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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓ O.A/T.A No. 206/2005

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SECTION OFFICER (Judl.)

FORM NO. 4.  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 206/05

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

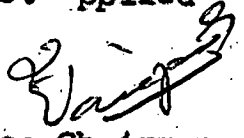
Review Application No. \_\_\_\_\_

Applicant(S): Himangshu Ranjan Saha

Respondant(S): Secy. CGSC

Advocate for the Applicant(S): Mr. J. L. Sarker, M. Chandra & S. Nain

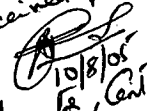
Advocate for the Respondant(S): CGSC


Notes of the Registry	Date	Order of the Tribunal
	5.8.05.	Judgment delivered in open Court.
		Kept in separate sheets. Application is disposed of.
		 Vice-Chairman

This application is in form  
is filed/C. P. for Rs 50/-  
deposited vide IPO/BD  
No. 206/56485  
Dated 29.7.05

  
Dy. Registrar

sent by ref letters.

Received for Resp. no 3 4/8/05  
  
Inspector, Central Excise,  
Law Cell, Guwahati.

  
11/8/05

22.8.05

copy of the order  
has been sent to the  
Office for issuing  
the Rule to the applicant  
as well as to the addl  
CGSC for the Regd.  
etc

**CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.**

O.A. No. 206 of 2005.

DATE OF DECISION: 05.08.2005

Mr. Himanshu Ranjan Saha

APPLICANT(S)

Mr. Mr. J.L. Sarkar, Mr. M. Chanda,  
Mr. S. Nath

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. A.K. Choudhury, Addl. CGSC

ADVOCATE FOR THE  
RESPONDENT(S)

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

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

Judgment delivered by Hon'ble Vice-Chairman.

*G. Sivarajan*

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.206 of 2005

Date of Order: This the 5<sup>th</sup> Day of August, 2005..

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

Shri Himangshu Ranjan Saha,  
Assistant Commissioner, Central Excise,  
Dibrugarh, Assam.

Applicant

By Advocate Mr.J.L.Sarkar, Mr.M.Chanda,  
Mr.S.Nath.

-Versus-

1. The union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Finance  
Department of Revenue,  
North Block  
New Delhi-110001
2. Central Board of Excise and Customs,  
Govt. of India,  
Through its Chairman, North Block,  
New Delhi.
3. The Chief Commissioner  
Central Excise and Customs,  
Shillong Zone, Meghalaya,

Respondents.

By Advocate Mr.A.K.Choudhury, Addl.C.G.S.C.

**ORDER (ORAL)**

**SHIVARAJAN, J(V.C.):**

The applicant is working as Assistant Commissioner, Central Excise at Dibrugarh, Assam. The applicant is aggrieved by the transfer order dated 01.08.2005(Annexure 4) by which he has been transferred to Shillong, CX Hqrs. ignoring the option furnished in the transfer proforma (Annexure 3). The grievance of the applicant is that though the respondents had called for options and the applicant had opted for five places as shown in the option statement Annexure 3, he has not been given transfer to any of the places opted by him. It

*[Signature]*

*is stated that the transfer orders are made only on rotation basis and not on account of exigency of administration nor in public interest.*

2. We have heard Mr.J.L.Sarkar, learned counsel assisted by Mr.M.Chanda, for the applicant, and Mr.A.K.Choudhury, learned Addl.C.G.S.C appearing for the Respondents. Mr.J.L.Sarkar counsel for the applicant submits that the applicant's wife is suffering from Osteoarthritis and therefore she cannot accompany the applicant to Shillong, a high attitude cold place. He submits that the respondent should have given the applicant a posting either at Silchar or at Guwahati where there were vacancy. Mr.J.L.Sarkar, further submits that the present transfer is against the norms of the transfer policy (Annexure 1) and against the options given by the applicant. He also submits that the 3<sup>rd</sup> Respondent has issued the transfer order in a mechanical way. The counsel also pointed out that even assuming that Gauhati and Silchar are not available on account of posting given to some other officers even then four posts are still vacant as evident from the transfer order dated 1.8.2005 namely; Tezpur, Nagaon, Tinsukia and Dimapur where other officers are entrusted with the additional charge.

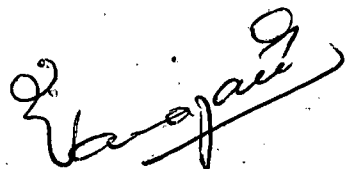
3. Mr.Choudhuri on behalf of the respondents have submitted that the applicant is given a posting at Shillong which is a healthy stations and that Guwahati and Silchar were given to more deserving hand.

4 I am of the view that the application can be disposed of at the admission stage itself. Admittedly four posts are seen vacant and it is stated that the applicant will be satisfied if his case is considered for transfer either at Tezpur, Nagaon or Tinsukia. The 3<sup>rd</sup> Respondent had called for option from the applicant and the applicant had opted Silchar, Guwahati, Kolkata, Airport. IGI Airport, New Delhi, Kandla.

*gpl*

The present transfer order shows that the transfers are effected to the Northeastern Region alone, of course from outside region (Kolkata) also. The applicant is a resident of Silchar and his wife is stated to be suffering from Osteoarthritis and that the climatic condition of Shillong will not suit her ailment. I find that the transfers had already been effected to Silchar and Guwahati. I also find that there are still four vacancies available at Nagaon, Tezpur, Tinsukia and Dimapur. Therefore, I direct the applicant to submit a detailed representation to the 3<sup>rd</sup> Respondent within a period of ten days from to-day pointing out his readiness to any of the aforesaid first three places. If such representation is made, the 3<sup>rd</sup> respondent will consider the case of the applicant for posting in any of the three places namely; Nagaon Central Excise, Tezpur Central Excise or Tinsukia Central Excise and pass orders within two weeks thereafter. If the applicant is not released already the same shall not be given affect to, so far the applicant is concerned, till the case of the applicant is disposed of as directed herein above.

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

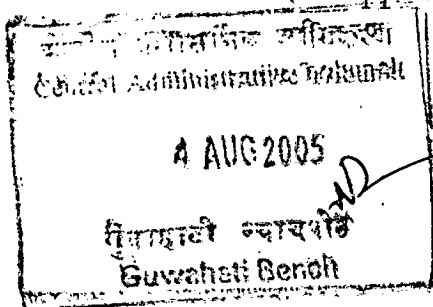
  
(G. SIVARAJAN)  
VICE-CHAIRMAN

LM

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X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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



O. A. No. 206/2005

Shri Himangshu Ranjan Saha

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- Transfer policy- 2005- Central Board of Excise and Customs published transfer policy 2005 for Group 'A' officers of Indian Revenue service. In para 5.8 of the said transfer policy specific provision has been laid down for choice station posting on completion of tenure in a particular station in N.E. Region. (Annexure-1)
- 26/28.04.05- Chief Commissioner invited option from all Group 'A' officer including the applicant, who have completed their tenure in the existing places of posting. (Annexure-2)
- 28.04.05- Applicant submitted 5 choice station in terms of the option invited by the Chief Commissioner pursuant to his letter dated 26/28.04.05. (Annexure-3)
- 01.08.05- Respondents issued impugned order of transfer and posting dated 01.08.05 whereby the applicant is sought to be transferred and posted from Dibrugarh Central Excise to Shillong in a high altitude cold place without considering his case for posting in any of the choice station/option submitted by the applicant and thereby violated the relevant provisions contained in para 5.8 of the transfer policy- 2005. (Annexure-4)
- 22.02.03, 08.12.03 and 27.02.05- Wife of the applicant suffering from serious ailment of osteoarthritis (knees) who cannot move freely and health of the applicant's wife does not suit in a high altitude cold place in view of the fact that she is suffering from osteoarthritis. (Annexure- 5 series)
- 03.03.2003, 25.09.03 and 08.11.04- Applicant submitted representations to the Chief Commissioner, Central Excise praying interalia for his posting at Silchar, Guwahati, Kolkata, Air port, IGI Air Port, New Delhi, Kandla. However, none of the representations were considered by the respondents while passing the impugned order

*Himangshu Ranjan Saha*

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and no effort is made to consider 'choice positing in terms of the option submitted by the applicant, which is obligatory on the part of the respondents in view of the direction contained in the transfer policy, more so when there is no administrative exigency and the transfer order has been issued in routine nature.

(Annexure-6 series)

### 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 review the impugned order of transfer and posting dated 01.08.2005 (Annexure-4) so far the applicant is concerned and further be pleased to direct the respondents to modify the order of transfer and posting, by passing appropriate order, posting the applicant in any of his choice station as per his option submitted on 28.04.2005 pursuant to the Chief Commissioner's letter dated 26/28.04.05.
2. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

#### Interim order prayed for:

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

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of transfer and posting dated 01.08.2005 (Annexure-4) in respect of the present applicant till disposal of the original application.

*Himangshu Kumar Saha,*



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Filed by me applicant  
through Subrata Nath  
Advocate  
04.08.05

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

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

O.A. No. 206 /2005

**BETWEEN:**

**Shri Himangshu Ranjan Saha,**

Assistant Commissioner,  
Central Excise,  
Dibrugarh, Assam.

-----Applicant.

**-AND-**

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Finance,  
Department of Revenue,  
North Block,  
New Delhi- 110001.
2. Central Board of Excise and Customs,  
Govt. of India,  
Through its Chairman, North Block,  
New Delhi.
3. The Chief Commissioner  
Central Excise and Customs,  
Shillong Zone, Maghalaya.

..... Respondents.

**DETAILS OF THE APPLICATION**

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

*Himangshu Ranjan Saha*

This application is made against the impugned order bearing letter No. 19/2005 dated 1<sup>st</sup> August' 2005 (Annexure-4), whereby the applicant is sought to be transferred from Dibrugarh Central Excise Division to Shillong Central Excise Headquarter in total violation of the professed norms laid down in para 5.8 of the transfer policy of 2005 issued by the Customs and Central Excise department and also without considering the 5 places of choice station opted by the applicant in terms of para 5.8 of the transfer policy more so when post of the cadre of Asstt. Commissioner at least available in 2 of the opted places and praying for a direction upon the respondents to reconsider/review the order of transfer for posting the applicant in any of the places opted by the applicant other than Shillong, in view of serious ailment of the wife of the applicant who is suffering from oosteroarthrities.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant is a Group- A officer, in the department of Central and Customs, now working as Assistant Commissioner in the Central Excise department at Dibrugarh. The applicant was initially appointed as Inspector in the Central Excise and Customs department in July' 1976 and

*Hemangshu Rejau Saha.*

thereafter promoted as Superintendent in the year 1990, however, he was subsequently promoted to the post of Asstt. Commissioner in Group-A service in the Central Excise and Customs department on 10.12.2002 and posted at Dibrugarh, Central Excise Commissionerate office on 18.12.2002. He has served in different places both in the capacity of Inspector as well as Superintendent in the Central Excise and Customs department, more particularly, the applicant served at Shillong during the period from September' 1983 to September' 1986 in the first spell and subsequently he has served again during the year 1994 to 1996 April as Superintendent at Shillong. The applicant was transferred and posted to Dibrugarh Central Excise department in the month of December' 2002 in the capacity of Assistant Commissioner and since then the applicant is continuously working at Dibrugarh.

- 4.3 That it is stated that with reference to letter dated 26<sup>th</sup>/28<sup>th</sup> April' 2005 bearing No. C. No. II (8) 12/ET/COMMR/DIB/03/5050-58, option for transfer and posting sought from all Group 'A' officer including the applicant who are otherwise due for transfer. The applicant accordingly submitted his option at least for 5 choice places in terms of the provisions laid down in para 5.8 of the transfer policy of 2005 formulated for transfer and posting of Group 'A' officers of the Central Excise and Customs. The applicant considering the severe ailment of his wife who is suffering from osteoarthritis submitted option for posting vide his letter dated 28.04.2005 addressed to the Additional Commissioner (P&V), Central Excise, Dibrugarh in any of the following 5 places:

1. Silchar
2. Guwahati
3. Kolkata, Air port.
4. IGI Air Port, New Delhi.
5. Kandla.

*Hemangshu Rayan Saha*

The applicant was under the expectation that his case would be considered in terms of the options submitted by him as per transfer policy of 2005.

Copy of the transfer policy of 2005 and option letter dated 26/28.04.05 are enclosed herewith as Annexure-1 & 2 respectively.

- 4.4 That most surprisingly by the impugned order issued order No. 19/2005 dated 1<sup>st</sup> August' 2005 bearing Memo No. C. No. II (3) 9/CCO/SH/2005/61869-897. The applicant is now sought to be transferred from Dibrugarh Central Excise Division to Shillong Central Excise Headquarter without considering any of the places opted by the applicant in terms of the provision laid down in para 5.8 of the transfer policy of 2005. It is pertinent to mention here that the post of Assistant Commissioner fall vacant in 2 places out of the 5 places opted by the applicant i.e. at Guwahati as well as at Silchar, in view of transfer and posting of Shri A. Hussain, Asstt. Commissioner, transferred and posted from Guwahati to Kolkata and Shri S. Suklabaidya, Asstt. Commissioner from Silchar to Shillong by separate orders, therefore, there is no difficulty on the part of the respondents to accommodate the present applicant either at Guwahati or at Silchar, more particularly in view of the fact that wife of the applicant is suffering from serious ailment like arthritis apart from the other domestic problems.

Copy of the letter dated 28.04.05 as well as the impugned order of transfer and posting dated 01.08.05 are enclosed herewith as Annexure- 3 and 4 respectively.

- 4.5 That it is stated that wife of the applicant Mrs. Bharati Saha is suffering from severe ailment like Osteoarthritis and Ischemic Heart disease which would be evident from medical certificate dated 08.12.03, 22.02.05 and 27.02.05 issued by competent medical officers, therefore, it is difficult to stay with his wife in high altitude and cold place like Shillong. In view of

*Heinanglu Rajan Saha,*

such serious ailment of his wife the applicant at the beginning submitted his option for at least 5 places other than Shillong in order to avoid a cold place like Shillong but unfortunately the said options were not considered while the transfer and posting order was issued, in total violation of the provision laid down in para 5.8 of the transfer policy of 2005, even no attempt is made to accommodate the applicant in any of his choice station although the authority is aware that post in the cadre of Asstt. Commissioner is available at least in 2 places out of the 5 places opted by the applicant i.e. at Guwahati or Silchar.

Copies of the medical certificates are enclosed herewith for kind perusal of the Hon'ble Court and marked as Annexure- 5 (Series).

- 4.6 That the applicant submitted numbers of representations on different dates i.e. on 03.03.2003, 25.09.03 and 08.11.04 addressed to the Chief Commissioner, Customs and Central Excise, interalia praying for his transfer and posting in his home town at Silchar in the district of Cachar, Assam mainly on the ground that his wife is serious patient suffering from Arthritis who cannot move properly and also on some other grounds. However, the applicant while asked for submission of his option as per transfer policy of 2005 he has not confined his option only to a particular place like Silchar but opted for other 4 places in addition to Silchar but even then the same has not been considered in the light of the direction contained in the transfer policy of 2005 as such the impugned order of transfer dated 1<sup>st</sup> August' 2005 is liable to be set aside and quashed on the short ground of violation of professed norms. It is obligatory on the part of the respondents Union of India to consider the transfer and posting of the officers belonging to Group 'A' cadre strictly in terms of the relevant provisions contained in the transfer policy which is formulated by the respondents authority themselves, more so when there is a absolutely no difficulty on the part of the respondents to accommodate the applicant in any of the places opted by him. Therefore,

*Hemangshu Kumar Saha,*

it is a deliberate and willful violation of the transfer policy and the impugned order of transfer cannot be said to have been passed either in public interest or due to administrative exigencies rather it is a routine transfer on completion of the tenure and as such there is no difficulty on the part of the respondents to accommodate an officer of their establishment in any of the choice places in terms of his option in the light of the direction contained in the transfer policy of 2005 particularly in view of the serious medical problems stated in the preceding paragraphs.

Copy of the representations dated 03.03.2003, 25.09.03 and 08.11.04 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 6 (Series)

- 4.7 That it is stated that in the transfer policy of CBEC relating to Group 'A' Officers of the Central Excise and Customs department published during the year 2005, it is specifically laid down in para 5.8 that the officers after completing their tenure in the North Eastern Region would get preference in posting to station of their choice. The relevant portion of paragraph 5.8 of the transfer policy of CBEC of 2005 is quoted below:

"5.8 The officers after completing their tenure in North Eastern Region (Assam, Sikkim, Meghalaya, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Tripura), Jammu and Kashmir, NACEN and its RTIs and Vigilance Directorate and CESTAT will get preference in posting to stations of their choice."

In view of the specific provision laid down in the transfer policy-2005, the applicant is at least entitled to a choice station posting out of 5 places mentioned by the applicant in his option submitted to the respondent department more so when the posts in the cadre of Assistant Commissioner are available. The respondents could have easily accommodate the applicant in any of his choice station but no effort at all is made on the part of the authority to accommodate the applicant in his

*Heinangshu Royan Sns.*

choice station that too for medical problems of his wife without much difficulty. The guideline/direction/provisions contained in the transfer policy- 2005 remain in paper only. It is submitted that deliberate violation of a transfer guideline itself is malafide and moreso when it was possible on the part of the transferring authority to accommodate the applicant in his choice station within the terms of the direction contained in the transfer policy of 2005.

It is obligatory on the part of the respondents to comply with the guideline when there is administrative exigency since the impugned order of transfer and posting dated 01.08.05 is a routine order of transfer. In support of the contention raised in this paragraph the applicant relied upon the decision dated 20.02.2001 passed in the case of G. Selvacoumar - Vs- Union of India & Ors., reported in 2002 (2) SLJ CAT (Madras) 513, wherein it is held by the learned Tribunal, Madras Bench that transfer against guideline is bad in law. It is also held that deviation from the guideline is permissible only in the case of administrative exigency.

- 4.8 That the transfer policy - 2005 is a transfer policy issued by the CBEC as such the respondents are duty bound to comply with the guidelines contained in the aforesaid transfer policy and deviation in the said guideline is not permissible when there is no administrative exigency. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to produce the relevant records pertaining the transfer and posting of the applicant only with the view of intention to see whether any of the option submitted by the applicant was considered by the respondents while passing the impugned order of transfer and posting in respect of the present applicant.
- 4.9 That your applicant on receipt of the impugned order dated 01.08.2005, rushed to this Hon'ble Tribunal for protection of his valuable and legal right acquired under the transfer policy of 2005, more particularly in view

*Himangshu Ranjan Saha,*

of serious ailment of his wife and there is no scope on his part to make any further representation apprehending that his release order may be passed at any moment, however, it is made clear that till filing of this application the applicant has not yet been released and as such praying for an appropriate interim order staying the operation order dated 01.08.05 so far the applicant is concerned.

4.10 That it is a fit case for the Hon'ble Tribunal to interfere with to protect the right and interest of the applicant by passing an appropriate order granting the adequate relief to the applicant.

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

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

- 5.1 For that, the impugned order has been passed in total violation of the provision laid down in para 5.8 of the transfer policy- 2005, without considering the option of 5 choice places submitted by the applicant pursuant to the direction contained in Chief Commissioner's letter dated 26/28 April 2005.
- 5.2 For that, wife of the applicant is suffering from serious ailment of arthritis/osteoarthritis (knees) who cannot move freely and under constant medical treatment, moreover, Shillong being a hill station and a cold place will suit the health of the wife of the applicant.
- 5.3 For that, the applicant is not opposing against any order of transfer and posting but praying for consideration of his posting as per option invited by the respondents themselves in the light of the direction contained in the transfer policy- 2005.

*Himangshu Ranjan Saha.*



- 5.4 For that, the applicant submitted numbers of representation seeking choice posting in view of his wife's serious ailment as well for other domestic problems since 2003 i.e. after posting at Dibrugarh but none of the said representation were considered at the time of the issuing of impugned order of transfer and posting dated 01.08.2005.
- 5.5 For that, respondents did not considered any of the choice station as per option submitted by the applicant as required under the guidelines contained in the transfer policy - 2005 as such it is a deliberate violation of the transfer policy issued by the respondents themselves.
- 5.6 For that, the impugned order of transfer and posting dated 01.08.2005 is of routine nature and does not any administrative exigency as such the respondents could have accommodated the applicant without any difficulty in his choice station indicated by the applicant as per option invited by the respondents themselves.
- 5.7 For that, post of Assistant Commissioner are available at least in two places out of the 5 places indicated by the applicant in his option letter dated 28.04.2005 (Annexure- ) invited by the respondents at their instance vide their letter dated 26/28.04.05 (Annexure- ) but no effort has been made by the respondents for posting the applicant in any of his choice station while issuing the impugned transfer and posting order.
- 5.8 For that respondents authority are not entitled to make a deviation deliberately from the guidelines contained in the transfer policy when there is no administrative exigency and as such the action of the respondents smacks malafide which would be evident from the relevant records of the transfer and posting.
- 5.9 For that it is obligatory on the part of the respondents Union of India to comply with the instructions/guideline contained in the transfer policy before passing the impugned order of transfer and posting dated 01.08.05

*Himangshu Rajan Saha,*

in respect of the present applicant and on that score alone the impugned order is liable to be set aside and quashed in respect of the present applicant.

5.10 For that the applicant has not yet been released till filing of this application and none of the representation of the applicant were considered by the respondents.

5.11 For that deliberate violation of the transfer policy without administrative exigency, such action is itself malafide.

6. Details of remedies exhausted.

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

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

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

8. Relief (s) sought for:

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

*Heinanglu Rajan Laha.*

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to review the impugned order of transfer and posting dated 01.08.2005 (Annexure-4) so far the applicant is concerned and further be pleased to direct the respondents to modify the order of transfer and posting, by passing appropriate order, posting the applicant in any of his choice station as per his option submitted on 28.04.2005 pursuant to the Chief Commissioner's letter dated 26/28.04.05.

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

9. Interim order prayed for:

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

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of transfer and posting dated 01.08.2005 (Annexure-4) in respect of the present applicant till disposal of the original application.

10 .....

11. Particulars of the I.P.O

i)	I.P.O No.	:	206156485
ii)	Date of issue	:	29-7-05
iii)	Issued from	:	G. P.O, Guntakhat
iv)	Payable at	:	G. P.O, Guntakhat

12. List of enclosures:

As given in the index.

*Atminder Singh Kaur*

20

VERIFICATION

I, Shri Himangshu Ranjan Saha, S/o- Late Hem Ranjan Saha, aged about 54 years, working as Assistant Commissioner, Central Excise, Dibrugarh in the office of the Division office of the Central Excise, 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 4<sup>th</sup> day of August, 2005.

*Himangshu Ranjan Saha.*

2005

TRANSFER/ PLACEMENT POLICY FOR GROUP 'A' OFFICERS OF  
THE INDIAN REVENUE SERVICE (C & CE)

## INTRODUCTION

- 1.1 The Ministry of Finance has taken major initiatives for tax reforms, including reform of tax administration with an emphasis on reducing inter-face between the tax payers and administration; imparting greater transparency and minimizing discretion so as to ensure efficiency and recognition of merit and honesty.
- 1.2 The successful implementation of tax reforms depends on the efficiency of the delivery system. A significant contributor to the effectiveness of the administrative machinery is a credible human resource development policy, which offers opportunities for excellence and career advancement through a proper placement strategy.
- 1.3 The existing placement policy has been in place for over a decade. Based on the experience of its implementation, a review of the present system of transfers and postings was carried out. Accordingly, a new Transfer/ Placement Policy (herein after referred to as the Transfer Policy) for Group 'A' Officers of IRS (C&CE) has been formulated. The new transfer/ placement policy shall come into effect from 1<sup>st</sup> April, 2005.

## SALIENT FEATURES OF THIS TRANSFER POLICY

- 2.1 a) The salient features of this Transfer are as follows: a) All transfer and postings of Group 'A' officers of IRS (C&CE) shall be effected by the Board/Placement Committee or on their recommendation as stated hereinafter;
- b) The Transfer policy has been formulated for officers at different levels;
- c) All stations have been categorized in three classes and tenure of stay in different classes of station has been prescribed;
- d) All posts have been divided into two categories, namely, Sensitive and Non-Sensitive;
- e) All posts have been categorized as field and non-field posts.
- f) Guidelines for dealing with different types of "compassionate grounds" cases have been laid down.;
- g) All annual transfer orders shall be normally issued by 30<sup>th</sup> April and,

Approved  
While  
P.L.V.

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in any case, not later than 31<sup>st</sup>  
May of the year.

- 2.2 A correct and complete database is a sine qua non for operationalising the Placement Policy. CBEC shall ensure that the database containing the profiles of all Group 'A' officers is regularly updated.
- 2.3 All grievances arising out of the implementation of This Transfer Policy shall be addressed in accordance with the guidelines issued by the Department of Personnel & Training; only after the officer has joined his new assignment.
- 2.4 This Transfer Policy shall not be applicable to the transfer of Chief Commissioners /Directors General.

### 3.0 THE BOARD/ PLACEMENT COMMITTEE:

- 3.1 The Board will recommend proposals for posting of Chief Commissioners /Directors General and Commissioners for approval of the Government i.e. Finance Minister through Revenue Secretary and Minister of State (Revenue). Joint Secretary (Administration), CBEC will serve as Secretary to the Board for this purpose.
- 3.2 The Placement Committee will be the final authority for transfer of officers below the rank of Commissioner, provided the case falls within the purview the existing guidelines. After the proposals are drawn up and approved by the Board, the Chairman shall consult MOS (R) before giving effect to the annual transfers proposals. Approval of the Government will be required in case a deviation from the existing guidelines has to be made.
- 3.3 The Placement Committee shall consist of the following:
- a) Chairman;
  - b) Member (Personnel and Vigilance);
  - c) One Member of CBEC to be nominated, in rotation, by the Chairman of the Board for a period of six months; and
  - d) Joint Secretary (Admn.) posted in CBEC as its Member-Secretary
- 3.4 The minutes of the meeting of the Board/Placement Committee shall be drawn up and approved by all Members within 24 hours in a meeting (not by circulation). These must be approved by the competent authority within thirty days.

*Attested  
Chairman  
PDU.*

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#### 4.0 TRANSFER POLICY FOR OFFICERS AT DIFFERENT LEVELS

- 4.1 In case of Commissioners and Chief Commissioners/ Directors General, the Board will recommend both the station of posting and the specific charge.
- 4.2 Officers below the rank of Commissioner will be placed at the disposal of the Chief Commissioner/ Director General concerned, for further deployment. While considering the officers for further deployment, the Chief Commissioner/Director General shall keep in mind the old cycle of posting of the said officer considering which Board has placed that officer at their disposal.
- 4.3 The normal practice is transfer on promotion. In individual cases this may give rise to hardship. Hence, this may be decided by the Board/Placement Committee. For this purpose, the grant of Senior Time Scale/Non Functional Selection Grade shall not be treated as promotion.
- 4.4 Directly recruited / newly promoted Group 'A' officers shall be given intensive training in accountancy for a period of 2-3 months during the period of probation / upon promotion. Upon completion of training, directly recruited officers shall be normally posted to a class 'A' station, whereas the officers promoted from Group 'B' to Group 'A' shall, on promotion, be transferred out of the station in which they were previously working, unless the balance service is less than three years. Further, in view of the sensitive nature of the job, Appraisers, on or after promotion to the post of Assistant Commissioner, will not continue to remain posted in the Commissionerate which exercised jurisdiction over the Customs House on whose cadre they were originally borne.
- 4.5 As far as possible, an officer shall spend the first nine years of his service on field posts. All posts in the Commissionerates of Customs, Central Excise, Service Tax and the Directorates of Revenue Intelligence and Central Excise Intelligence have been categorized as field posts. Officers upto and including the rank of Commissioners shall ordinarily be posted on field assignments for at least 5, 3 and 2 years respectively, in each of the first 3 decades of their career respectively. During the first six years, the officer shall not ordinarily be given a posting outside the department or sent on a deputation, and should be given exposure in Central Excise, Service Tax and Customs branches, as far as possible. After completing

16 -  
six years of service, an officer may be posted to the Board as an Under Secretary.

4.6

As far as possible, the senior most officer may be posted as the Executive Commissioner. However, once posted, a commissioner will not be moved out of the executive charge merely because an officer senior to him has replaced the hitherto junior non-executive Commissioner at that station.

4.7

The officers will, as far as possible, be rotated between the Customs and Central Excise branches every two years and adequate experience in Service Tax branch will also be ensured as far as possible. This shall be done after the Annual Transfers have been effected. At stations where there are separate Chief Commissioners of Central Excise and Customs, a committee of all such Chief Commissioners shall collectively decide on the rotation between the two branches at that station. At other stations, local rotation will be done jointly by the Chief Commissioners who exercise control over the posts located at that station.

## **5.0 CLASSIFICATION OF STATIONS, FIXATION OF TENURES OF POSTING AND ROTATION BETWEEN THEM**

5.1

The various stations where Group 'A' officers may be posted have been categorized as Class 'A', Class 'B' and Class 'C' [Annexure I-III]. Such categorization is based on the twin criteria of revenue collection and the number of Commissioner level posts at a station.

5.2

The categorization of stations may be changed by the Board with the approval of the Government.

5.3

The States in the country have been divided into 4 areas viz. East, West, North and South [Annexure-IV]. An officer shall not serve in an 'area' for more than a total of 14 years (hereinafter referred to as a cycle) during his entire tenure up to and including the rank of Commissioner of which tenure in an 'A' station shall be for a maximum of 6 years. The tenure shall not be less than four years in a Class 'B' station and not less than two years in a Class 'C' station. The maximum total tenure of an officer in all Class 'A' stations during his service upto and including the rank of Commissioner shall be 16 years. The tenure of posting in Customs Overseas Intelligence Network shall not exceed three years. A stay of more than nine months in a station (to be computed as on 31<sup>st</sup> December of the previous year) will be treated as a complete year, and the length of the period of stay



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shall be counted from the date of joining. An officer posted in Class 'A' or 'B' station can opt to move to a lower category station after he has completed at least half his tenure in that station.

5.4

An officer shall be rotated between the three different classes of stations. After completing one cycle of posting, the officer shall be moved to another area. Further, as far as possible, an officer shall serve in at least two areas of the country viz. North, South, East, and West, during his career upto and including the rank of Commissioner.

It may be clarified that an officer can be posted from a Class 'A' station to a Class 'B' or Class 'C' station (not necessarily in that order) in any other area and vice versa, provided that if he had been posted in that area earlier, a minimum period of 2 years should have elapsed before he can be posted again to the same area (called cooling off period).

5.5

All postings in the Board and deputation to technical posts in the Department of Revenue, Central Economic Intelligence Bureau (CEIB), Enforcement Directorate, Authority for Advance Rulings (AAR), Competent Authorities (CAs), Appellate Tribunal for Forfeited Property (ATFP), Customs, Excise and Service Tax Tribunal (CESTAT) and Settlement Commission shall not count towards calculation of stay at a particular station/area but may be so counted at the option of the officer. However, an officer who has been on deputation to any one of the aforesaid bodies shall not ordinarily be considered for another deputation to any of the aforesaid organizations. When an officer applies for clearance for a posting on deputation, his previous history of postings will be considered while giving cadre clearance. An officer shall invariably be transferred out of the station in which he was on deputation on his return.

5.6

In order to encourage officers to seek postings in Class 'C' station, the Government shall sanction:

- a) At least one vehicle for office use in every Class 'C' station irrespective of the level of the officer heading the office; and
- b) 100 per cent housing facilities at the Officer level to the extent possible.
- c) The starting point for

= 18-

computing the stay in Class 'A',  
'B' or 'C' station shall be the  
date of joining at the station.

5.7 Joint Secretary (Admn.) posted in CBEC as  
its Member-Secretary

5.8 The officers after completing their tenure in  
North Eastern Region (Assam, Sikkim,  
Meghalaya, Mizoram, Manipur, Nagaland,  
Arunachal Pradesh and Tripura), Jammu  
and Kashmir, NACEN and its RTIs and  
Vigilance Directorate and CESTAT will get  
preference in posting to stations of their  
choice.

5.9 When a certain number of officers are due  
for moving out of a station to a new station  
or by local rotation to new postings in the  
same station for the reason of having  
completed their tenure, but cannot be so  
moved due to inadequate number of  
vacancies available, the officer who has  
served for longer periods will be moved  
first.

5.10 The station of the posting will be taken as  
the actual place where an officer is posted  
and not head quarters of Commissionerate/  
Directorate to which the officer is posted.

## **6.0 CATEGORISATION OF POSTS INTO SENSITIVE AND NON-SENSITIVE**

6.1 All posts in CBEC have been classified into  
sensitive and non-sensitive with the approval  
of the Government: [Annexure-V]

6.2 Ordinarily, the tenure of an officer on a  
sensitive post shall be two to three years at  
one stretch.

## **7.0 POSTINGS IN DIRECTORATES OF REVENUE INTELLIGENCE, CENTRAL EXCISE INTELLIGENCE, VIGILANCE AND SYSTEMS (CBEC)**

7.1 In the Directorates of Revenue Intelligence,  
Central Excise Intelligence, Vigilance and  
Systems, the respective Director General will  
propose a panel of names for the  
consideration of the Board/Placement  
Committee. Individual officers will be  
selected by the Board/Placement Committee,  
which will also indicate their station of  
posting.

7.2 The maximum length of tenure in the  
Directorates of Revenue Intelligence, Central  
Excise Intelligence and Vigilance will be three  
years, subject to the condition that no officer  
shall spend more than six years in these  
Directorates during his entire service career.

## **8.0 POSTING ON COMPASSIONATE GROUNDS**

8.1

In case an officer seeks a posting to a particular station on medical grounds, the Board/Placement Committee is empowered to take a decision on his plea. However, if required, the Board/Placement Committee may refer the case to a Medical Board.

8.2

In case of working couples, if the spouse of an officer is working outside the Department, posting in the same station may be allowed subject to the instructions issued by the Department of Personnel & Training on this issue.

8.3

In case where the spouse is also an officer of the Department, both the officers should be posted to the same station, if they are otherwise eligible, provided that, jointly, they do not occupy more than 50 per cent of the posts in that station.

## 9.0 TRANSFER ON ADMINISTRATIVE GROUNDS OR IN PUBLIC INTEREST

9.1

Notwithstanding anything contained in this policy, Government may, if necessary in public interest, transfer or post any officer to any station or post;

9.2

An officer against whom the CVC has recommended initiation of vigilance proceedings, should not normally be posted or remain posted at the station where the cause of the vigilance proceedings originated. He shall also not be posted on a 'sensitive' charge. This restriction will remain in operation till such time the vigilance matter is not closed.

## 10.0 AVAILMENT OF EARNED OR STUDY LEAVE AFTER ISSUANCE OF TRANSFER ORDERS

An officer under orders of transfer shall be granted Earned Leave or Study Leave only after he has joined his new place of posting. The period spent on Earned Leave or Study Leave will not count towards computation of tenure in that station or 'cooling off' period. Officers who proceed on Earned Leave or study leave without completing the minimum tenure prescribed for the station/area will have to rejoin the same station for completing the prescribed tenure. In other cases the Board/Placement Committee will decide their posting after they rejoin on completion of the Earned leave/Study leave.

Annexure-I

### CLASS 'A' STATIONS

1. Mumbai (including Thane and Belapur)
2. Delhi (including Faridabad, Gurgaon, NOIDA and Ghaziabad).
3. Chennai
4. Kolkata
5. Bangalore
6. Hyderabad
7. All posts in the Customs Overseas Intelligence Network (COIN)

Annexure-II

### CLASS 'B' STATIONS

S.No.

STATION

1.

AHMEDABAD

- 20 -
2. ALLHABAD
  3. MANGALORE
  4. COCHIN
  5. BHUBANESHWAR
  6. INDORE
  7. RAIPUR
  8. TRICHY
  9. MEERUT
  10. VIZAG
  11. JAIPUR
  12. CHANDIGARH (INCLUDING JALLANDHAR)
  13. PATNA
  14. LUCKNOW
  15. KANPUR
  16. RAIGARH
  17. PUNE
  18. VADODARA
  19. GOA
  20. SURAT
  21. JAMNAGAR
  22. KANDLA
  23. LUDHIANA
  24. NAGPUR
  25. NASIK
  26. RANCHI
  27. RAJKOT

Annexure-III

CLASS 'C' STATIONS ANNEXURE-IV

S.No.	STATION
1.	AMRITSAR
2.	AURANGABAD
3.	BELGAUM
4.	BHAVNAGAR
5.	BHOPAL
6.	BOLPUR
7.	CALICUT
8.	COIMBATORE
9.	DAMAN

10. DIBRUGARH
  11. GUNTUR
  12. GUWAHATI
  13. GWALIOR
  14. HALDIA
  15. HAZARIBAGH
  16. JAMMU & KASHMIR
  17. JAMSHEDPUR
  18. JODHPUR
  19. MADURAI
  20. MYSORE
  21. PUNCHKULA
  22. PONDICHERRY
  23. ROHTAK
  24. SALEM
  25. SHILLONG
  26. SILIGURI
  27. TRIVANDRUM
  28. TIRUNELVELI
  29. TIRUPATI
  30. TUTICORIN
  31. VAPI
- REMAINING CITIES(OTHER THAN CLASS  
'A' AND CLASS 'B' STATIONS)

#### Annexure-IV

**North Zone:** Jurisdictional areas of Chief commissioners of Customs & Central Excise of Chandigarh, Delhi, Jaipur, Lucknow, Meerut (falling in the States of J&K, Himachal Pradesh, Punjab, Uttaranchal, U.P, Delhi, Haryana, Rajasthan & Union Territory of Chandigarh)

**East Zone:** Jurisdictional areas of Chief Commissioners of Customs & Central Excise of Bhubaneswar, Kolkata, Ranchi, Shillong, Patna (falling in the States of Bihar, Orissa, Jharkhand, West Bengal, Meghalaya, Nagaland, Assam, Sikkim, Manipur, Mizoram & Union Territory of Andaman & Nicobar).

**West Zone:** Jurisdictional area of Chief Commissioner of Customs & Central Excise of Ahmedabad, Mumbai, Pune, Vadodara, Nagpur & Bhopal (falling in the States: Gujarat, Maharashtra, Goa, Madhya Pradesh, Chhattisgarh & Union Territory of Daman & Diu)

**South Zone:** Jurisdictional area of Chief Commissioner of Customs & Central Excise of Bangalore, Chennai, Cochin, Coimbatore, Hyderabad, Mangalore, Visakhapatnam (falling in the States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala & Union Territory of Pondicherry & Lakshadweep)

#### Annexure-V

Categorization of posts into sensitive and non-sensitive: The following posts have been categorized as sensitive and non-sensitive:

# A: Customs Commissionerate

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S.No.	Group 'A' post	Section/Branch	Category
1.	Commissioner		Sensitive
	Commr. (Gen.)		Sensitive
	Commr. (Appeals)		Non-Sensitive
	Commr. (Adj.)		Non-Sensitive
	Addl./Jt. Commr./DC/AD	Preventive	Sensitive
		Legal	Non-Sensitive
		Rummaging & Intelligence	Sensitive
		SIIB	Sensitive
		Air Intelligence	Sensitive
		Airport	Sensitive
		Town Intelligence	Sensitive
		All Appraising Groups	Sensitive
		Docks/Shed	Sensitive
		Statistics	Non-Sensitive
		Audit	Non-Sensitive
		Review	Non-Sensitive
		Tribunal	Non-Sensitive
		MCD	Non-Sensitive
		All other charges which do not involve regular dealings with the public	Non-Sensitive

## B. Central Excise Commissionerate

S.No.	Group 'A' post	Section/Branch	Category
1.	Commissioner		Sensitive
	Commr. (Appeals)		Non-Sensitive
	Commr. (Adj.)		Non-Sensitive
	Addl./Jt. Commr./DC/AD	Anti-Evasion	Sensitive
		Legal & Adjudication	Non-Sensitive

P&V  
Audit  
Divisions  
Review  
Technical/Audit  
Chief  
Commissioner's  
Unit/Office

Sensitive  
Non-Sensitive  
Sensitive  
Non-Sensitive  
Non-Sensitive  
Non-Sensitive



C. Directorates

S.No.	Group 'A' post	Section/Branch	Category
1.	All posts in DGRI		Sensitive
2.	All posts in DG (V)		Sensitive
3.	All posts in Central Bureau of Narcotics		Sensitive
4.	All posts in DGCEI		Sensitive
5.	All posts in CDR Office		Non-Sensitive
6.	All other Directorates		Non-Sensitive

Attended  
on 12/11/2011  
P&V

FAX/SPEED POST

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OFFICE OF THE CHIEF COMMISSIONER  
CENTRAL EXCISE & CUSTOMS  
SHILLONG ZONE  
NORTH EASTERN REGION

3rd Floor, Crescens Building, MG Road, Shillong - 793001,  
- Phone: 0364-2500131, Fax: 0364-2224747.

E-mail:- [gcshillong@excise.nic.in](mailto:gcshillong@excise.nic.in) EDECS :- (zone18)

C.No. 113/ECO/SH/2004

Dated : 26<sup>th</sup> April, 2005

The Commissioner  
Central Excise  
Shillong/Dibrugarh

The Commissioner  
Customs (Preventive)  
N.E.R., Shillong.

The Commissioner (Appeals)  
Central Excise & Customs  
Guwahati

Sir/Madam

Subject : Annual General Transfer of Group 'A' Officers -  
Regarding.

I am directed to refer to DOPM's letter F.No.8/11/B(Data bank)/OPM/2004 dated 25.04.2005 alongwith enclosures (5 nos) on the above subject with a request to circulate the same to all Group 'A' Officers due for transfer at your jurisdiction for indicating their option as per guidelines. In this regard you are also requested to kindly submit the desired report as per proforma - I and verified proforma - II for initiating further necessary action latest by 28<sup>th</sup> April, 2005.

Yours faithfully,

*Apalak Das*

(APALAK DAS)

ASSISTANT COMMISSIONER

Encl: As above.

C.No. 113/ET/COMMR/DIB/03/ 5050-58

Dated:- 28/4/05

Copy for information and necessary action to :-

1. The Officer on Special Duty to Commissioner, Central Excise, Dibrugarh.
2. The Additional Commissioner (Tech.)/Joint Commissioner, Excise Hqrs. Dibrugarh.
3. The Deputy Commissioner (Audit) Central Excise Hqrs. Dibrugarh.
4. The Dy/Assistant Commissioner, Central Excise, Dibrugarh, Digboi/Jorhat/Tezpur Division.

He is requested to submit "Proforma-II" duly filled and return FAX.

*22/6/05*  
*25/4/05*

*MR. R. R. MOHANTY*

( R. R. MOHANTY )  
Additional Commissioner (P&V)  
Central Excise, Dibrugarh.

fw

*Atk et al*  
*Chakrabarti*



-25-

Annexure-3

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**OFFICE OF THE ASSISTANT COMMISSIONER CENTRAL EXCISE  
DIBRUGARH DIVISION**

C.No. I(11)ACD/CON/DIB/2004/1608

DT.28.04.2005

To

**The Additional Commissioner (P&V)  
Central Excise, HQrs.  
Dibrugarh.**

**Sub: Annual General Transfer of Group 'A' Officers- Reg.**

Sir,

Please refer to your endt. Letter issued under C.No.II(3)12/ET/COMMR/DIB/03/5050-58 dt. 28.04.2005 on the above subject.

With reference to the above I am submitting my transfer proforma in proforma - II for your perusal and necessary action please.

Enclo : One sheet

Yours faithfully,

(H. L. SAHA)

**ASSISTANT COMMISSIONER  
CENTRAL EXCISE, DIBRUGARH**

AA-1  
Chul  
Adv.

-26-

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**PROFORMA-II**  
**TRANSFER PROFORMA**

- (a) Name of the Officer : **SRI H. R. SAHA**
- (b) Sl. No. in Civil List : **435 Of Civil list 2003.**
- (c) Designation : **Assistant Commissioner**
- (d) Comm'te/ Dte./Office in which working &/or posted at present : **Dibrugarh Central Excise Division under Dibrugarh Central Excise, Commissionerate, Dibrugarh.**
- (e) Date from which posted in the present Comm'te/Dte. : **18/12/2002**
- (f) Date of birth : **16/03/1951**
- (g) Name of the Home Town & State : **SILCHAR, Dist. Cachar, Assam**

2. History of posting since entry into the Group 'A' IC&CES service in the prescribed proforma:

Sl.No.	Post Held	Chief Comm'te/Dte. Gen/Dte.	Comm'te	Station	Date	
					From	to
1.	ASSISTANT COMMISSIONER	SHILLONG ZONE	DIBRUGARH	DIBRUGARH	18/12/2002	Till date.

3. If you want posting to a station, name the five different stations in order of preference and give reasons

1. SILCHAR (HOME TOWN)
2. GUWAHATI (CENTRAL EXCISE)
3. KOLKATA AIRPORT
4. I.G.I.AIRPORT, NEW DELHI
5. KANDLA


4. If your spouse is employed and you seek posting to a particular station or, retention at the same place, give complete details of such employment, designation of spouse, pay and whether the job is transferable or not.

: N/A

5. Other relevant information, if any

: Mentioned in my representation already submitted to the Chief Commissioner Customs & Central Excise, Shillong Zone

Note: Options only in respect of stations will be entertained and requests for specific posting in a particular station not be considered.

  
**(H.R.SAHA)**  
**ASSISTANT COMMISSIONER**  
 Signature of the officer  
 With designation

Station: DIBRUGARH

Date: 28.04.2005

Controlling Officer's comments

The particular given in Col. 1&2 above are verified and found correct.

Signature of the officer  
 With designation

Advance copy forwarded for information and necessary action to: -

The Chairman, Central Board of Excise and Customs, Ministry of Finance, Department of Revenue, North Block, New Delhi.

  
**(H.R.SAHA)**  
**ASSISTANT COMMISSIONER**

Attached  
 When  
 #24-



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Annexure - 4

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OFFICE OF THE CHIEF COMMISSIONER  
CENTRAL EXCISE & CUSTOMS  
SHILLONG ZONE  
NORTH EASTERN REGION

3rd Floor, Crescens Building, MC Road, Shillong - 793001,  
Phone: 0364-2500131. Fax: 0364-2224747.

E-mail:- [ccshillo@excise.nic.in](mailto:ccshillo@excise.nic.in) EDECS :- (tone18)

**ORDER No. 19/2005**

Dated, Shillong the 1<sup>st</sup> August, 2005

Consequent upon transfer and posting in the Grade of Deputy Assistant Commissioner vide Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi's Office Order Nos.94/2005 and 119/2005 communicated under F.No.22013/7/2005-Ad-II dated 21<sup>st</sup> June, 2005 and 27<sup>th</sup> July, 2005, the following posting/adjustment/rotation is hereby ordered with immediate effect and until further order.

Sl. No.	Name of the officer(s)	From	To
1.	Prabharjan Kumar Mishra	DGICCE, Mumbai	Shillong CX. Hqrs.
2.	A.K. Mandal - II	Kolkata Customs	Digboi, CX. Division
3.	Bikash Ranjan Deb Roy	Kolkata CX	Silchar CX. Division
4.	Gopi Nath Dutta	Kolkata CX	Karimganj, CUS. Division
5.	Bholanath Das Gupta	Kolkata Customs	Shillong CX. Division
6.	Ajit B. Awasthi	Indore CX	Dibrugarh CX. Hqrs.
7.	Ashish Bijoy Dutta	Siliguri CX	Dibrugarh CX. Division
8.	B.P. Sinha	DGCEI, Kolkata	Guwahati CX. Division
9.	C.D. Baidya	Nagaon CX. Division	Dhubri CX. Division
10.	H. Sukla Baidya	Silchar CX. Division	CUS. Hqrs. Shillong
11.	M.C. Hazarika	Dibrugarh CX. Hqrs.	Jorhat CX. Division
12.	R. Lalngurauva	Shillong CUS. Hqrs.	Aizawl CUS. Division
13.	K.B. Bhujel	Jorhat CX. Division	Imphal CUS. Division
14.	H.R. Saha	Dibrugarh CX. Division	Shillong CX. Hqrs.

Further, Shri B.P. Sinha will hold additional charge of Nagaon CX. Division. Shri M.C. Hazarika will hold additional charge of Tezpur CX Division, Shri A.K. Mandal - II will hold additional charge of Tinsukia Division and Shri K.B. Bhujel will hold additional charge of Dimapur CUS. Division till further orders.

Sd-  
(J.S.R. KHATHING)  
CHIEF COMMISSIONER

Attached  
with  
adv.

Dated : 1<sup>st</sup> August, 2005

1 - AUG 2005

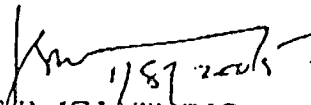
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C.No.11(3)/CCO/SH/2005/

61869-897

Copy forwarded for information and necessary action to :-

1. The Member(P&V), CBEC, North Block, New Delhi - 110 001.
2. The Member (CX), CBEC, North Block, New Delhi - 110 001.
3. The Member (Customs), CBEC, North Block, New Delhi - 110 001.
4. The Member (L&J), CBEC, North Block, New Delhi - 110 001.
5. The Joint Secretary (Admin.), CBEC, North Block, New Delhi-110001.
6. The Commissioner(DOPM), Customs & Central Excise, 412-A, Deep Shikha Building, Rajendra Place, New Delhi - 110 008.
7. The Commissioner of Central Excise, Dibrugarh
8. The Commissioner of Central Excise, Shillong.
9. The Commissioner, Customs (Prev), N.E.R., Shillong
10. The Commissioner (Appeals), Central Excise & Customs, Guwahati
11. The Chief Account Officer, Central Excise, Shillong/Dibrugarh & Customs(P), Shillong.
12. The Pay and Accounts Officer, Customs & Central Excise, Shillong.
13. Shri ..... H. R. SAHA ..... Deputy/Assistant Commissioner.

  
(J.S.R. KHATHING)  
CHIEF COMMISSIONER

Attn: He

For 02/05  
Sept T-1

Attested  
Chhila  
Adv.

- 29 -

Dr. S. Palchoudhury

M. B. B. &amp; A. H. S.

REG. NO. : 4914 (A.M.C.)

Consulting Physician :

Date

27/10/00

Clinical  
Impression :

Reported that Mrs Bhurek Saha W/o Mr. A. R. Saha, resident, 2nd Luck Road, Salt Lake has been suffering from Asthma (Wheezy) & Acute Bronchial Syndrome.

She is advised to be under regular check up for assessment of her Convalescence. It is also advised to have an attendant during her movement which is restricted following the above condition of her knee.

27/10/00

Attested  
Physician  
Adv.

*Consulting Physician :*

22694 (03844)

38

Date \_\_\_\_\_

*Impression :*

certified that Mrs Bhorsati Sahas  
w/o Mr. H. R. Sahas, residing at  
2nd Lane Rd, Silchar is suffering  
from osteoarthritis (knees) & Siro  
Bronchitis & emphysema.

I consider that and for 45 days  
w. w. f. 8/12/06 is absolutely necessary  
in order to restore her health.

RECEIVED MAR 5

Attested  
Cynthia  
Adm.

Dr. A. B. Nag

B.Sc, MBBS (Guwahati)

ASSAM HEALTH SERVICE

Regd. No. 8091 (AMC)

- 31 -

Annexure. 5 (Series)

Date... 27/2/05

09

For..... To Whom IT MAY CONCERN.

✓ Certified that Mrs. Bharati Saha  
W/o. Sri H-R. Saha of 2nd Link Road  
Silchar is suffering from Osteoarthritis  
& Ischemic Heart disease and is undergoing  
treatment w.e.f 27/02/05.

She is advised to remain in complete  
rest for 30 (thirty) days w.e.f 27/02/05  
to 28/03/05 and to continue the treatment  
till recovery.

B

27/02/05

Sr. Medical & Health Officer  
S. M. Chandra Hospital

Attested  
Chandra  
Adv.

To  
The Chief Commissioner,  
Central Excise  
Kolkata.

(Through Proper Channel)

Respected Sir,

Most respectfully and humbly I beg to state the following facts for favour of your kind and sympathetic action.

That Sir, vide Ministries Order No.206/2002 dt.10.12.2002 I have been transferred and posted on promotion as Assistant Commissioner in Dibrugarh Central Excise Commissionerate (Assam).

That Sir, my home town is Silchar in the District of Cachar (Assam). Before getting promotion, as Superintendent, I was posted in Silchar, Central Excise Division where I could not complete the tenure and I got promotion & posted to Dibrugarh Central Excise Commissionerate which is about 900 Km. away from my town.

That Sir, I have been all along posted away from my Home Town SILCHAR throughout my 27 (twenty seven) years of Service.

That Sir, I have only one marriagable daughter for whom I am trying to find suitable match for her marriage. I belong to Bengalee community, I am searching a groom for her in that local area only. She is also appearing B.A. (Hons.) final exam from Silchar College under Assam University, Silchar. My present posting in Dibrugarh has jeopardised this endeavour and I have to keep my wife and daughter in Silchar

..p/2.

Attested  
[Signature]  
Adv.



for this arrangement. And therefore, I have to maintain 2 (two) establishments. That Sir, with this end in view, before getting promotion I got my posting in Silchar.

That Sir, my wife is a sick woman, it has been almost humanly not possible to keep her in Silchar with my grown up daughter, but for my posting in Dibrugarh under compulsion.

That Sir, it is needless to mention that I am running my family in this deplorable condition as this has severely told upon my health and now I am suffering from Hypertension and also I cannot put my ability for the best performance in the discharge of my assigned duties.

That Sir, in the circumstances, I pray to your goodself to be kind enough to consider my case of transfer judiciously to SILCHAR from Dibrugarh.

And for the act of your kindness I shall remain ever grateful to you.

Thanking you,

Yours faithfully,

Encl :

1. Medical Certificate.

Dt : 03/03/2003.

(H.R. SAHA)

Assistant Commissioner

Central Excise

Dibrugarh Commissionerate.

Copy to :

The Chairman, Central Board of Excise & Customs  
Ministry of Finance, Dept. of Revenue  
Govt. of India, New Delhi - for favour of  
kind information and necessary sympathetic action.

( H.R. SAHA )

Attested  
by  
[Signature]  
Adv.

42

To,

The Chief Commissioner,  
Central Excise,  
Shillong Zone, Camp Kolkata.

[Through proper channel]

Respected Madam,

Most respectfully and humbly I beg to state the following few facts for kind and sympathetic consideration.

That Madam, vide Ministry's Order No.206/2002 dated 10-12-2002 I have been transferred and posted on promotion as Assistant Commissioner in Dibrugarh Central Excise Commissionerate(Assam).

That Madam, my home town is Silchar in the district of Cachar (Assam). Before getting promotion as Superintendent, I was posted in Silchar Central Excise Division where I could not complete the tenure and I got promotion & posted to Dibrugarh Central Excise Commissionerate which is about 900 Kms. away from my town.

That Madam, I have been all along posted away from my home town SILCHAR throughout my 27(twenty seven) years of service.

That Madam, my wife is a sick woman, an arthritis patient, it is very difficult for her to look after the house alone with two children, the daughter who is appearing B A(Hons) final examination from Silchar College under Assam University. Silchar where courses are different from other universities of N.E states and for whom I am trying to find a suitable match. I belong to Bengalee community. I am searching a groom for her in that local area only.

That Madam, the younger son is also studying in class - IX this year at Silchar School. So, at this stage it is not wise to disturb him from the present school of Silchar. My present posting in Dibrugarh has jeopardised everything.

So, to look after the children my wife has to stay at Silchar and it has been almost humanly not possible to look after the family in absence of a male member by her but for my posting in Dibrugarh under compulsion.

That Madam, it is needless to mention that I am running my family in this deplorable condition as this has severely told upon my health and now I am suffering from hypertension and also I cannot put my ability for the best performance in discharging my duties.

That Madam, in the circumstances, I pray to your goodness to be kind enough to consider my case of transfer judiciously from DIBRUGARH to SILCHAR, as the present Assistant Commissioner has completed more than 2 years tenure at Silchar.

And for the act of your kindness I shall remain ever grateful to you.

Thanking you,

Encls:-

(1) Medical Certificate

Yours faithfully,

25/9/03

(H.R.SAHA)

Assistant Commissioner,  
Central Excise, Dibrugarh.

A Hestad  
Whaler  
Adv.



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OFFICE OF ASSISTANT COMMISSIONER OF CENTRAL EXCISE  
DIBRUGARH DIVISION,

Milannagar, P.O. C.R. Building, Dibrugarh-786003 (Assam)

☎ 0373-2314353 FAX 0373-2314394 ;

e-mail: ceed7401@excise.nic.in

C.No. I(II)/ESTT/ACD/2004/ 4255

Dated 08/11/2004.

To  
The Chief Commissioner,  
Customs and Central Excise,  
Shillong Zone,  
Shillong.

[Through the Commissioner, Central Excise Commissionerate, Dibrugarh]

Respected Sir,

Kindly refer to my representation dated 27/06/2003 which was forwarded by the Commissioner, Central Excise, Dibrugarh on 04/07/2003 and my submission before your honour on 03/12/2003 at Shillong and again on 15/03/2004.

Most respectfully and humbly I beg to state the following few facts for your kind and sympathetic consideration.

That Sir, vide Ministry's Order No.206/2002 dated 10/12/2002 I have been promoted as Assistant Commissioner and posted in Dibrugarh Central Excise Commissionerate (Assam) and joined on 18/12/2002.

That Sir, my home town is SILCHAR in the district of Cachar (Assam). Before getting promotion as Superintendent, I was posted in Silchar, Central Excise Division where I could not complete the tenure as I got promotion and posted in Dibrugarh Central Excise Commissionerate. Prior to this I was posted on deputation to Narcotics Control Bureau, Regional Unit, Imphal from May 1996 to September 1999.

That Sir, I have been all along posted away from my hometown Silchar throughout my 27 years of service.

That Sir, my wife is a sick woman, an arthritis patient who can't move properly. It is very difficult for her to look after the house alone with two children, the elder daughter who has passed the B.A. (Hons) from Assam University, Silchar and as a father my first and foremost duty to arrange her marriage immediately and for that if I posted at Silchar, I can keep contract in this purpose properly.

That Sir, The young sons is also studying in class X standard this year at Silchar Kendriya Vidyalaya and will appear the C.B.S.C final Examination next March 2005, as a father my presence at Silchar at this juncture is very much require to look after the young boy and for his future.

So, to look after the children's my wife has to stay at Silchar and it has been almost humanly not possible to look after the family in absence of a male member by her as arthritis patient but for my posting in Dibrugarh under compulsion.

That Sir, it is needless to mentioned that I am running my family in this deplorable condition as this has severely told upon my health and now I am suffering from Heart disease, Diabetics and Hypertension from last two years, and also I can't put my ability for the best performance in discharging my duties. I need Diabetic diets and proper nursing which only can get if I am posted in SILCHAR. I am also completing Two years tenure posting in Dibrugarh by 17<sup>th</sup> December 2004

That Sir, in the circumstances, I pray your good self to be kind enough to consider My case sympathetically by transferring me from DIBRUGARH to SILCHAR as the present Assistant Commissioner of Silchar Central Excise Division has already completed more than THREE years in Silchar.

And for that act of your kindness I shall remain ever grateful to you.

Yours faithfully,

(H.R. SAHA)

ASSISTANT COMMISSIONER,  
CENTRAL EXCISE, DIBRUGARH.

Advance copy submitted for kind information and necessary action to: -  
The Chief Commissioner, Central Excise and Customs, Shillong Zone, Shillong.

(H.R. SAHA)

ASSISTANT COMMISSIONER  
CENTRAL EXCISE, DIBRUGARH.

Attested  
by  
Adv.