

FORM NO. 3
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 10/06
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) Mrs. Anie Mathew

Respondent(s) M. D. I. Joms

Advocate for the Applicants M. Chanda, A.K. Chaudhuri

Advocate for the Respondent(s) A.K. Chaudhuri

Notes of the Registry Date 10.01.2006

Order of the Tribunal

Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

This application form
is filed 1/-
dep. No. 266317797
D. No. 12.05.2006

Heard Mr. M. Chanda, learned
counsel for the applicant and Mr. A.K.
Chaudhuri, learned Addl. C.G.S.C. for
the respondents.

The applicant impugns an order
of May 2005. It is stated that the a
representation dated 19th July 2005
filed against the said order is pending
Counsel for the applicant seeks for
order of status quo. Mr. A.K. Chaudhuri
Addl. C.G.S.C. for the respondents
submits that the applicant impugns
an order of May/2005 and that he will
ascertain the present situation. Post
on 13.2.2006. However, this will not
preclude the respondents from passing
order on the representation. Status
quo as on today will be maintained
till the disposal of the represent-
ation.

G. Sivarajan
Vice-Chairman

13.2.2006

Post on 15.2.2006

Vice-Chairman

mb

15.02.2006

When the matter came up for hearing Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that since notice has not been ordered by this Tribunal, the respondents are yet take steps on the representation. This Court directs issue notice to the respondents. The respondents are directed to comply with the order dated 10.01.2006.

Post on 20.03.2006.

Vice-Chairman

mb

20.03.2006

Learned counsel for the respondents submits that he would like to have some more time to file reply statement. Let it be done. In the meantime, learned counsel for the applicant is directed to find out the vacancy so as to consider the case of the applicant.

Post on 24.04.2006. Interim order shall continue till the next date.

Vice-Chairman

mb

24.04.2006

Further four weeks time is sought for to file reply statement by the respondents. Post on 24.5.2006. Interim order will continue till the next date.

Vice-Chairman

order dt-15/2/06
and order dt-10/1/06
with Notice's sent
to D/section for
issuing to resp.
nos. 1, 2, 3 by regd
A/D post

20/2/06 D/NO=267 to 269
DT=1/3/06

17-3-06

- ① Service report
Awaited
- ② No Reply has been
biled

fl comply order
dated 20.3.06

21/3/06

order dt-20/3/06
issuing to learned
advocate's for both
the parties

21/3

Notice duly

Served on resp-no-2.

22/3/06

No wk has been
biled.

21.4.06

mb
fl comply order
dated 24.4.06

OA 10/2006

Notes of the Registry

Date

Orders of the Tribunal

order dt. 24/4/06
issuing to learned
advocates for both
the parties.

(C.A.S.)
24/4/06

23-5-06

No Wls has been
filed

24

Pl comply order dt.

24.5.06

23
25.5.06

25.5.06

Wls filed by the
Respondents

24

order dt. 24/05/06
issuing to learned
advocate for both
the parties.

(C.A.S.)
25/5/06

No rejoinder has
been filed.

24
15.6.06

order dt. 18/7/06 issuing
to learned advocates
for both the parties.

(C.A.S.)
19/7

24.05.2006

Mr. S. Nath, learned counsel
for the applicant wanted time to
file rejoinder.

Post on 16.06.2006. Interim
order will continue till such time.

mb

Vice-Chairman

16.6.2006

Further time is given to Mr. M
Chanda, learned counsel for the
applicant to file rejoinder. post on
18.7.2006.

Interim order will continue
till the next date.

Vice-Chairman

bb

18.07.2006

Learned counsel for the appli
cant wanted time to file rejoinder.
Let it be done.

Post on 04.08.2006. Interim
order will continue till the next
date.

mb

Vice-Chairman

O.A. 10/2006

Notes of the Registry

Date

Orders of the Tribunal

04.08.2006

Present: Hon'ble Sri K. V. Sachidanandan, Vice-Chairman
Hon'ble Sri Gautam Ray, Administrative Member.

Learned counsel for the applicant submitted that he would like to have some time to file rejoinder.

Post on 18.08.2006. Interim order shall continue till the next date.

Member

Vice-Chairman

mb

18.8.2006

Mr. G. Baishya, learned Sr. C.G.S. C. submits that he has received a copy of the rejoinder filed by the applicant.

The ~~copy of the~~ rejoinder will be placed on record if it is otherwise in order. Four weeks time is given to the respondents for instruction on the rejoinder. Post on 20.9.2006.

Interim order will continue till such date.

Vice-Chairman

bb

order dt. 16/6/06
issuing to learned
advocate's for both
the parties.

Class
9/6/06

17-7-06

No Rejoinder has
been filed.

3-8-06

No Rejoinder has been
filed.

Pl. comply order
dated 4.8.06.

NS

order dt. 4/8/06 issuing
to learned advocate's
for both the parties.

Class
4/8/06

No. Rejoinder has
been filed.

17.8.06

order dt. 18/8/06 issuing
to both the parties.

Class
22/8/06

O-A 10/06

Notes of the Registry	Date	Order of the Tribunal
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23.8.06

20.9.2006

Rejoinder Submitted
by the Applicant.

Dr.

Wks and Rejoinder
filed by the parties.

23
19.9.06.

Mr.G.Baishya, learned Sr.C.G.S.C.
submits counter reply to the rejoinder filed
by the applicant. Copy of the same received
by the counsel for the applicant Mr.M.Chanda
Registry is directed to bring it in record
if the same is otherwise in order.

post on 7.11.2006 for getting instru-
ction by the counsel for the applicant.
Interim order to continue till the next date

Vice-Chairman

bb

25.9.06

7.11.06.

Rejoinder Submitted
by the Applicant.

Dr.

order dt. 20/9/06
issuing to learned
advocate's for both
the parties.

When the matter came up for hearing
the learned counsel for the parties has
submitted that pleadings are completed.
Post the matter for hearing on 16.11.06

Interim order shall continue till
the next date.

Vice-Chairman

lm

16.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Heard in part. Mr G. Baishya,
learned Sr. Central Government Standing
Counsel would like to take instructions as
to whether there is vacancy at Sukhovi in
Nagaland so as to accommodate the
Applicant. Let it be done. Post on
24.11.2006. Interim order will continue till
the next date.

Vice-Chairman

/mb/

26/9/06

Wks and Rejoinder
has been filed.

23
6.11.06.

order dt-7/11/06
issuing to learned
advocate's for both
the parties.

7/11/06.

The case is ready
for hearing.

23
15.11.06.

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OA-10/06

order dt-16/11/06
issuing to
learned advocate
for both the
parties.

Cas
16/11/06

The case is ready
for hearing.

Dr
29.11.06

24.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

Heard learned Counsel for the
parties. Hearing concluded. Judgment
delivered in open Court, kept in separate
sheets. The Application is disposed of in
terms of the order. No order as to costs.

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Vice-Chairman

/mb/

received copy Respondant

Mr
Hav/Clt. T. K. A. A
Assam Rifles
4/12/06...

S/205
certified copy of the
final order has
been collected by
the L/Adv for the
application 30.11.06
Dr

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

10/2006

O.A. No.

24.11.2006.

DATE OF DECISION

Mrs. Anie Mathew

..... Applicant/s

Mr M. Chanda, Mr G.N. Chakrabarty, Mr S. Nath and Mrs. U. Dutta

..... Advocate for the
Applicant/s.

- Versus -

The Union of India

..... Respondent/s

Mr G. Baishya, Sr. C.G.S.C.

..... Advocate for the
Respondents

CORAM

HON'BLE SRI K.V. SACHIDANANDAN, VICE-CHAIRMAN
HON'BLE

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 and other Benches ? ~~Yes~~/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? ~~Yes~~/No ✓


Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 10 of 2006.

Date of Order : This the 24th Day of November 2006.

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

Mrs. Anie Mathew,
W/o - Shri Abraham Mathew
Auxiliary Nurse cum Midwife
Assam Rifles Training Centre and School
Dimapur, Nagaland.

... Applicant

By Advocate: Mr M. Chanda, Mr G.N. Chakrabarty, Mr S. Nath
and Mrs. U. Dutta.

- Versus -

1. The Union of India
Represented by Secretary to the
Government of India,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.
2. The Director General
Assam Rifles
Shillong - 793 011.
3. Commandant,
Assam Rifles Training Centre & School,
Dimapur.

... Respondents

By Advocate: Mr G. Baishya, Sr. C.G.S.C.

ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The Applicant is presently working as Auxiliary Nurse-cum-Midwife in the Assam Rifles Training Centre and School, Dimapur, Nagaland. Her grievance is that her daughter is studying in Class VII and her mother also requires care. The Applicant is a patient of cervical spondelities and also find it difficult to stay at a cold

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climate and her husband is serving as a pastor in the solitary post at ARTC& S, Dimapur. Now, she has been transferred vide impugned order dated 19.05.2005 to Manipur, which has challenged in this Application seeking the following reliefs:-


"That the Hon'ble Tribunal be pleased to set aside and quash the impugned order under Signal No. A 4488 dated 19.05.2005 (Annexure - 1) so far the applicant is concerned and further be pleased to direct the applicant to continue present post of posting in the same capacity in the light of the Govt. of India's policy decision issued through O.M. dated 12.06.1997 and O.M. dated 23.08.2004.

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

2. The Respondents have filed a detailed reply statement contending that earlier her case for posting was considered and therefore, she was given comfortable posting at Dimapur. But this time there is no vacancy at Dimapur. Hence, her case could not be considered.

3. Heard Mrs. U. Dutta, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. Central Government Standing Counsel for the Respondents.

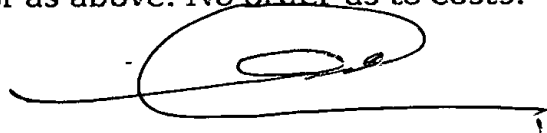
4. The case of the Applicant is that she requires to be accommodated in the nearby composite Hospital, Sukhovi or in 31st Assam Rifles near around the Dimapur town to enable the applicant to look after her daughter as well as to tide over the other problems. This Court directed the Sr. Central Government Standing Counsel to take instructions as to whether there is any vacancy at Sukhovi. Today, when the matter came up for hearing, learned Sr. Central Government Standing Counsel submitted that there are two vacancies



at Sukhovi and if she makes representation, it will be considered by the Respondents. Mrs. U. Dutta, learned Counsel for the Applicant submitted that she has no objection if such a course is adopted.

5. In the interest of justice, this Court directs the Applicant to submit a comprehensive representation before the 3rd Respondent within a time frame of two weeks from today. On receipt of such representation, the 3rd Respondent shall consider and dispose of the same granting transfer to her at Sukhovi within two months thereafter. It is also made clear that the Respondents will not fill up one such post till the disposal of the representation.

6. The O.A. is disposed of as above. No order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

/mb/

It is Proposed That The following
Case may be allowed to move
as an undisturbed statement
to-day on 10-1-06.

① O.A. 1/2006.

Mrs. Annie Mathew

- VS -

Union of India & Co.

Whisper
Adv

10-1-2006

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 10/06

1. a) Name of the Applicant:- Anie Mathew
b) Respondants:- Union of India & Ors.
c) No. of Applicant(S):-
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :- Yes / No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes / No.
8. Whether ~~English~~ translation of documents in the Language:- Yes / No.
9. Has the application is in time :- Yes / No.
10. Has the Vakalatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPO/BD/for Rs. 50/- 266 312792
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes / No.
14. Has the legible copies of the annexure duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. Whether this Case can be heard by Single Bench / Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:

SECTION OFFICER(J)

DEPUTY REGISTRAR

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

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

O. A. No. 107 /2006

Mrs.

Shri Anie Mathew.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

19.05.2005- Impugned order of transfer and posting has been issued whereby applicant who is now working as Auxiliary Nurse cum Midwife in Assam Rifle Training Center and School Dimapur is sought to be transferred and posted at Chassad, Manipur in total violation of policy decision regarding transfer and posting of husband and wife issued by the Govt. of India through O.M dated 12.06.97 as well as dated 23.08.04 and also during the middle of the academic session since the son and daughter of the applicant are reading at Class X and VII respectively and they are appearing in the final examination in the month of March/April 2006 and the daughter of the applicant is studying under the State Board of Nagaland whereas the applicant is now sought to be transferred and posted in the State of Manipur.

(Annexure-1)

27.05.2005/ 30.05.2005- Applicant submitted representation for cancellation/ modification of the impugned transfer and posting order dated 19.05.05 so far applicant is concerned and the said representation is recommended by the Officer Commanding, ARTC Hospital Dimapur though his letter dated 30.05.05, however the said representation is still pending with the authority

(Annexure- 5, 6)

08.06.2005, 09.06.05- Applicant's representation dated 27.05.2005, has been recommended by the Commandant on 08.06.05 and the said representation was forwarded on 09.06.05 to the DGAR, Shillong.

(Annexure-7)

19.07.2005- Applicant submitted another representation for cancellation/ modification of the transfer and posting order issued under Signal dated 19.05.05 and also prayed for modification of the impugned transfer order by accommodating the applicant at CPO Hospital, Sukhovi or at 31 Assam Rifle in and around Dimapur to enable her

ANIE MATHIEW

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to look after children and also to overcome other problems such as medical problems of the applicant. The said representation is also pending with the authority. However, the applicant is still working at (Annexure-9)

Hence this application.

PRAYERS

Relief (s) sought for:

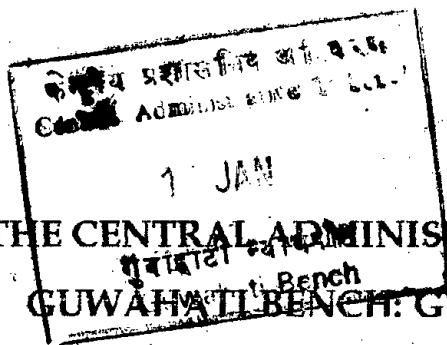
Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal 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 set aside and quash the impugned order under Signal No. A 4488 dated 19.05.2005 (Annexure-1) so far the applicant is concerned and further be pleased to direct the applicant to continue present post of posting in the same capacity in the light of the Govt. of India's policy decision issued through O.M dated 12.06.1997 and O.M dated 23.08.2004.
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 operation of the impugned order under Signal No. A 4488 dated 19.05.2005 (Annexure-1) so far the applicant is concerned till disposal of this application.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A.No. 10 /2006

Mrs. Anie Mathew. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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8.	6	Copy of recommendation letter dated 08.06.05.	-19-
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10.	8 (Series)	Copy of the CMO, ARTC letter dated 07.07.05 and medical certificate dated 19.07.05 and prescription dated 18.07.05 and earlier medical certificate dated 25.05.05.	21-22
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Date: - 10.01.2006

Filed By:
Surajit Choudhury
Advocate

ANIE MATHWU

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Filed by the Applicant
Thangph Savarit Choudhury
Advocate
on 10.01.2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. _____/2006

BETWEEN:

Mrs. Anie Mathew,

W/o- Shri Abraham Mathew,
Auxillary Nurse cum Midwife,
Assam Rifles Training Center and School
Dimapur,
Nagaland.

---Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi- 110001.
2. The Director General,
Assam Rifles,
Shillong- 793 011.
3. Commandant,
Assam Rifles Training Center & School,
Dimapur.

..... Respondents.

ANIE MATHIEW

DETAILS OF THE APPLICATION

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

This application is made against the impugned transfer and posting order issued under Signal No. A 4488, dated 19.05.2005, so far the applicant is concerned whereby the applicant is now sought to be transferred and posted from Assam Rifles Training Centre and School Dimapur, Nagaland to 1st Assam Rifles, Chassad in the State of Manipur during the middle of the academic session and also in violation of the Govt. of India's O.M dated 12.06.1997 as well as O.M dated 23.08.2004, wherein it has been directed for posting of husband and wife in the same station and also praying for a direction upon the respondents to allow the applicant to continue in the same station in Dimapur in the light of the policy of the Govt. of India's O.M dated 12.06.97 as well as O.M dated 23.08.2004.

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 she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

- 4.2 That the applicant was initially appointed as Auxillary Nurse cum Midwife in Assam Rifles in the year 1991. During her service career she was transferred and posted in different places in the North Eastern Region. Initially applicant was posted at 21st Assam Rifles, Jwalamukhi in the state of Manipur, thereafter she was transferred and posted to 9 Assam Rifles, Kimin in the state of Arunachal Pradesh, she was again transferred and posted at 16 Assam Rifles, Diphu in the state of Assam. However, while she was working at Diphu she was transferred and posted to Assam Rifles Training Center and School (for short ARTC & S), Dimapur where her husband Mr. Abraham Mathew is working in the same department as Religious Teacher (Pastor). Be it stated that the post holding by the husband of the applicant is the solitary post available in the Assam Rifles in ARTC & S Dimapur, as such there is no scope on the part of her husband to move any other place other than Dimapur in the state of Nagaland.
- 4.3 That your applicant while working as such at ARTC & S, Dimapur, the applicant received the impugned transfer order issued under Signal No. A 4488, dated 19.05.2005 issued by the Directorate Assam Rifles, Shillong whereby she is now sought to be transferred and posted at 1st Assam Rifles, Chassad in the State of Manipur during the middle of the academic session and also in violation of the Govt. India's instructions regarding posting of the husband and wife in the same station contained in the O.M No. 28034/2/97-Estt. (A) dated 12.06.1997 and O.M 28034/2/97-Estt. (A) dated 23.08.2004, since the husband of the applicant is also a Govt. servant working in the same department as Religious Teacher (Pastor) in ARTC & S, Dimapur in a solitary post available only at ARTC & S Dimapur. The impugned transfer order has been issued during the middle of the academic session. Be it stated that the elder son of the applicant Shri Jomaon Mathew is reading in Class X and the daughter of the applicant is Miss Jestina Mathew reading in Class VII under the Nagaland State Board

at Dimapur and both the son and daughter are appearing in the Final examination scheduled to be held in the month of March/April, 2006.

It is relevant to mention here that there is no School for higher education at Chassad in Manipur, where the present applicant is sought to be transferred and posted so that the children of the applicant can continue their studies at Chassad apart from the other disabilities and that score alone the impugned order of transfer and posting issued under letter dated 19.05.2005 is liable to be set aside and quashed so far the applicant is concerned.

Copy of the impugned signal dated 19.05.2005, O.M dated 12.06.97 and dated 23.08.2004 and certificate dated 07.01.05 issued by the Principal ARTC & S High School are enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- 1, 2, 3 and 4 respectively.

- 4.4 That your applicant immediately after receipt of the impugned transfer and posting order dated 19.05.2005 submitted a representation dated 27.05.2005 addressed to the DGAR, Shillong pointing out that her daughter is studying in Class VII and mother care is essential, and the applicant is a patient of cervical spondelities and also find it difficult to stay at a cold climate and her husband is serving as a pastor in the solitary post at ARTC & S, Dimapur and further requested to accommodate her in the nearby Composite Hospital, Sukhovi or in 31st Assam Rifles near around the Dimapur town to enable the applicant to look after her daughter as well as to tide over the other problems. The said representation was recommended by the OC, ARTC & S Hospital on 30.05.2005 and the same is still pending with the DGAR, Shillong. However, she is still working at Dimapur. The said representation of the applicant further recommended by the Commandant, ARTC & S on 08.06.2005 and it was forwarded to Headquarter, DGAR, Shillong vide Commandant's letter dated 9th June, 2005.

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Copy of the representation dated 27.05.2005 with recommendation dated 30.05.05 and recommendation letter dated 08.06.05 and forwarding letter dated 09.06.05 are enclosed for perusal of Hon'ble Tribunal as Annexure- 5, 6 and 7 respectively.

- 4.5 That your applicant further begs to say that she is suffering from Migrone with faint nerves and the ARTC Hospital Dimapur has referred her for medical treatment to the Civil Hospital, Dimapur and she is at present under the medical treatment at Dimapur. It is also advised by her attending Physician that she should stay in one climatic condition and in a place having medical facilities and it is further advised to avoid dwelling in hilly areas.

Copy of the CMO, ARTC letter dated 07.07.05 and medical certificate dated 19.07.05 and prescription dated 18.07.05 and earlier medical certificate dated 25.05.05 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 8 (Series).

- 4.6 That your applicant finding no response from the authority she has preferred another representation addressed to the DGAR, Shillong on 19.07.2005, in the said representation the applicant interalia prayed for modification/cancellation of her transfer and posting order issued under impugned Signal dated 19.05.2005 on the ground that her husband is working in Dimapur in the same department in a solitary post available in Dimapur and pointed out that she is under medical treatment at Dimapur Civil Hospital and her daughter is studying under the Nagaland Board so that change in the middle of the academic session is likely to cause adverse effect in continuation of the study of her daughter and further requested to accommodate the applicant either at CPO Hospital, Sukhovi or at 31 Assam Rifles in and around Dimapur. However, the said representation is also pending with the DGAR, Shillong without any response. In such compelling circumstance applicant no other alternative approaching this

ANIE MATHW

Hon'ble Court for protection of her valuable right and interest passing an appropriate order to allow her to continue in the present place of posting at Dimapur in the light of the policy of the Govt. of India contained in O.M dated 12.06.1997 as well as O.M dated 23.08.2004, where it has been directed by the Govt. of India to retain the husband and wife in the same station if the post exists in the appropriate level. Be it stated that post in the appropriate level are very much available at Dimapur as such there is no difficulty on the part of the respondents to allow her to continue in the present place of posting where her husband is also posted. Moreover, there is no urgency apart for effecting the impugned transfer order dated 19.05.05 during the middle of academic session since she has already been accommodated and retained till date after passing of the impugned transfer and posting order dated 19.05.2005.

Copy of the representation dated 19.07.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 9.

- 4.7 That it is stated that normally transfer and posting order should not be effected during the middle of the academic session, on a mere reading of the impugned order dated 19.05.2005 appears that it is a routine order as such there is no urgency to effect the impugned order of transfer and posting so far applicant is concerned. In this connection the applicant begs to rely on the judgment and order of the Hon'ble Supreme Court in the case of Director of School Education -Vs- O. Karuppa Thevan and another, reported in 1994 Supp (2) SCC 666.

In the circumstances stated above the impugned signal dated 19.05.2005 is liable to be set aside and quashed so far the applicant is concerned.

A copy of the judgment and order dated 31.01.1994 passed by the Hon'ble Supreme Court is enclosed herewith for perusal of the Hon'ble Court as Annexure- 10.

ANIE MATHEW

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4.8 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 transfer and posting order under Signal dated 19.05.2005 has been issued in total violation of the Govt. of India's O.M dated 12.06.1997 as well as O.M dated 23.08.2004, wherein it has been directed that husband and wife should be posted invariably in the same station if the post at appropriate level exists.
- 5.2 For that, posts in the appropriate level exists at Dimapur as such transferring the applicant from ARTC & S Dimapur, Nagaland to Chassad, Manipur has been issued in violation of O.M dated 12.06.97 and 23.08.04.
- 5.3 For that, the impugned transfer and posting order has been issued during the middle of the academic session as because the son and daughter of the applicant are appearing in final examination in the month of March/April 2006 in Class X as well as in Class VII respectively. Moreover of the applicant is studying under the State Board of Nagaland whereas she is now sought to be posted in the State of Manipur.
- 5.4 For that, there is no educational facilities in the proposed place of posting at Chassad in Manipur for prosecution of the studies of children at higher classes.
- 5.5 For that, husband of the applicant is working in a solitary post of Pastor available only at Dimapur in ARTC & S and as such posting of the applicant is required to be considered in the same place at Dimapur in the light of the direction contained in the O.M dated 12.06.97 as well as O.M dated 23.08.04.

- 5.6 For that, applicant is suffering from migron with faint nerves and at present under the medical treatment at Civil Hospital Dimapur and needs constant medical treatment.
- 5.7 For that, applicant has submitted representation dated 27.05.2005 and dated 19.07.05 which were duly recommended by the Commandant for consideration of her representation but the same are still pending with the authority.
- 5.8 For that the applicant is still working at ARTC & S, Dimapur and the impugned order of posting dated 19.05.2005 has not been effected so far the applicant is concerned till filing of this case.
- 5.9 For that there is no urgency in effecting the impugned transfer and posting order dated 19.05.05 so far applicant is concerned since the same has been passed during the middle of the academic session.
6. Details of remedies exhausted.
That the applicant declares that she 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 she 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 set aside and quash the impugned order under Signal No. A 4488 dated 19.05.2005 (Annexure-1) so far the applicant is concerned and further be pleased to direct the applicant to continue present post of posting in the same capacity in the light of the Govt. of India's policy decision issued through O.M dated 12.06.1997 and O.M dated 23.08.2004.

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 operation of the impugned order under Signal No. A 4488 dated 19.05.2005 (Annexure-1) so far the applicant is concerned till disposal of this application.

10.

11. Particulars of the I.P.O

- | | | |
|------|---------------|---|
| i) | I.P.O No. | : |
| ii) | Date of issue | : |
| iii) | Issued from | : |
| iv) | Payable at | : |

12. List of enclosures:

As given in the index.

VERIFICATION

I Mrs. Anie Mathew, W/o- Shri Abraham Mathew, working as Auxillary Nurse cum Midwife, Assam Rifles Training Center and School, Dimapur, Nagaland, aged about 38 years, 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 January 2006.

- ANIE MATHEW

AN

(Typed Copy)

Annexure- 1.

NR/01/21

DE SHG SER NO 210656

CORRECTED COPY

BR DTG 191730

FG DGAR (MED BR)

TO IGAR [NJGARTSJ/CP HOSP/ARTC & S/ALL/RANGE/
 INFO 2AR/23 AR/3AR/4AR/6AR/7 AR/40 AR/1 AR/38 AR/14 AR/
 31 AR/21 AR/11 AR/13 AR/27 AR/30 AR/30 AR/12 AR/32 AR

BT

UNCLAS A 4488

POSTING/TFR STAFF NURSE/ANM [..]

FIRSTLY [..] FOLLG POSTING/TFR OF STAFF NURSE/ ANM HEREBY
 APPROVED

ONE [..] SMT LOLI KHAI TO COMMA STAFF NURSE OF 2 AR TO 23 AR [..]

TWO [..] SMT. AKHATARI MANTRA BEGUM COMMA STAFF NURSE OF 3 AR
 TO 43 AR [..]

THREE [..] SMT MERRY MATHAI COMMA STAFF NURSE OF 6 AR TO 43 AR [..]

FOUR [..] SMT GOU MAYA SAHAI COMMA STAFF NURSE OF 7 AR TO 3 AR [..]

FIVE [..] SMT. KC MARANG COMMA STAFF NURSE OF 7 AR TO 40 AR [..]

SIX [..] SMT PURNAWATI CHHETRI COMMA STAFF NURSE OF 1 AR TO CP
 IIOSP [..]

SEVEN [..] SMT EATPTBUT HAUMAT COMMA ANM OF 1 AR TO 38 AR AND
 ATI WITH ARTC AND S FOR ALL PURPOSE TILL AVAILABILTY OF
 MD ACCN AT 38 AR [..]

EIGHT [..] SMT. K. PUNGDINA COMMA ANM OF 14 AR TO 31 AR [..]

NINE [..] SMT LALTIA TRIKEY COMMA STAFF NURSE OF 21 AR TO 2 AR

TEN [..] SMT. SITA RANI COMMA STAFF NURSE OF 23 AR TO 11 AR [..]

ELEVEN [..] SMT JHUNU ROY COMMA ANM OF 40 AR TO 13 AR [..]

TWELVE [..] SMT BAPAK BECK COMMA STAFF NURSE OF 27 AR TO 31 AR [..]

A. Devala
Singh
Chand
Advocate
 on 10.1.2006.

THIRTEEN [...] SMT ALICE JOHN COMMA ANM OF 27 AR TO 30 AR [...]

FOURTEEN [...] SMT BASANTI DEVI COMMA STAFF NURSE OF 31 AR TO 1 AR [...]

FIFTEEN [...] SMT P KAOKIP COMMA ANM OF 32 AR TO 21 AR [...]

SIXTEEN [...] SMT ANI MATHEW COMMA ANM OF ARTC AND S TO 1 AR AR [...]

SEVENTEEN [...] SMT NIJORA NARZARY COMMA STAFF NURSE OF 12 AR [...] REF 7 SECT LTR NO ROMAN ONE PT 11011/A-192/2005/310 DT 09 MAR 05 [...] EXTENSION GRANTED FOR SPELL OF ANOTHER ONE TENURE UP TO MAR 2008 [...]

SECONDLY [...] MOV TO BE CARRIED OUT BY 10 MAY/JUN 2005 AND FWD COMPLETION REPORT TO THIS DTE (MED BR) BY 15 MAY/JUN 2005 POSITIVELY [...]

THIRDLY [...] NO RPT NOT REPRESENTATION TO THIS EFFECT WILL BE ENTERTAINED [...]

LASTLY [...] ALL ACK AND CONFIRM/ /-

BT

CFN A 4488

SD/RAVI

TOR- 1100/21/SHG/DNS

No. 28034/2/97-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 12th June 1997

OFFICE MEMORANDUM

Sub: Posting of husband and wife at the same Station.

The undersigned is directed to say that on the subject mentioned above, Government has issued detailed guidelines vide O.M. No. 28034/7/86-Estt.(A) dated 3.4.1986. The Fifth Central Pay Commission has now recommended that not only the existing instructions regarding the need to post husband and wife at the same station need to be reiterated, it has also recommended that the scope of these instructions should be widened to include the provision that where posts at the appropriate level exist in the organization at the same station, the husband and wife may invariably be posted together in order to enable them to lead a normal family life and look after the welfare of the children, especially till the children are 10 years of age.

2. The Government, after considering the matter, has decided to accept this recommendation of the Fifth Central Pay Commission. Accordingly, it is reiterated that all Ministries/Departments should strictly adhere to the guidelines laid down in O.M. No. 28034/7/86-Estt. (A) Dated 3.4.86 while deciding on the requests for posting of husband and wife at the same station and should ensure that such posting is invariably done, especially till their children are 10 years of age, if posts at the appropriate level exist in the organization at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even cases where only the wife is a government servant, the concession elaborated in para 2 of this O.M. would be admissible to the government servant.

Approved
Surjit Chahal
10.1.06

4. These instructions would be applicable only to posts within the same department and would not apply on appointment under the Central Staffing Scheme.
5. A copy of this Department's OM No. 28034/7/86-Estt. (A) Dated 3.4.86 is enclosed for ready reference and guidance.
6. Hindi version of the OM is enclosed.

Sd/- Illegible
(Harinder Singh)
Joint Secretary to the Govt. of India
Tel. No. 301 1276

To

1. All Ministries/Departments of the Government of India.
2. Department of Women & Child Development.
3. The National Commission for Women, 4, Deendayal Upadhyay Marg, ITO, New Delhi.

October, 2004

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Swamy suruH

knowledge of Hindi during their probation period, so that the candidates learn Hindi willingly during their probationary period.

4. The progress with regard to implementation of the recommendation of the Committee may be reported to the Department of Official Language.

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G.I., Dept. of Per. & Trg., O.M. No. 372/30/2004-AVD-III,
dated 13-8-2004

**Strengthening of Vigilance Machinery in Public Sector
Undertakings and grant of Incentives to Chief Vigilance Officers**

Ref. (i) DoPT's O.M. No. 378/3/98-AVD-III, dated 11-4-2000.

(ii) DoPT's O.M. No. 372/8/99-AVD-III, dated 18-1-2001.

(iii) DoPT's O.M. No. 372/5/2000-AVD-III, dated 14-6-2001.

(iv) DoPT's O.M. No. 372/5/2000-AVD-III, dated
5-9-2002.

The undersigned is directed to refer to this Department's O.M. No. 378/3/98-AVD-III, dated 11-4-2000 and also to the O.Ms under reference and to clarify that the grant of Special Allowance of 15% to CVOs posted in non-metropolitan cities is meant only for those Chief Vigilance Officers (CVOs) who opt for their grade pay. CVOs who opt for the pay of the post are not eligible to get special allowance.

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G.I., Dept. of Per. & Trg., O.M. No. 28034/23/2004-Estt. (A),
dated 23-8-2004

Posting of husband and wife at the same station

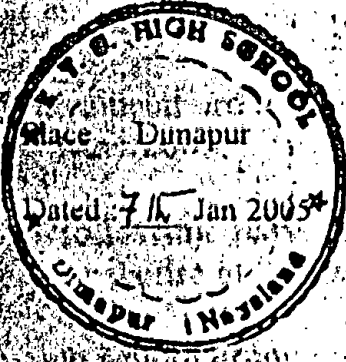
The undersigned is directed to say that the policy of the Government has been to give utmost importance to the enhancement of women's status in all sectors and all walks of life. Keeping this policy in view, the Government had issued detailed guidelines about posting of husband and wife at the same station vide O.M. No. 28034/7/86-Estt. (A), dated the 3rd April, 1986 and O.M. No. 28034/2/97-Estt. (A), dated the 12th June, 1997 (Sl. Nos. 370 and 224 of Swamy's Annual, 1986 and 1997 respectively). Attention of the Government was drawn that the instructions contained in these Office Memoranda are not being followed in letter and spirit by the Ministries / Departments even when there were no administrative constraints. Accordingly, it is impressed upon all Ministries / Departments that the guidelines laid down in the aforesaid Office Memoranda are strictly followed while deciding the request for posting of husband and wife at the same station.

10.1.06

B

TO WHOM IT MAY CONCERN

Thus is to certify that Ms. Jestina Mathew of class - VII and Master Jomon Mathew of class X are studying in AR High School, Dimapur. The school academics session is from April to March. The mother of these children is Mrs. Ame Mathew, serving in ARTC and School Hospital.



A. R. Singh
Principal
ARTC High School
Dimapur, Nagaland

*Attested by
Smt. J. Choudhary
Principal
03 10.1.06.*

6018-ANM
Anie Mathew
ARTC & S (Hosp)
PO, Dimapur (Nagaland)

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(Medical Branch)
Shillong - 11

(Through proper channel)

SUB : REQUEST FOR EXTENSION DUE TO EXTREME COMPAISONATE GROUND

Respected Sir,

1. With profound respect, I would like to request you the following for your kind consideration and favourable orders please.

2. That Sir, I have been ordered for posting to 1st Assam Rifles vide HQ DGAR sig No A 4488 dt 19 May 2005.

3. Sir, for the following reasons I have compel to approach your good honour for extension of one year tenure at this loc.

(a) My two school going children are staying with me

(i) My son studying in class X.

(ii) My daughter is studying in class VII and she is having 15 years of age. Mother's care is very much essential at this age and unable to take my daughter with me due to her study.

(b) I am a patient of Cervical Spondylitis is need help at every time and also find difficult in the cold climate.

(c) Moreover my husband is serving with this Centre and School as a Pastor and he has no any posting avenue due to non availability of any vacancy except ARTC & S.

Due to above reason I may kindly be granted one year extension at this loc, so that I can serve with entire satisfaction of my superiors.

5. Sir, If it is not at all possible then my posting may kindly be diverted to Composite Hospital, Sukhovi or 31 Assam Rifles from where I can look after my daughter as well as I can solve my personal difficulties and problem.

Condt 2/-

Deated
Surya Chelhy
10.1.06

I hope my request will be considered sympathetically and a favourable order will be issued at your earliest convenience.

Thanking you Sir.

Yours faithfully,

Anne Mathew

Place : Dinapur
Dated : 7 May 2005

No 018 ANM
Anne Mathew

RECOMMENDATION OF THE OC ARTC&S HOSPITAL ON THE
APPLICATION IN R/O NO.018 ANM ANE MATHEW.

☒ Recommended / ☐ Not recommended

Place : Dinapur
Dated : 30 May 2005

(K Varada)
Lt Col
OC ARTC & S Hosp

RECOMMENDATION OF THE COMMANDANT ASSAM RIFLES TRAINING CENTRE AND SCHOOL, DIMAPUR (NAGALAND) ON THE APPLICATION SUBMITTED BY SMT ANIE MATHEW, ANM REQUESTING FOR EXTENSION OF TENURE ON EXTREME COMPASSIONATE GROUND

~~Recommended/Not recommended~~

Place: Dimapur

Dated : 08 Jun 2005

(A K Gupte)
Brig
Comdt, ARTC&S

Attested
by
10.1.06

Tel No.243390 (Civil)
E-mail -digartcs@indiatimes.com

Assam Rifles Prashikshan Kendra
Avam School
Assam Rifles Training Centre
And School
PO : Dimapur (Nagaland)

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I.36011/Medpower/2005-A/ 1721

09 Jun 2005

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(Med Branch)
Shillong -793011

APPLICATION FOR EXTENSION OF TENURE
ON COMPASSIONATE GROUND

1. An application submitted by No.018 ANM Anie Mathew of this Centre and School requesting for extension of tenure on compassionate ground is enclosed herewith duly recommended by the Comdt ARTC&S for your further necessary action please.
2. Please ack.

(Rajeev Bharwan)
Maj
Adjt
For Comdt

Encl:- As above

Copy to:-

Med Branch

- For info w.r.t their SN No.II.36011/Med-28/ 2005/1600 dated 30 May 2005 please.

RAJ/***

Devi Choudhary
10.1.06

No. 015631

MEDICAL TREATMENT CERTIFICATE

CIVIL HOSPITAL DIMAPUR

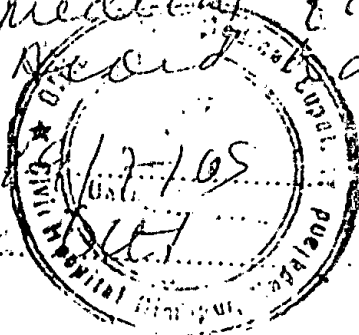
This is to certify that SHRI/Smt. ANNIE MATHEW
Age 36 years Sex F Occupation SERVICE
under medical treatment at Civil Hospital Dimapur under Regd. No. U.S. 259
from 18.7.05 to 1 month or 1 month days as an
outdoor/indoor patient for high grade fever (diagnosis).

He/She is fit/not fit to resume his/her normal duties.

He/She is advised to take rest for stay in a warm days.
climatic condition in a place where
medical facilities are available.
avoid walking in hilly areas

Date

Place



Name & Sign. of the Medical Officer
Dr. S. S. S. S.
Civil Hospital Dimapur

CIVIL HOSPITAL : DIMAPUR
TICKET FOR OUTPATIENT

Date 18.7.05

Registration No. 4259

Name of patient: ANNIE MATHEW

Sex: F

Age: 36

Occupation: SERVICE

Diagnosis: High grade fever

Course of treatment: 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th 101st 102nd 103rd 104th 105th 106th 107th 108th 109th 110th 111th 112th 113th 114th 115th 116th 117th 118th 119th 120th 121st 122nd 123rd 124th 125th 126th 127th 128th 129th 130th 131st 132nd 133rd 134th 135th 136th 137th 138th 139th 140th 141st 142nd 143rd 144th 145th 146th 147th 148th 149th 150th 151st 152nd 153rd 154th 155th 156th 157th 158th 159th 160th 161st 162nd 163rd 164th 165th 166th 167th 168th 169th 170th 171st 172nd 173rd 174th 175th 176th 177th 178th 179th 180th 181st 182nd 183rd 184th 185th 186th 187th 188th 189th 190th 191st 192nd 193rd 194th 195th 196th 197th 198th 199th 200th 201st 202nd 203rd 204th 205th 206th 207th 208th 209th 210th 211st 212th 213th 214th 215th 216th 217th 218th 219th 220th 221st 222nd 223rd 224th 225th 226th 227th 228th 229th 230th 231st 232nd 233rd 234th 235th 236th 237th 238th 239th 240th 241st 242nd 243rd 244th 245th 246th 247th 248th 249th 250th 251st 252nd 253rd 254th 255th 256th 257th 258th 259th 260th 261st 262nd 263rd 264th 265th 266th 267th 268th 269th 270th 271st 272nd 273rd 274th 275th 276th 277th 278th 279th 280th 281st 282nd 283rd 284th 285th 286th 287th 288th 289th 290th 291st 292nd 293rd 294th 295th 296th 297th 298th 299th 300th 301st 302nd 303rd 304th 305th 306th 307th 308th 309th 310th 311st 312th 313th 314th 315th 316th 317th 318th 319th 320th 321st 322nd 323rd 324th 325th 326th 327th 328th 329th 330th 331st 332nd 333rd 334th 335th 336th 337th 338th 339th 340th 341st 342nd 343rd 344th 345th 346th 347th 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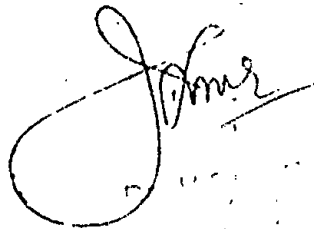
Jacob George M.D., D.M.
Assistant Professor of Neurology
Medical College, Kottayam.

Residence:
Keerthi Gardens,
Near N.S.S. English Medium School
Gandhinagar, Kottayam-8
Ph: 2591949
Mobile : 94472 88221

Name Annie Mathas Age/Sex 36/F Date 25/05/05
Drug allergies.....

Certificate

This is to certify that Mrs Annie Mathas
Medical Section, ARPCLS, Dimapur, Nagaland has
Vascular headache with myofascial pain neck. She needs
treatment for a minimum period of 3-6 months.



Med. Reg. No. 21-57

രവിലെ പരിശോധന ഇല്ല. ഞായർ അവധി.
പരിശോധനയ്ക്ക് വരും രുബ് ഫോണിൽ വിളിച്ച് സമയം നിശ്ചയിക്കുക.
പരിശോധന 3.00 pm. - 6.00 pm. വരെ.

From :- Mrs Anie Mathew, ANM
Hospital, ARTC & S, Dimapur (Nagaland)
Pin - 797115

To :- Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(Medical Branch)
Shillong - 793011

(Through proper channel)

Subject : PRAYER FOR EXTENSION OF TENURE/POSTING ON COMPASSIONATE GROUND

Sir,

1. With immense respect and humble submission, I have the honour to overt following few lines for your kind consideration and a deed help please.

2. That Sir, I the above named individual presently serving with ARTC and School, Dimapur since Aug 2002 with utmost dedication to satisfy my superiors and I have completed my tenure and stand posted to 1 Assam Rifles (CHASSAD) vide your Dte Sig No. A 4488 dated 19 May 2005. I would like to mov to the destination in due course but I regret and compel to represent the order since, I am suffering from MIGRONE WITH FAINT NERVES and facing lots of hardship to do my normal work. Hence, I am undergoing treatment at Civil Hospital, Dimapur and presently it brings some relief and I opted myself to go further treatment under the same doctor so that I can revive at the earliest for which I shall be posted in vicinity of the Dimapur to facilitate my treatment regularly (Photocopy of medical certificate is attached for your perusal please). In addition, I need company of my husband who since been posted with this Centre and School in the post of Subedar Pastor in case of any emergency raise in the coming days. Besides this, my daughter is also studying in Dimapur and would like to complete the academic session from the Nagaland Board so that change of board in next session shall not affect adversely in nick of hour. Hence, I may be retained at this loc for another one year or may posted to following units for my medical treatment :-

(a) CPO Hospital, Sukhovi

(b) 31 Assam Rifles

3. In view of foregoing facts, I request your goodself that, my case may please be considered as genuine so that I can resolve my problems and discharge my duties enthusiastically and religiously. I shall remain ever grateful to you forever for this act of your kindness to me and my needful family.

4. Thanking your Sir,

Yours faithfully,

Anie Mathew

(Mrs Anie Mathew, ANM)

Dated: 19 Jul 2005

Dr. D. S. Choudhary
Advocate
10.1.06

transfer were being paid special pay in addition to their pay but the direct recruits were denied this privilege. This Court held that the denial of special pay to Class I direct recruits amounted to violation of Articles 14 and 16 of the Constitution and that they were entitled to special pay at the same rate at which it is paid to the transferred officers working in the Centre.

4. The learned counsel for the appellants has sought to distinguish this case on the ground that in that case this Court found that the special pay was not being paid to the transferred officials for compensating their displacements or for their qualifications but was being paid for the arduous and special nature of the functions to be discharged in the Telecommunication Research Centre. It has been urged that in the present case special pay was being paid to the officials appointed by way of transfer to enable them to encounter the problems due to the disturbance involved. The said explanation that has been put forward for grant of special pay to transferee officers cannot, however, be accepted. In Rule 1307 [FR 9 (25)] of the Indian Railway Establishment Code, Volume II, the expression "special pay" has been defined as under:

"Special pay.— Means an addition of the nature of pay to the emoluments of a post or of a railway servant, granted in consideration of—

- (a) the specially arduous nature of duties; or
- (b) a specific addition to the work or responsibility and includes non-practising allowance granted to doctors in lieu of private practice."

Moreover, the High Court has found that the averment in the writ petition with regard to the posts having arduous nature of duties was not controverted in the affidavit that was filed on behalf of the appellants in the writ petition in the High Court. In these circumstances, we find no basis for distinguishing the instant case from the case of *Telecommunication Research Centre Scientific Officers' (Class I) Assn.*

5. We, therefore, find no merit in this appeal and it is accordingly dismissed. No order as to costs.

1994 Supp (2) Supreme Court Cases 666

(BEFORE P.D. SAWANT AND N.P. SINGH, JJ.)

DIRECTOR OF SCHOOL EDUCATION,
MADRAS AND OTHERS

Appellants;

Versus

O. KARUPPA THEVAN AND ANOTHER

Respondents.

Civil Appeal No. 546 of 1994, decided on January 31, 1994

A. Service Law — Transfer of employee — Transfer for exigencies of administration — Affording prior hearing in case of — Held, not necessary — Administrative Law — Natural Justice — Hearing — Inapplicability of the principle of

B. Service Law — Transfer of employee — Employee's children studying in school — Transfer of such employee during mid-academic term — Propriety — In

absence of urgency such transfer restrained from being effected till the end of that academic year. (Para 2)

Appeal allowed. *H.R/13371/SLA*

ORDER

1. Leave granted. Heard both counsel.

2. The tribunal has erred in law in holding that the respondent employee ought to have been heard before transfer. No law requires an employee to be heard before his transfer when the authorities make the transfer for the exigencies of administration. However, the learned counsel for the respondent contended that in view of the fact that respondent's children are studying in school, the transfer should not have been effected during mid-academic term. Although there is no such rule, we are of the view that in effecting transfer, the fact that the children of an employee are studying should be given due weight, if the exigencies of the service are not urgent. The learned counsel appearing for the appellant was unable to point out that there was such urgency in the present case that the employee could not have been accommodated till the end of the current academic year. We, therefore, while setting aside the impugned order of the Tribunal, direct that the appellant should not effect the transfer till the end of the current academic year. The appeal is allowed accordingly with no order as to costs.

1994 Supp (2) Supreme Court Cases 667

(BEFORE S.C. AGRAWAL AND M.K. MUKHERJEE, JJ.)

A.M. VADI

Appellant;

Versus

INDIA TRADE PROMOTION ORGANISATION
AND ANOTHER

Respondents.

Civil Appeal No. 713 of 1994 in SLP (Civil) No. 20547
of 1993, decided on February 4, 1994

A. Service Law — Appointment — Selection — Non-selection to a post abroad for want of adequate balance service to fulfil the condition to serve the employer for the requisite minimum period (two years in this case) after completing the normal tenure of such posting (three years in this case) abroad — High Court's interference in exercise of its writ jurisdiction, with such a decision of the Selection Committee — Held, the High Court could not find fault with the Selection Committee's decision for not curtailing the period of foreign service for a few months to accommodate the writ petitioner (herein Respondent 2) — Further, in a writ petition against non-selection on the said ground, the High Court could not examine the eligibility of the selected candidate — Constitution of India, Art. 226

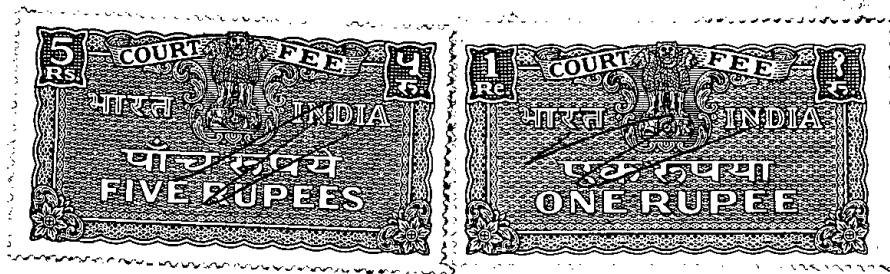
B. Service Law — Appointment — Selection — Non-selection — Selection Committee's decision regarding — Scope of judicial review — Constitution of India, Art. 226

Held:

The High Court in exercise of its jurisdiction under Article 226 of the Constitution was not justified in finding fault with the decision of the Selection Committee because in rejecting the candidature of Respondent 2 the Selection

Admitted
Savitri Chandhary
Advocate

07.10.06



40

ANIE MATHEER

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 10 /2006

...Applicant(s)

Mrs. Anie Matheer.

-Vs-

Union of India & Ors. ...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri Subrata Nath and Sri Suvjit Choudhury, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 10th day of January 2006.

Received from the Executant, Mr. _____ And accepted
satisfied and accepted. Senior Advocate will lead me/us in the case.

Suvjit Choudhury
Advocate

Advocate

M. Chanda
Advocate

NOTICE

From, S. Choudhury Advocate
Central Administrative Tribunal.

41

To,
Mr. C. Baishya
Sr. C. G. S. C.
Central Administrative Tribunal, Guwahati.

Ref:- Mrs. Anis Matheer - vs - U.O.I & Ors.

Sir, Enclosed kindly find herewith a copy of the O.A.
as mentioned above.

This is for your kind information and necessary
action.

Kindly, acknowledge receipt of the same.

Received Copy,

G. Baishya

10.10.06

Sr. C. G. S. C.

Thanking you -
Yours faithfully
Surjit Choudhury
Advocate.

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In the Central Administrative Tribunal,
Guwahati.

DA 10/06

In the matter of :
O.A.No. 100 of 2006

Mrs. Annie Mathew Applicant

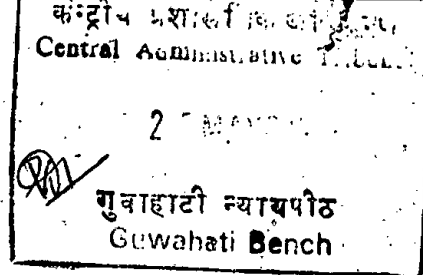
Vs.

Union of India & ors.
Respondents

I, A. K. Chaudhuri, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. 2 + 3 in the above case.

Given under my hand & seal on this the 15th day of Feb 2006.

A.K. Chaudhuri 15/2/06
(A.K. Chaudhuri)
Addl. C.G.S.C.



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Filed by
the respondents
through Gauhati Bench
24.5.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

GUWAHATI

O.A. NO. 10 OF 2006

Smti Anie Mathew

..Applicant

-vs-

Union of India & Ors...Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statements made in paragraph 1 of the instant application the answering respondents beg to state that the applicant was appointed as Midwife Auxiliary Nurse in 21 Assam Rifles vide letter No. II.14015/25-85/FA/A-2 (Med) dated 30 June, 1991. As per the appointment letter No. II.14015/25-85/FA/A-2 (Med) dated 30 June, 1991 issued to the petitioner and Ser 4 Chapter 24 of Swamy's Manual for DDOs and Heads of Offices Rule, an individual has to serve anywhere in Assam Rifles deployed in North Eastern Region or anywhere in India wherever Assam Rifles may be existing and liable to be transferred in 2-3 years.

Contd...P/-

A copy of the letter No.II.14015/25-85/FA/A-2(Med) dtd.30 under 1991 and a copy of Ser 4 Chapter 24 of Swamy's Manual for DDOs and Heads of Offices Rule are attached herewith as Annexure - 1 and 2.

2. That with regard to the statements made in paragraph 2 top 3 and 4.1 of the application the respondents beg to state that these are matter of records hence respondents have no comment.

3. That with regard to the statements made in paragraph 4.2 of the application the respondents beg to state that the details of previous service of above individual are submitted as under:

a) 21 Assam Rifles (at Jawalamukhi) from 10.7.1991 to 13.5.1994, the applicant served in 21 Assam Rifles. Thereafter on her request received vide Headquarters Inspector General Assam Rifles (North) letter No.1.122/1332/A dated 25 February 1994 for posting to 9 Assam Rifles where her husband was also serving she was posted to 9 Assam Rifles vide this Headquarters signal No. A 3488 dated 30 March, 1994.

A copy of the Headquarters Inspector General Assam Rifles (North) letter No. 1.122/1332/A dated 25 February 1994 and a copy of the

Contd...P/-

10/06

45

- 1991 - Kampur. And with
Huland - Nagaland - Ann Ruffs
having Safety Post
Ported to Dinapur
19-5-05 report and 81 Kampur
Dinapur to Maipm to Kampur

(38)

75 27/5 To 6 Rept.

Qmk' say dat 12/6/92 (A2)
say dat 23/8/94 (A3)

Can be accommodated
2 Sukbati in Nagaland
(2) And in order. 5. This
not denied.

2

WST 2 rooms consisting
appears cancelled her accommodated
her. 3 (1) WST (R)

- 2 Can't be by this.
- 2 This is in date.
- 2 10 year 9 Child of
- 2 in school - not correct
- 2 From 1945 up to 9.
- 2 As far as possible.
- 2 Admin reasons.

Directorate General Assam Rifles Signal No. A3488 dated 30 March 1994 are attached herewith as Annexure - 3 and 4.

(b) 9 Assam Rifles (located at Kimine) from 14 May 1994 to 20 June 1998. Thereafter the applicant having completed over 4 years was posted to 16 Assam Rifles vide this Directorate Signal No. 3418 dated 12 December, 1997 when serving in 9 Assam Rifles. She requested this Headquarters vide Arunachal and Assam range letter No. 1.15014/10 Med/97-A/1341 dated 14 Jan, 1998 to allow her continuation with 9 Assam Rifles on the ground of education of her growing children and also because of her husband's posting. That her request for continuation in the same unit was approved and was intimated to the individual vide this Directorate Signal No. A 3427 dated 18 February, 1998 thereafter, she was retained there.

A copy of Directorate General Assam Rifles Signal No. A3418 dtd. 12 December, 1997, a copy of Headquarters Arunachal and Assam Rang letter No.1.15014/10 Med97-A/1314 dated 14 Jan 1998 and a copy of Directorate General Assam Rifles Signal No. A3427 dated 18 February, 1998 are annexed herewith as Annexure -5,6 and 7 respectively.

Contd...P/-

*14
Assam's
8 years
served*

c) 16 Assam Rifles (at Diphu/Dimapur/Sukhovi) from 21 June 1998 to 12 September, 2000.

d) That the applicant along with her husband has been posted at Assam Rifles Training Centre & School (at Dimapur) from 13 September, 2000 till date. The individual was now posted to 1 Assam Rifles (Chassad) vide this Headquarters Signal No. A 4488 dated 19 May, 2005 (Impugned order). It is submitted that Smti Latpibui Houmei, her reliever has already reported for duty on 17 June 2005 at Assam Rifles Training Centre and School at her place.

4. That with regard to the statements made in paragraph 4.3 of the instant application the respondents beg to state that as per para 2 of the Government of India Office Memorandum No. 28034//97 Estt(A) dated 12 June 1997 (Annexure 2 of OA) the posting of husband and wife serving in the same department is invariably done till the children are 10 years of age and if no administrative problem are expected to result as a consequence. In this case both the children of the applicant are above 10 years of age. The applicant has mentioned that there is no school in Chassad which is wrong and is misleading the Honourable Tribunal. It is worth mentioning here that Chassad has a Government High School upto Class X and more over Assam Rifles has its own

Contd...P/-

school upto Class IX where applicant has been posted to. It is further submitted that the applicant's requests have been acceded to whenever considered feasible and genuine. That she cannot be permitted to continue at her choice posting endlessly at the cost of other employees who have already completing their tenure in hard location and will be discriminated.

5. That the applicant is in the habit of seeking posting of choice without concern for other colleagues who are posted to hard stations. It is submitted with regard to statement made in para 4.4 of the application, the applicant has served in the same location for last eight years although in two different unit. That 1 Assam Rifles where she is now been posted has a family station and as well the climatic condition is and not cold as being made out by the applicant. The application forwarded by the applicant has been received by this. Headquarters, which had mislead the recommending authority and kept them in dark, since the same has been submitted without mentioning her previous posting profile there on. In any event her son can continue to stay with his father who continues to be in the same station.

6. That with regard to the statements made in paragraph 4.5 of the application the respondents beg to state that the individual has contended that she is suffering from MIGRAINE WITH FAINT NERVE which are not

Contd...P/-

a serious disease. For any medical assistance she could approach RIMS located in Imphal State civil Hospital at Ukhrul, both are nearby to her new unit. Specialist are also available for treatment of such ailments diseases, and as such unit hospital is well equipped which the applicant is well aware.

7. That with regard to the statements made in paragraph 4.6 of the instant application the respondents beg to submit that the representation of the applicant dated 19.7.2005 have been considered in consultation with the Medical Directorate of Directorate General Assam Rifles and the same has been found to be lacking on merit.

8. That with regard to the statements made in paragraph 4.7 of the instant application the respondents beg to submit that the transfer of the applicant is just and in accordance with the policy on the subject. In any case since her continues to be at the same place no disturbance to the study of children is involved. More so, as upheld by the SC in number of cases transfer is an incidence of service and the right to employ an employee rest with the employer (Kendriya Vidyalaya Sangathan Vs Damodar Prasad Pandey (2004)/12 SCC 299).

9. That as regard to the statements made in paragraph 4.8 of the instant application the respondents

Contd...P/-

beg to submit that the applicant deliberately suppressed material information, the same is not bonafide and liable to be rejected solely on this score.

10. That with regard to the statements made in paragraph 5.1 to 5.9 of the instant application the respondents beg to state that as per Swamy's Manual for DDOs and Heads of Offices Rule Ser 4 (ii) Chapter 24, Cadre Controlling Authorities may not consider posting of the spouses at the same station but these are only guidelines and not a mandatory rule. The Government of India Office Memorandum No. 28034/2/97 Estt(A) dated 12 June 1997 has categorically mentioned that posting of husband and wife serving in the same department be carried out if no administrative problem results as a consequence. In any case applicant's both Children having completed 10 years of age, the said proviso is not attracted in her case. That the grounds set forth in the appeal are not good ground in law as well as on facts without any basis and have adequately been replied on by the respondents.

That in view of the facts mentioned above no ground in law is made out it is humbly prayed that the present OA lacks merit and is liable to be dismissed with costs.

11. That with regards to the statements made in paragraph 6 of the instant application the answering respondents have no comment.

Contd...P/-

12. That with regard to the statements made in paragraph 7 of the instant application the answering respondents beg to state that the statement made by the applicant are within the personal knowledge of the applicant and therefore the respondent cannot admit or deny the same.


13. That with regard to the statements made in paragraph 8 of the instant application the answering respondents beg to state that the allegation raised by the applicant are all concocted, untrue and false and the respondent denies the same. The respondents beg to submit that the transfer of the applicant is just in accordance with the policy on the subject and the applicant is not entitled to any relief as sought for and the application is liable to be dismissed with cost.

14. That with regard to the statements made in paragraph 9 of the instant application the answering respondents beg to state that the allegation including other paras is not at all maintainable and is liable to be dismissed with cost.

VERIFICATION

I, Navneet Khanna... s/o Shri S.N. Khanna
 aged about 51 years, R/o Laitmukrah... Shillong.....
 District Shillong... and competent officer of the
 answering respondents, do hereby verify that the state-
 ment made in paras 2, 3 (c) to 14 are true to my
 knowledge and those made in paras 1, 3 (a) (b), being
 matters of record are true to my information derived
 therefrom which I believe to be true and the rests are
 my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 20 th day
 of May 2006 at Guwahati.



Signature
 (Navneet Khanna)
 Colonel
 Cdt of Law Officer
 Colonelate General Assam Rifles

ANNEXURE - 1

Tele No : PABX 27510/550

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

II. 14015/25-85/FA/A-2(Med)

30 Jun 91

APPOINTMENT AS MID-WIFE/AUXILLIARY NURSE

1. Smti Azi Mathew is hereby selected for appointment as Mid-wife/Auzilliary Nurse in 21 Assam Rifles against the existing vacancy of higher post of Staff Nurse under the provision of GER-77 in the scales of pay Rs. 1200-30-1440-1800/- p.m. plus other allowances as admissible under the existing rules from time to time. The appointment is purely temporary and may be terminated with 1 (one) month's notice from either side.
2. Smti Azi Mathew shall have to produce the following certificates before joining the post :-
 - (a) Medical fitness certificate from Civil Surgeon or equivalent at the time of joining.
 - (b) Educational and other certificates as proof of age and qualification.
 - (c) A character certificate from a Class-I officer or first Class Magistrate at the time of joining the duty.
3. No TA/DA will be admissible for joining the duty.
4. Smti Azi Mathew is liable to serve anywhere in Assam Rifles deployed in Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or anywhere in India wherever Assam Rifles may be existing.
5. The appointment is subject to satisfactory Police verification and antecedents.
6. Smti Azi Mathew will report for duty to Commandant 21 Assam Rifles, C/O 99 APO on or before 30 June failing which this appointment letter will be treated as cancelled.
7. ~~Over-age in respect of Smti Azi Mathew is hereby condoned. This has the approval of DGAR.~~

(P. S. Prakash)
Lt. Col
Assistant Director (A)
for Director General Assam
Rifles

Fwd to :-

1. Smti Azi Mathew
Wife of ROZORL Abraham Mathew
Signal platoon
2. 21 Assam Rifles, C/O 99 APO
3. Ho MP Range Assam Rifles
C/O 99 APO
4. Medical branch (Intern. 1)
5. Pers file
6. Office copy
7. 21 Assam Rifles

certified to be
true copy
Rozor Advocate

(Refer to Para 3 of Med Br ION No
I.14015/Posting-ANM/Med-IV/2006
dt. 06 Feb 06)

CHAPTER 24

TRANSFER

Under SR 2 (18) "transfer" means the movement of a Government servant from one headquarters station in which he is employed to another such station, either to take up the duties of a new post, or in consequence of a change of his headquarters. Generally, transfers are made in the public interest. In some cases, transfers are ordered at the request of the Government servant.

1. Transfers in the public interest

The following types of transfers fall in the category of transfers in the public interest:—

- (i) Transfers in the same grade within the prescribed zone or jurisdiction;
- (ii) Redeployment of surplus employees treated as transfer in the public interest; and
- (iii) Transfers on promotion.

2. Powers.— The authority delegated with administrative powers of transferring a category of officials within a jurisdiction is required to maintain a Seniority List of all such officials. Transfers are ordered in the public interest for administrative reasons periodically or as and when a situation arises. If a Head of Office has more than one office under his administrative control either at the same station or at different places he is empowered to transfer Group 'C' and Group 'D' staff to these offices. Specific powers delegated by the respective departments in regard to transfers are to be followed.

3. Service benefits.— Benefits such as seniority, pay fixation, T.A., etc., are admissible in the case of a transfer in the public interest. However, a surplus employee redeployed is not entitled to count past service for seniority in the post to which he is posted on redeployment vide Para. 11.1 of the Scheme.

4. General orders on transfer

(i) **Tenure.**— Among the various concessions granted to the employees posted to offices in the North-Eastern Region, etc., (see Chapter 31), the benefit of consideration for their transfer to the place of choice is available for persons who complete the prescribed tenure. A tenure of 3 years at a time for officers with service of 10 years or less and 2 years for others have been prescribed. Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. For postings at other places, there are no orders commonly applicable regarding tenure.

*Certified to be true
copy
B. S. Advocate*

12 -

Departmental orders, if any, on this subject have to be taken note of. In the absence of specific orders it is the general practice followed by many offices that at least a minimum period of 3 years should be completed at a particular station. Under the provisions contained in SRs "a transfer at his own request should not be treated as a transfer in the public interest unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs". If an official who has completed a reasonable period of tenure at a station requests for transfer to a particular station for personal reasons, his request may be considered and such transfer may be treated as a routine transfer in the public interest, under the discretionary powers vested with the transferring authority under SR 114.

(ii) *Posting of husband and wife at the same station.* — It is the policy of the Government that as far as possible and within administrative restraints, the husband and wife should be posted at the same station to enable them to lead a normal family life and to ensure the education and welfare of their children. As per the broad guidelines laid down by Government, the Cadre Controlling Authorities may consider posting of the spouses at the same station if they belong to the same Central Service. These guidelines are to be kept in mind when routine transfers are made or when postings on promotion are made. However, these are only guidelines and not mandatory.

[G.I., D.P. & Trg., O.M. No. 28034/7/86-Estt. (A), dated the 3rd April, 1986.]

(iii) *Concessions for SC/ST.* — As per Dept. of Per. & Trg., O.M. No. AB-14071/27/89-Estt. (RR), dated the 29th June, 1989, candidates belonging to SC/ST recruited to Groups 'C' and 'D' posts are to be posted, as far as possible, near their native place within the region subject to administrative convenience. Same principles may be followed in the matter of postings on promotion also wherever possible.

(iv) *Concessions for physically handicapped employees.* — Holders of Group 'C' and Group 'D' posts who have been recruited on regional basis and who are physically handicapped, may be given posting, as far as possible, subject to administrative constraints, near their native places within the region. Requests for transfer to or near their native places may also be given preference.

[G.I., D.P. & Trg., O.M. No. AB-14017/41/90-Estt. (RR), dated the 10th May, 1990.]

5. Transfers on own request

(i) *Transfer within the jurisdiction.* — As mentioned in Para. 1, an employee may be transferred within the zone or jurisdiction by the Competent Authority in the public interest. Sometimes the employee may ask for such a transfer on personal grounds. In such cases, the transfer, if allowed, is not treated as 'in the public interest'. In all orders of such transfer mention should be made that Travelling Allowance and Joining Time are not admissible.

Appx 'C'
(Refer to para 4(a) of Med Br MION No
I.14015/Posting-ANM/Med-IV/2006 dt
06 Feb 2006)

Headquarters
Inspector General
Assam Rifles (North)
c/o 99 APO

25 Feb 94

Manahideshalaya Assam Rifles
Director General Assam Rifles
(A Branch)
SHANONG-4793011

APPLICATIONS FOR POSTING

1. Applications for posting on compassionate grounds in respect of following pers are submitted herewith duly recommended for your further necessary action please :-

- (a) Smti N Mani Devi, Staff Nurse - 7 Assam Rif
- (b) Mrs Annie Mathew, ANM - 21 Assam Rif

(Randhir Sugar)
Maj
Offg JAD (A)
for IG Assam Rifles

Encl :- 04 Sheets

Copy to :-

HQ MP Rg Assam Rifles
c/o 99 APO

- for info wrt their letters No
II.13028/A/94/693 and 692 dt
21 Jan 94.

34/88
Certified to be true
Posin
AW.

6

From
Mrs Annie Mathew
ANM
Unit Hospital
21 Assam Rifles
D/O 99 220

To
Assistant Director (Adm)
HQ 16 Assam Rifles
Shillong-11
(Through proper channel)

Sub: PRAYER FOR INTER UNIT POSTING ON COMPASSIONATE GROUND

Respected Sir,

I Mrs Annie Mathew, ANM of 21 Assam Rifles have the honour to lay down the following few lines for your favour of action please.

That Sir, I am working with this unit since 1991 as an ANM along with my husband No B/354143 NK/CRL Abraham Mathew. Recently my husband has been posted out to 9 Assam Rifles vide DGM, Adm I order No. I:19013/4/93/AM-I(B)/84 dated 01 Dec 93 and Now I am staying alone with my two kids of aged 4 years and 1 year.

I am facing hardship to look after my kids along with my duties. Hence I request you that kindly I may also be posted out to 9AR as I can enable to perform my duties peacefully along with my husband. Your kind and favourable action solicited. Thanking you in anticipation.

RECOMMENDATION ON BEHALF OF THE DIRECTOR GENERAL ARMY

Yours faithfully,

ANIE MATHIEW

Mrs Annie Mathew

Dated: 02 Jan 1994.
TDA/...

Confidential to be
true copy
B. J. An

...

15-
PART - I

RECOMMENDATION OF THE COMDT ON THE APPLICATION SUBMITTED
BY MRS. ANNIE MATHURAN M FOR POSTING ON COMPASSIONATE
GROUND

Recommended/Not Recommended

Station: Field

Dated: 17 Jan 94

(Bhanwar Singh)
Col
Comdt

PART - II

RECOMMENDATION OF THE DIGAR HQ MP RANGE AR

The request for her posting to 9 Assam Rifles
may be considered on merit.

Dated: 2 Jan 94

(AK Singh)
Brigade
DIG Assam Rifles

RECOMMENDATIONS ON BEHALF OF THE INSPECTOR GENERAL ASSAM RIFLES (N)

Recommended/Not Recommended

Station: Field

Dated: 10 Feb 94

R M Prabhakar
Comdt. (SG)
DD (A&M)
HQ IGAR (North)
C/O APO.

Confirmed to be
true copy
Boson
Adv.

Appx 'D'
(Ref to Para 4(a) of MedBf ION No
I.14015/Posting-ANM/Med-IV/2006 dt
06 Feb 2006)

12

OF 1000

FROM : DGM
TO : AG Mg
B Mg
MRA(S)

DTG : 30/1/00

UNCLAS
A 3488

Info : 4 AR/2 AR/9 AR/11 AR/16 AR/
31 AR

posting/modification Staff Nurse/ANM (.) Further to this Dto A 3478
Cot 14 inch year (.)

firstly (.) following posting/modification in above posting
order approved (.)

alpha (.) Smti Susha Devi Chhetri come Mid- wife 8
AR posted to 6 AR vide this order hereby
cancelled (.) instl now posted to 31 AR (.)

bravo (.) Smti Rosh Mary Bask come Staff Nurse
31 AR hereby posted to 10 AR (.)

charlie (.) Smti Isabella Alexander come Staff Nurse
8 AR posted to 9 AR vide this Dto this sig
hereby cancelled (.) instl now posted to 11
AR (.)

delta (.) Smt AP Graham come Mid-wife 26 AR posted
10 AR vide this Dto this sig hereby cancelled (.)
instl now posted to 4 AR (.)

echo (.) Smti Annie Mathew come Mid- wife 21 AR
hereby posted to 9 AR on compassionate ground (.)

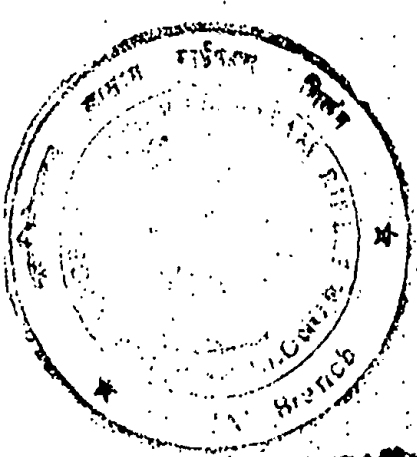
secondly (.) carry out MRF earliest and fwd completion report
not by Apr 29 without fail (.)

thirdly (.) No rpt or representation will be accepted -

lastly (.) all act

Place & Date: 30.1.00
Rakesh Sharma, AD(A)

Dated 30.1.00



Certified to be
true copy
Rakesh Sharma

ANNEXURE - 5

Appx'E'

(Refer to Para 4(b) of Med Br ION
No I.14015/Posting-ANM/Med-IV/200
dated 06 Feb 2006)

-17-

FROM : D GAR A BRANCH

DTG :

UNCLAS

TO : AC & A Rg

A 34 18

NLR(S)

Info : 9 AR

16 AR

posting ANM (.) Smt And Mathew ANM 9 AR hereby posted to
16 AR (.) incl to be released by Jan 10 and completion report
be fwd by 15 Jan 98 positively (.) 9 AR only (.) relief
being provided seperately -

Co 1 MS Dhull, DD(A), A-I I Dated, Shillong the 12 Dec 97

Copy to :-

Col
Director

Rec Branch(Adm-I) - for info wrt their ION No. I.17015/1/97/
(Internal) Adm-I/106 dt 07 Dec 97.

certified to be
one copy
Gokul
Adv.

ANNEXURE - 6

Appx 'F'

(14)
(Refer to Para 4(b) of Med Br IC
No I.14015/Posting-ANM/Med-IV/28
2006 dated 06 Feb 2006)

(27)
Headquarters,
Arunachal & Assam Range
Assam Rifles
C/O 99 APO

I.15014/10 Med/97-A/1341

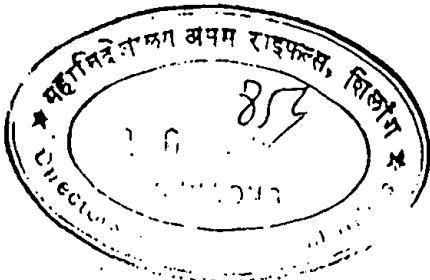
14 Jan 98

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A branch)
Shillong - 793 011

APPLICATION : FWD OF

1. An application submitted by ANM-018 Smt Ani Mathew,
ANM of 9 Assam Rifles regarding retention on compassionate
ground is fwd herewith for duly recommended by the DIG Assam
Rifles for your further action please.

2. Please ack.



Encl : 2 (two) only

Copy to :-

9 Assam Rifles
C/O 99 APO

(V Vasudevan)
Dy Comdt
offg DD(Adm)
for DIG Assam Rifles

for info with ref to their ltr
No 14014/29/97-A/727 dt 31 Dec 97.

Certified to be
True copy
Bogori
Adm.

- 19 -

ANNEXURE - 7

Appx 'G'

(Refer to Para 4(b) of Med Br ION
No I.14015/Posting-ANM/Med-IV/2006
dt 06 Feb 2006)

From : DGAR A Branch

DTG :

TO : AC & A Rg

Unclas

KLR(S)

A 34 27

Info : 9 AR

16 AR

posting ANM (.) this Dta A 1418 Dec 12 last yr (.)
your roman ens pt 15014/10 Me4/97-A/1341 Jan 14 (.) retention
in r/o Smt Anil Mathew ANM stand posted to 16 AR hereby
approved upto Apr 30 on end grnd (.) incl to be released
by May 01 without fail and completion report be submitted
by May 05 positively

Shri SK Kar, SAO, A-II Dated, Shillong the 18 Feb 99

SAO

TOR

h

Certified to be
true copy
Dagor
an.

NOTICE

64

From :- Mr. G. Baishya
Sr. CGSC, CAT

To, Mr. M. Chanda
Advocate, GHL

O.A. No. 10 of 2006

Smt. Annie Mathew
— Applicant

vs.
Union of India & Ors.
— Respondents

Please find herewith a copy of written statement with annexures which is going to be filed on behalf of the Respondents abovesaid in connection with the abovesaid case.

Kindly acknowledge the receipt thereof.

Thanking you.

Received Copy

Recd.
24/5
Advocate

Yours faithfully
Rishi Gogoi
Advocate

2006

गुवाहाटी बेंच

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

Filed by me applicant -
Mr. S. N. N. N.
Advocate
12/08/06

In the matter of:-

O.A. No. 10 of 2006

Mrs. Anie Mathew.

-Versus-

Union of India & Ors.

-And-

In the matter of: -

Rejoinder submitted by the applicant in reply to the written statements submitted by the respondents.

The applicant above named most humbly and respectfully begs to state as under; -

1. That with regard to the statements made in paragraph 1, 2 and 3 of the written statement the applicant categorically denies statements save and except those are matters of records.
2. That the applicant categorically denies the statements made in para 4, 5, 6, 7, 8, and 9 of the written statement and begs to state that husband of the applicant is serving as a Pastor in the solitary post at ARTC & S, Dimapur, therefore, the applicant sought her posting in the same station where her husband is posting as per the provisions laid down in the OM dated 12.06.1997 as well as OM dated 23.08.2004. Moreover, the applicant is suffering from Migraine with faint nerve as such she requires care of his husband which the applicant can avail only in the case of her posting in the same station or at any nearby station where husband of the applicant

is serving. Further, the statement of the respondents made in paragraph 4 of the written statement that there is Government School at Chassad at Manipur where daughter of the applicant can continue her study is not correct as because daughter of the applicant is reading at Class VIII under the Nagaland State Board and the applicant by the impugned order of transfer dated 19.05.2005 is now sought to be transferred at Chassad in the State of Manipur, which will cause disturbance in the study of the daughter of the applicant. Therefore, the contention of the respondents that the applicant has mislead the Hon'ble Tribunal is not correct and the applicant denies the same. Moreover, the respondents have not assigned any reason as to why it is difficult on the part of them to provide same station of posting of the applicant where her husband is working.

3. That the applicant categorically denies the statements made in para 10, 11, 12, 13 and 14 of the written statement and begs to state that the respondent have not denied the statement that there is no post available in the nearby Composite Hospital, Sukhovi or in 31st Assam Rifles near around the Dimapur town where the applicant prayed for her posting in her representation dated 27.05.2005. It is further stated that respondents have not stated the reason as to why the applicant could not be accommodate in the nearby Composite Hospital, Sukhovi or in 31st Assam Rifles which the applicant sought to be posted to stay in the same station with her husband as because his son and daughter both are reading at Nagaland under the Nagaland State Board. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to accommodate the applicant either at Composite Hospital, Sukhovi or in 31st Assam Rifles in terms of the provisions laid down in OM dated 12.06.97 as well as OM dated 23.08.2004.

That in the facts and circumstances stated above the Original Application deserves to be allowed with costs.

VERIFICATION

I, Mrs. Anie Mathew, W/o- Shri Abraham Mathew, working as Auxillary Nurse cum Midwife, Assam Rifles Training Center and School, Dimapur, Nagaland, aged about 38 years, 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 12th day of August 2006.

(ANIE MATHEW)

ANIE MATHEW

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH: GAUHATI

ORIGINAL APPLICATION NO 10 OF 2006

Smt Anie Mathew

..... Applicant

Versus

Union of India & others

..... Respondents

In the matter of :-

Reply of Rejoinder submitted by the Applicant.

The humble Respondents beg to submit the reply as follows:-

1. That with regard to statement made in para 1 of the Rejoinder Application, the contents of paras 1, 2 and 3 of the Written Statement are reiterated as correct.
2. That with regard to statements made in para 2 of the Rejoinder Application, the contents of para 4 and 6 of the Written Statement are reiterated as correct.
3. That with regard to statements made in para 3 of the Rejoinder Application, the contents of para 5 of the Written Statement is reiterated as correct.
4. That the answering respondent beg to state that the allegation raised by the applicant are all concocted, untrue and false and the respondent deny the same. The respondent beg to submit that the transfer of the applicant is just in accordance with the policy on the subject and the applicant is not entitled to any relief as sought for and the application is liable to be dismissed with cost.

That in view of the facts mentioned herein above it is humbly prayed that the present Original Application is not bonafide and is not legally sustainable and is liable to be dismissed with cost.

Filed by

the respondents

SG

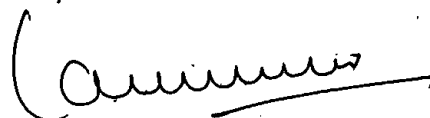
Through Advocate

for case

VERIFICATION

I, Major S Salooja, S/o GP Capt SC Salooja aged about 38 years, r/o Laitmukrah, Shillong District Shillong and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 to 4 are true to my knowledge and those of the paras being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 18 the day of Sep 2006 at Guwahati



Signature

मेपर

मेपर

A Chief Law Officer

बहालक मुख्य निधि अधिकारी

H. 793011

बहानिदेशालय असम राईफल्स, शिल्लॉंग-793011

Notice

From- Mr. G. Baishya
Sr. CGSC, CAT

To, Sri M. Chander
Advocate, GHL

O.A. No. 10 of 2006
Anil Mathew
Applicant
-Vs-
Union of India & Ors
Respondents

Please find herewith a copy of reply of rejoinder which is going to be filed on behalf of the respondents in connection with the abovesated case.

Kindly acknowledge the receipt thereof. Thanking you.

Yours faithfully
Rishi Goswami

Received copy
Jan. 2019
Advocate