No.5, R.K. Puram, New Delhi-110 066 with respect to letter F. No.II/17(4)/93-Estt/12107 dated 24.12.2002.
4. Addl. Director General (Admn.), Directorate General of Inspection, Customs & Central Excise, New Delhi. H.O. F. No.1040/11/98(ERU) dated 27.10.99 refers.
5. Pay & Accounts Officer, Dte. Gen. of Inspection, Customs & Central Excise, New Delhi.
6. Shri Bijendra Singh, Inspecting Officer (Admn.), DGICCE, New Delhi.
7. Bill Unit, DGICCE, ERU, Kolkata.
8. Office Copy.


(P.K. Chattopadhyay)
Assistant Director of Inspection
DGICCE, ERU, Kolkata.

The Director General
Narcotics Control Bureau
West Block No. 1, Wing No. - 5
Sector 1, R.K. Puram
New Delhi - 110066.

(Through Proper Channel)

Subject :- Request for transfer from Imphal to Calcutta in view of the Chronic ill health of parents.

Sir,

With due respect, I Shri Rajen Das, Driver N.C.B. Imphal Have the honour to submit the following few Lines for your Kind consideration and favourable action please.

That Sir, I have been initially appointed as Driver in the N.C.B. Kolkata on 28 Jan. 1991. But I was Transferred from N.C.B. Kolkata to N.C.B. Imphal and have submitted my Joining report at my present place of posting i.e. N.C.B. Imphal on 8th April 1994. I have Completed 9 (nine) Year in the North East. Since that time I have submitted my representation for transfer from Imphal to my home town Kolkata a dozen times on the ground of family problem which were well highlighted in the said representation.

That sir, I am the only male person whom my whole family depends. I also belong to schedule caste community and a very poor family. My own uncle who resided in Kolkata expired on 23rd Feb. 1998 and my grand mother died on 27/6/98 and in both cases, I could not attend the rites and rituals of both the deceased as I am serving here in a far flung post from my home.

That sir, recently also in April 2003 there was also a serious case of miscarriage of 4(Four) months old baby prematurely from my wife. It might not have happen, had I been there with her because I could have taken her to the doctors in time to prevent it.

That sir, the two Ex-Director Generals of N.C.B. have acknowledged my prayer in written which I enclosed photostat copies of the said letters.

That Sir, in the light of the above mentioned facts, I would like to request once again your kind consideration to transfer me back to Kolkata so that I could work better and dedicate more to both my department as well as my family.

Yours Faithfully,



(RAJEN DAS)

Driver

N.C.B. Regional Unit
Imphal

Enclosed :-

As stated above Xerox Copies of two
Ex-Director General acknowledgement
letter and an initial appointment letter.

Copy to :-

1. To
The Regional Director
Narcotics Control Bureau,
Imphal.
2. Adve. Copy
The Director General
Narcotics Control Bureau
West Block No - 1, Wing No. - 5
Sector - 1.R.K. Puram
New Delhi - 110066

Dated 02.7.03.

*Affixed
for service*

फँक्स: 223940

दुरभाष: 223940/223938

भारत सरकार

दित्त मंत्रालय (राजस्व विभाग)

रवापक नियंत्रण ब्युरो

उत्तरी पूर्व श्रेत्रीय युनिट

विडियोकोन हाऊस फराट प्लॉट

पाउना बाजार, इम्फाल - 795 001

N.C.B. F.NO. 1/12/Estt/NCB/TEP/2002/227



RE. NO. 223940/2002

GOVERNMENT OF INDIA

MIN. OF FINANCE HOME AFFAIRS.

NARCOTICS CONTROL BUREAU

NORTH EAST REGIONAL UNIT

VIDEOCON HOUSE, 1st FLOOR

TAJMA BAZAR, IMPHAL 795 001

31/7/2003

To

The Director General,
Narcotics Control Bureau,
Hqrs, New Delhi.

Sub: Representation for transfer of Shri Rajen Das, driver
from NCB, Imphal to NCB, E&U, Kolkata -
Forwarding of.

Sir,

Kindly find enclosed herewith an application in original
submitted by Shri Rajen Das, Driver of E&U, Imphal, for
transfer from Regional Unit, Imphal to E&U, Kolkata is recommended.
If his case is considered may kindly be noted in his substitute.

Yours truly,

(R.M. PABNA
REGIONAL DIRECTOR,

For your kind information, I am enclosing herewith a copy of the application for transfer of Shri Rajen Das, driver of E&U, Imphal, to E&U, Kolkata, which is recommended.
If your department may kindly be noted in his substitute,

9c

1/12/2002

1/12/2002

F.No.II/2(18)/2003-Estt/1802/
Ministry of Home Affairs
Narcotics Control Bureau
West Block No.1, Wing no. 5,
R.K. Puram, New Delhi-66

Dated: 5.08.2003

To

The Regional Director
NCB, Imphal Regional Unit

Sub: Transfer of Shri Rajen Das, Driver from NCB, Imphal to Kolkata- Reg

Sir,

Please refer to your office letter No. 1/12/Estt/NCB/IMP/2002-227 dated 3.7.2003 on the above subject.

2. The request of Shri Rajen Das, Driver regarding his transfer to Kolkata Zonal Unit has been examined. His request cannot be acceded to, due to administrative reasons.

Yours faithfully

Abha A. Kishore
(Abha A. Kishore)
Dy. Director (Admn)

ESTT

24/8/03

Abha A. Kishore

FAX NO. : 223940
 TEL NO. : 223940/223938

GOVERNMENT OF INDIA
 MIN. OF HOME AFFAIRS.

NARCOTICS CONTROL BUREAU

NORTH EAST REGIONAL UNIT
 VIDEOCON HOUSE, 1st FLOOR
 PAONA BAZAR, IMPHAL - 795 001

Date: 10/10/03



लॉन्स : 223940
 दरभाग : 223940/223938

राष्ट्रीय राज्यकार

वित्त मंत्रालय (राजस्व विभाग)

जन व्यूरो

उत्तरी पूर्व श्रीप्रियनिट

विडियोकॉन हाउस फार्मट फ्लोर

पाउना बाजार, इम्फाल - 795 001

N.C.B. FNO. 1/12/Estt/NCB/IMPHAL/2003/651

To

The Director General,
 Narcotics Control Bureau,
 Hqrs, New Delhi.

Sub: Representation of Shri Rajen Das, Driver of this
 Unit for transfer at Kolkata - forwarding of.

Sir,

I am forwarding herewith the representation for transfer
 of Shri Rajen Das, Driver of NCB, RU, Imphal which is self
 explanatory.

This is for favour of your kind information and necessary
 action at your end.

Enclo : As stated.

Yours faithfully,

REGIONAL DIRECTOR.

DR

*Abdullah
 Dr. Advocate*

To

**The Director General
Narcotics Control Bureau
Ministry of Home Affairs,
West Block No. 1, Wing No. - 5
Sector 1. R.K. Puram
New Delhi- 110066**

**Subject :- Request for transfer from Imphal to Kolkata in view
of the Chronic III health of parents.**

Sir,

With due respect, I Shri Rajen Das, Driver N.C.B. Imphal Have the honour to submit the following few Lines for your Kind consideration and favorable action please.

That Sir, I have been initially appointed as Driver in the N.C.B. Kolkata on 28 Jan. 1991 But I was Transferred form N.C.B. Kolkata to N.C.B. Imphal and have submitted my Joining report at my present place of posting i.e. N.C.B. Imphal on 8th April 1994. I have Completed **11th (Eleven) Years** in the North East. Since that time I have submitted my representation for transfer from Imphal to my home town Kolkata a dozen times on the ground of family problem which were well highlighted in the said representation.

That Sir, I am the only male person whom my whole family depends. I also belong to schedule caste community and a very poor family. My own uncle who resided in Kolkata expired on 23rd Feb. 1998 and my grand mother died on 27'6/98 and in both cases, I could not attend the rites and rituals of both the deceased as I -am serving here in a far flung post form my home. Again, at present I have my chronically ill mother and aged lather at home who always need my care. Moreover, it is quite difficult to work in Manipur for outsiders due to the prevailing law and order situation in the state.

That sir, recently also in April 2003 there was also a serious case of miscarriage of 4 (four) months old baby prematurely from my wife. It might not have happen had I been there with her because I could have taken her to the doctors in time to prevent it.

During my personal interview, in the chamber of worthy Ex-D.G. at NCB Hqrs. New Delhi on 12-4-2004 submitted my application for transfer from Imphal to Kolkata as instructed by Ex-D.G. in which the worthy **Ex.-D.G.** recommended for consideration ON my application. Action taken by the competent authority ass per Ex.-D.G.'s remark/recommendation in not known till date.

That Sir, in the light of the above mentioned facts I would like to request once again your kind consideration to transfer me back to Kolkata so that I could work better and dedicate more to both my department as well as my family.

Yours Faithfully

**Enclosed :- As stated above Xerox Copy
if an initial appointment letter.**

**(RAJEN DAS)
Driver
N.C.B. Regional Unit
Imphal**

1. To
The Regional Director
Narcotics Control Bureau
Ministry Of Home Affairs
Imphal

Dated 10/02/05

*A. Das
Advocate*

FAX NO. 2223940
TEL.NO. 2223940/2223938
Email - ncbimp@vsnl.net



गारा राज्यार
गृह मंत्रालय
गान्धीराम सरिया विभाग
राजपाल विधान व्युरो
राजी पूर्व विधाय युनिट
विडियोकेन्स हाउस एक्स्टर फ्लोर
पाउना बाजार, इम्फाल

GOVERNMENT OF INDIA
MIN. OF HOME AFFAIRS
DEPT. OF INTERNAL SECURITY
NARCOTICS CONTROL BUREAU
NORTH EAST REGIONAL UNIT
VIDEOCON HOUSE, 1st FLOOR
PAONA BAZAR, IMPHAL - 795 001

N.C.B.F.NO. 1/12/Estt/NCB/IMP/2003/925

Date : 14.2.2003

To

The Director General,
NCB, West Block - 1,
Wing No. 5, R.K.PURAM,
New Delhi - 110066.

Subject : Forwarding of Transfer application in respect
of Shri Rajen Das, Driver.

Sir,

Please find enclosed herewith the application
of transfer in respect of Shri RAJEN DAS, Driver Grade- II
of this Unit which is self explanatory.

2. It is requested that the case of transfer of
Rajen Das may kindly be considered keeping in view of his
family problems.

3. It is also requested that a substitute driver
may kindly be provided if his case is considered.

Yours faithfully

2
14.2.2003

(R.M.MEENA)
Regional Director

F.No. II/2(18)/2003 -Estt. 1143
 Government of India
 Ministry of Home Affairs
 Narcotics Control Bureau

West Block No. 1, Wing No. 5
 R.K.Puram, New Delhi.
 Dated 7.04.2005

To

The Regional Director,
 Narcotics Control Bureau.
 Imphal Regional Unit.
 Imphal.

Sub: Transfer of Sh. Rajen Das, Driver from NCB, Imphal to Kolkata-Reg.

Sir,

Please refer to your letter No. 1/12/Estt/NCB/IMP/2003/975 dated 14.2.2005 on the above subject.

2. The request of Sh. Rajen Das, Driver, regarding his transfer to Kolkata Zonal Unit has been examined. His request cannot be acceded to, due to administrative reasons.

Yours faithfully,

S.S.Jhajharia
 (S.S.Jhajharia)
 Assistant Director (Admin.)
7/04/05

Receipt No. 231
 Date 19.4.05
 Signature
 NCB Imphal

*Atul
 Laxmi
 Advocate*

Annexure- XII (Extract)

No. 20014/2/83/E.IV
Government of India
Ministry of Finance
Department of expenditure

New Delhi, the 14th Dec'83

OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees of the Central Government serving in the states and Union Territories of North Eastern Region - improvements thereof.

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

1. Tenure of posting/deputation.

There will be a fixed tenure of posting of 3 years at a time for officers with services of 10 years or less and of 2 years of service at a time for officers with more than 10 years of service, periods of leave, training etc, in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. The period of deputation of the Central Government employees to the States/Union territories of the North Eastern Region will generally be for 3 years which can be extended in

*A. S. S.
S. S. S.*

exceptional cases in exigencies of public service as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

Sd/- S.C. MAHALIK

Joint Secretary to the Government of India

Annexure - XIII (Extract)

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

New Delhi dated July 22, 1998

OFFICE MEMORANDUM

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

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December, 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) ibid were also to apply mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86/E.IV/E.II (B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers

*After 1st
for Review*

of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

i) Tenure of Posting/Deputation

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

ii) Weightage for Central Depurations/Training Abroad and Special Mention in Confidential Records

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

Sd/- (N. SUNDER RAJAN)
Joint Secretary to the Government of India

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 341 of 2001.

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

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

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

By Advocate Sri M. Chanda.

- Versus -

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

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

O R D E R

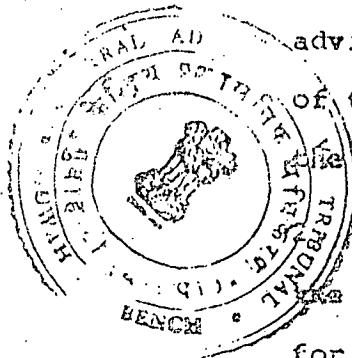
CHOWDHURY J. (V.C.)

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

contd. .2

*After
Mr.
Advocate*

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


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

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

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

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



TRUE COPY

Refugee

SD/ VICE CHAIRMAN

pg

W B S
25/5/2002

मुख्यमंत्री (स्थानिक कार्यालय)
संसदीय अधिकारी (स्थानिक कार्यालय)
संसदीय अधिकारी (स्थानिक कार्यालय)
Bongaigaon Bench, Guwahati
संसदीय अधिकारी (स्थानिक कार्यालय)

तारीख of application for the copy	राजनीति आवास का आवासीय संस्था द्वारा निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	देने की मार्गी Date of delivery of the requisite stamps and folios.	ग्राहिति की तिथि Date on which the copy was ready for delivery.	दिलाई गयी तिथि Date of making over the copy to the applicant.
25/12/02	25/12/02	25/12/02	21/12/02	21/12/02

- 36 -

Annexure-XV

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA MIZORAM AND ARUNACHAL PRADESH

WRIT PETITION (C) NO. 3577 OF 1999

Shri Bhagwan Menghani
 Senior Accounts Officer,
 Office of the Inland Water Authority of India,
 Ministry of Surface Transport,
 Government of India,
 Parameswari Building,
 5th Floor, Chatribati, A.T. Road,
 Guwahati - 781 001.

..... PETITIONER
 -VERSUS-

1. Union of India,
 Through Secretary to the Govt. of India,
 Ministry of Surface Transport,
 Government of India, Parameswari Building,
 5th Floor, Chatribati, A.T. Road,
 Guwahati - 781 001.

2. The Chairman,
 Inland Waterways Authority of India,
 B-109/112
 Commercial Complex, Section 18,
 NOIDA (UP).

3. Deputy Secretary,
 Inland Water Ways Authority of India,
 Minister of Surface Transport,
 Government of India,
 Head Office B/109-112,
 Commercial Complex, Section-18
 (Dist. Gautam Budh Nagar)
 PIN 201301, Uttar Pradesh.

4. Shri S. Jayaraman,
 Chief Accounts Officer,
 Inland Water Ways Authority of India
 B-109-112, Commercial Complex,
 Section 18, Noida,
 Uttar Pradesh - 201301.

..... RESPONDENTS

TTB

Abdul
Advocate

P R E S E N T
THE HON'BLE MR. JUSTICE D. BISWAS

For the petitioner : Mr. B.K. Sarma,
Mr. M. Chanda, Advocates.

For the respondent : Mr. C. Choudhury,
C.G.S.C.

Date of hearing : 16.12.2002

Date of Judgment and
Order : 16.12.2002

JUDGMENT AND ORDER
(ORAL)

Heard Mr. B.K. Sarma, learned Counsel for the petitioner assisted by Mr. M. Chanda, learned counsel and also Mr. C. Choudhury, learned Central Government Standing Counsel for the Union of India.

2. This petition has been filed controverting the legality and validity of the order of transfer dated 11.6.1999 (Annexure-5) and consequent release order of the same date. By the aforesaid order of transfer the petitioner who was serving as Senior Accounts officer in the Head Quarter Office at Noida was transferred to Guwahati. The challenge is on the ground that the advertisement issued pursuant to which the petitioner was appointed was meant for staff in the Head Quarter of the Inland Waterways Authority of India which is at Noida. According to Shri B.K. Sarma, learned Senior Counsel the petitioner pursuant to the above advertisement offered his candidature and on selection and appointment joined the post at Noida with the expectation that he would be allowed to continue there till superannuation. Besides, Shri Sarma, further pointed out that the petitioner in a departmental proceeding initiated against the respondent No.1 deposed against the latter. It was on his evidence that



the respondent No.1 was imposed with a penalty in that departmental proceeding. Out of vengeance, the respondent No.1 initiated the proposal for transfer of the writ petitioner to Guwahati in his personal file which is contrary to the procedure of office administration.

3. Materials on record clearly justify the above submission of the writ petitioner. The advertisement (Annexure-1) and the order of penalty imposed on the respondent No.1 vindicate the grounds on the premises of which the writ petition has instituted.

4. It would appear that the order of the writ petitioner was issued on 11.6.1999 and the petitioner assumed duties at Guwahati without loss of time. By now he has completed three years. Therefore, it would be of no consequence at this belated stage to interfere with the order of transfer which has been complied with.

5. Shri Sarma submitted that the office Memorandum dated 11th December, 1993 provides for transfer and posting of civilian employee of the Central Government posted in the States and Union Territories of North Eastern Region to posting of his choice. The relevant provisions of the aforesaid office Memorandum, Shri Sarma, submits render the writ petitioner eligible for reconsideration for is choice posting. The relevant provision of the office memorandum dated 11th December, 1983 is quoted below :-

"1) Tenure of posting/deputation :-

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible."

27/12/2000
14

6. There was no dispute at the bar that the aforesaid memorandum is applicable in respect of the Inland Waterways Authority of India and hence, on completion of two years in the North Eastern Region the petitioner is entitled to consideration for posting to a place of his choice. Infact, the respondent authority has also given choice of posting to other employees, namely, Shri M.K. Saha, Director, Shri S.K. Sharma, Senior Accounts Officer and Shri Mahesh Kumar, U.D.C. In the facts and circumstances of the case, this Court is of the opinion that the petitioner's case for transfer to a place of his choice (Noida) is just and proper.

7. This writ petition is disposed of with the direction to the respondents; particularly, Respondent No.2, the Chairman, Inland Waterways Authority of India to consider the representation of the writ petitioner submitted on 10.6.2002 in accordance with the provisions of the Memorandum dated 11th December, 1983 and pass appropriate orders for his transfer to a place of his choice (Noida) within a period of two months from the date of receipt of a copy of this judgment.

The petitioner is permitted to submit a copy of this Judgment along with other necessary documents to the Chairman immediately.

Sd/ S. Biswas
—snay—

P.N. 22778
20/2/02

CERTIFIED TO BE TRUE COPY
Kishan Kanta Bhattacharya
Date 21.11.2012
Superintendent (Copying Section)
Cachar High Court
Authority U/S 76, Act I, 1878

21/11/2012
F. 28

24/03/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH

O.A. No 203 of 2005

IN THE MATTER OF :

Sri Rajen Das

.....Applicant

-Versus-

The Union of India & Ors.

.....Respondents.

AND

IN THE MATTER OF :

Written statement on behalf of the Respondents.

WRITTEN STATEMENT

I, Sri Chance Keishing, Asst. Director, Office of the Zonal Director, Narcotics Control Bureau, Kolkata Zonal Unit, 4/2 Karaya Road, 3rd Floor, Kolkata – 17 do hereby solemnly affirm and state as follows:

1. That, I have been impleaded as Respondent No. 4 in the instant application and a copy of the application has been served upon me. I have gone through the same and understood the contents thereof. Save and except the statements whatever is specifically admitted in this written statement and the other contentions and statements may be deemed to have been denied by the respondents. I am duly authorized swear this written statement on behalf of all the respondents.
2. That with regard to the statements made in paragraphs 1 to 3 of the application, the deponent has no comments to offer.
3. That with regard to the statements made in paragraphs 4.1 to 4.6 of the application, the deponent states that since it is statements of fact, hence the deponent admitted the same to be correct.
4. That with regard to the statements made in paragraph 4.7 of the application, the deponent states that since there is no vacancy of Driver at that time,

Union of India & Ors. Respondent No. 4
Strongly: Rajen Das, Addl. Director, Narcotics Control Bureau, Kolkata
C. O. T. C. Branch
23/3/06

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hence, the Applicant's request for transfer to Kolkata could not be acceded to.

5. That with regard to the statements made in paragraph 4.8 of the application, the deponent states that there was no vacancy of Drivers at that time, hence the applicant's request for transfer back to Kolkata was not feasible. It is also pertinent to mention that NCB has a small cadre of 20 Drivers only and out of which only two posts are authorized at Kolkata Zonal Unit.
6. That with regard to the statements made in paragraphs 4.9 and 4.10 of the application, the deponent states that the representation was forwarded by the Regional Director of Imphal Regional Unit with a condition of providing substitute Driver, since there were no other requests for transfer and no other vacancy was available at that time, the request of the individual could not be considered.
7. That with regard to the statements made in paragraph 4.11 of the application, the deponent states that the representation was forwarded by the Regional Director of Imphal Unit with a condition of providing substitute Driver, since there were no other requests for transfer and no other vacancy was available at that time, the request of the individual could not be acceded to.
8. That with regard to the statements made in paragraph 4.12 of the application, the deponent states as far as possible, the applicant's request may be considered for transfer to his station of choice. NCB has a small cadre of 20 drivers only out of which only two posts are authorized at Kolkata Zonal Unit.
9. That with regard to the statements made in paragraph 4.13 of the application, the deponent denied the same, as the same is not correct. The applicant's every representation was considered but due to non-availability of specific vacancy at Kolkata (applicant's choice station), his posting to the unit could not be materialized.
10. That with regard to the statements made in paragraph 4.14 of the application, the deponent denied the same, as the same is not correct. The applicant is the only Driver presently posted at Imphal Unit and moreover, NCB does not have any post of Sepoy-cum-Driver. Therefore, the applicant's contention that other Sepoy-cum-Drivers are presently posted at Imphal Unit is not tenable.

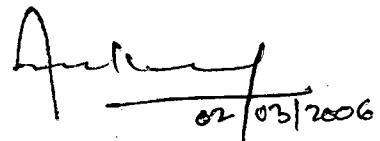
3
11. That with regard to the statements made in paragraphs 4.15 to 4.17 and 5 to 12 of the application, the deponents has no comments to offer.

12. That in the facts and circumstances narrated hereinabove, the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

VERIFICATION

I, Chance Keishing, Assistant Director, Office of the Zonal Director, Narcotics Control Bureau, Kolkata Zonal Unit 4/2 Karaya Road, Kolkata-700017 being duly authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 to 3 & 5 to 12 of the written statement are true to the best of my knowledge and belief, those made in paragraphs 4.1 to 4.17 being matters of record are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 2nd (Thursday) day of March, 2006.



02/03/2006

DEPONENT