

50/100
**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Original Application No. 131/65

Misc. Petition No.

Contempt petition No.

Review Application No.

Applicants. R. K. Kalita

Respondents. H. O. I. Govt

Advocates for the Applicant. J. L. Sarkar, A. Chakrabarty

Advocates of the Respondents. CAC

Notes of the Registry	Dated.	Order of the Tribunal
Application is in form is filed/C.F. for Rs 20/- d. pos. and v. u. P. 120 No. 206133 687 Dated 9-6-05	14.6.2005	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 recorded separately. No costs.
<i>sd/-</i> Dy. Registrar <i>SD/-</i>		<i>E. Jayaram</i> Vice-Chairman

*M. V. Amrit
15/6/05
15/6/05
15/6/05
15/6/05*

15-6-05
A certified copy
of the order dated
14-6-05 has been
collected by the applicant
and copy of the same
has been handed
over to the L/Adv
for the records.

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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

G.S.J.

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

Gyan

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.

Sd/VICE CHAIRMAN

pg

১০ JUN 2005

4.30 P.M.

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 131 /2005

Sri R.K. Kalita

----- VS -----

Union of India & Ors

SYNOPSIS OF THE APPLICATION

This application is made against the impugned transfer order dated 03/06/2005 whereby the applicant has been transferred to CEX, Dibrugarh.

That the said impugned transfer order has 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-VII in November, 2002 considering the medical ground of his mother. His tenure of minimum four years service at Guwahati, [REDACTED] 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.

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File by
Chitrabhanu
05/06/05

中央行政法院
 Central Administrative Tribunal
 In The Central Administrative Tribunal
 Guwahati Bench :: Guwahati.
 Date : 06/06/2005
 Case No. : 131 /2005

Sri R.K. Kalita

Applicant

----- Versus -----

Union of India & Ors

Respondents

I N D E X

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Filed by:

Anupam Chakraborty
 (Anupam Chakraborty)
 ADVOCATE

10

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.
(An Application Under Section 19 of the Administrative
Tribunals Act, 1985)

O.A. NO. 131/2005

Filed by the applicant
through P. Chakraborty
10/6/2005

Rajkumar Kalita

Between

Sri R.K. Kalita,
Working as Superintendent,
Central Excise, Guwahati
Range-VII.

____ 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.

2. Jurisdiction

The applicant declares that the subject matter of

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.

4.2 That the applicant is a Group-B Officer, working as Superintendent, Central Excise and posted at Guwahati Range-VII, District-Kamrup. The applicant was promoted as Superintendent w.e.f., 23/09/2002 from the post of Inspector. On promotion he was posted to Central Excise, Guwahati Range-VII w.e.f. 18/11/2002. He has completed only about 2½ years of service at Guwahati as Superintendent. His tenure of minimum four years service at Guwahati as Superintendent has not been completed till date.

4.3 That the applicant begs to state that his dependent mother is aged about 70 years and is a patient of cancer. She is under regular medical treatment of the B. Baruah Cancer Institute, Guwahati which is the only cancer institute/hospital in the whole North Eastern region. She needs regular medical check up and treatment in the aforesaid institute/hospital.

Raj leman kai

Rajkumar Kalika

4.4 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 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.

4.5 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."

4.6 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. This letter dated 04/10/2004 indicates as under:

Rajlumar kafile

"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"

Copy of the letter dated 04/10/2004
is enclosed as Annexure-B.

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

4.7 That as already stated above the applicant was posted in the Central Excise, Guwahati Range-VII in November, 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. However, he submitted a representation on 20/12/2004 requesting for his retention at Guwahati on the medical ground of his mother which was duly forwarded by the Deputy Commissioner with the recommendation for favourable consideration.

Copy of the representation dated
20/12/2004 is enclosed as Annexure-D.

4.8 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.40. 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.

Rajkumar Kaila

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

4.9 That it is stated that the aforesaid transfer order dated 03/06/2005 indicates, "This disposes of all the representations received in the grade of Superintendents." However, the applicant has not been communicated any reason for non consideration of his prayer of posting at Guwahati on medical ground. The manner in which the respondents disposed of the representation of the applicant in the said Transfer Proforma is cryptic, vague and not transparent.

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 stated that the elder daughter of the applicant is studying

in Class XII (under SEBA Course) at Sankardev Academy in Guwahati and she will be appeared in the HS Final Examination in February/March, 2006. The younger daughter of the applicant is studying in Class II in Maria Public School, Guwahati. This school has no branch in any other place of North East region. It is stated that both the children of the applicant are in their mid academic session. 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.

Rajenwar Kalita

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 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 S1. No.3, 4, 5, 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,

:: 7 ::

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.

4.13 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 administrative process. The malice in fact as well as in law is patent in the facts and circumstances of the case.

4.14 That the applicant begs to state that he has submitted a fresh representation on 06/06/2005 praying for his retention at Guwahati on the medical ground of his mother and also on the ground of his children's mid academic session which was also forwarded by the Deputy Commissioner with the recommendation for favourable consideration. The applicant has not received any reply to his said representation.

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

4.15 That the applicant submits that if his transfer

Raj Kumar Kalita

and posting as per the aforesaid transfer order dated 03/06/2005 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.

5. **Ground for reliefs with legal provisions.**

5.1 For that the impugned order of transfer is 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 consider the prayer of the applicant for posting at Guwahati on medical ground of his mother.

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.

Rajkumar Kalita

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, the applicant submitted representations but 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 order dated 03/04/2005.

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

Raj Kumar Kalita

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:

9.1 The order dated 03/06/2005 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 Orders:**

i) IPO No : 204-133687
ii) Date of Issue : 9-5-05
iii) Issued from : Gwalior
iv) Payable at : G.P.O.

12. **List of Enclosures**

As per Index.

Verification

Verification

I, Sri R.K. Kalita, son of Late P.C. Kalita aged about 49 years, a resident of Guwahati, 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.

Rajkumar Kalita

After a detailed discussion between the CCP, CCE and AG(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, 1992, in view of various contention 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 Commissionership 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, these 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 designation.

These representations will be received positively by 1st October of my 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 areas and from sensitive to hard areas.

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

Dated..... 2/-

*Ch. Secy.
D.S.O. Deptt.*

3. Though Doptt. 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 Commissioners 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.

Umesh Kumar
(ULLUNGUNEMA) 7/11
COMMISSIONER
CUSTOMS (PREV) NER: SHILLONG

Umesh Kumar
(L.R. MITRA) 7/11
COMMISSIONER
CENTRAL EXCISE: SHILLONG

O. N. 11(7)5/ET. III/86/ 1676

Dated : 7/11/86.

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 (CZ), 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 Authorized 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.

Umesh Kumar 7/11/86
(D. MUKTACHARYA)
ASSISTANT COMMISSIONER (AOBS)
CUSTOMS AND CENTRAL EXCISE : SHILLONG.

Copy to Zonal Secretaries (all) for information.
B. D. and G. C. (P) - 7/11/86
G. S. - 7/11/86



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

Tel. 91-0364-2224751 / 2223030.

Fax. 91-0364-2223428 / 2226215.

E-Mail: cexshill@exceze.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 Range 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 opts 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. THAMAR)
ADDITIONAL COMMISSIONER (P&V)

10.10.04
M. S. Mehta
Central Excise
Shillong

To,

The Chief Commissioner
 Customs & Central Excise (NER)
 Shillong

(Through proper channel)

Sub:

Representation to consider to continue service at Guwahati on Medical ground
 prayer regarding.

Respected Sir,

With due respect and humble submission I beg to submit the following few lines
 for favour of your kind perusal, sympathetic consideration and favourable order please.

That Sir, I was transferred from Dibrugarh to Guwahati on August' 1998 on **Medical ground** to treatment my ailing mother at the **B. Baruah Cancer Institute, Guwahati - 16** and for further treatment of my younger daughter at the **Nightale Hospital, Guwahati - 5**. I have joined as a APRO at the office of the Commissioner (APPEALS) Customs & Central Excise, Guwahati and have been starting treatment for them in respective Hospitals.

That Sir, on May'2000, I met a severe Road Accident and suffered compound fracture on my left leg (Photo enclosed). I am to consult my Orthopaedics regularly.

That Sir, from April'2004, I am suffering from Chronic eye problems and my treatment is going on at the **Sri Sankardeva Nethralaya, Guwahati**.

That Sir, for favour of your kind information I am to state that I was granted to avail four months of "Special Disability Leaves" (Due to severe injury at Dimapur Raid).

That Sir, alongwith my ailing mother and younger daughter, I have to look-after my family, as I am the only male member of my family.

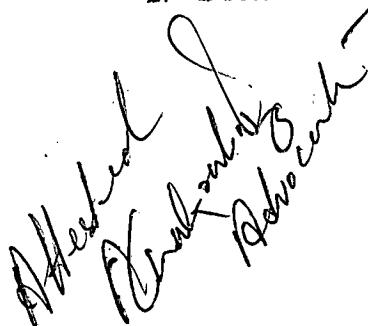
That Sir, my wife is a News-Reader at the **Dooradarshan Kendra, Guwahati** and my transfer at the present stage, will badly hampered her career.

That Sir, after promotion, I have joined as a Superintendent of Guwahati VII Range on 18/11/02 and have completed only two years as a Superintendent at Guwahati.

Under these compelling circumstances, I fervently pray before your honour to consider my case by issuing a order to allow me to continue my duty at Guwahati.

That Sir, I shall remain ever grateful if my above prayer is considered by your honour.

Yours faithfully



(R. K. Kalita)

Superintendent, Guwahati - VII Range
 Guwahati.

Encl:

1. Photo of fracture of leg.
2. Doctor's Prescription (copy)

4/6 - 17 - Annexure - E

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

Tel. 91-0364-2224751 / 2223030. Fax. 91-0364-2223128 / 2226215. E-Mail: cecxshilll@exglsc.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. Bhowmick	-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 Jalindra M. Borah	-do-	-do-
13.	Shri S.K. Challha	-do-	-do-
14.	Shri Lalkhoneh Simle	-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. Li. 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. Karnakar	-do-	-do-
34.	Shri M.S. Tyagi	-do-	-do-
35.	Shri F.U. Fukir	-do-	-do-
36.	Shri N.K. Nandi	-do-	-do-
37.	Shri G.C. Paul	-do-	-do-
38.	Shri G. Thabah	-do-	-do-
39.	Shri Jagadish Acharjee	-do-	-do-

*Mr. D. Banla
 Additional
 D.C. B.
 C.E.X.*

18-

N/2

	Shri R.K. Kallta	do	do
	Smti. 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	do
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. Katakl	do	do
57.	Shri G.C. Mandal	do	do
58.	Shri H.C. Kallta	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 join 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.

3/6/05
(KARNAIL SINGH)
COMMISSIONER

0/2
Dated: 03 JUN 2005

No. II(3)7/ET-II/2005/ 56091-56190
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 Hqrs. Office, Shillong.
7. The Additional Commissioner, Customs (Preventive), 'NER', Shillong.
8. The Joint Commissioner (A/E), Central Excise Hqrs. 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 Hqrs. Office, Shillong.
13. Shri Sinti, _____ Superintendent for compliance.
14. The General Secretary Group 'B' Superintendents Association, Customs & Central Excise, Shillong/Dibrugarh.
15. Guard File.

3/6/05
(KARNAIL SINGH)

OFFICE OF THE SUPERINTENDENT
CENTRAL EXCISE, GUWAHATI VI RANGE.
GUWAHATI

C. No.GL-1/1/ET/GHY-VII/05/ 260

Date : 06.06.05.

To

The Chief Commissioner
Customs & central Excise
Shillong Zone, Shillong
(Through proper channel)

**Sub : Representation to Consider to Continuing Service at Guwahati on
Medical & Educational Grounds-prayer regarding.**

Respected Sir,

Kindly refer to my previous representation submitted vide even C.No 1084 dated 20.12.2004, which was duly forwarded to your honour (copy enclosed for favour of your kind consideration).

That Sir, in-continuation of my said representation I beg to state that as per the ANNUAL TRANSFER POLICY superintendents who have completed their tenure 4 to 6 yrs in a station are to be transferred. But sir, I have just completed only 2 & half yrs as a superintendent at Guwahati. Further sir superintendents who have already completed 4 to 6 yrs tenure in Guwahati are not transferred.

That Sir, I have been transferred from Central Excise to Central Excise before completion of my tenure. Had I being transferred to Customs, I have nothing to say if I may be posted at Guwahati.

That Sir, out of my total service tenure at Guwahati, I have served 2 and half yrs. as an APRO at the office of the COMMISSIONER (APPEALS) Customs & Central Excise, Guwahati.

That Sir, I came to Guwahati on Medical Ground by submitting representation for treatment of my ailing mother at B. Baroah Cancer Institute, Guwahati and for further treatment of my sick younger daughter at Guwahati. My transfer at this time will badly hamper their further treatment.

That Sir, my elder daughter is going to appear in the forthcoming H.S. 2nd year Final Examination; my transfer at this stage will bear ill effect in her studies & education.

P.C.O

*Attested
Kulalal D.
D.S.C. 2005*

20
Axrealme F

That Sir, my wife is a News-Reader at the Doordarshan Kendra, Guwahati and my on-duty routine will force her to discontinue her job, as I am the only male member to look after my family in this difficult time.

Further Sir, I am suffering from chronic leg problems and my treatment is going on at the SRI SANKARDEVA NERIATIYA, Guwahati and I have to consult my ORTHOPAEDICS regularly for my fractured leg (Copies enclosed in my previous representation).

Under these compelling circumstances, I fervently pray before your honour to consider my case by issuing a stay order of my transfer and allow me to perform my duty at Guwahati till completion of my tenure.

That Sir, I shall remain ever grateful if my above prayer is considered by your honour.

Enclo : As above.

Yours faithfully

Unite 06/06/05
(R.K. Kalita)
Superintendent, Central Excise,
Guwahati VII Range, Guwahati

C.No 261-65

Date : 06/06/05

Copy forwarded to

- 1) The Commissioner, Central Excise, Shillong for favour of his kind & sympathetic consideration.
- 2) The Commissioner, Central Excise, Dibrugarh for favour of her kind information.
- 3) The Secretary, Group-B officers Associations Guwahati, Shillong and Dibrugarh for information and necessary action.

Unite 06/06/05
(R.K. Kalita)
Superintendent, Central Excise,
Guwahati VII Range, Guwahati