

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No 110/2006
2. Misc Petition No.
- 3- Contempt Petition No.
4. Review Application No.

Applicant(S) B. B. Halder

Respondants UOI & ORS.

Advocate for the Applicant(S) MR B.C. Pathak, Dr. M. Pathak, B. Pathak & B.P. Kalita

Advocate for the Respondant(S) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.P. Form No. 50/- deposit <u>Rs. 3000</u> No. <u>266/324/82</u> Dated <u>6.5.06</u></p> <p><u>11.5.06</u> Dy. Registrar</p> <p><u>Pl. comply order dated</u> <u>11.5.06.</u></p> <p><u>NS</u> <u>12/5/06</u></p>	<p>11.5.2006</p>	<p>Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman.</p> <p>The applicant is presently working as Assistant Director of Postal Services (Group 'B' cadre). Earlier he has approached this Tribunal by way of O.A. No.240/2004 challenging the order of his transfer from Shillong to Kohima. This Tribunal vide order dated 20.7.2005 had directed the respondents to consider the case of the applicant and for transferring him to any Group 'B' post either at Dharmanagar or Silchar if vacancy exists. The respondents vide impugned orders dated 23.8.2005 and 3.11.2005 (Annexures- T & U respectively) rejected the claim of the applicant on the ground of non-availability of vacancy. Being</p> <p>Contd.P/2</p>

Contd.

11.5.2006

aggrieved, the applicant has filed this O.A. challenging the aforesaid two orders.

Mr. B. C. Pathak, learned counsel appeared for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. represented the respondents.

Considering the issue involved in this case I am of the view that notice has to be issued to the respondents. Hence issue notice to the respondents. Post the matter on 22.6.2006.

By way of an interim order the respondents are directed to ascertain whether vacancy exists at Dharmanagar under N.E. Circle as of now and if such vacancy is available it is directed that the same will not be filled up till the next date.

It is also made clear that pendency of this application shall not be a bar for the respondents in considering the representation of the applicant dated 22.12.2005 in the meantime.

Vice-Chairman

bb

Run copy
on behalf of R-3, 5 & 7
G. Baishya
S.C.G.S.C.
17.5.06

Notice duly served
on resp. nos. 3, 5 & 7.

7/5.

Notice & order
sent to D/Section
for issuing to
resp. nos. 1, 2, 4 & 6,
by regd. A/D post.
D/No - 517 to 520
7/5. DT. 19/5/06.

O.A. 110/06

13-

Notes of the Registry	Date	Order of the Tribunal
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Notice duly Served
on resp. nos-4, 6.

Cons
6/6/06.

Notice duly Served
on resp. nos-1, 2.

6/6/06.

Service Completed.

6/6/06.

21-6-07

no W/S filed
by

23-6-06

W/S filed by the
Respondents.

W/S has been filed.

28-6-06

20-7-06

① Notice received by
hand by the Sr.C.G.S.C on
b/h of R.no. 3, 5 & 7 on
17.5.06. Therefore, Notice
duly served on R.no. 3.

② W/S has been filed

No. rejoinder has been
filed. 18.8.06.

22.06.2006

Mr G. Baishya, learned counsel for
the respondents submitted that he has
already filed reply statement, which will
be kept on record if otherwise in order.
Post on 29.06.2006.

Vice-Chairman

29.6.2006

Let the case be posted on 21.7.2006
alongwith M.P.58/2006. Registry will veri-
fy what happened to the service to the
3rd respondent.

Vice-Chairman

21.7.2006

Mr.G.Baishya, learned Sr.C.G.S.C.
submits that there is an urgency in this
matter and therefore he has filed an M.P.
has been filed for vacating the say. A
reply statement has already been filed.
Applicant has no rejoinder to be filed.
Considering the issue I direct the
O.A. to be admitted. Since the pleadings
are complete post the case for hearing
on 2.8.2006.

Vice-Chairman

7.8.2006

Mr.B.C.Pathak, learned counsel for
the applicant submits that there are 2
vacancies. Hence he is directed to point
out the said vacancies by the next date
of hearing.

Post on 17.8.2006.

Member (A)

Vice-Chairman

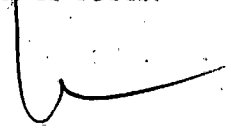
bb

O.A. 110/2006

17.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

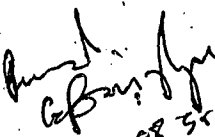
Heard learned Counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The Application is disposed of in terms of the order. No order as to costs.


Vice-Chairman

/mb/

21.8.06
C.C. has been
collected by the
applicant.
sh


28.08.08 31 case
Ria
Rachana

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

110 of 2006

O.A. No.

17.08.2006.

DATE OF DECISION

Shri Bipul Ranjan Halder

Applicant/s

Mr B.C. Pathak, Dr. (Mrs) M. Pathak, Mr B. Pathak and Mr B.P. Kalita.

Advocate for the
Applicant/s.

- Versus -

Union of India & Others

Respondent/s

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

Advocate for the
Respondents

CORAM

THE HON'BLE MR K.V. SACHIDANANDAN, VICE CHAIRMAN.
THE 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 ? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No

Vice Chairman (I)

b

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 110 of 2006.

Date of Order : This the 17th day of August 2006.

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

Shri Bipul Ranjan Halder
Son of Birendra Kishore Halder
Town & P.O. Karimganj
District - Karimganj (Assam).

... Applicant

By Advocates Mr B.C. Pathak, Dr. (Mrs) M. Pathak, Mr B. Pathak and
Mr B.P. Kalita.

- Versus -

1. Union of India,
Represented by the Secretary, Govt. of India,
Ministry of Communications, Department of Posts,
New Delhi.
2. The Director General of Posts
New Delhi.
3. Sri Abhijit Ghosh Dastidar,
Chief Post Master General
Assam Circle, Meghdoot Bhawan
Guwahati - 781 001.
4. The Chief Postmaster General
N.E. Circle, Shillong - 793 001.
5. The Chief Postmaster General
Assam, Circle, Meghdoot Bhawan
Guwahati - 781 001.
6. The Assistant Director (Staff)
Office of the Chief PMG, N.E. Circle
Shillong - 793 001.
7. The Director, Postal Services (H.Q.)
Assam Circle, Guwahati - 781 001.

... Respondents.

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

.....

ORDER (ORAL)K.V. SACHIDANANDAN (V.C.)

The Applicant claims that he joined in service under the Respondents as Postal Assistant, Director of Postal Services (Group B Cadre) in Officer Grade. The Applicant has put in 35 years of blameless service and he is serving the cause of the Government of India with all dedication, devotion and sincerity. The Applicant stated that during his service career, he has got transferred to as many as 14 times to the places covering the three postal circles, viz. North East Circle, Assam Circle and West Bengal Circle. The Applicant got transferred from West Bengal Circle to the North East Circle with effect from 01.07.2002. The Applicant is now working in Nagaon under the Assam Circle. The Applicant has filed this Application before this Tribunal for seeking the following reliefs: -

- "8.1 to set aside and quash the impugned order dated 3.11.2005 (as in Annexure - U) by holding such order as arbitrary, illegal, discriminatory and vitiated by malafide.
- 8.2 to direct the respondents to consider the transfer and posting of the applicant at Dharmanagar in terms of the order dated 20.7.2005 passed by this Hon'ble Tribunal in OA No. 240/2005 against the existing vacancy without nay further delay;
- 8.3 To dispose of the representation dated 22.12.2005 (Annexure - V) submitted by the applicant to the respondent by considering his case for posting at Dharmanagar against the existing vacancy;
- 8.4 To draw suo motto contempt proceeding against the respondent No. 3 for issuing the said impugned contumacious order as in ANNEXURE - U;
- 8.5 to pay the cost of the application.
- 8.6 or to pass such further or other order or for any other relief to which the applicant is found entitled to under the facts and circumstances of the case."

2. Heard Mr B.C. Pathak, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. Central Government Standing Counsel for the Respondents.

3. Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents taken to my attention to various aspects put forwarded in the reply statement and contended that since there is no vacancy in Group - B cadre in Assam Circle, his case could not be considered at that point of time. Mr Baishya, also submitted that the Applicant had filed O.A. No. 80 of 2006 and this Tribunal vide order dated 04.04.2006 directed the Respondents to consider for granting time for filing defence representation since the Applicant was subjected the disciplinary proceeding. Mr Baishya, further submitted that suppression of materials fact is serious irregularity as laid down by the Hon'ble Supreme Court and therefore, the Applicant has no legal right.

4. I have heard the learned Counsel for the parties and perused the materials placed on record. The reliefs and pleadings that has been brought to my notice in this O.A. is for transfer and posting the Applicant to Dharmanagar or Silchar and for that purpose the Applicant had filed O.A. No. 240 of 2004 before this Tribunal and vide order dated 20.07.2005, this Tribunal passed the following order: -

"2. The respondents have filed their written statement denying the request of the applicant. Mr B.C. Pathak, learned counsel for the applicant submits that presently 2 vacancies are available at Silchar and Dharmanagar on account of retirement of the incumbents there. Counsel submits that the applicant had earlier represented for a posting at Dharmanagar or at Silchar and therefore the respondents may be directed to consider his claim for transfer to one of the said two vacant places. Mr Pathak further submits that

in terms of Government Circulars particularly the latest one issued in 2004 a Government servant must be accommodated as far as possible at the same station where the applicant's wife is working. Counsel further submits that the respondents are bound to consider such circular while transferring the employees of the postal department. Miss U. Das, learned Addl. C.G.S.C. appearing for the respondents on the other hand submits that the applicant has been posted in Assam Circle and it is in the same circular where he wanted transfer. Miss Das further submits that Dharmanagar and Silchar are far away placed from Karimganj, where his wife is working and the transfer order was made in the interest of public service.

3. Mr B.C. Pathak, learned counsel for the applicant based on the averment in the rejoinder submits that though the applicant was accommodated in the Assam Circle at Nagaon it is 330 Km away from the residence whereas the distance from Karimganj to Dharmanagar is only 75 Km.

4. As already noted Dharmanagar and Silchar are nearer to the residence where the applicant's wife resides and vacancies are also available there on account of retirement of some persons. In the circumstances we are of the view that the application can be disposed of with directions. Accordingly, there will be a direction to the applicant to submit a fresh representation within 10 days from today before the respondents and the respondents are directed to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and pass an appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. If any vacancy in Group B post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there the same will be filled up only after considering the case of the applicant as directed hereinabove."

A specific direction was given to the Applicant to submit representation before the authorities and the respondents were directed to consider the representation of the applicant for his

transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and to pass appropriate orders in the light of the guidelines and in accordance with law. In furtherance of the said order, two orders dated 23.08.2005 and 03.11.2005 were passed by the Respondents and operative portions of the said orders are quoted herein below: -

"At present there is no vacancy in the post of Supdt. RMS 'S' Division, Silchar. The present incumbent will retire from Govt. Service on superannuation with effect from 31.08.06(A/N). The request of the officer is noted and at the time of making arrangement for the post of Supdt. RMS 'S' Division, Silchar will be examined in due course in accordance with Department's rule in the subject. This order will, however, not in itself confer any right or claim on Shri Halder for appointment in the said post.

At present there is no vacancy in the post of Supdt. of PO's Dharmanagar and the present incumbent in the said post will retire on 31/10/2006."

5. The case of the Applicant is that without prejudice to the contentions made in O.A. No. 240 of 2004, the Applicant filed representation and annexures - T and U orders had been passed. Learned Counsel for the Respondents, on the other hand, argued on suppression of material facts and submitted that subsequent to the order passed in annexures - T and U, a disciplinary proceeding was initiated against the Applicant, which is under inquiry and therefore, intention of the Applicant is to free from this Tribunal and shall deprive the Respondents for holding the disciplinary proceeding. Counsel for the Respondents submitted that it pertains to suppression of material facts in the O.A. Learned Counsel for the Applicant, on the other hand, submitted that Applicant has no intention to suppress the material facts since the Applicant made specific averments in the O.A.

that he had already filed O.A. No. 80 of 2006 for getting defence representation in the proceeding, which was allowed by this Tribunal and the proceedings are going on and he is fully co-operating with the department. Learned Counsel for the Applicant also submitted that Silchar is in the Assam Circle and the Dharmanagar is in the N.E. Circle and it is for the Applicant's concern to participate in the disciplinary proceedings so that he will exonerate from the charges. Besides, the charges were framed under Section 16 of the CCS (CCA) Rules, 1965 which pertains to minor penalty as per Rule 10 of the Central Administrative Tribunal (Procedure) Rules 1987, wherein it is mentioned that an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another. The disciplinary proceeding is for a separate cause of action, which cannot be clubbed in this O.A.

6. From the materials placed on record and arguments advanced, I am of the view that the cause of action of the disciplinary proceeding is different from the cause of action of this Application. Therefore, it cannot be said that there is suppression of material facts. In this connection, the learned Counsel for the Respondents, placing reliance upon a decision of the Hon'ble Gauhati High Court reported in 2005(1) GLT 364, Brahmaputra Consortium Ltd. v. State of Assam & Ors., submitted that suppression of material facts is a serious matter to be viewed by the Court of law. The learned Counsel also placed another decision of the Hon'ble Gauhati High Court reported in 2006(2) GLT 324, Surajit Das V. State of Assam & Ors. and submitted that swearing a false affidavit is against the provisions of Article 226 of the Constitution and the Respondents resorting to tamper with records and resorting to falsehood is wholly impressible.

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7. I respectfully agree on the dictum laid down by the Hon'ble High Court. No doubt, suppression of material facts is a serious matter and it has to be dealt with properly. But in the instant case, the Applicant himself took the pleadings as follows: -

"That the applicant further declares that except the facts stated above and except the O.A. No. 80/2006, which has also been finally disposed of on 4.4.2006 by this Hon'ble Tribunal, he has not filed any application, writ petition or suit regarding grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them."

8. Admittedly, on verification of records, it is found that the Applicant filed O.A. No. 80 of 2006 for irregularities that had been committed in the disciplinary proceedings by the Respondents and the Applicant was given opportunity to defend his case in such proceedings. It cannot be said that there is suppression of material facts in the instant application as submitted by the learned Counsel for the Respondents. The case of the Respondents' Counsel is that it is not enough only to mention the O.A. in this Application, it has to be mentioned in details that disciplinary proceedings is going on and all other relevant aspects pertaining to disciplinary proceedings should have been reflected in the Application. I am afraid that such contention will not stand in its legs since it is for a different cause of action. Therefore, the contention of the Respondents is not accepted.

9. However, Mr B.C. Pathak, learned Counsel for the Applicant, during the course of argument, submitted that he will be satisfied if a direction is given to the Applicant to file a comprehensive representation for consideration of his case for transfer and posting in the resultant vacancy at Silchar on retirement of the present

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incumbent on 31.08.2006, so also in the resultant vacancy at Dharmanagar on retirement of the present incumbent on 31.10.2006 as reflected in annexures - T and U respectively notwithstanding the fact of initiation of disciplinary proceeding. He will also be satisfied if one of these two vacancies preferably Silchar is granted to him and accommodate the Applicant. On going through the order of this Tribunal dated 20.07.2005 passed in O.A. No. 240 of 2004 and annexures - T and U, I am of the view that ends justice will be met if a direction is given to the Applicant to submit a comprehensive representation before the authority. Accordingly, the Applicant is directed to file a comprehensive representation within fifteen (15) days from today with reference to the annexures - T and U. On receipt of such representation the Respondents shall consider and dispose of the same within a period of three months thereafter. The Respondents shall pass a speaking order and communicate the same to the Applicant within the time frame as mentioned above.

The Original Application is disposed of as above. In the circumstances, no order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

/mb/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

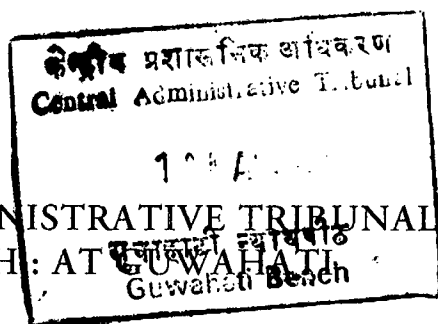
ORIGINAL APPLICATION NO. 110/06

1. a) Name of the Applicant:- B. R. Halder
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :- one
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all 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. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:- Yes/No.
11. Is the application by IFO/BD/For Rs: 5/- 266 324/82 6.5.06.
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 annexures duly attested filed:- Yes/No.
15. Has the Index of 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 the interim relief is prayed for :- Yes/ No.
20. In 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 the application is in order:-

This application is in form.

10.5.06
SECTION OFFICER(J)

DEPUTY REGISTRAR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI

O.A. No. 110 /2006

Sri Bipul Ranjan Halder

.....Applicant

-versus-

Union of India & others

.....Respondents

Filed by

Bishnu Pd. Kalita
Advocate 10/5/06

Synopsis of the Case

Date	Particulars	Annexure/ Page
1970	The applicant joined in service under the respondents as Postal Assistant. Since then the applicant rose to the present position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. In his blameless service career of 35 years the applicant has been transferred for 14 times in three different circles.	
30.9.04	Order of transfer from Shillong to Kohima issued and the applicant is released/made to hand over charge on the same day within 2 hours.	Annexure A & B, Page 19-20
	<p>The applicant challenged the said order of transfer vide OA No. 240/2004 inter alia on the following grounds:</p> <p>a) The order is issued without considering the aspect of the applicant that his wife is a Govt. of Assam servant at Karimganj and there are specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.</p> <p>b) The fact that the wife of the applicant is a chronic patient of rheumatoid arthritis was not considered.</p>	

	<p>c) That the order of transfer is initiated by malafide on part of the respondent No.2 who has been implicated by name in the application.</p> <p>d) That the applicant has been victimized as being a member of the Officers' Association.</p> <p>e) That the applicant has been discriminated against as the case of another similarly situated person has been considered by posting him at his station of request.</p>	
20.7.05	<p>This Hon'ble Tribunal passed the final order in OA No. 240/04 thereby directing the applicant to submit a fresh representation to the respondents within 10 days from 20.7.2005 with further direction to the respondents to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the admitted vacancy position and the fact of serious ailments of his wife and pass appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. This Hon'ble Tribunal made it further clear that any vacancy if exist either at Dharmanagar or at Silchar the same be filled up only after considering the case of the applicant as directed in the said order.</p>	Annexure S, Page 52-54
23.8.05	<p>The respondent No.5 considered the case of the applicant and passed the order vide letter No.Staff/1/243/04 dated 23.8.2005 within the time-frame fixed by the Hon'ble Tribunal and informed the applicant that there was no vacancy there at Silchar and the vacancy at Silchar would occur only by 31.8.2006</p>	Annexure T, Page 55
3.11.05	<p>The respondents issued the impugned order vide No.Staff/7-118/2002 dated 3.11.2005</p>	Annexure U, Page 56

	stating that at present there was no vacancy at Bench Dharmanagar and the present incumbent would retire on 31.10.2006.	
	That the Annexure T and U order are passed in contravention of the order dated 20.7.05 of the Tribunal and they are passed malafide only to frustrate the applicant. The vacancy position as stated by the respondents is also not factually correct.	
22.12.05	The applicant submitted representation stating his case which is till date lying unattended by the respondents.	Annexure V, Page 57-58

Filed by :
Binhak Pd. Kalita
Advocate 10.5.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH : AT GUWAHATI

O.A. No. 110 /2006

Sri Bipul Ranjan HalderApplicant
 -versus-
 Union of India & othersRespondents

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Filed by:
 Bishnu Pd. Kalita
 Advocate 10.5.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 110 OF 2006

BETWEEN

Shri Bipul Ranjan Halder,
Son of Birendra Kishore Halder,
Town & P.O. Karimganj
District- Karimganj (Assam)

... Applicant

-versus-

1. Union of India
Represented by the Secretary, Govt, of India
Ministry of Communications, Department of Posts,
New Delhi.
2. The Director General of Posts
New Delhi.
3. ✓ Sri Abhijit Ghosh Dastidar,
Chief Post Master General,
Assam Circle, Meghdoot Bhawan
Guwahati-781001.
4. The Chief Postmaster General
N.E.Circle, Shillong-793001.
5. The Chief Postmaster General
Assam Circle, Meghdoot Bhawan
Guwahati-781001.

Bipul Ranjan Halder

6. The Assistant Director (Staff)
Office of the Chief PMG, N.E. Circle
Shillong -793001.
7. The Director, Postal Services (H.Q)
Assam Circle, Guwahati-781001.

... Respondents

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:
 - (i) This application has been made against the order passed by the respondent No.7 on behalf of the respondent No.5 vide No.Staff/1/243/04 dated 23.8.2005 and the order passed by the respondent No.6 on behalf of the respondent No.3 and 4 vide Memo No. Staff/7-118/2002 dated 3.11.2005 thereby rejecting the prayer for transfer of the applicant on ground of non-availability of vacancy both at Silchar and at Dharmanagar respectively as directed by the Hon'ble Tribunal vide order dated 20.7.2005 passed in O.A No. 240/2005 (as in ANNEXURE- T and U)
 - (ii) For non-consideration of the representation dated 22.12.2005 submitted by the applicant to the respondent No.2 for consideration of his transfer to Dharmanagar against a clear existing vacancy (as in ANNEXURE- V).
2. JURISDICTION OF THE TRIBUNAL:

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

Bipul Ranjan Halder

3. LIMITATION:

The applicant further declares that the subject matter of the application is within the period of limitation prescribed under the Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

- 4.1 That the applicant is the citizen of India and a permanent resident Karimganj Town, P.O. Karimganj, District- Karimganj (Assam) and as such, he is entitled to all the rights, protection and privileges as guaranteed under the Constitution of India and the laws framed thereunder.
- 4.2 That the applicant joined in service under the respondents as Postal Assistant in the year 1970 and rose to the position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. The applicant has put in 35 years of blameless service and he is serving the cause of the Government of India with all dedication, devotion and sincerity.
- 4.3 That during his service career the applicant has got transferred to as many as 14 times to the places covering the three postal circles, viz, North East Circle, Assam Circle and West Bengal Circle. The applicant got transferred from West Bengal Circle to the North East Circle with effect from 1.7.2002. The applicant has completed 2 years and 3 months of service in that place of posting where he was entitled to continue at least for 4 years as rotation posting.
- 4.4 That at that stage, the respondent No.2 issued an order of transfer vide Memo No. Staff/9-2/04 dated 30.9.2004 (**Annexure A**) transferring the applicant alongwith others from the Office of the respondent No.2 to Kohima as Deputy Superintendent of Posts, Nagaland Division, Kohima. It is pertinent to state here that the said order has been made to be issued by the applicant himself as the respondent No.2 compelled

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him to do so. It is also pertinent to state here that the said transfer orders are to take immediate effect whereas the one of the transferee at Sl. No. (d) has been made to be relieved only on 18.10.2004 who is to be released by another transferee, namely Sri Anil Baran Dutta at Sl. No. (a). Whereas, the applicant has been immediately relieved, hardly after 2 hours on the same day from the time of receipt of the transfer order. The applicant was also forced to sign the certificate of the transfer of charge without actual handing over of charge to the relieving officer, namely, Sri Anil Baran Dutta. This was done in complete violation of the provisions of transfer of charges as required under the provision of Rule 73, 74 and 75 of the **Posts and Telegraphs Manual, Vol. IV (Establishment)**. It is also explicit from the order of the transfer that there is no whisper about the approval of the competent authority to issue such transfer order. The competent authority to issue such transfer is the Respondent No.2 as provided under Rule 34 of the Posts and Telegraphs Manual, Vol. IV read with the Schedule -2 of the Postal Manual Vol. III. The impugned transfer order has been issued by the applicant himself, who is not the competent authority, thereby transferring himself alongwith others. Therefore, such order of transfer was illegal and can not sustain in law and was liable to be set aside and quashed.

The copy of the said transfer order and certificate of transfer of charge, both dated 30.9.2004 are annexed as **Annexure- A and B** respectively.

- 4.5 That after being relieved and before joining in the new place of posting, the applicant applied for earned leave and the said earned leave was granted to him with effect from 5.10.2004 to 24.10.2004. The leave has been granted to the applicant vide Memo No. Staff/7-118/2002 dated 15.9.2004. It is to be noted that this leave was granted prior to the issuance of the transfer order dated 30.9.2004. In the transfer order there was a categorical note at Clause 2 that Sri Niranjan Das will be relieved on 18.10.2004 by Sri Anil Baran Dutta, whereas, by the leave sanction order it has been specifically stated

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that said Sri Niranjan Das will look after the duties of the applicant, B.R Halder, upto 24.10.2004. This was nothing but a glaring instance of malafide and whimsical action of the respondent No. 3, who was at that time holding the said post of respondent No.4. This transfer order was very much guided by his own whims and ill-will as the said authority was having ill-feeling against the applicant as stated hereinafter. As such the transfer order being vitiated by malafide and illegality was liable to be set aside and quashed.

A copy of the said memo dated 15.9.2004 is annexed hereto as **Annexure C**.

- 4.6 That the applicant, however, made a representation on 15.9.2004 prior to the issue of the said transfer order on 30.9.2004 with a request to transfer him to a place, namely, Dharmanagar, which is nearer to his native place, on the ground that his wife is a chronic patient of *rheumatoid arthritis* so that he can look after his ailing wife. It is also needless to mention here that the applicant is a childless lonely man and there is none to look after his ailing wife, who needs help of others in her day-to-day avocations. But the said order of transfer was issued in total disregard to the said representation dated 15.9.2004. That being the position, the applicant, on receipt of the transfer order, immediately on the same day submitted another representation dated 30.9.2004 stating therein about his request to transfer and post him at the Postal Store Depot, Silchar or at Dharmanagar on the genuine ground of the chronic ailment of his wife. By the said representation, the applicant also stated that his wife is a Government Servant of Assam under the Education Department and serving as Assistant Teacher. By the said representation, the applicant also mentioned about the Govt. of India curricular envisaging that the husband and wife should be posted at the same station. But the said representation was also pending consideration by the respondent No.3 and 4. From the transfer order itself, it was very much clear that there were posts available for the applicant to be posted at Dharmanagar or at Silchar, but unfortunately, by not considering the request of the applicant, one

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Niranjan Das at Sl.No. (d) was been posted there at Dharmanagar and Sri S. Choudhury at Silchar.

It is respectfully submitted that the wife of the applicant, namely Smti. Malabika Halder has been undergoing treatment under the Appollo Hospital Chennai since 21.5.2002 and her treatment is still going on. She is also undergoing some ayurvedic treatment continuously at Calcutta. The latest such treatment she received was on 7.9.2004. So it was abundantly clear time and again to the respondents that the wife of the applicant is a chronic patient requiring assistance from the applicant and he may kindly posted at a place which is nearer to the place of work and residence of his wife.

Copies of the representation dated 15.9.2004 and 30.9.2004 and the prescriptions/proof of treatment are annexed hereto as **ANNEXURE D, E and F (series)** respectively.

- 4.7 That the Govt. of India, Ministry of Communications, Department of Posts, vide its letter No.70/95/86-SPB.I dated 24.7.1986 adopted and agreed to implement the provisions of transfer and posting of husband and wife as per Office Memorandum No. 28034/7/86-Estt (A) dated 3.4.1986. As the said provisions was not so scrupulously followed by the Departments to transfer and post the husband and wife at the same station as envisaged in the said circular, the Govt. of India once again brought out another Office Memorandum vide No.28034/2/97-Estt.(A) dated 12.6.1997. This was issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training. By that circular, the Govt. of India further emphasized that the provisions of the O.M. dated 3.4.1986 should be followed and directed the Departments to 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. This O.M dated 12.9.1997 was adopted by the Department of Posts vide circular No.

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137-46/97-SPB-II dated 21.8.1997. In spite of the said repeated instructions, the administration in various departments failed to implement the provisions of the above two OM's and therefore the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, brought out another OM vide No. 28034/23/2004-Estt.(A) dated 23.8.2004 and directed the Departments to follow the provisions of the OM's dated 3.4.1986 and 12.6.1997 in letter and spirit even when there were no administrative constraints. By the said OM it has further been directed that the guidelines laid down in the said OM's are strictly followed while deciding the request for posting of husband and wife at the same station. This OM dated 23.8.2004 was also adopted by the Department of Posts vide No.141-178/2004-SPB.II dated 22.9.2004. However, in spite of the said clear guidelines, the case of the applicant has not been considered by the respondents.

The copies of the OM dated 3.4.1986, letter dated 24.7.1986, OM dated 12.6.1997, letter dated 21.8.1997, OM dated 23.8.2004 and letter dated 22.9.2004 are annexed hereto as **ANNEXURE G, H, I, J, K and L** respectively.

- 4.8 That the applicant respectfully submits that in case the transfer of the applicant is considered as a request transfer he will not claim any TA, DA etc for his such transfer and there shall not be any burden on the exchequer of the Govt. of India. It is pertinent to mention here that as there is no post to accommodate the applicant in any office at Karimganj, the native place of the applicant where his wife is working in a Government School, he would be able to look after his wife very well either from Dharmanagar or even from Silchar, which are the places very nearer to the place of his wife and which is the native place of the applicant. But by the transfer order the applicant was transferred to Nagaland, Kohima, which is a disturbed area with extremist activities and without any easy communications and accessibility. If the applicant was posted at Kohima he would not have

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been able to assist his wife in any way which would directly affect the life of his wife and frustrate the Govt. guidelines issued in this regard.

A copy of the said order dt. 11.4.2001 is annexed hereto as the **ANNEXURE-M**.

- 4.9 That the applicant had been an Office bearer of the Officers' Association and at the relevant point of time he was holding the post of Assistant Secretary of the said Association. The Office Bearer of the Association requires to discuss/interact with the Respondent No.3 on various occasion off and on relating to various demands of the Association and the Officers including the matter of transfer and posting, accommodation etc. The applicant, on several occasions in the capacity of Office Bearer of the Officers' Association had to react to the treatment of the respondent No. 3 and had to indulge in argument on the issues taken up by the Officers' Association, more particularly when he alongwith other office bearers had to discuss on the issues like withdraw of STD facilities extended to the residential and office telephones of gazetted and non-gazetted officers of Meghalaya Division and relating to the curtailment of 'Tour Traveling Allowance'. The respondent No.3 directed the applicant in Official capacity to issue instruction to the concerned authority thereby withdrawing the STD facilities extended to residential and office telephone vide letter No. TECH/40 1/76/II dated 16.9.2004. This curtailment of facilities created resentment among the officers and the matter was taken up by the Officers' Association. Similarly, the respondent No.3 also issued letter No. BGT/1-1/2004-2005 dated 28.7.2004 and letter No. AP/TA/Misc/89-90 dated 10.9.2004 and thereby issued order by curtailing expenditure in the Tour TA allegedly as an economic measure. This issue was also taken up by the Officers Association and this led to some misunderstanding between the respondent No.3 and the Officers' Association, particularly between the applicant and the respondent No.3. On several occasion, the respondent No.3 openly declared in presence of all the office bearers while holding meeting with him that he would see how the Officers' Association could survive

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and stand before him and he will see that the Officer Bearers are transferred to elsewhere and spread out so that there would be no occasion of their holding meetings like that in future. The respondent No.3 in that way bore in mind some ill feeling and hatred towards the Office bearers of the Officers' Association and more particularly towards the applicant. Under such situation, the Officers' Association held its meeting on 1.9.2004 and discussed the issues in the said meeting in its Resolution No. 4, 5 and 6 and decided to take action accordingly. The copy of the said resolution was also sent to the respondent No.3/4 alongwith other authorities. The respondent No.3 took exception to such resolution of the Officers' Association and as a result the respondent No.3 caused to issue the said transfer order as a first hand action towards the office bearers and the applicant fell victim of the circumstances and the malafide action of the respondent No.3.

The copies of the letter dt. 6.9.2004, 28.7.2004, 10.9.2004 and minutes of the meeting of the Officers' Association dated 1.9.2004 are annexed as **Annexure N, O, P and Q** respectively.

- 4.10 That the Officers' Association in which the applicant is the Assistant Secretary is an authorized and recognized Association under the provisions of "Central Civil Services (Recognition of Service Association) Rules, 1993" as provided in order of the Department of Post vide letter No. 13-1/93-SR dated 10.8.1994. The law is also well settled that the Office bearer of recognized Associations are immune from transfer liability during the term of their office. As per Govt. of India, Ministry of Home Affairs Office Memorandum No. 26/3/69-Estt(B) dated 8.4.1969, it is the duty of the Government to bring the General Secretary and one other Executive Member of recognized Associations to the Head Quarters. The Head quarter of the Officers' Association in the instant case in the instant case is Shillong and therefore the respondents are to provide the posting of the office bearer in its Head Quarter. The transfer of the applicant out of the

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Head Quarter at Shillong is therefore illegal, arbitrary and vitiated with malafide and the same is liable to be set aside and quashed.

The applicant craves the leave of this Hon'ble Tribunal to rely upon and produce the relevant portions of the aforesaid Rules and the circulars at the time of hearing of the case.

- 4.11 That the respondent No.3 is a person of different temperament and he is irritable by nature. He being a divorcee has a disturbed family life. This unfortunate background of the respondent No.3 has led to various type of mis-deeds. There has been a series of written complaint against him touching his personality and sexual behavior. Such atrocious behavior perpetrated by the respondent No.3 towards his fellow subordinate staff has even went up to the Central Minister for interference and action to stop or correct him from exhibiting such behaviour. The respondent No.3 has also allegedly resorted to various illegal activities which are criminal in nature as per the said written complaint which has been taken up by the Ministers including the Ministry of Communications and Information Technology.

The written complaint and the communications made by the Minister to Minister are annexed hereto as **Annexure R series**.

- 4.12 That the applicant in this case is the victim of discrimination meted against him by the respondent No.3 and 4. The applicant submitted his representation which was registered in the Official register at Sl.No. 1, while one Sri Subroto Choudhury, an officer similarly situated with the applicant also submitted similar representation at a much belated stage which was registered at Sl.No.2. But the respondent No.3 considered the case of Sri Subroto Choudhury and posted him at the Postal Store Depot, Silchar at his request whereas the request of the applicant has not been considered at all by the respondent No.3 in spite of the genuine ground and family problem of the applicant best known to the respondent No.3. Such type of treatment is certainly

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discriminatory and violative of the provisions of Article 14 of the Constitution of India and also vitiated with malafide for the reasons as stated hereinabove.

- 4.13 That having no other alternative remedy and being highly aggrieved by the action of the respondents, the applicant had to approach this Hon'ble Tribunal through an application, which was registered as the O.A. No.240/2005. This Hon'ble Court after hearing both the sides and perusing the records was pleased to pass the final order on 20.7.2005. By the said order dated 20.7.2005, this Hon'ble Tribunal clearly held that there were existing vacancies both at Dharmanagar and Silchar. To this finding, there was no statement to negate such finding and the respondents had no objection to record in the said order. The Hon'ble Tribunal directed the applicant to submit a fresh representation to the respondents within 10 days from 20.7.2005 with further direction to the respondents to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and pass appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. This Hon'ble Tribunal made it further clear that any vacancy if exist either at Dharmanagar or at Silchar the same be filled up only after considering the case of the applicant as directed in the said order.

The copy of the said order dated 20.7.2005 passed in OA No. 240/2005 is annexed as **ANNEXURE-S**.

- 4.14 That in the meantime, the respondents cancelled the order of transfer of the applicant to Kohima, Nagaland and posted him at Nagaon, Assam, which again far way from the native place of the applicant where his wife residing and serving in a Government School. The applicant and his wife is suffering continuously even after the said order passed by this Hon'ble Tribunal.

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4.15 That as per direction of this Hon'ble Tribunal, the applicant submitted his fresh representation to the competent authorities. As per direction of this Hon'ble Tribunal, such representations were to be considered within one month from the date receipt of the same. The respondent No.5 considered the case of the applicant and passed the order vide letter No.Staff/1/243/04 dated 23.8.2005 within the time-frame fixed by the Hon'ble Tribunal and informed the applicant that there was no vacancy there at Silchar and the vacancy at Silchar would occur only by 31.8.2006. But the respondent No.3/4 with ulterior motive again acted malafide and hushed up the matter without considering the case of the applicant and deliberately and willfully disobeyed to consider the case of the applicant. The respondent No.3/4 went on with his motive to frustrate the request of the applicant and to obstruct the execution of the Hon'ble Tribunal's order dated 20.7.2005. Instead of complying with the order passed by this Hon'ble Tribunal as stated above, the respondents deliberately posted another person at Dharmanagar against the existing vacancy only to frustrate the prayer and acute need of the applicant and to obstruct and violate the order of the Hon'ble Tribunal. However, ultimately by filling up the vacancy and after expiry of the stipulated time fixed by this Hon'ble Tribunal and without assigning any reason thereof, the respondents issued the impugned order vide No.Staff/7-118/2002 dated 3.11.2005. By the said order the respondents stated that at present there was no vacancy at Dharmanagar and the present incumbent would retire on 31.10.2006. It is also stated at para 3 of the said letter that one newly promoted PSS Group B officer from Assam Circle allotted to the North East Circle is also awaiting absorption and posting under the N.E.Circle. As such posting of the applicant at Dharmanagar would not be practically feasible. The applicant respectfully states that this order dated 3.11.2005 is not only arbitrary and illegal but also contumacious in its contents and nature for which the same is liable to be quashed and set aside and a suo motto contempt proceeding liable to be drawn against the respondent No.3/4 for deliberate and willful violation of the order passed by this Hon'ble Tribunal on 20.7.2005 in OA No.240/2005. The fact is that the permanent incumbent posted at Dharmanagar has

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already transferred to elsewhere and the said post is lying vacant and the same is being looked after by a subordinate officer as a stop-gag arrangement. The said impugned order therefore can not sustain in law as the same is contumacious, vitiated by malafide and suppression of material facts and directly oppose the direction given by this Hon'ble Tribunal in order dated 20.7.2005.

The copies of the said order dated 23.8.2005 and 3.11.2005 are annexed as **ANNEXURE-T & U** respectively.

- 4.16 That in view of the above facts and circumstances, the applicant again submitted his representation on 22.12.2005 thereby requesting the competent authority to post him at Dharmanagar as per direction of the Hon'ble Tribunal given in the order dated 20.7.2005 in OA No.240/2005. By the said representation, the applicant pointed out the existing vacancy that has occurred at Dharmanagar. The said representation has again been suppressed and hushed up by the respondents and the same is still pending disposal. On the other hand his wife's condition is deteriorating day by day in his absence and the applicant is also put to extreme mental agony for such situation prevailing at his residence while he is posted far away from home.

The copy of the representation dated 22.12.2005 is annexed as **ANNEXURE-V**.

- 4.17 That under the above facts and circumstances it is a fit case where this Hon'ble Tribunal would be please to direct the respondents to comply with the order dated 20.7.2005 passed in OA No.240/2005 by making immediate arrangement to post the applicant at Dharmanagar against the existing vacancy and also initiate suo motto contempt proceeding against the respondent No.3, Shri Abhijit Ghosh Dastidar to punish him in accordance with law for deliberate and willful violation of the order dated 20.7.2005 passed in OA No.240/2005 and for issuing the impugned order dated 3.11.2005, which amounts to obstruction of the order of this Hon'ble Tribunal. The said order of this Tribunal has not

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been challenged in any higher forum and the same is still holding the field.

4.18 That the applicant demanded justice from the respondents which has been denied to him.

4.19 That this application has been made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the impugned order dated 3.11.2005 as in ANNEXURE-U is arbitrary, illegal and contumacious in its contents and nature and the same is directly violative to the order dated 20.7.2005 passed by this Hon'ble Tribunal in OA No. 240/2005 and as such the same is liable to be set aside and quashed.

5.2 For that the impugned order is vitiated by malafide action of the respondents, more particularly for the action of the respondent No.3, who has been implicated as a party eo nomine.

5.3 For that the applicant is also entitled to be considered for posting at his place of choice nearer to his native place where his wife is serving as a State Government Employee and she has no scope to be transferred to the place of the applicant and for which there is specific guidelines and directions issued by the Govt. of India from time to time relating to the posting of husband and wife in the same station.

5.4 For that the respondents failed to consider the representation dated 22.12.2005 (as in ANNEXURE-V) submitted by the applicant to transfer him to Dharmanagar against the existing vacancy there on the ground of chronic ailment of his wife and direction given by this Hon'ble Tribunal in order dated 20.7.2005 in OA No. 240/2005.

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- 5.5 For that the impugned order dated 3.11.2005 is unreasonable, unfair and discriminatory and the same amounts to violation of the provisions of the Article 14 of the Constitution of India.
- 5.6 For that the impugned order dated 3.11.2005 is contumacious in its contents and nature and the same has been issued deliberately and willfully to disobey and obstruct the execution of the order dated 20.7.2005 passed by this Hon'ble Tribunal in OA No.240/2005 and that being the position the same is liable to be set aside and quashed and the respondent No.3 be punished for the violation of the said order dated 20.7.2005.
- 5.7 For that in any view of the matter and the provisions of law the impugned transfer order is not tenable in law and the same is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

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

A That the applicant further declares that except the facts stated above and except the OA No. 80/2006, which has also been finally disposed of on 4.4.2006 by this Hon'ble Tribunal, he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them to show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the records including the causes, if any shown by the respondents, Your Lordships would also be pleased to:

- 8.1 to set aside and quash the impugned order dated 3.11.2005 (as in **Annexure-U**) by holding such order as arbitrary, illegal, discriminatory and vitiated by malafide;
- 8.2 to direct the respondents to consider the transfer and posting of the applicant at Dharmanagar in terms of the order dated 20.7.2005 passed by this Hon'ble Tribunal in OA No.240/2005 against the existing vacancy without any further delay;
- 8.3 To dispose of the representations dated 22.12.2005 (Annexure-V) submitted by the applicant to the respondent by considering his case for posting at Dharmanagar against the existing vacancy;
- 8.4 To draw suo motto contempt proceeding against the respondent No.3 for issuing the said impugned contumacious order as in ANNEXURE-U;
- 8.5 to pay the cost of the application;
- 8.6 or to pass such further or other order or for any other relief to which the applicant is found entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application, the applicant prays for grant of an interim order thereby directing the respondents to not to fill up the

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said vacant post existing at Dharmanagar until further order from this Hon'ble Tribunal as has been fixed by this Hon'ble Tribunal in order dated 20.7.2005 passed in OA No.240/2005.

10. The application is filed through Advocate.,

11. PARTICULAR OF I.P.O. :

I.P.O. NO.	:	266-324182
Date of Issue	:	9-5-2006
Issued from	:	GPO.
Payable at	:	Gurukul.

12. LIST OF ENCLOSURES : As stated in the INDEX.

Bipul Rayan Halder

VERIFICATION

I, Sri Bipul Ranjan Halder, son of Birendra Kishore Halder, aged about 55 years, permanent resident of Karimganj Town Post Office & District-Karimganj, Assam, do hereby solemnly affirm and state that the statements made in the application in para 4.2, 4.3, 4.10, 4.12, 4.14 and 4.17 are true to my knowledge and belief, those made in para 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, 4.13, 4.15, 4.16 being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 10th day of May 2006 at Guwahati.

Bipul Ranjan Halder

Deponent

DEPARTMENT OF POSTS: INDIA

ANNEXURE : 4

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Memo No.Staff/9-2/04

Dated Shillong, the 30th September' 2004.

Subject:- Posting/Transfers of Gazetted Officers in N. E. Circle

The under mentioned posting/transfer order in respect of Gazetted Officers are issued on administrative grounds to have immediate effect."

Sl. No.	Name/Designation	Present appointment	Transfer to next appointment	Remarks
a)	Sri Anil Baran Dutta, PSS Group 'B'	ADPS/CO, <u>Shillong</u> .	ADPS(Staff/Tech) C.O., <u>Shillong</u> .	Vice Sri B. R. Halder transferred
b)	Sri Bipul Ranjan Halder, PSS Gr. 'B'	ADPS(Staff/Tech) C.O. <u>Shillong</u> .	Deputy Supdt. of Posts, Nagaland Division <u>Kohima</u>	Vice Sri S. Choudhury transferred.
c)	Sri Subrata Choudhury, PSS Group 'B'	Dy. Supdt. of Posts Nagaland Division, <u>Kohima</u> .	Supdt. Postal Stores Depot, <u>Silchar</u> .	Against vacant post
d)	Sri Niranjana Das, PSS Group 'B'	ADPS(PLI/Business Development/ Technology/Philately) C.O. <u>Shillong</u> . Has been working as ADPS, CO/Shillong since June' 98	Supdt. of Posts <u>Dharmanagar</u> Division (Tripura)	Vice Sri Sunil Das, transferred
e)	Sri Sunil Das, PSS Group 'B'	Supdt. of Posts, Dharmanagar Division, <u>Dharmanagar</u> (Tripura) Has been working as Supdt. Dharmanagar Since January' 2001	ADPS(PLI/Business Development/Tech-nology/Philately) CO/ <u>Shillong</u> .	Vice Sri N. Das, transferred.

2. ? The officer at Sl. (d) will be relieved on 18-10-04 by Sri Anil Baran Dutta.

3. Relevant charge reports and last pay certificates will be issued to all concerned.

(B. R. Halder)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.

Advocate

Contd..P/2...

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~~18~~

~~ANNEXURE~~

~~2~~

ANNEXURE : B

38

ACG-61

Amendment of General Financial Rules, 1963
FORM VFR 33
(See Rule 77B)

Certificate of transfer of Charge

Certified that I/We have in the forenoon/afternoon of this day respectively made over and received charge of the Office of Asst Director (Staff Tech) Co. Shikong in pursuance of Order No. Staff/9-2/04

Dated 30-9-04

Relieved Officer B. R. Haldar

Relieving Officer A. B. Datta

(Name in Block Letters)

(Name in Block Letters)

Signature

[Signature]

Signature

[Signature]

30/9/04

Designation Asst Director (Staff Tech)

Designation

Station

Shikong

Station

Shikong

Date

30-09-04

Date

30.9.04

(For use in Audit Office/PAO only)

Noted in A/R at page

SO/AAO/AO/PAO

Forwarded to SS(Staff)/ SS(A&P)/ JAO(BGT)

Note: Separate Certificate (as per form appended) also to be used where transfer/ Assumption of charge involves responsibilities for cash, stores etc

Certified to be true copy.

[Signature]
Advocate

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~~ANNEXURE~~ : 3
ANNEXURE : C

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE:: SHILLONG-793 001.

Memo No.Staff/7-118/2002

Dated at Shillong, the 15th September 2004.

The Chief Postmaster General, N. E. Circle, Shillong is pleased to grant earned leave for 16 days to Sri B. R. Halder, A. D. (Staff) C.O., Shillong w.e.f. 5-10-04 to 20-10-04 suffixing 21-10-04 to 24-10-04 being holidays & Sunday subject to the availability of leave at his leave account.

sl.(d) - transferred to Dharmanagar - will be relieved on 18.10.04

During the period, Sri Niranjana Das, DDM(PLI) C.O., Shillong will look after the duties of the officer in addition to his assigned duties without extra remuneration.

Certified that the officer would have continued in the grade but for his proceeding on leave during the above period.

sd/- (B. R. Halder)
Asstt. Director (Staff)
For Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

1. The D. G. (SPG) Dak Bhavan, Sansad Marg, New Delhi-110 001.
2. The D. A. (P), Shillong.
3. The A. D. (A/Cs), C.O., Shillong.
4. The JAO (BGT), C.O., Shillong.
5. Sri B. R. Halder, A. D. (Staff)
6. Sri N. Das, DDM (PLI), C.O., Shillong.
7. P/F.
8. Office Copy.

For Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.

Advocate

-22-
~~20~~

~~ANNEXURE : 4~~

JD

To

ANNEXURE : D

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for transfer and posting to Dharmanagar.

Sir,

With due respect and humble submission I beg to state that I have been serving as Asstt. Director in C.O. Shillong with effect from 1-7-02 while my wife who has been suffering from rheumatoid arthritis has been residing at my permanent residence at Karimganj (Assam). Since she has been serving in the Education Department under the Govt. of Assam, it is not feasible on her part to accompany me.

I would, therefore, request you to be kind and gracious enough to transfer me to Dharmanagar which is nearer to my home station on completion of my post tenure or when there will be a clear vacancy there in January' 05 on completion of post tenure by the present incumbent so as to enable me to look after my ailing wife in a close proximity.

post tenure is of 4 years.

Dated at Shillong,
the 15 -09-04.

Yours faithfully,

(B. R. Halder)

Asstt. Director (Staff)

O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Certified to be true Copy.

Halder
Advocate

- 23 -
~~24~~

~~ANNEXURE 5~~

ANNEXURE : E

To

The Chief Postmaster General,
North Eastern Circle, Shillong-793 001.

Subject:- Prayer for review of transfer order in the light of Ministry of Personal, Public Grievances & Pensions Department of Personal & Training OM No.28034/23/2004-Estt (A) dtd.23-08-2004.

Reference:- C.O's memo No.Staff/9-2/04 dtd. 30-09-04

Sir,

With due respect I beg to state that I joined C.O. Shillong on 01-07-2002 on transfer from W.B. Circle and yet to complete my post/station tenure. But as my wife who is serving in the Education Department under the Govt. of Assam and residing alone at my permanent resident at Karimhanj has been suffering from Chronic Rheumatoid Arthritis since long and there in none to look after her, I requested the authority to transfer me to PSD, Silchar or Dharmanagar vide my representation dtd.7-01-03 as both the above stations are nearby to my home town. Subsequently when the post of Supdt. PSD, Silchar has fallen vacant on 1-8-04, I came to know from informed sources that this post will not be filled up soon. As such I again reiterated my request vide my representation dtd.15-9-04 to transfer me to Dharmanagar either in completion of my tenure or on completion of tenure by the present incumbent of Dharmanagar who is due to complete his post tenure in January'05. Obviously I was waiting for my transfer to Dharmanagar or PSD, Silchar.

But as misfortune would have it, I have this day been transferred to Kohima in stead of PSD, Silchar or Dharmanagar Division although there is a clear instruction to give utmost importance to the enhancement of women's status in all sectors and walk of life by posting husband and wife at the same station/nearby station even when there are no administrative constraints. This has really come to me as a bolt from the blue as there was ample scope to transfer me either to Dharmanagar Division or PSD, Silchar.

In view of what is stated above I would once again urge upon your goodself to review my order and post me to either of the posts/stations mentioned above and thereby enable me to look after my ailing wife from closer proximity. A copy O.M. No. referred to above is enclosed for ready reference.

Enc: As stated

Dated, Shillong
the 30-09-04

Yours faithfully,

B.R. Halder
(B. R. Halder)

Asstt. Director (S&T)

O/O the Chief Postmaster General,
N. E. Circle, Shillong.

Copy to:-

The Director General of Posts (Staff) Postal Directorate, New Delhi for favour of information and necessary action.

(B. R. Halder)
Asstt. Director (S&T)

Certified to be true Copy

B.R. Halder
Advocate



Apollo
Hospitals
Chennai

-24-

24/5/2002

ANNEXURE : F

~~ANNEXURE : 6 SERIES~~

DEPARTMENT OF RHEUMATOLOGY

Dr. S. RAMAKRISHNAN,

MD (Gen. Med.) DM (Rheumatology)

CONSULTANT RHEUMATOLOGIST

E-Mail : ramsri@md4.vsnl.net.in

Mrs Malika Halder 88 0304

Rheumatoid Arthritis

- Disease is chronic
- needs prolonged treatment
- Steroid dependant

Tae Methotrexate
(2.5mg)
(Mexitate) 3 → after food every Sunday

Tae Nimmind MD
(100) 1 → daily after food

21, Greaves Lane, Off. Greaves Road, Chennai - 600 006.
Phone : 8293333, 8290200 Fax : 91-44-8294429
Grams : 'Apollo Hosp.' Telex : 41-6419 AHEL IN
Regd. Office : 19, Bishop Garden, Chennai - 600 028.
E-MAIL : ahel@vsnl.com
INTERNET : www.apollohospitals.com

Certified to be true Copy.

Advocate
Advocate

Zincant 1 \rightarrow day⁴³

Tae Wypolone $\frac{1}{2}$ - $\frac{1}{2}$ / x
5mg

8 week

~~8 week~~

To do TC, DC, Hb

SGOT + SGPT every 4 weeks

Show to local doctor

Stop

METHOTREXATE

if

TC < 4000 a

or ↑ of

Platelet

SGOT SGPT

E mail to
Phytotherapy
Review after

ahel @ usn1.com

daily
8 week

APOLLO HOSPITALS



MASTER HEALTH CHECK-UP

MHC Instructions

NAME: Mrs MANABIKA HANDEA AGE: 45
REG. NO: 880304 DATE: 16/6/2

Please read and follow the detailed instructions given on page 2 and 6. If you have any doubts please contact the receptionist at the MHC counter.

தயவுசெய்து (3 & 6) பக்கங்களைப் படித்துப் பின்பற்றுங்கள். ஏதாவது சந்தேகமிருப்பின் MHC வரவேற்பாளரின் உதவியை நாடுங்கள்.

दययुंवि (4, 6) पीछेनु चदि पीछेनु, वदुन सन्देसु नवुनक् MHC अस्विकुली संप्रदिनु.

कृपया आप निर्देश पत्रिका को पढकर समझिए जो पृष्ठ 5 और 6 पर दिया है और उसके अनुसार चलिए। अगर आपको कोई संदेह हो तो सेक्रेटरी को मिलिए।

This card must be kept safely with you till all the tests are over and brought with you when you come to receive MHC reports from consultants.

தயவுசெய்து இந்தக் குறிப்பேட்டை உங்கள் கைவசம் பத்திரமாக வைத்திருந்து

எம்.ஹெச்.சி. ரிப்போர்ட் வாங்கும்பொழுது கொண்டு வரவும்.

ಈ ಕಾರ್ಡ್ ಸಿವರ್ಟ್ ಅನ್ನು ವರೀಕ್ಷೆ ಮುಗించುವರకు ಭದ್ರಮುಗಾ ಏಂಚುಕು, ಪಿ ವರೀಕ್ಷೆ ಫಲಿತಮುಲ ಶಿಸುಕು ಸಮಯಮುನ ಶವುಕುಂ ಅಶಿಸುಕು ರಾಸಲೆನು.

यह निर्देश पत्रिका आप संभाल कर रखिए और अपनी रिपोर्ट विशेषज्ञ से ले जाने समय इसको पेश करिए।

Please keep up your Review Appointment on time. The consultant physicians will not be available at all times for counselling and handing over your reports. If you require a change of appointment time please telephone the MHC dept (8293333 Ext. 5878, 5888) and fix up an alternate appointment.

Was examined by Dr.

உடல் பரிசோதனை செய்த மருத்துவர்

जाँच करने वाले विशेषज्ञ

వరీక్షణ వేసిన వ్యక్తు

Time & date of Review

ரிப்போர்ட் பெறும் தேதியும் நேரமும்

विशेषज्ञ के साथ - पुनर्निर्दिष्ट

వరీక్షణ ఫలిత తారీఖు, సమయము.

Dr. Anshu AKAR

17/6/2
230 63/7

Certified to be true Copy

Advocate

No.	Name of Tests	Reporting Time	Signature
1.	Payment பணம் செலுத்த்தல் உதகம் பதிகம் Cash/Credit Card பணம் மறு கரண Credit Letter/Others	8:10	[Signature]
2.	1st sample blood & urine (Fasting) முதல்முறை இரத்தமும் சிறுநீரும் (பெரும் வயிற்றில்) 2nd sample blood & urine (2 hrs after food / Glucose) இரண்டாவது முறை இரத்தமும் சிறுநீரும் (குளுக்கோஸ் அல்லது உணவுக்கு 2 மணி நேரம் கழித்து) மூதகம் உதகம் - மூலம் (உதகம் உதகம்) காலி பெ லுன அரீ பிளா கி சமபா	9:20 11:20	[Signature] [Signature]
3.	Stool sample மலம் மலம் பிளா கி சமபா		
4.	E.C.G. ஈ சி ஜி ஈ சி ஜி	12:10	[Signature]
5.	X-ray Chest மார்பு எக்ஸ்ரே X-ray 30° காலி கி லுசுரே Not for pregnant Women கர்ப்பிணிக்கு அல்ல X-ray 30° காலி காலி கி லுசுரே கி லுசுரே	12:10	[Signature]
6.	History உடல்நல விலாசங்கள் உதகம் உதகம் காலி கி லுசுரே	11:00	[Signature]
7.	Physical examination உடல் பரிசோதனை உதகம் உதகம் காலி கி லுசுரே	11:00	[Signature]
8.	For women - Gynec check up பெண்களுக்குக் கர்ப்பப்பை பரிசோதனை புருசு பரிசோதனை காலி கி லுசுரே	12:10	[Signature]
9.	For Men - Surgical consult புருசுக்கு காலி பரிசோதனை காலி கி லுசுரே	12:10	[Signature]
10.	Ultrasound Abdomen அல்ட்ராசவுண்ட் பெட் கி லுசுரே காலி கி லுசுரே Upper abdomen and Lower abdomen காலி கி லுசுரே காலி கி லுசுரே	12:10	[Signature]
11.	Additional tests or consultation காலி கி லுசுரே காலி கி லுசுரே காலி கி லுசுரே		[Signature]

Name and Signature of the MHC Receptionist _____

Karaj Ananda Roy

M.A.S.F., W.B.G.S. (Ex.) F.I.C.A.

Ayurvedatirtha, Visagacharya

Emeritus Professor (Ex.)

J. B. Roy State Ayurvedic College & Hospital

DHANWANTARI AYURVED BHAVAN

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85, Beadon Street,

Kolkata - 700 006 ☎ : 2530-2141

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Sunday Evening Closed

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Kolkata - 700 006 ☎ : 2555-9075

Date 26 APR 2004

ROGAVINISCHAYA

for Smt. Malabika Halder: Kasingang.

① ~~mag~~ myostal 240 tabs
2 tabs BD.

② Nirinda Boti 240 tabs
2 tabs BD pc.

③ Rujakaram Boti-60
Setifone. 60

1100/-
~~1000/-~~
paid inf. 1411 at bedtime

Certified to be true Copy.

Balch
Advocate

কবিরাজ শ্রীআনন্দ রায় এম. এ. এস. এফ
 আয়ুর্বেদতীর্থ; ভিক্ষাকাচার্য
 এমেসিটাস-অধ্যাপক (E.M.)
 যামিনীভূষণ রাষ্ট্রীয় আয়ুর্বেদ
 কলেজ ও হাসপাতাল

ধনুন্তরি আয়ুর্বেদ ভবন

৮৫, বিডন স্ট্রীট

কলিকাতা-৭০০০০৬

দূরভাষ : ৫৫৫-৯০৭৫ (বাড়ী)

৫৩০-২১৪১ (চেম্বার)

৫৫৪-৫৪১৫ (কলেজ)

৫৫৪-৫৩৬২ (হাসপাতাল)

- 7 SEP '2004

শ্রীশ্রীশ্রীশ্রীশ্রী শ্রীশ্রী

- ১। শ্রীশ্রীশ্রীশ্রী - ২৪০ বডি
- ২। শ্রীশ্রীশ্রীশ্রী - ২৪০ বডি
- ৩। শ্রীশ্রীশ্রীশ্রী - ২৪০ বডি
- ৪। শ্রীশ্রীশ্রীশ্রী - ৬০

১৫০০,
 সার্বজনীন

Shri Anand

২৪০০,

paid in full
 7.9.04.

রোগী দেখিবার সময় : সকাল-১১-১২

সন্ধ্যায়-৭-৩০-১০

রবিবার সন্ধ্যায় বন্ধ

Certified to be true Copy.

Advocate

NO. 28034/7/86-Estt(A)

Government of India

Ministry of Personnel, Public Grievance & Pensions
(Department of Personnel & Training)

New Delhi-110001 dt. 3rd April, 1986.

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

The question of formulation of a policy regarding the posting at the same place of husband and wife who are in Government service or in the service of Public Sector Undertakings has been raised in Parliament and other forums on several occasions. Government's position has been that requests of government servants and employees of public sector undertakings for posting at the same station usually receive sympathetic consideration, and that each case is decided on merits, keeping in view the administrative requirements, etc.

2. The Government of India have given the utmost importance to the enhancement of women's status in all sectors and all walks of life. Strategies and policies are being formulated and implemented by different Ministries of the Central Government to achieve this end. It is also considered necessary to have a policy which can enable women employed under the Government and the Public Sector Undertakings to discharge their responsibilities as wife/mother on the one hand, and productive workers on the other, more effectively. It is the policy of the Government that as far as possible and within the constraints of administrative feasibility, 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.

3. In February 1976, the then Department of Social Welfare had issued a circular D.O. letter to all Ministries and Departments requesting them to give serious consideration to the question of posting husband and wife at the same station. However, representations continue to be received by the Department of Women's Welfare in the Ministry of Human Resource Development from women seeking the intervention of that Department for a posting at the place where their husbands are posted. It has, therefore, now been decided to lay down a broad statement of policy at least with regard to those employees who are under the purview of the Central Government/Public Sector undertakings. An attempt has, therefore, been made in the following paragraphs to lay down some guidelines to enable the cadre controlling authorities to consider the requests from spouses for a posting at the same station. At the outset, it may be clarified that it may not be possible to bring every category of employee within the ambit of this policy as situations of husband/wife employment are varied and manifold. The guidelines given below are, therefore, illustrative and not exhaustive. Government desire that in all other cases the Cadre controlling authority should consider such requirements with utmost sympathy.

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Contd.... 2/-

Advocate

4. The classes of cases that may arise, and the guidelines for dealing with each class of case, are given below:-

(i) Where the spouses belong to the same All India Service or two of the All India Services, namely, IAS, IPS and Indian Forest Service (Group A):

The spouses will be posted to the same Cadre by providing for a Cadre transfer of one spouse to the Cadre of the other spouse subject to their not being posted by this process to their home Cadre. Postings within the Cadre will, of course, fall within the purview of the State Government.

(ii) Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services:

The Cadre controlling authority of the Central Service may post the officer to the station, or if there is no post in that station, to the State where the other spouse belonging to the All India Service is posted.

(iii) Where the spouses belong to the same Central Service:

The Cadre controlling authority may post the spouses to the same station.

(iv) Where one spouse belongs to one Central Service and the other spouse belongs to another Central Service:

The spouse with the longer service at a station may apply to the appropriate cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station to the State where the other spouse belonging to the other Central Service is posted.

(v) Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertaking:-

The spouse employed under the Public Sector Undertaking may apply to the competent authority and said authority may post the said officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted.

(vi) Where one spouse belongs to a Central Service and the other spouse belongs to a PSU:-

The spouse employed under the PSU may apply to the competent authority and the said authority may post the officer to the station, or if there is no post under the PSU in that station, to the State where the other spouse is posted. The request cannot be granted because the PSU has no post in the said station State, then the spouse

if however

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Contd... 5/-

Advocate

belonging to the Central Service may apply to the appropriate Cadre controlling authority and the said authority may post the said officer to the station, or if there is no post in that station, to the State where the spouse employed under PSU is posted.)

(vii) Where one spouse is employed under the Central Government and the other spouse is employed under the State Government:

- The spouse employed under the Central Government may apply to the competent authority and the competent authority may post the said officer to the station, or if there is no post in that station, to the State where the other spouse is posted.

5. As will be seen from the illustrations given above, they do not cover all possible categories of cases which may arise. In fact it is not possible to anticipate all the categories of cases. Each case, not covered by the above guidelines, will have to be dealt with keeping in mind the spirit in which these guidelines have been laid down and the larger objective of ensuring that a husband and wife are, as far as possible and within the constraints of administrative convenience, posted at the same station.

6. Ministry of Finance etc., are requested to bring the above instructions to the notice of all administrative authorities under their control and ensure compliance.

7. In so far as persons serving in Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.

8. This issues with the concurrence of the Department of Public Enterprises.

9. Hindi version will follow.

Ans

(Signature)

sd/-

(Mrs. Aarti Khosla)

Joint Secretary to the Govt. of India.

To

All Ministries and Departments of the Govt. of India.
(As per standard list), with usual number of spare copies.

Contd.... 4/-

Certified to be true Copy

Babu
Advocate

No. 23034/7/86-Estt(A) New Delhi, the 3rd April, 1986.

Copy, with usual number of spare copies, forwarded to:-

1. Office of C & AG, New Delhi, with reference to their U.O. No. 48-Ar.G(P)/86, dated 13.3.86.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Registrar, Supreme Court, New Delhi.
5. Lok Sabha Secretariat.
6. Rajya Sabha Secretariat.
7. Commissioner from Linguistic Minorities, Allahabad.
8. H.T. Division, Ministry of Home Affairs.
9. JS(S), Department of Personnel and Training. The question of issuing suitable instructions to State Govt. may be considered.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
11. All Officers and Sections of Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

sd/-

(A. JAYARAMAN)
DIRECTOR.

IS.

Certified to be true Copy

Rishi
Advocate

ANNEXURE : H

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
D.K. BHAVAN, PARLIAMENT STREET
NEW DELHI-110 001.



No. 70/95/86-SPB I Dated the 24 JUL 1986

ANNEXURE : H

To

All Heads of Postal Circles,
All Principals, Postal Training Centres.

Subject: Posting of husband and wife at the same station.

Sir,

I am directed to forward herewith a copy of
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training, New Delhi)
office Memorandum No. 28034/7/76-Estt(A) dated 3rd April,
1986 on the above noted subject for your information and
guidance.

2. This may be brought to the notice of all concerned.
3. Hindi version will follow.

Yours faithfully

(B.K. Chawla)

Assistant Director General (SGP).

Encl: - As above.

Copy for Administration/SPB II/Pension/PLI/PE-I/PE-II/PAP/
GMR/Inspection/DEP/SIN/Postal Account/CSE/NOO Sections
of the Department of Posts and Telecommunication.

All DDGs, All ADGs, PS to Secretary (P) /M(P)/M(F)/M(O)/
M(D)/ Postal Staff College, New Delhi.

Copy to all recognised Unions/Associations/Federations.

(B.K. Chawla)

Assistant Director General (SGP).

Certified to be true Copy.

Advocate

-35-

~~39~~

~~ANNEXURE~~ 13

ANNEXURE : I

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

Subject: Posting of husband and wife at the same station.

The undersigned is directed to say that on the subject mentioned above, Government had issued detailed guidelines vide O.M. No. 28034/7/86-Estt. (A) dated 3.4.86. 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 organisation 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 OM No. 28034/7/86-Estt. (A) dated 3.4.1986 while deciding on the requests for posting 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 organisation at the same station and if no administrative problems are expected to result as a consequence.

3. It is further clarified that even in 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.

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.

(Harinder Singh)

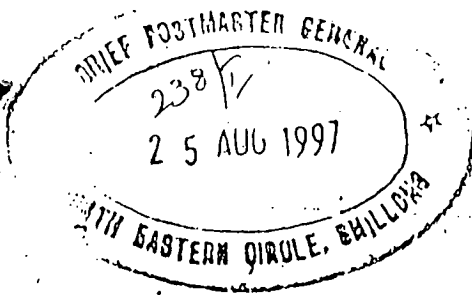
Joint Secretary to the Govt. of India

Certified to be true Copy
Advocate

36.

~~40~~

~~ANNEXURE 14~~ 54



Staff Sec **ANNEXURE: J**

No. 137-46/97-SPB-II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAWAN, SANSAD MARG,

DATED AT NEW DELHI THE 21st TH AUGUST, 1997.

TO

All Heads of Circle.
All Postmasters General.
All Postal Training Centres.
Controller, Foreign Mail, Mumbai.
Director, Postal Staff College, Ghaziabad.

Subj- Posting of personnel with the same station.

Sir,

I am directed to forward herewith a copy of Department of Personnel and Training O.M. No. 28034/2/97-Estt. (A) dated 12-6-1997 on the above mentioned subject for informations, guidance and for taking further necessary action.

Yours faithfully,

(Signature)
(A.K. KAUSHAL)
ASSTT. DIRECTOR GENERAL (SPN)

Copy to:-

1. All Section of the Directorate.
2. A.P.S. Record Office, Kamptee.
3. All Recognised Unions/Associations.

(Signature)
(A.K. KAUSHAL)
ASSTT. DIRECTOR GENERAL (SPN)

Certified to be true Copy

(Signature)
Advocate

-37.

~~41~~

~~ANNEXURE : 15~~

ANNEXURE : K

No. 28034/23/2004-Estt. (A)
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, dated the 23rd August, 2004

OFFICE MEMORANDUM

Subject: Posting of husband and wife at the same station.

12/c 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. 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.

(S. Chandrasekaran)
(S. Chandrasekaran)

Joint Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India
(As per standard list)

Certified to be true Copy.

(K. S. Srinivasan)
Advocate

ST - 38-

~~42~~

~~ANNEXURE : 16~~

ANNEXURE : L

NO. 141-178/2004-SPB.II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS & IT
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG,

NEW DELHI DATED THE 29th SEPTEMBER, 2004.

To

1. All Principal Chief Postmasters General/Chief Postmasters General
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Principals, PFCs
5. Director Postal Staff College, Ghaziabad
6. CGAI, Postal Life Insurance, Chankya Puri, New Delhi
7. BD Directorate, Malcha Marg, New Delhi

SUBJECT : Posting of husband and wife at the same station.

Sir/Madam,

I am directed to forward herewith a copy of OM No. 28034/23/2004-
Estt(A) dated 23rd August 2004 received from Department of Personnel and
Training on the above mentioned subject for your information and guidance.

Yours faithfully

Archana Srivastava
(ARCHANA SRIVASTAVA)
SECTION OFFICER

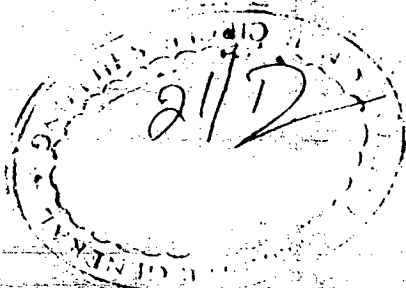
Encl. As above

Copy to :

1. All Sections of the Department of Posts
2. Director Postal Accounts, Delhi
3. All recognized Unions/Federations

Certified to be true Copy

Kalika
Advocate



43

-39-

ANNEXURE: 17 ST

Staff Sec

No. 141-35/2001-SPB.II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG,

ANNEXURE: M

NEW DELHI DATED THE 11, APRIL, 2001

To

1. All Chief Postmasters General.
2. All Postmasters General
3. Controller of Foreign Mails, Mumbai
4. Director, Postal Staff College, Ghaziabad
5. Chief General Manager, Postal Life Insurance, New Delhi
6. Director, Postal Life Insurance, Calcutta
7. General Manager, Business Development Directorate, New Delhi
8. All Directors, Postal Training Centers

Subject:- Rotational Transfer Policy Guidelines for the year 2001-2002.

Sir,

I am directed to invite reference to the guidelines for rotational transfers for the year 2000-2001 issued under this office letter NO.141-6/2000-SPB.II dated 24-4-2000. There is no deviation in the policy to be adopted for rotational transfer for the year 2001-2002. All the employees completing post tenure may be rotated subject to following broad principles of rotational transfers.

- (i) Matching of human resource with requirements of posts and placing officials in the choice stations may be considered in the overall context of administrative requirements and austerity measures.
- (ii) Inter-station transfers should be restricted to minimum in view of the austerity measures.
- (iii) Extension of tenure by one year except in the case of single handed Sub Postmasters may be considered by the Head of Circle. The employees retiring within one year may be considered for retention. In respect of Group 'A' officers proposal of extension may be referred by Head of Circle to the Directorate.

2. New products and services are being introduced by the Department from time to time. Officials are being specifically trained to handle these products and services. Heads of Circle should build up a pool of trained officials to handle these newly introduced products and services. However, officials especially trained to handle newly introduced products and services will not be transferred on completion of their tenure unless trained substitutes are available for replacing them.

3. In respect of Senior Group 'A' officers, officers who have put in four years of service in a particular post or at a particular station may be invariably rotated, especially if the post occupied by them is sensitive in nature. Their transfers should be linked with their performance and requirements of the posts to be filled up.

Certified to be true Copy.

Advocate

Enclosure

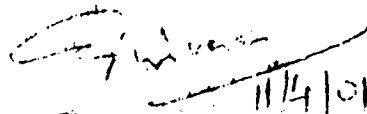
Handwritten signatures and initials at the bottom of the page.

4. In view of the well defined principles of rotational transfers in the Department and provision of tenures and other administrative instructions, annual issue of rotational transfer guidelines is being discontinued. Changes in the existing policies will be communicated whenever necessary.

5. Heads of Circles are requested to take immediate action for issuing orders for rotational transfers.

6. Receipt of this letter may kindly be acknowledged.

Yours faithfully,


11/4/01

(R. SRINIVASAN)

ASSISTANT DIRECTOR GENERAL (SPN)

Copy to:-

1. All Sections of the Directorate.
2. All recognized Unions/Federations.

Certified to be true Copy


Advocate

-41-

-45-

~~ANNEXURE : 18~~

ANNEXURE : N

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL, N. E. CIRCLE, SHILLONG 793 001

No. TECH/40 1/76/11

Dated at Shillong the 16th Sept. 2004.

To,

The Asstt. Director (Commercial),
O/o The G.M.T.D.,
BSNL, N.E. Region,
Barak, Shillong - 793 001.

Subject:- Withdrawal of STD facility to Residential and Office Telephone
no. of Gazetted and Non-gazetted officers of Meghalaya
Division.

Sir,

With reference to the subject cited above, you are requested kindly
to withdraw STD facility provided to the Residential and Office telephone of
Gazetted and Non-gazetted officers of Meghalaya Division as per the list given
in the enclosed annexure.

sd/-

(B.R. HALDER)

Asstt. Director (Tech)

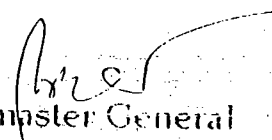
O/o the Chief Postmaster General
N.E. Circle, Shillong - 793 001

Copy to:-

Officers concerned for information. (By Name)
Shri B.R. Halder, AD (Staff & Tech)

Certified to be true Copy


Advocate


For Chief Postmaster General
N.E. Circle, Shillong - 793 001

-42.
-46-

60
~~ANNEXURE : 19~~

ANNEXURE : 0

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL,
NORTH-EAST CIRCLE, SHILLONG-793001.

NO.BGT/1-1 /2004-2005

Dated at Shillong the 23rd July,2004.

UNDER ENTRY

28

To,

- 1-2) The Director of Postal Services,
Aizawl/Kohima.
- 3) The Sr. Supdt.of Pos,
Meghalaya Division, Shillong.
- 4) The Executive Engineer,
PCD, Shillong.
- 5-7) The Dy. Supdt.of Pos,
Agartala/Imphal/Itanagar.
- 9-12) All Group Officer,
Circle Office, Shillong.

AD (Staff)

Subject :- Economy in Tour TA.

1. It has been decided that in view of Postal Directorate New Delhi instructions on economy in Ceiling items expenditure and as part of preventive vigilance the undermentioned modes of travel will be adopted by the different grade of officers/officials while on official tour:-

Sl No.	Grade of Officer	Permissible mode/Class	Remarks
1.	JAG and above	Full taxi	
2	STS/JTS	Share Taxi or single seat in passenger bus/Mini Bus.	
3	Group B	Share Taxi -do-	
4	Non-Gazetted Officer	Single seat in passenger bus/Mini Bus.	
5	Others	-do-	

2. Effective immediate.

3. The Chief Postmaster General, NE Circle, Shillong has seen the case.

(K.C. Biswas)

Accounts Officer (Accounts).

Certified to be true Copy.

[Signature]
Advocate

-43-
47

ANNEXURE : 20

ANNEXURE : P

DEPARTMENT OF POSTS : INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTH EAST CIRCLE :

SHILLONG-793001

NO. AP/TA/Misc/89-90

Dated at Shillong the 10th September '04.

To

- 1-2) The Director of Postal Services,
Aizawl/Kohima.
- 3) The Sr. Supdt. of Pos,
Shillong.
- 4) The Supdt. of POs,
Dharmanagar.
- 5-7) The Dy. Supdt. of Pos,
Agartala/Imphal/Itanagar
- 9-12) All Group Officer,
Circle Office, Shillong.

Subject :- Economy in Tour TA.

1. Reference:- No.Bgt/1-1/2004-2005 dated 28.07.2004

2. On further review to this office letter No.Bgt/1-1/2004-2005, dated 28.07.2005 on the above instruction, the under mentioned order issued for strict compliance.

3. In this connection, Government of India, Departmental order as under shall be followed :-

1. SR-46 Note-10 (G.I.M.F.O.M.No.19030/2/81-E.IV dated 03.06.85 :- Road mileage allowance for regular tours will be admissible from duty point/residence at Headquarters to railway station/airport/bus stand and vice versa depending upon the points between which journey is performed.

4. In respect of tours by ASPOs and Inspector of Posts : They may reimbursed single Taxi shared fare , applicable to one passenger only; if journey undertaken and actually paid for.

The Chief Postmaster General N.E. Circle, Shillong has seen the case.

(K. C. Biswas),
Accounts Officer (A/C).

Certified to be true Copy

Mahie
Advocate

-44-
~~48~~

~~ANNEXURE~~ 21 ✓
21/9/04

ANNEXURE : Q

DEPARTMENT OF POSTS
NORTH EAST CIRCLE : SHILLONG-793001

Subject: Four monthly staff meeting with Representatives of Officers' Association, held at Circle Office, Shillong at 1500 hours on 01-9-2004

The following were present in the meeting:

- | | |
|---|--|
| ✓ 1. Shri A. Ghosh Dastidar
Chief Postmaster General
N.E. Circle, Shillong. | 1. Shri Niranjan Das,
Circle Secretary
C.O., Shillong-793001 |
| 2. Shri Lalhluna
Postmaster General
N.E. Region, Shillong | ✓ 2. Shri B.R. Halder
Asstt. Circle Secretary
C.O., Shillong-793001. |
| 3. Shri Manik Das,
ADPS (Staff Relations)
C.O., Shillong. | |

Old Items:

1. Item No.1/5/2004: Requirement of post attached quarters for SP Dharmanagar, Tripura State, and all Dy. SPOs of Divisions in N.E. Circle.

Reply: Circle Office, Shillong has addressed DDG (Estates), Postal Directorate, New Delhi vide C.O., letter No. Bldg/10-27/Pt-V/Rlg/2004-05 dated 21-7-2004.

The case ~~has~~ will be monitored, subject to availability of land and budgetary allotments.

Action: ADPS(Bldg) C.O., Shillong, DPS Regions/Divisional Heads/Dy. Superintendent of Post Offices of Divisions.

Information: PMG N.E. Region, Shillong and DPS Shillong.

2. Item No.2/5/2004: Request for change of designation of Dy. Supdt. of Post Offices to either Superintendent of Post Offices or Assistant Director, Division, wherever the Division is headed by a DPS, so that there is a similarity in the hierarchy.

Reply: Circle Office, Shillong has addressed DDG (Estt), Postal Directorate, New Delhi vide No. Est/1-6/89/Rlg dated 23-8-2004.

Action: APMG(Est), C.O., Shillong.

Information: PMG N.E. Region Shillong and DPS Shillong.

Certified to be true Copy.


Advocate

Contd./ (2)

49-45-

63 (2)

3. Item No.3/5/2004: filling up of vacant posts of stenos attached to Group Officers.

Reply: As per our records, Stenos/PAs to DPS Mizoram, Nagaland, Arunachal Pradesh, Manipur, Agartala and SSPOs, Meghalaya Division, Shillong have been vacant for more than one year. These posts are deemed to be abolished vide recent orders issued by Postal Directorate, New Delhi. Similarly, at Circle Office, Shillong, at least one more post of Steno/PA to two Group Officers is justified, but vacant for more than one year. A proposal has been submitted to Postal Directorate, New Delhi vide No. Est/34-18/76/Pt-I dated 21-7-2004.

Action: APMG (Est) and ADPS (Staff), C.O., Shillong and all DPS Region/Divisional Heads.

Information: PMG N.E. Region Shillong and DPS Shillong.

New Items

- ✓ 4. Item No.1/9/2004: Revocation of TA entitlement of Officers below JAG rank.

Reply: Financial orders and strict economy has been imposed as per powers of a Head of a Department given at Rule-61 of FHB Vol-I.

For movements within towns/cities in connection with government duty, in which official files and documents have to be carried under personal custody, entitled officers/ASP/IPO may hire full taxi, for movement within specific towns/cities only. Such expenditure on full taxi, within Municipal areas/Metropolitan cities or government duty shall be considered for reimbursement, if the claims are genuine.

(Item closed)

Action: ADPS (Accounts), C.O., Shillong.

5. Item No.2/9/2004: Extension of facility to travel by Air to the non-entitled Officers as a special case.

Reply: The powers of extension of Air travel to non entitled officers is beyond the powers of Head of Circle. The case may be taken up with the Postal Directorate, New Delhi by the staff side with their respective Apex organization.

(Item closed)

- ✓ 6. Item No.3/9/2004: Economy on provision of telephone and related difficulties experienced by the Officers.

Reply: Telephone facilities are provided at offices and residences, which conform government orders and rules, issued from time to time. Special consideration

Certified to be true Copy.


Advocate

Contd/- (3)

-46-

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(3)

will be given to those holding operational charges in field areas, and for officials for whom a link is necessary, in the interest of service.

Action: ADPS (Technical) C.O., Shillong is requested to expedite submission of files through DPS and PMG, Shillong.

Information: PMG N.E. Region and DPS Shillong.

(Item closed)


(Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General

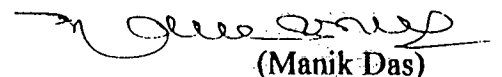
N.E. Circle, Shillong-793001

No. WLF/4-3/2004

Copy to :-

Dated Shillong - Tue 1/9/2004

- 1) Director of Postal Services, Aizawl/Kohima.
- 2) Sr. Supdt. of Post Offices, Meghalaya Division, Shillong.
- 3) Supdt. of Post Offices, Dharmanagar.
- 4) Dy. Supdt. of P.Os, Agartala/Imphal/Itanagar.
- 5) Shri Niranjana Das, Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 6) ✓ Shri B.R. Halder, Asstt. Circle Secretary, Officers' Association, N.E. Circle Branch, Shillong-793001.
- 7) All the Asstt. Directors/APMG, C.O., Shillong.
- 8) Sr. PS to Chief Postmaster General, N.E. Circle, Shillong.
- 9) PS to Postmaster General, N.E. Circle, Shillong.


(Manik Das)

ADPS (Staff Relations)

Office of Chief Postmaster General

N.E. Circle, Shillong-793001

Certified to be true Copy


Advocate

DAYANIDHI MARAN

MOD & IT/MIR/2004
MINISTER
COMMUNICATIONS
INFORMATION TECHNOLOGIES
GOVERNMENT OF INDIA

ANNEXURE : R

04 AUG 2004

Dear Thiru Dangi,

I have received your letter No.239/MOS (HI&PE)/IC/VIP/O/2004 dated 22.07.2004 regarding suppression of the activities of INTUC affiliated Postal Unions in Agartala by Chief Postmaster General, North East Circle.

I am having the matter looked into.

With kind regards,

Yours sincerely,

(DAYANIDHI MARAN)

Thiru Sontosh Mohan Dev,
Hon'ble Minister of State (I/C) for
Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhawan,
New Delhi - 110 011.

Copy, along with the letter under reference, in original, to:

Secy (P-5/1) with a request to have the case examined and submitted to Hon'ble MOC & IT

(A. MAHALINGAM)
ADDL. PS TO MOC & IT

Certified to be true Copy

Advocate



सत्यमेव जयते

ANNEXURE :

V K Tiwary
Director (Staff)
Tele/Fax No. 011-2302 6103

(संचार एवं सूचना प्रौद्योगिकी मंत्रालय)
डाक विभाग
डाक भवन, संसद मार्ग
नई दिल्ली-110 001

Government of India
(Ministry of Communications & IT)
Department of Posts
Dak Bhawan, Sansad Marg,
New Delhi-110 001

D.O. No. 1-29/2004-SPG
20 September, 2004

Dear Sir,

I am enclosing a copy of letters received from Shri Santosh Mohan Das, Minister of Heavy Industries & Public Enterprises and Shri Sunjit Datta, MLA, Tripura regarding allegations of corruption, irregular transfer of FNP members and assault on women etc.

It is requested that detailed comments on the above subject may please be furnished to the department at the earliest to enable us to send a reply in the matter.

With regards,

Yours sincerely,

Encl. As above

(V K Tiwary)

Shri A G Dastidar
Chief Post Master General
SHILLONG
793001

Certified to be true Copy

Advocate

Office of Chief Post Master General
N. E. Circle, Shillong
Received on 22/09/04

(4)

- 49 -

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Jit Datta M.L.A.

Ex-Minister

Vice President : T.P.C.C. (I)

Ramnagar Road
Agartala, Tripura
Pin - 7990
Ph : (0381) 20 686

ANNEXURE :

Date : 12.7.04

DA
SN

(Liber)

T-Verand

Respected Ramada,

This is regarding urgent necessity for transferring the Chief Postmaster General, N. E. Circle, (HQ- Shillong) named Sri. A. Ghoshdastidar, from this circle as he has started a planned attack by utilizing his subordinate Divisional officers on the INTUC based NUPE (ENPO) postal union in Agartala Postal Division to eliminate the existence of the said union as this union raises voice against irregularities and corruption of the officers. Very frequently the said Chief Postmaster General visits Agartala and every time he comes, harassment to the ENPO members including making irregular transfers of that union members by interfering into the Divisional administration. I have also come to know that his feeling for the tribal of the state is very bad. His all actions against the ENPO are motivated and biased. It has also come to my knowledge that the said Chief P.M.G is advocating to save the officials who were involved in alleged physical assault case of a lady Director in Agartala. Some positive steps have already been taken by him in their favour.

Under the situation cited above, it has become absolutely and urgently necessary to transfer the said CPMG from the N. E. Circle or to create a pressure on him so that he keeps himself refrain from disturbing the ENPO members and in this regard, your kind personal intervention solicited.

With regards,

Yours faithfully,

12.7.04

To

Sri. Santosh Mohan Dev

Hon'ble Minister Of Heavy Industries & Public Enterprises,

15, Safdarjung Lane, New-Delhi- 110011

Certified to be true Copy

Advocate

श्री मोहन देव
JSH MOHAN DEV



50-
-54-
D.O. No. MOE/HK/GO/LC/VII/9/2004

श्री मोहन देव (वर्तमान)

(पूर्व) श्री मोहन देव (वर्तमान)

महानगर, नई दिल्ली-110 011

MINISTER OF STATE (INDEPENDENT CHARGE)

(HEAVY INDUSTRIES & PUBLIC UTILITIES)

GOVERNMENT OF INDIA

NEW DELHI

ANNEXURE :

22 JUL 2004

Dear Shri Maran,

Please refer to my earlier letter dated 05.07.2004 regarding certain allegations, raised against Shri A. Ghosh Dasgupta, CPMG, N.E. Circle, Shillong. I am enclosing a letter from Shri Surajit Datta, MIA, Tripura, alleging Shri Ghosh Dasgupta's partisan role in suppressing the activities of the INTUC affiliated Postal Union in Agartala Postal Division. The letter is self-explanatory.

I shall be grateful if you could please look into the matter for necessary action.

With regards,

Yours sincerely,

(SONTOSH MOHAN DEV)

Shri Dayanidhi Maran
Minister of Communications & IT
Government of India
New Delhi.

Encl : As above.

Certified to be true Copy

[Signature]
advocate

Sir,

Very respectfully and humbly we take the shelter of your benevolent help for rescuing us from the hands of Chief Post Master General, Shillong namely Sri A. Ghosh Dastidar. In the name of his official visit he frequently comes to Tripura and sitting in the chamber (vacant) of the Director of Postal Service, Agartala use to give orders to some postal staff very local to him for supplying him boiled eggs, Milks, sweet, chicken, Mutton, Cold Drinks, varieties fruits etc. The said Loyal Staff collects subscription from the other employees regularly for his entertainment against the employees will. If anybody denies to give any subscription. The Chief PMG threatens them to transfer in remote areas. though to some extent this torture is considered tolerable, but the most dangerous thing that Chief PMG calls lady beautiful employees and directly tells them to pass night with him at his places of stay like Circuit House, Agartala. His main target to a newly married lady employee working in South Tripura District while others are working in Agartala Head Post Office. All the female workers under Postal Department are in severe panic stricken and always apprehend sexual torture by the said Chief PMG. Apart from this he is taking bribe from the employees who wants to be transferred to their choicable places. Recently, on -2-06-04 issued an illegal transfer order under the signature of Superintendent of Post Office sitting at D.P.S. office, Agartala. This transfer order has been issued to give benefit to 8 (Eight) employees who have given him cash money for transferring them to their selected place. So far we could learn that Rs. 30,000/- (Thirty Thousand) has been paid to him as bribe.

We pray to cause a secret enquiry if you desire through any officer of your choice outside the Tripura State and Shillong region.

We demand for his immediate removal from the Post of Chief PMG, Shillong at any cost. Other wise any mishap may occur by our guardians and well wishers at any time.

In obvious reasons we are not giving our names.

Yours faithfully,
Few female Employees,
of Postal Division, Agartala
Tripura.

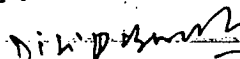
To
The Director General of Posts,
New Delhi-1.

Copy to :-

- (1) Smt. Sonia Gandhi, President of All India Congress Party,
10, Janpath, New Delhi for kind information for intervention please.
- (2) Sri Santosh Mohan Deb, Honourable Minister of State (Independent Charge) for Heavy Industries, Government of India, New Delhi for kind information for taking appropriate action.

Certified to be true Copy


Advocate


Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 240 of 2004.

ANNEXURE : S

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

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

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

Shri Bipul Ranjan Halder,
Son of Birendra Kishore Halder,
Town & P.O. Karimganj (Assam)

... Applicant.

By Advocate Shri B.C.Pathak

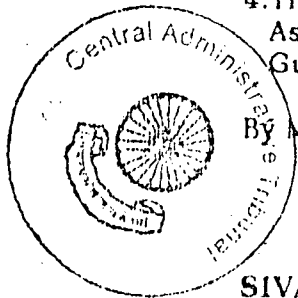
- Versus -

1. Union of India,
represented by the Secretary to the Govt. of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Director General of Posts,
New Delhi.
3. Sri Abhijit Ghosh Dasgupta,
Chief Postmaster General,
North East Circle, Shillong-793001.

4. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati-1.

... Respondents

By Miss Usha Das, Addl.C.G.S.C.



ORDER (ORAL)

SIVARAJAN J.(V.C)

The applicant is a Group 'B' officer in the Postal Department and presently working in Assam Circle. The applicant was earlier transferred from Calcutta to Shillong in the year 2002, which is in the North Eastern Circle. The applicant's wife is employed in a school under the Government of Assam. According to the applicant she is suffering from serious ailments and therefore his personal attendance is required to give proper treatment to her. The applicant while working at Shillong, in the above circumstances, made representation before the Postal authorities for giving him a posting at Dharmanagar in N.E.Circle. However, as per an

Certified to be true Copy.

[Signature]
Advocate

order dated 30.9.2004 (Annexure-1) the applicant was posted at Kohima in the State of Nagaland. The applicant made a representation dated 13.9.2004 (Annexure-5) followed by another representation dated 11.10.2004 (Annexure-7). However, the applicant was transferred from N.E.Circle to Assam Circle as per order dated 14.10.2004 (Annexure-8) and posted at Nagaon (Annexure-9). As already noted, the applicant wants transfer to a place near to the place where the applicant's wife is residing i.e either at Dharmanagar or at Silchar.

2. The respondents have filed their written statement denying the request of the applicant. Mr B.C.Pathak, learned counsel for the applicant submits that presently 2 vacancies are available at Silchar and Dharmanagar on account of retirement of the incumbents there. Counsel submits that the applicant had earlier represented for a posting at Dharmanagar or at Silchar and therefore the respondents may be directed to consider his claim for transfer to one of the said two vacant places. Mr Pathak further submits that in terms of Government Circulars particularly the latest one issued in 2004 a Government servant must be accommodated as far as possible at the same station where the applicant's wife is working. Counsel further submits that the respondents are bound to consider such circular while transferring the employees of the postal department. Miss U.Das, learned Addl.C.G.S.C appearing for the respondents on the other hand submits that the applicant has been posted in Assam Circle and it is in the same circle where he wanted transfer. Miss Das further submits that Dharmanagar and Silchar are far away places from Karimganj, where his wife is working and the transfer order was made in the interest of public service.

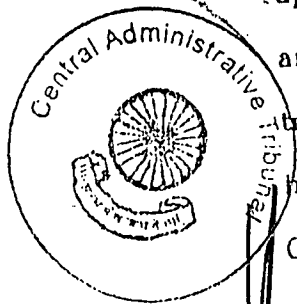
3. Mr B.C.Pathak, learned counsel for the applicant based on the averment in the rejoinder submits that though the applicant was accommodated in the Assam Circle at Nagaon it is 330 Km away from the residence whereas the distance from Karimganj to Dharmanagar is only 75

Km.

Certified to be true Copy.

[Signature]

[Signature]
Advocate



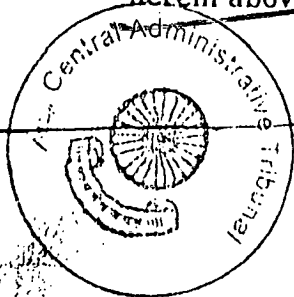
22

4. As already noted Dharmanagar and Silchar are nearer to the residence where the applicant's wife resides and vacancies are also available there on account of retirement of some persons. In the circumstances we are of the view that the application can be disposed of with directions. Accordingly there will be a direction to the applicant to submit a fresh representation within 10 days from today before the respondents and the respondents are directed to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and pass an appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. If any vacancy in Group B post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there the same will be filled up only after considering the case of the applicant as directed herein above.

Application is accordingly disposed of. No costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)



TRUE COPY

बतित

26.7.15

अनुमान अधिकारी
Section Officer (Jedl)
Central Administrative Tribunal

गुवाहाटी-4
GUWAHATI-5.

16/6/8

Certified to be true Copy.

Advocate

-55-

ANNEXURE : T

DEPARTMENT OF POSTS :: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE,
GUWAHATI :: 781 001

23/8/05

No:- Staff / 1 / 243 / 04

Dated at Guwahati the August 23, 2005

In pursuance of Hon'ble CAT, Guwahati Bench judgement / order in OA No. 240 of 2004 dated 20.07.2005, Shri B. R. Halder, SPOs, Nagaon has submitted representation on 27.07.05. The officer has prayed for his transfer as Supdt. RMS 'S' Division, Silchar in Assam Circle or Supdt. of Post Offices, Dharmanagar Division in N.E. Circle.

At present there is no vacancy in the post of Supdt. RMS 'S' Division, Silchar. The present incumbent will retire from Govt. Service on superannuation with effect from 31.08.06(A/N). The request of the officer is noted and at the time of making arrangement for the post of Supdt. RMS 'S' Division, Silchar will be examined in due course in accordance with Department's rules in the subject. This order will however, not in itself confer any right or claim on Shri Halder for appointment in the said post.

As regards request for transfer to the post of Supdt. of Post Offices, Dharmanagar Division, as the same is under the jurisdiction of N. E. Circle, Shillong, no order is being passed by Assam Circle.

This order is issued with the approval of Chief Postmaster General, Assam Circle, Guwahati.

(M. R. Pania)

Director, Postal Services (H. Q.)
Assam Circle, Guwahati - 781 001

Copy to :-

1. Shri B. R. Halder, Supdt. of Post Offices, Nagaon w.r.t. his No. B1/Gazetted/Pt-II dated 27-07-2005.
2. The Registrar, Central Administrative Tribunal, Guwahati-5 to apprise the position to the Hon'ble CAT, Guwahati Bench.
3. The Additional CGSC, CAT, Guwahati Bench.
4. The A.P.M.G (Vig), Circle Office, Guwahati
5. The Chief PMG, N.E. Circle, Shillong w.r.t. his letter no. Staff/7-118/2002 dated 03.08.05
6. The Dy. Director General (P), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110 001 along with a copy of judgement cited above.

For Chief Postmaster General,
Assam Circle, Guwahati - 781 001

Certified to be true Copy

Advocate

Department of Posts: India

ANNEXURE : U_{MA}

Office of the Chief Postmaster General, North East Circle, Shillong

Under Entry

Memo no: Staff/7-118/2002

Dated at Shillong the 3rd of November, 2005

1. In pursuance of Hon'able CAT, Guwahati Bench judgment order in OA No. 240 of 2004 dated 20/07/2005, Shri B.R.Halder, SPO's, Nagaon, Assam has submitted a representation on 27/07/2005 for transfer and posting as Supdt. RMS "S" Division, Silchar in Assam Circle or Supdt. of PO's, Dharmanagar Division in North East Circle.
2. At present there is no vacancy in the post of Supdt. of PO's, Dharmanagar and the present incumbent in the said post will retire on 31/10/2006.
3. Further, one newly promoted PSS Group-'B' officer from Assam Circle allotted to North East Circle vide Directorate memo no. 9-30/2005-SPG dated 08/09/2005 is also awaiting absorption and posting under North East Circle.
4. Under the circumstances stated above, posting of Shri B.R.Halder as Supdt. of PO's, Dharmanagar will not be practically feasible.
5. As regards request for transfer and posting as Supdt. RMS "S" Division, Silchar, this relates to Assam Circle.
6. This order is issued with the approval of Chief Postmaster General, North East Circle, Shillong.

Conf.
(A.B.Dutta) 3/11/05

Assistant Director (Staff),
For Chief PMG, N.E.Circle,
Shillong 793001

Copy to:-

1. Shri B.R.Halder, Supdt. of PO's, Nagaon, Assam w.r.t his representation dated 27/07/2005 forwarded vide his letter no. B1/Gazetted/Pt-II dated 27/07/2005.
2. The Chief Postmaster General, Assam Circle, Guwahati -781001 w.r.t Postal Directorate, New Delhi, letter no. 11-10/2005-SPG dated 28/31.10/2005 to intimate the Hon'able CAT, Guwahati Bench accordingly through Additional CGSC, Guwahati Bench in compliance of Hon'able CAT's order dated 20/07/2005.
3. Additional CGSC, Guwahati. CAT, Guwahati for necessary action.
4. The Asst. Postmaster General, (Vig), Circle Office, Shillong for necessary action.
5. Shri B.P.Pant, ADG (SGP), Postal Directorate, Dan Bhawan, Sansad Marg, New Delhi -110001 w.r.t his letter no 11-10/2005-SPG dated 28/31.10.2005.

Shri B.P. Pant
ADG (SGP)

Conf. 3/11/05
For Chief PMG, N.E.Circle,
Shillong 793001

Certified to be true Copy

Advocate
Advocate

To,

The Director General of Posts (SPN)
Dak Bhawan, Sansad Marg
New Delhi - 110001

(Through the Chief Postmaster General, Assam Circle, Guwahati)

Sub:- Prayer for transfer to Silchar as SRM 'S' Division or to Dharmanagar
as Supdt of Post Offices.

Ref:- CPMG Guwahati No.Staff/1/243/04 dtd.23-08-05
CPMG, Shillong No.Staff/7-118/2002 dt.03-11-05

Sir,

With due and deep veneration I beg to draw your kind attention to my representation dtd.27-07-05 addressed to the Chief PMG, Guwahati and copies endorsed to your office as well as the Chief PMG, N.E. Circle, Shillong praying for my transfer to Silchar in Assam Circle or Dharmanagar in N.E. Circle against the next available vacancy in PS Group 'B' cadre as per direction of the Hon'ble CAT Guwahati Bench issued vide its order dtd.20-07-05.

In response, the Hon'ble Chief PMG Guwahati informed me that my case will be examined at the time of making arrangement for the post of SRM 'S' Division, Silchar on retirement of the present incumbent due to retire on superannuation on 30-08-06(A/N). The Chief PMG, N.E. Circle, Shillong in his turn intimated that my posting to Dharmanagar would not be feasible as the present incumbent will retire on 31-10-2006. But, of late, it is learnt from reliable sources that the present incumbent of Dharmanagar has recently been transferred to Shillong and a clear vacancy occurs there at present.

In view of the facts narrated above I would once again request your kindness to look into the matter very sympathetically and arrange to re-allot me to N.E. Circle with direction to post me at Dharmanagar against the resultant vacancy so that I can look after my ailing wife who has still been suffering from Rheumatoid Arthritis as intimated repeatedly.

The photo copies of letters issued by the CPMG, Guwahati, CPMG, Shillong and order dtd.20-07-05 issued by the Hon'ble CAT, Guwahati Bench referred to above are enclosed herewith for favour of ready reference.

Enclo:-As stated.

Dated at Nagaon
the 22-12-05

Yours faithfully,

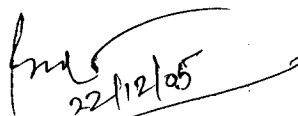
(B.R. Halder)

Supdt of Post Offices
Nagaon Dn Nagaon-782001

Certified to be true Copy

Advocate

Copy to the **Chief Postmaster General, N.E. Circle, Shillong** for favour of information and necessary action.


22/12/05
Supdt of Post Offices
Nagaon Dn Nagaon - 782001

Certified to be true Copy


Advocate

DISTRICT: NAGAON

VAKALATNAMA

IN THE GAUHATI HIGH COURT

Central Administrative Tribunal, Guwahati Bench
(The High Court of Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram, and Arunachal Pradesh)
at Guwahati.

O.A.

NO.....110.....OF 2006

Shri. Bipul Ranjan Halder

Applicant
APPELLANT
PETITIONER

VERSUS

Union of India & Others

RESPONDENTS
OPPOSITE PARTY

Know all men by these presents that the above named applicant do hereby nominate, constitute and appoint Sri/ Smti B. C. PATHAK, DR. M. PATHAK, BIBHASH PATHAK & B. P. KALITA Advocate and as such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith 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 acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 6 Day of May, 2006

A K CHOUDHURI
BHUBANESWAR KALITA
CHINMOY CHOWDHURY
MANORANJAN DAS
B. C. PATHAK
BIJAN KR. MAHAJAN
BOLIN SARMA
MANIK CHANDA
S C KEYAL

H K MAHANTA
DR. (MRS) M PATHAK
NIRAN BARAH
DINAMANI SARMA
DILIP BARUA
P J SAIKIA
JOY DAS
DIPENJYOTI DUTTA
SUNIT SAIKIA

B. PATHAK
DEEPAK BORA
NEELAKHI GOSWAMI
JULI GOGOI
AMVALIKA MEDHI
JAVED ALI HASAN
GUNA JIT BAISHYA
B. P. Kalita

Received from the executant,
satisfied and accepted

B. C. Pathak
Advocate

Mr/Ms.....
Will lead me/us in the case

M. Pathak
Advocate

And Accepted

Bibhash Pathak
Advocate

And Accepted

And Accepted

B. P. Kalita
Advocate

Advocate

NOTICE

78

From:

Date: 10/5/06

Bibhash Pathak

To:

C.G.S.C.

Advocate, Guwahati.

Subject: OA. 106 (Bipul Rajan Halder - vs - 5012005) filed in

Sir,

Please find enclosed herewith a copy of the aforesaid OA. 106 (Bipul Rajan Halder - vs. 5012005) filed in the Hon'ble Central Administrative Tribunal, Guwahati Bench.

Kindly acknowledge the receipt of the same.

Yours sincerely,

Received copy:

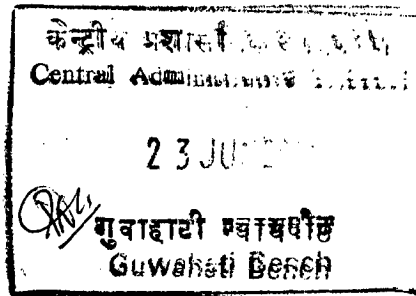
Bibhash Pathak
10/5/06
Advocate

Advocate

NB: I do hereby undertake to serve a copy of the application to the C.G.S.C. as they were not available today.

Sudip Kumar Barua

Bishnu P. Kabite
10.5.06.
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

D.A. NO. 110 OF 2006

Sri B.R. Halder

...Applicant

-VS-

Union of India & Drs...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.i of the instant application the answering respondents beg to state that as directed by the Hon'ble CAT vide order dated 20.7.05 passed in DA No.240/04, the representation of the applicant was disposed of by the respondent wherein it was clearly mentioned that the applicant's case for transfer will be examined in due course in accordance with the Departmental Rules. Since the representation has already disposed, the application in its present form is not maintainable and liable to be dismissed.

Contd...P/-

Filed by

79
Abhishek Singh - 8/11/06

through Gopin Singh
22.6.06 BRC/bsc

(A. GHOSH DASTIDAR)
Chief Postmaster General
Assam Circle, Guwahati-781001

2. That with regard to the statements made in paragraph 1(ii) of the instant application the respondents beg to state that the representation of the applicant forwarded to the competent authority and on receipt of the reply the same will be communicated to the petitioner.

3. That with regard to the statements made in paragraph 2 and 3 of the application the answering respondents have no comment.

4. That with regard to the statements made in paragraph 4.1 and 4.2 of the instant application the respondents beg to offer no comment.

5. That with regard to the statements made in paragraph 4.3 of the application the respondents beg to state that the applicant during his entire service life from the clerical cadre (now known as P.A. Cadre) to the level of Group-B, at which the applicant is now functioning he was transferred 13(thirteen) times including the transfer order in question for which he has agitated before the Hon'ble Tribunal. During the period from PA Cadre, Inspector of Post Offices, Asstt Supdt. of Post Offices etc, which are in chronological order of his local promotion. The petitioner was transferred within Assam Circle as per rule/guidelines covering

rotational/ promotional transfer. On approval for All India transfer liability in the present Group-B status, he had to undertake transfer liability for upgradation of his service career. After approval in Group-B Cadre, the applicant was transferred to West Bengal Circle where he was allotted, as there was no vacancy in Group-B Cadre in Assam Circle during that time. Subsequently, he was re-allotted to N.E. Circle by Postal Directorate, New Delhi at his own request. It is re-allotted from NE Circle to Assam Postal Circle by the Directorate, new Delhi at his own request and the applicant was posted at Nowgaon Division.

It is also pertinent to mention here that Rule 57 of P&T Vol- IV provides for maximum period of retention of 4 years of Govt. Servant in a particular place of posting, but does not describe the minimum period. As per Rule there is no compulsion over the administrative authority that the officer holding the charge of a postal division for less than four years ; it rather states not to retain for more than four years and the officer holding the post can be transferred before completion of four years.

Further the respondents beg to state that in the instant application the applicant suppressed many facts before the Hon'ble Tribunal and approached the Tribunal not with clean hand, hence, he is not entitled to get any equitable relief from this Hon'ble Tribunal. The applicant suppressed about the departmental procee-

ding which is pending against him. It is pertinent to mention here that his presence is necessary for completion of the said departmental proceeding which is at the stage of evidence. To avoid the smooth running of the said departmental proceeding the applicant with ulterior motive to cause delay in the said proceeding has filed this application without making a single whisper about the said proceeding. The said applicant even filed an original application being DA No. 80 of 2006 and this Hon'ble Tribunal vide order dated 4.4.2006 disposed of the case wherein this Tribunal was pleased to direct the authority to consider for granting time for filling defence representation. But the said fact was suppressed by the applicant in the instant application to obtain the stay order from this Hon'ble Tribunal. Therefore, on the account of suppression of material fact the instant application is liable to be dismissed.

6. That as regard to the statements made in paragraph 4.4 of the application the answering respondents beg to state that the averment of the applicant is not based on facts. The applicant held such post in the office of the respondent No.4 which deal with transfer and posting of the staff and the transfer order are generally approved by the competent authority and orders are signed by the subordinate authority. In the instant case also transfer order of the applicant along with others were approved by the competent authority and

Contd...P/-

signed by the applicant including transfer orders of others in the same memo as per service condition in his official capacity. He did not sign the transfer order of himself only. Therefore, the statement that he signed the transfer order under compulsion is utterly false and manipulative.

Furthermore, the old order was to have immediate effect on administrative grounds and in the interest of service. Moreover, his reliever was available in the office and relieved him immediately. So, the purported charge for immediate relieve is untenable. The rules quoted by the applicant in support of his averment are irrelevant, as these are the prerogative of the competent authority to transfer a Govt. servant. According to schedule 2 of Vol.III, the Head of the Circle is empowered to transfer a Class II officer within his administrative jurisdiction. After that, in accordance with the approval of the competent authority, the applicant signed the transfer orders of the staff including himself in his official capacity. So his argument as said is untenable.

7. That in respect of the statements made in paragraph 4.5 of the instant application the respondents beg to state that the averment of the applicant is not based on facts and hence the same are denied. The leave was granted on 15.9.04 and the transfer order was issued on 30.9.04. So the argument

Contd...P/-

that the arrangement was made to relieve the applicant on leave prior to his transfer is irrelevant.

8. That with regard to the statements made in paragraph 4.6 and 4.7 of the application the respondents beg to state that the applicant himself admitted that there is no post of his level at Karimganj, his native place, which is under Assam Circle and where his wife is in Govt. service, under the Assam State Govt. But in this para he agitated for his posting either in Dharmanagar or Silchar both the places are located far from Karimganj. It is not clear as to how he could have rendered assistance to his wife from such a distance place. Moreover the applicant was transferred to Assam Circle from NE Circle on the ground of his wife's illness and now, again he seeking retransfer to NE Circle on the same ground, which is contradictory.

Orders exist that utmost attempts should be made to post both husband and wife at the same place, if administrative constraints are not there. Due to administrative constraint the applicant could not be posted either to Dharmanagar or Silchar and his posting at Kohima was made on administrative ground. Before joining at Kohima, the Directorate, New Delhi considered his request for transfer to Assam Circle and the applicant was posted at Nagaon Division under jurisdiction of Assam Postal Circle. It is pertinent to mention here that the applicant was posted under jurisdiction of Assam Circle at his own request and again his request for posting to Dharmanagar which is under N.E. Circle is contradictory.

Contd...P/-

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9. That with regard to the statements made in paragraph 4.8 of the application the answering respondents beg to state that the statement made in this para is not based on actual facts. The applicant repeatedly submitted in this OA regarding the old transfer order in earlier para. It is to mention here that the applicant was re-allotted to Assam Circle on his own request and posted at Nowgaon Division. So the question of transfer to Dharmanagar (Jurisdiction of NE Circle) does not arise.

10. That with regard to the statements made in paragraph 4.10 of the application the respondents beg to state that as in the earlier para the applicant requested for his transfer either at Dharmanagar or Silchar his place of Choice again in this para the applicant agitated that as he is the office bearer of the officers Association he should be retained at HQ i.e. in Shillong. It should be mentioned here that the applicant cannot recall the subject matter of this application and he submits wrong averment before the Hon'ble CAT. It is pertinent to mention here that the applicant was reallotted in Assam Circle on his own request and posted at Nagaon Division and the question of his retention at Shillong does not arise.

11. That in respect of the statements made in paragraph 4.11 of the application the respondents beg to state that those are false statements and hence the same are denied. No right has been conferred to the applicant under Article 14 of the Constitution of India to agitate before the Hon'ble CAT on the grievances by personal attack to higher administrative Grade officers. He should have sought redressal of his grievances, if any, before the Hon'ble Tribunal on service matters and not through personal attack. It depicts personal grudge against a higher officer. Such attitude of the applicant clearly exhibits/proves his motive against the superior officer.

It is also submitted that the applicant pointed to personal character of a senior officer, which is baseless and unwarranted. Besides, the so called evidence is an anonymous complaint, which does not invite any cognizance. Therefore, the averment is not based on facts and portrays misinformation and misrepresentation to the Hon'ble Tribunal. Thus the application is liable to be dismissed.

12. That with regard to the statements made in paragraph 4.12 of the application the respondents beg to state that Sri Subrata Choudhury was transferred and posted at Silchar giving preference to him, because Sri

Choudhury is senior to the applicant and was on the verge of retirement, while the applicant had long service of five years. So there is no discrimination at all.

13. That with regard to the statements made in paragraph 4.13 of the application the respondents beg to state that as per judgment of Hon'ble Tribunal in OA No. 240/04 dated 20.7.05, the representation of the applicant was disposed and it was intimated that his prayer will be examined in due course in accordance with Departmental Rules. It was also clearly stated in the said order that it will not confer any right or claim on the applicant for appointment in the said post. It is pertinent to mention here that no official can claim transfer and posting as a matter of right, as the transfer orders are issued by the competent authority as per Departmental procedure and in the public interest.

It is also an internal arrangement of an organisation and the competent authority have to consider all aspect including interest of service etc. before making any arrangement.

14. That with regard to the statements made in paragraph 4.14 of the application the respondents beg to state that the averment of the applicant is untrue and fabricated and not based on fact, hence the same are denied. It is pertinent to mention here that the applicant was not forcibly posted at Nagaon, as stated in the earlier para that the applicant was re-alloted to Assam.

Postal Circle on his own request. Hence the averment of the applicant is untenable and gives wrong information to the Hon'ble Tribunal. Thus the application is liable to be dismissed.

15. That with regard to the statements made in paragraph 4.15 of the application the respondents beg to state that the statements are untrue and incorrect, hence the same are denied. The respondents state that as stated in the earlier para the representation of the applicant was considered and disposed of in accordance with the judgment dated 20.7.05 of the Hon'ble Tribunal.

16. That with regard to the statements made in paragraph 4.16 of the application the respondents beg to state that the representation of the applicant has been forwarded to Directorate, New Delhi and nothing has been suppressed and hushed up by the respondents.

17. That in respect of the statements made in paragraph 4.17 of the application the respondents beg to state that the representation of the applicant as stated in the earlier para has been disposed of in accordance with the CAT order dated 20.7.06. The respondent would like to pray before the Hon'ble Tribunal that the respondent No. 3 had to go on leave during that period and this does not amount to wilful delay in disposal of the representation. It is pertinent to mention here that the

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representation of the applicant was disposal of after due consideration in accordance with the Hon'ble CAT order and the same is not amounts to obstruction of the order of the Hon'ble Tribunal.

18. That as regard to the statements made in paragraph 4.18 of the application the respondents denied the same.

19. That as regard to the statements made in paragraph 4.19 of the application the answering respondents have no comment.

20. That with regard to the statements made in paragraph 5.1 and 5.2 of the application the answering respondents denied the contention made therein and beg to state that the order dated 3.11.05 was passed in accordance with the order dated 20.7.05 passed by the Hon'ble Tribunal, as mentioned in earlier para.

21. That with regard to the statements made in paragraph 5.3 of the application the respondents beg to state that the transfer order will be issued as per departmental procedure and in the interest of service.

22. That with regard to the statements made in paragraph 5.4 of the application the respondents beg to state that the representation of the applicant has been forwarded to Directorate, New Delhi.

23. That with regard to the statements made in paragraph 5.5 to 5.7 of the instant application the answering respondents beg to state that the representation of the applicant as stated in the earlier para has been disposed of in accordance with the CAT order dated 20.7.05. The respondents would also like to pray before the Hon'ble Tribunal that the respondent No.3 had to go on leave during that period and this does not amount to willful delay in disposal of the representation. It is pertinent to mention here that the representation of the applicant was disposed of after due consideration in accordance with the Hon'ble CAT's order and the same is not amounts to obstruction of the order of the Hon'ble Tribunal. The respondents further beg to state that the grounds set forth in the instant application are not at all good grounds of filing this application, hence the application is liable to be dismissed.

24. That with regard to the statements made in paragraph 7 of the instant application the answering respondents have no comment.

25. That with regard to the statements made in paragraph 8 and 9 of the instant application the answering respondents beg to state that in view of the facts and circumstances narrated above the applicant is not entitled to any relief or interim relief as prayed for and hence the instant application is liable to be dismissed.

VERIFICATION

Shri ABIJIT GHOSH DASTIDAR I, S/o Late Muralijiban Ghosh

aged about 59 years, R/o brud-chill.....

District Kamrup... and competent officer of the

answering respondents, do hereby verify that the state-

ment made in paras 1 to 25 are true to my

knowledge and those made in paras _____ 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 10th day
of June 2006 at Guwahati.

Abhijit Ghosh Dastidar

Signature.

(A. GHOSH DASTIDAR)
Chief Postmaster General
Assam Circle, Guwahati-781001