

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No/29/2005

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SECTION OFFICER (Judl.)

halis
03/11/17

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

ORDER SHEET

Original Application No. 129/05

Misc. Petition NO. _____

Cobtempt petition No. _____

Review Application No. _____

Applicants. Gangadhar Das

Respondents. U. O. I. For.

Advocates for the Applicant. J. L. Sankar, A. Chakraborty

Advocates of the Respondents. Case

Notes of the Registry	Dated	Order of the Tribunal
<p> This application is in form is filed/C. F. for Rs. 50/- deposited vide PC/BD No. <u>206/33686</u> Dated <u>9-6-05</u> <u>Heeto</u> Dy. Registrar <u>mb</u> Steps not taken <u>15.6.05</u> C.C. copy has been collected by the applicant on 15.6.05 of the order dated 14.6.05 and same been handed over to the L/Advocates for the Respondents <u>AK Chandra</u> <u>20/6/05</u> </p>	<p> 14.6.2005 mb </p>	<p> Heard learned counsel for the parties. The O.A. is taken up for disposal at the admission stage. Accordingly, the O.A. is disposed of in terms of the order passed separately. No costs. <u>Gangadhar Das</u> Vice-Chairman </p>

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CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI
BENCH.

O.A. No. 129, 130, 131 & 136 of 2005.

DATE OF DECISION: 14-6-05

Sri Gangadhar Das & 3 others

APPLICANT(S)

Mr. J.L.Sarkar

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

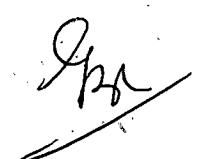
Mr. A.K.Chaudhuri, Addl.C.G.S.C.
Mr M.U.Ahmed, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

5. Whether Reporters of local papers may be allowed to see the judgment?
6. To be referred to the Reporter or not ?
7. Whether their Lordships wish to see the fair copy of the judgment?
8. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Applications No. 129/2005, 130/2005, 131/2005 and
136/2005.

Date of Order : This the 14th Day of June, 2005.

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

1. Shri Gangadhar Das (O.A.129/2005)
2. Shri Nijit Kr. Nandi (O.A.130/2005)
3. Shri R.K.Kalita (O.A.131/2005)
4. Shri Madhu Sudan Tyagi (O.A.136/2005)

All the applicants are working as Superintendent
under different ranges of Central Excise, Guwahati ... Applicants

By Advocate Shri J.L.Sarkar for all the Applicants.

- Versus -

1. Union of India, represented by
the Secretary, Ministry of Finance,
Department of Customs & Central Excise,
New Delhi.
2. The Chief Commissioner,
Customs & Central Excise,
North Eastern Region,
Shillong.

... Respondents

By Mr A.K.Chaudhuri, Addl.C.G.S.C in O.A.No.129/05 & 130/05.
Mr M.U.Ahmed, Addl. C.G.S.C in O.A. No. 131/05 & 136/05

ORDER (ORAL)

SIVARAJAN J.(V.C)

In all these cases the applicants challenged the propriety of the transfer orders dated 3.6.2005 and 6.6.2005 issued by the Commissioner of Central Excise and Customs. Apart from their individual circumstances, according to them these orders are passed in patent violation of the accepted norms regarding transfer of Group B employees contained in Annexures A and B. It is the contention of the applicants that these orders have been issued with the sole purpose of obliging certain Superintendents by soliciting

[Signature]

representations from them. It is also stated that persons like the applicants are not afforded an opportunity to make representations before the Commissioner in regard to their peculiar circumstances. It is stated that the applicant in O.A.No.130/2005 is undergoing treatment for serious ailments and in O.A.131/2005 the mother of the applicant is undergoing treatment for cancer and that there is only one Cancer Institute for treatment in Guwahati for the entire North East Region. It is their grievance that the applicants were never informed of the intention of the respondents to effect transfers and postings during the month of June contrary to the well accepted norms that transfers and postings of Group B officers will be effected only in the month of December or at the latest by 31st January of each year. It is also their contention that as per the norms prescribed in Annexure-A and B, particularly Annexure B where it is specifically stated that the normal tenure of Superintendent in a particular station is for a continuous period of 4 to 6 years and that without any valid reason the applicants, who have not completed more than 2 to 3 years have been transferred out from Guwahati to distant places without their volition.


2. I have heard Mr J.L.Sarkar, learned counsel appearing for the applicants and Mr A.K.Chaudhuri and Mr M.U.Ahmed, learned Addl.C.G.S.Cs for the respondents. Mr Sarkar pointed out that the impugned transfer orders cannot be sustained for the sole reason that these orders are passed in the month of June, when the children of the applicants are in the mid academic session of their studies. Counsel submits that these orders have been issued at this late hour only to oblige certain Superintendents in the department by getting representations from them. Counsel also submits that the transfer

For

orders are passed in patent violation of the well accepted norms contained in Annexures A & B, which are made with mala fide intention. Counsel also drew my attention to the order dated 3.6.2005, from which it is seen that pursuant to representations made by more than 20 Superintendents they have been transferred to places of their choice and it is stated that they are not entitled to TA/DA since the transfers were made as per their requests. Counsel submits that no further proof is required to establish mala fides in the matter.

3. Mr A.K.Chaudhuri, learned Addl.C.G.S.C on the other hand submitted that there is no illegality in the transfer orders. The guidelines issued in the form of executive orders will not stand in the way of the respondents effecting transfers in public interest or in the exigencies of the administration. Standing Counsel also submits that this Tribunal will not interfere in transfer matters and it is for the applicants, if they are aggrieved, to make representation before the respondents.

4. I have considered the rival submissions. A Division Bench of this Tribunal had occasion to consider the challenge to the very same transfer orders in O.A.127/2005 and rendered judgment on 13.6.2005. Direction was issued to the respondents to consider the representation made by the applicant therein in the light of the guidelines and also not to relieve her from the present place until the representation is disposed of. The guidelines clearly show that the transfer orders are to be issued only in the month of December and as far as possible before 31st January of each year and such a norm was fixed only to take care of the interest of the children of the officers who are studying in educational institutions and not to affect their studies adversely. In these cases it is specifically averred by the



applicants that their children are studying in the educational institutions and they are in the mid academic session. That apart, Annexures A & B guidelines would show that Superintendents of the Customs and Central Excise department will normally have a continuous service in a particular station for 4 to 6 years. In these cases both the aforesaid norms are seen violated and the only reason for departing from the aforesaid well accepted norms I could gather from the impugned orders is that representations made by the certain Superintendents were considered and transfers are effected to suit their convenience. To put it differently there was no public interest nor any exigencies of service involved in these transfers. Though normally guidelines issued by way of executive orders may not have any binding effect in the absence of any public interest or administrative exigencies, the respondents are bound to make transfers and postings on the lines of the guidelines issued that to after due discussions, deliberations with the Association of employees. In the instant case it is seen that the applicants have made representations against the transfer/posting order dated 3.6.2005 and no interim orders have been passed thereon. In view of the alleged violation of the guidelines, particularly, those discussed hereinabove the concerned respondent, namely, the Chief Commissioner of Customs and Central Excise will consider the representations made by the applicants with reference to the guidelines (Annexures A & B) and the observations made hereinabove and take a decision thereon within a period of one month from the date of receipt copy of this order. If the applicants want to supplement the representations they are free to do so within a period of one week from today. The Chief Commissioner, Central Excise and Customs shall consider the



individual representations submitted by the applicants as directed above and pass a reasoned order. In the meantime, if the applicants have not so far been relieved from the respective post held by them they will be allowed to continue in the said post and same place until a decision is taken as directed above.

The O.As are disposed of accordingly.

The applicants will produce this order alongwith the additional representation to be made within one week from today to the respondents.



(G. SIVARAJAN)
VICE CHAIRMAN

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 129 /2005

Sri Gangadhar Das

----- VS -----

Union of India & Ors

SYNOPSIS OF THE APPLICATION

This application is made against the impugned transfer orders dated 03/06/2005 and 06/06/2005 whereby the applicant has been transferred to Imphal Customs Division.

That the said impugned transfer orders have been issued in violation to the circulated/published policy of transfer of the Respondent Department.

That the applicant was posted to Central Excise Guwahati Range-VZ in February, 2002. His tenure of minimum four years service at Guwahati has not been completed till date. It is also stated that the children of the applicant are pursuing studies at Guwahati and it is their mid session. The transfer of the applicant shall cause immense hardship and loss to the academics of the children.

That the impugned transfer order in June is against the accepted policy and guidelines of transfer to be made and given effect by December/January.

#####

Filed by the petitioner
through—

Sachin Das Choudhury
Advocate
Dated — 10/ June/05

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 129 /2005

Sri Gangadhar Das

____ Applicant

----- Versus -----

Union of India & Ors

____ Respondents

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Filed by:

(Anupam Chakraborty)
ADVOCATE

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

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

O.A. NO. 129/2005

Between

Sri Gangadhar Das,
Working as Superintendent,
Central Excise, Range-VI,
Guwahati.

_____Applicant

And

1. Union Of India represented
by the Secretary, Ministry of
Finance, Department of Customs
& Central Excise, New Delhi.

2. The Chief Commissioner,
Customs & Central Excise,
North Eastern Region,
Shillong.

_____Respondents

Details of the Application

1. Particulars of the order against which the
application is made :

This application is made against the impugned
transfer order No. 72/2005 dated 03/06/2005 and order
No.5/2005 dated 06/06/2005.

2. Jurisdiction

The applicant declares that the subject matter of

Gangadhar Das

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Filed by the petitioner
through Subrata Das Choudhury
Advocate
-SOL 2005/101

this application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant declares that the subject matter of this application is within the time limit prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case

4.1 That the applicant is a citizen of India and hence is entitled to the rights and privileges guaranteed under the Constitution of India. He is a member of Schedule ^{Tribe} community and his home town is at Nalbari, Assam.

4.2 That the applicant is a Group-B Officer, working as Superintendent, Central Excise and posted at Range-VI, Guwahati, District-Kamrup. The applicant was promoted to the post of Superintendent from the post of Inspector in December, 2000 and was posted at Shillong. In February, 2002 he was transferred to Guwahati Central Excise Division on compassionate ground due to his wife's illness and posted at Guwahati, Range-VI. His tenure of minimum four years service at Guwahati, as Superintendent has not been completed till date.

4.3 That for the purpose of transfer and posting of Group-B Officers in North East the Respondent Department has made out a transfer policy vide C. No.II(7)5/ET.III/88/1674 dated 07/11/1996 taking into relevant considerations including consideration for welfare of the children and their education. The adopted policy is that transfer will be

Gangadhar Das

completed before 31st December on any year and as far as possible effected by 31st January of the following year.

Copy of the transfer policy dated 07/11/1996 is enclosed as Annexure-A.

4.4 That the aforesaid transfer policy has explicitly made the tenure and posting of Group-B Officers as under:

"3. The general tenure in one station will be 4 to 6 years.

4. Period of stay in any one station/section/office will not be more than 2 years.

5. Since the officers belong to a common cadre of Central Excise mainly, no officer will remain posted in Customs for more than 4 years."

4.5 That by a letter dated 04/10/2004, option for annual general transfer of Superintendent for the year 2004 were called from the concerned officers who have completed tenure of service as per accepted transfer policy. Options were directed to submit in the prescribed proforma enclosed with this letter on or before 31/10/2004. It is stated that the option for purported general transfer under this letter dated 04/10/2004 was called for as per para 2 of the aforesaid transfer policy.

Copy of the letter dated 04/10/2004

Georgiadhat Das

is enclosed as Annexure-B.

Copy of the Transfer Proforma
forwarded with letter dated
04/10/2004 is enclosed as Annexure-C.

4.6 That as already stated above that the applicant was posted in the Central Excise, Guwahati in February, 2002. Since his transfer was not due for annual general transfer for 2004 as per the accepted policy/guidelines for transfer, he did not submit any option as it was not called for.

4.7 That it is stated that the Commissioner of Central Excise, Shillong has issued an Order No.72/2005 of transfer/rotation of the officers in the grade of Superintendent Group-B dated 03/06/2005 by which 59 Group-B officers including the applicant have been transferred from one station to another. The name of the applicant appears in the aforesaid transfer order at Sl. No.28. This transfer order shows that the same has been issued without application of mind and it has been issued as routine exercise of power and the administrative action has no element of public interest. On the contrary the order dated 03/06/2005 acts contrary to the interest of the children's education of the applicant.

Copy of the order dated 03/06/2005 is
enclosed as Annexure-D.

4.8 That the applicant submitted a representation

Gangadhar Das

dated 03/06/2005 against the aforesaid transfer order. The applicant has not received any reply to his aforesaid representation.

Copy of the representation dated 03/06/2005 is enclosed as Annexure-E.

Gangadhar Das

4.9 That consequent upon the aforesaid transfer order dated 03/06/2005 the Commissioner of Customs (Preventive), Shillong by Order No.5/2005 dated 06/06/2005 ordered transfer and posting of 36 officers including the applicant with immediate effect and until further orders. By this Order dated 06/06/2005 the applicant has been purported to be transferred and posted from Guwahati Range-V7, Central Excise to Imphal Customs Division. The said order also indicates that officers in Sl. No.12, 13, 15 and 27 have been transferred on the basis of their representation and before completion of tenure in the Commissionerate. The term "until further orders" in the said transfer and posting order dated 06/06/2005 is vague and ambiguous. It is stated that the applicant has not been released from his present posting.

Copy of the Order dated 06/06/2005 is enclosed as Annexure-F.

4.10 That the applicant begs to state that his normal tenure period at Guwahati as per the accepted policy/guidelines of transfer has not been expired. It is also stated that the children of the applicant are studying at different educational institutions at Guwahati and it is

their mid session. His elder daughter is about 19 years and is a Higher Secondary student. His elder son is about 17 years and the youngest son is of 15 years. They are pursuing studies in Class X and IX respectively at Guwahati. The transfer of the applicant under such circumstances will also cause immense hardship and loss to the academics of the children and they will be deprived of their further studies in the new station.

4.11 That the said order of transfer dated 03/06/2005 has been issued without regard to the prescribed and accepted norms of transfer. The circulated/published policy stipulates that the general transfers shall be made in December of any year to be given effect by January next. But most surprisingly the said order has been issued in June in total negligence of the Department's own formulated policy. This has been done purportedly to accommodate some officers.

4.12 That it is also stated that the respondent have not also considered the norms and instructions of Government of India regarding posting of SC/ST officers as far as possible near their native places. It is reiterated that the home town of the applicant is Nalbari.

4.13 That the order of transfer dated 03/06/2005 manifests that the same has been issued hastily without waiting for December which is the schedule time for issue of the order. A close perusal of the order dated 03/06/2005 indicates that the same has been issued to accommodate a number of officers, for example, officers at Sl. No.3, 4, 5,

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Gangadhar Das

6, 17, 18, 21 etc. on the basis of their representations. Such transfer at the behest of some officers as indicated therein violating the prescribed time schedule of transfer, causing undue and immense hardship to others including the applicant is not just and fair administrative action. Such actions are discriminatory and arbitrary and the applicant has become victim of such arbitrary action.

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Gangadhar Das

4.14 That the said order dated 03/06/2005 directs as under:

"No further representations will be entertained...."

Such stipulation denies the applicant the right and scope to submit and express her grievances and difficulties to the superior administrative officers for their due consideration. This cuts at the root of administrative fairness and denies the scope of administrative process. The malice in fact as well as in law is patent in the facts and circumstances of the case.

4.15 That the applicant submits that if his transfer and posting as per the aforesaid transfer orders dated 03/06/2005 and 06/06/2005 is not cancelled he and his family members including the children shall suffer irreparable loss and injury.

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

Gangadhar Das

5. Ground for reliefs with legal provisions.

5.1 For that the impugned orders of transfer and posting are illegal in as much as the same have been issued violating the prescribed and accepted norms, policy and guidelines of transfer.

5.2 For that the respondents have transferred the applicant before completion of his prescribed tenure at Guwahati.

5.3 For that the respondents have failed to follow the norms of posting of SC/ST officers as far as possible near their native places.

5.4 For that the transfer of the applicant at the mid session of her children's education is unwarranted and not just and fair.

5.5 For that the transfer orders have been issued to accommodate some officers which is discriminatory and arbitrary and offends Article 14 of the Constitution of India.

5.6 For that malice in law and malice in fact is explicit in the impugned transfer orders.

5.7 For that in any view of the matter the applicant is entitled to the reliefs sought for.

6. Details of the remedies exhausted

The applicant declares that there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter. However he has filed representation without any result.

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

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution.

8. Reliefs sought for

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The name of the applicant be deleted from the impugned transfer orders dated 03/06/2005 and 06/06/2005.

8.2 The applicant be allowed to continue at his present *place of posting.*

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. Interim Relief

During the pendency of this application the applicant prays for the following interim reliefs:

Gangadhar Das

9.1 The orders dated 03/06/2005 and 06/06/2005 of transfer of the applicant be suspended and he may be allowed to continue at his present *place of posting*

9.2 Any relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above relief is prayed for on the ground stated in para 5 above.

10. This application is filed through the Advocate.

11. **Particulars of Postal Order:**

- i) IPO No : 206133686
- ii) Date of Issue : 9.6.05
- iii) Issued from :
- iv) Payable at :

12. **List of Enclosures**

As per Index.

Verification

Changadkar Dns

Verification

I, Sri Gangadhar Das, son of Late Bhabaka Das, aged about 49 years, a resident of Nalbari, do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 8th day of June, 2005, at Guwahati.

Gangadhar Das
(Signature).

TRANSFER POLICY OF GROUP 'B' OFFICERS IN NORTH EAST.

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After a detailed discussion between the CCP, CCE and AC(Hqrs) alongwith various instructions of the Ministry and the last of which is F.No.A-35017/28/92-Ad.III.B dated 30th June, 1994, minutes of various conferences and other discussions, it has been agreed to follow the following transfer policy among the Group 'B' officers in the North East.

1. Since the Commissionerates covers 7 (seven) North Eastern States with different ethnic background, Administration will follow as far as possible convenient Zone and areas so that officers are not unduly put to difficulties. However, there will not include transfers on Administrative grounds.

2. Before any general transfer, Group 'B' officers will submit a representation for -

- (a) Place of posting with reasons;
- (b) Option for Customs/Central Excise;
- (c) For any other deputation.

These representations will be received positively by 1st October of any year.

3. The general tenure in one station will be 4 to 6 years.

4. Period of stay in any one station/section/office will not be more than 2 years.

5. Since the officers belong to a common cadre of Central Excise mainly, no officer will remain posted in Customs for more than 4 years.

6. The rotation in every 3 years will be from difficult to soft area and from sensitive to hard area.

7. Compassionate postings will be considered mutually between the CCP and CCE and after satisfying the genuineness of the commission cases, transfer will be made if needs be. Such transfers on compassionate grounds must be addressed to DC/AC(PAY) and endorsed to both the Commissioners.

Contd..... 2/-

Certified to be

True Copy -

Sachin Das Chowdhury

Advocate

10/June/05

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8. Though Deptt. of Personnel & Training vide their letter dated 3rd April '86 have recommended posting of husband and wife together in one station, the area of jurisdiction being vast and the nature of work being different from general Administration only where there is absolutely any problem or difficulty, transfer will be considered as per Ministry of Personnel guidelines.

9. Since the Commissionerates are highly short staffed, cooling off period from any deputation as recommended by the Ministry will in future be enforced.

10. General transfers will be completed before 31st December of any year and as far as possible effected by 31st January.

11. Officers who are due to retire within 2 years will be retained/posted within and around their Home Town or places/stations requested by them.

Lallunquema
(LALLUNQUEMA) 7/11
COMMISSIONER
CUSTOMS (PREV) INER: SHILLONG

L.R. Mithran
(L.R. MITHRAN)
COMMISSIONER
CENTRAL EXCISE: SHILLONG

C.No. II(7)5/ET. III/88/1674

Dated : 7/11/96

Copy to :-

1. The Member(P&V)/(C.Ex.)/(A.S.), Central Board of Excise and Customs North Block, New Delhi for kind information.
2. The Chief Commissioner(EZ), Customs and Central Excise, 15/1 Strand Road, Calcutta for kind information.
3. The Commissioner(Cus.Prev.), NER, Shillong for kind information.
4. The Deputy Commissioner(Cus.Prev.), NER, Shillong for kind information.
5. The Secretary, General, All India Federation of Central Excise Gazetted Executive Officers, 40A/1, J.K. Mitra Road, Calcutta for kind information.
6. The General Secretary, Group 'B' Executive Officers' Assn., Customs and Central Excise, Shillong for kind information.
7. The Assistant Commissioner of C.Ex./Cus.(P), for information.

B. Bhattacharyya
(B. BHATTACHARYYA)
ASSISTANT COMMISSIONER (HODS.)
CUSTOMS AND CENTRAL EXCISE - SHILLONG.

Copy to Zonal Secretaries (all) for information.
B. D. ...
Gen. Secretary

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Annexure-B²⁴ 04/13



COMMISSIONER OF CENTRAL EXCISE
MORELLO COMPOUND
M.G. ROAD, SHILLONG

Tel. 91-0364-2224751 / 2223030.

Fax. 91-0364-2223428 / 2226215.

E-Mail: cexshillong@excise.nic.in

C.No. II(26)20/ET.III/95/

Dated:

04 OCT 2004

To

The Deputy/Assistant Commissioner
Central Excise Division

GUWAHATI

The Superintendent (
Central Excise Hqrs. Office
Shillong.

Subject: Option for Annual General Transfer of Superintendent/Inspector - regarding.

The Annual General Transfer for 2004 of Superintendents and Inspectors posted in different formations and Headquarter Office of Central Excise Commissionerate, Shillong is proposed to be made in December 2004. The concerned officers who are due for transfer as per the accepted guidelines for transfer of this Commissionerate will be considered for transfer.

Briefly the accepted guidelines for transfer in respect of Superintendents/Inspectors are reiterated below for the benefit of the officers.

Superintendents who have completed their tenure as below will be considered for transfer:

- (i) In the same station for a continuous period of 4 (four) to 6 (six) years, ✓
- (ii) In the same Section/Office for a continuous period of 2 (two) years, and
- (iii) In the same Commissionerate for a continuous period of 4 (four) years

Similarly, Inspectors who have completed their tenure will be considered for transfer:

- (i) In the Divisional Hqrs. Office for a continuous period of 6 (six) years,
- (ii) In the Ranges outside the Divisional Office for a period of 3 (three) years,
- (iii) In Central Excise Hqrs. Office for a period of 6 (six) to 8 (eight) years and
- (iv) In the same Commissionerate for a continuous period of 4 (four) years

Also, Superintendents and Inspectors of Shillong Central Excise Commissionerate who opt for Customs or Dibrugarh Commissionerate should send in the same Transfer Proforma.

It is therefore requested to forward the options of officers for posting in Central Excise and Customs in order of preference for next posting indicating the reasons thereof. Options in the prescribed proforma (enclosed) should reach this office on or before 31.10.2004. Options received after 31.10.2004 will not be taken into consideration for Annual General Transfer 2004. It is, therefore, requested to take personal initiative to send this office on or before the said date. While forwarding the proforma, it may be ensured that the same is duly verified by the Head of Office.

Please acknowledge receipt.

(B. THAKUR)

ADDITIONAL COMMISSIONER (P&V)

Certified to be

True copy -

Sudhita Das Choudhury

Advocate

10/June/05

TRANSEER PROFORMA

NS

- 1. Name of the Officer (In Block Letters):
- 2. (a) Date of Apptt. in the Deptt. and grade:
(b) Date of Apptt. in the present grade :
(c) Date of Birth

3. Name of the Home town & State

4. HISTORY OR POSTING SINCE ENTRY

Sl. No.	Station	Post Held	From	To

- 5. Please indicate choice of posting in order of preferences:
1 to 3 for Central Excise and 4 to 6 for Customs with brief reasons:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Note: The choice of posting does not necessarily imply that the Officer will be given a posting of his choice. Officers are liable to be transferred before completion of full term in the exigencies of Service.

STATION:

DATE:

SIGNATURE OF OFFICIAL AND DESIGNATION

Forwarding Officer's Comments:

- (i) The particulars given above are verified and found to be correct.

STATION:

DATE:

SIGNATURE, NAME AND DESIGNATION
OF THE FORWARDING AUTHORITY

COMMISSIONER (F&V)

Certified to be

True Copy -

Sukhjit Das Choudhary

10/June/05



Annexure - D.

COMMISSIONER OF CENTRAL EXCISE
MORELLO COMPOUND
M.G. ROAD, SHILLONG

Tel. 91-0364-2224751 / 2223030. Fax. 91-0364-2223428 / 2226215. E-Mail: ceexshill@excise.nic.in

ESTABLISHMENT ORDER NO. 72/2005
DATED SHILLONG, THE 3rd JUNE 2005

Subject: Inter-Commissionerate Transfer/Rotation of the officers in the grade of Superintendent Group "B" - order reg.

The following Transfer/Rotation of officers in the grade of Superintendent in the Shillong Zone are hereby ordered with immediate effect and until further orders.

SL. NO.	NAME OF THE OFFICERS	FROM	TO
1.	Shri C. Shullai	Commissionerate of Customs(P), Shillong	CEX, Shillong
2.	Smti. R.R. Bhowmik	-do-	-do-
3.	Shri N.L. Roy	-do-	-do-
4.	Shri D.R. Saha	-do-	-do-
5.	Shri G.C. Paul	-do-	-do-
6.	Shri N.R. Das	-do-	-do-
7.	Shri S.K. Nandi	-do-	-do-
8.	Shri L.H. Falrheim	-do-	-do-
9.	Shri T.K. Singh	-do-	-do-
10.	Shri T.K. Sen	-do-	CCX, Dibrugarh
11.	Shri U.K. Das	-do-	-do-
12.	Shri Jatindra M. Borah	-do-	-do-
13.	Shri S.K. Challa	-do-	-do-
14.	Shri Lalkhaneh Simte	-do-	-do-
15.	Shri Jyotish Das	-do-	-do-
16.	Shri Thangchuollo	-do-	-do-
17.	Shri B.B. Salkia	-do-	-do-
18.	Shri M. Baruah	-do-	-do-
19.	Shri T.T.K. Thang	-do-	-do-
20.	Smti. P. Devgupta	Commissionerate of Central Excise, Shillong	Commissionerate of Customs (P), Shillong
21.	Shri B.C. Nath	-do-	-do-
22.	Shri Binayak Bhattacharjee	-do-	-do-
23.	Shri D. Majumdar	-do-	-do-
24.	Smti. Champa Shome	-do-	-do-
25.	Smti. K.P. Laloo	-do-	-do-
26.	Shri D. Roy Choudhury	-do-	-do-
27.	Smti. L. Shangpliang	-do-	-do-
28.	Shri Gangadhar Das	-do-	-do-
29.	Shri N.C. Sutradhar	-do-	-do-
30.	Smti. S. Bhattacharjee	-do-	-do-
31.	Shri J.L. Bhowmik	-do-	-do-
32.	Shri D. C. Banla	-do-	CEX, Dibrugarh
33.	Shri B.B. Karmakar.	-do-	-do-
34.	Shri M.S. Tyagi	-do-	-do-
35.	Shri F.U. Fakir	-do-	-do-
36.	Shri N.K. Nandi	-do-	-do-
37.	Shri G.C. Paul	-do-	-do-
38.	Shri G. Thabai	-do-	-do-
39.	Shri Jagadish Acharjee	-do-	-do-

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True Copy -

Sd/- Shri D. Roy Choudhury

Advocate

10 June/05

	Shri R.K. Kalita	-do-	-do-
	Smt. K.M. Das	Commissionerate of Central Excise, Dibrugarh	Commissionerate of Customs (P), Shillong
42.	Shri S. Ganguli	-do-	-do-
43.	Shri T.K. Rajkhowa	-do-	-do-
44.	Shri J.C. Das	-do-	-do-
45.	Shri K.C. Sarkar	-do-	-do-
46.	Shri V. Hangzo	-do-	-do-
47.	Shri H.P. Roy	-do-	EX, Shillong
48.	Shri S. Chakraborty	-do-	-do-
49.	Shri R. K. Borah	-do-	-do-
50.	Shri G. K. Bhuyan	-do-	-do-
51.	Shri D. K. Deb	-do-	-do-
52.	Shri N. Singha	-do-	-do-
53.	Md. Mohibur Rahman	-do-	-do-
54.	Shri L.S. Das	-do-	-do-
55.	Shri D.R. Das	-do-	-do-
56.	Shri N.C. Kataki	-do-	-do-
57.	Shri G.C. Mandal	-do-	-do-
58.	Shri H.C. Kalita	-do-	-do-
59.	Shri Sudip Dev	-do-	-do-

This disposes of all the representations received in the grade of Superintendents.

The officers at Sl. Nos. 3, 4, 5, 6, 17, 18, 21, 23, 31, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58 & 59 will not be entitled TA/DA as they have been transferred on the basis of their representations. No further representations will be entertained unless the officers joint their new places of postings.

The above officers should be relieved latest by 17th June 2005.

This issues with the approval of the Chief Commissioner, Central Excise & Customs, Shillong Zone, Shillong.

C.No.11(3)/ET-III/2005/

Copy forwarded for information & necessary action to:-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone, 'CRESCENS' Building, M.G. Road, Shillong.
2. The Commissioner, Customs (Preventive), NER, Shillong.
3. The Commissioner, Central Excise, Dibrugarh.
4. The Commissioner (Appeals), Central Excise, Guwahati.
5. The Additional Commissioner (P&V), Central Excise, Shillong/Dibrugarh.
6. The Additional Commissioner (Tech.), Central Excise Hqs. Office, Shillong.
7. The Additional Commissioner, Customs (Preventive), 'NER', Shillong.
8. The Joint Commissioner (A/E), Central Excise Hqs. Office, Shillong/The Joint Commissioner, Central Excise, Dibrugarh.
9. The Deputy/ Assistant Commissioner, Central Excise/Customs, _____ Division, Shillong/Dibrugarh Commissionerate. Copy (s) meant for the concerned officer(s) is/are enclosed.
10. The CAO, Central Excise/Customs, Shillong-Dibrugarh Commissionerate.
11. The PAO, Customs & Central Excise, Shillong.
12. Accounts I & II/Confidential Branch/CIU-Vigilance Branch, Central Excise Hqs. Office, Shillong.
13. Shri/Smt. _____ Superintendent for compliance.
14. The General Secretary Group 'B' Superintendents Association, Customs & Central Excise, Shillong/Dibrugarh.
15. Confidential File.

(KARNAIL SINGH)
COMMISSIONER

Dated :

03 JUN 2005

(KARNAIL SINGH)

To

The Commissioner of Customs
N.E.R. Shillong.

Sir,

Subject:- Prayer for posting at Guwahati Customs Division

Most respectfully I want to draw your kind attention and favourable consideration with the following few lines-

1. That Sir, I was promoted as the Superintendent in December 2000 and posted at Central Excise Adjudication br. Shillong. Only on February 2002 I was transferred to Guwahati Central Excise Division on compassionate ground due to my ~~wife's~~ wife's illness and posted at NOR Range (Oil Refinery Range) now Guwahati Range-VI since February 2002 till date.

2. That Sir, in the recent adjustment order I was placed at the disposal of Customs Commissioner N.E.R. Shillong. I have completed only three years three months and yet to complete the six years tenure at Guwahati Division. Moreover my wife has been suffering from various gynaecological problems and my presence is very much required as there is no other matured male member ~~xxx~~ to look after her other than me.

Considering my above mentioned facts I request your honour to kindly ~~Post~~ ^{Post} me at Guwahati ~~Custom~~ ^{Custom} divisional office. I will be ever grateful to you if I am considered for the above. If not considered my family will fall in great distress. ~~I hope you will save my family and oblige.~~ I hope you will save my family and oblige.

Yours faithfully

Gangadhar Das
(GANGADHAR DAS) 3/6/05SUPERINTENDENT, GUWAHATI RANGE-VI
CENTRAL EXCISE

Certified to be

True copy -

Surbhata Das Choudhury

Advocate

10/June/05 -



**OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
NORTH EASTERN REGION
SHILLONG**

110 Mahatma Gandhi Road, Shillong - 793001, Meghalaya
Phone: 0364-2222597/2225325/2229005. Fax: 0364-2223440/2229007. E-mail: cusshg@sancha.net

ORDER No. 5/2005

Dated Shillong the 6th June 2005

Subject:- Transfer and posting in the grade of Superintendent, Group 'B' officers of Customs (Preventive), Commissionerate, North Eastern Region, Shillong - order reg.

Consequent upon Inter-Commissionerate transfer and the placement of officers with the Commissionerate of Customs (Preventive), N.E. Region, Shillong vide Central Excise East. Order No.72/2005 issued under C.No. II(3)7/ET.III/2005/56091-56190 dated 3rd June 2005, the following transfer and posting in the grade of Superintendent, Group 'B' officers of Customs (Preventive), Commissionerate, North Eastern Region, Shillong is hereby ordered with immediate effect and until further orders.

Sl. No.	Name of Officers	Place of Posting	
		From	To
1.	Arabinda Dutta	Hqrs. Tech. Branch	Cus. Hqrs. Prev. Unit
2.	A. Bhattacharjee	Shillong Cus. Division	Cus. Hqrs. Tech. Branch
3.	S. Kilong	Dimapur Cus. Divn.	Cus. Tax Recovery Cell
4.	D.K. Chettri	Aizawl Cus. Divn.	Cus. Hqrs. PRO
5.	Tridip Ch. Roy	Karimganj Cus. Divn.	Cus. Hqrs. Law Branch
6.	Haripada Debnath	Karimganj Cus. Divn.	Cus. Hqrs. Valuation Br.
7.	B.P. Jalshi	Hqrs. Prev. Unit Cus. Hqrs. Shillong	Cus. Hqrs. Disposal Unit
8.	Jambu Lama	Shillong Cus. Division	Hqrs. Appeal/Review Br.
9.	Smti Champa Shome	Range-I, Silchar C.Ex. Divn.	Cus Computer & Trg.
10.	Smti K. P. Laloo	Jowai Range, Shillong C.Ex. Divn.	Cus. SIU-Vig. Branch
11.	D. Roy Choudhury	Shillong C. Excise	Cus. Hqrs. Adjn. Branch,

Order Page 1 of 3

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Sudhita Das Choudhury
Advocate
10/June/05

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	J.L. Bhowmick	Hqrs. CIU-Vig, C.Ex. Shillong	Agartala Cus. Division
13	D. Mazumdar	Hqrs. PRO, C. Ex. Shillong	Agartala Cus. Division
14	Binanayak Bhattacharjee	A/E Unit, Silchar C.Ex. Divn.	Agartala Cus. Division
15	B. C. Nath	Hqrs. Audit, C.Ex. Guwahati	Agartala Cus. Division
16	K. Hmar	TRC, Cus. Hqrs. Shillong	Aizawl Cus. Division
17	J. C. Das	Tezpur Range, Central Excise	Aizawl Cus. Division
18	K. C. Sarkar	Tangla Range, Tezpur C. Ex.	Aizawl Cus. Division
19	N.C. Sutradhar	Tech.III, Dhubri C. Excise	Aizawl Cus. Division
20	S. Ganguli	A/E Unit, Tezpur C. Excise	Dimapur Cus. Division
21	Smti K. M. Das	Amguri Range, C.Ex.	Dimapur Cus. Division
22	B. R. Boro	A/S Unit, Imphal Divn.	Dhubri Cus. Division
23	Smti L. D. Sangma	LGBI Airport, Guwahati Divn.	Dhubri Cus. Division
24	S.K. Mazumdar,	Appeal & Review Cus. Hqrs. Shillong	Guwahati Cus. Division
25	M. A. Mazarbhuiya	UOT to Agartala Cus. Division	Guwahati Cus. Division
26	Ashwani Kr. Das	Dimapur Cus. Divn.	Guwahati Cus. Division
27	V. Hangzo	Tinsukia II Range, C. Excise	Imphal Cus. Division
28	Gangadhar Das	Range-IV, Guwahati C.Ex.	Imphal Cus. Division
29	T. K. Rajkhowa	Makum Range, C.Ex.	Imphal Cus. Division
30	B. C. Das	Computer & Trg. Cus. Hqrs. Shillong	Karimganj Cus. Divn.
31	Ashit Chakraborty	Tech. Branch, Shillong Divn.	Karimganj Cus. Division
32	Smti P. Deygupta	Range-II, Silchar C.Ex. Divn.	Karimganj Cus. Divn.
33	Smti S. Bhattacharjee	Tech. II, Silchar C.Ex. Divn.	Karimganj Cus. Divn.
34	Jagadindu Das	Adjudication Br. Cus. Hqrs. Shillong	Shillong Cus. Division
35	Sudhakar Sharma	Cus. Hqrs. PRO	Shillong Cus. Division
36	Smti L. Shangpliang	Audit Branch, C. Excise Shillong	Shillong Cus. Division

The Officer Sl.No.12, 13,15 & 27 will not be entitled TTA as they have been transferred on the basis of their representations, before completion of normal tenure in the Commissionerate.

In the term of Board's D.O.No.C.50/30/2000 dated 15.07.2004 the

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Officers are placed at the disposal of the respective Divisional Assistant Commissioners for further posting in the respective units.

Officers who have completed their tenure in sensitive/hard-ship unit may be considered for rotation. Tenure may be extended in exceptional cases with prior approval of the Commissioner.

Sd/-
(D D Ingty)
Commissioner.

C.NO.II (3) 6/Hqrs.Estt/SH/2004/4158-247(A)

Dated:- 6.06.2005

Copy forwarded for information and necessary action to: -

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone, Shillong.
2. The Commissioner of Central Excise, Shillong/Dibrugarh.
3. The Commissioner (Appeal), Customs & Central Excise, Guwahati.
4. The Additional Commissioner (P & V)/Tech/CC's Unit Customs & Central Excise, Shillong.
5. The Joint Commissioner, Customs (Prev.), NER, Guwahati/Imphal.
6. The Joint Commissioner Central Excise, Shillong.
7. The Deputy/Assistant Commissioner of Customs /Central Excise Division
(Copy meant for the concerned officer is/are enclosed for delivery).
8. The Chief Accounts Officer, Customs/Central Excise, Shillong.
9. The Pay & Accounts Officer, Customs & Central Excise, Shillong.
10. The A.C.A.O. (Accounts), Customs Hqrs. Office, Shillong.
11. The Superintendent, SIU-Vig. Branch, Customs Hqrs. office, Shillong.
12. The Branch-in-charge, ET-1 / Confidential / CIU -cum-VIG Branch of Customs & Central Excise, Shillong.
13. Superintendent _____ (Hqrs. Office), Shillong
14. Shri/Smti _____, Superintendent, for compliance.
15. The General Secretary, Group 'B' Officers' Association, Customs & Central Excise, Shillong.
16. Guard File.

(Gaigongdin Panmel)
Additional Commissioner.