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

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

*Sahitya*  
*25/10/17*

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:**

ORDERS SHEET

1. Original Application No. 205/06
2. Misc Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(S) Jyoti Das

Respondant(S) U. O. P. Jais

Advocate for the applicant(S) K. R. Chandley, T. Chandley  
R. S. Chandley  
K. Borthakur

Advocate for the Respondant(S) Cole

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>266/2006</u> Dated <u>18.8.06</u></p> <p><i>gheetha</i> Dy. Registrar</p> <p><i>Steps taken dues clear.</i></p> <p><i>21.8.06</i> C. Copy has been collected by MS A/Havonah for the applicant.</p> <p><i>30.8.06</i> Sy. Clk. SC</p>	<p><b>17.8.06</b></p> <p align="center"><b>in</b></p> <p><b>18.8.2006</b></p> <p align="center"><b>bb</b></p>	<p><b>Post the matter on 18.8.06</b></p> <p align="right"><b>Vice-Chairman</b></p> <p><b>Heard learned counsel for the parties.</b></p> <p><b>Order passed, kept in separate sheets.</b></p> <p><b>The O.A. is disposed of at the admission stage itself in terms of the order.</b></p> <p align="right"><b>Vice-Chairman</b></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. No. 205 of 2006

DATE OF DECISION 18.08.2006

Sri Jyotish Das

.....Applicant/s

Mr.K.N.Choudhury,

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

- - Versus -

U.O.I. & Ors.

.....Respondent/s

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

.....Advocate for the  
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

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 complied at Jodhpur Bench? ☒ Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? ☒ Yes/No

Vice-Chairman  
24/8/06

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

Original Application No. 205 of 2006.

Date of Order: This, the 18th day of August, 2006.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN.

Sri Jyotish Das  
Superintendent  
Belonia CPF  
Belonia Tripura  
(Under Agartala Customs Division)

...Applicant.

By Sr. Advocate Shri.K.N.Choudhury & Advocates S/Shri  
I.Choudhury, R.S.Choudhury, K.Borthakur & B.Purohit.

- Versus -

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Finance, North Block  
New Delhi-2.
2. The Chief Commissioner  
Customs & Central Excise  
Shillong Zone, CRESENS Building  
M.G.Road, Shillong.
3. The Commissioner of Central Excise  
North East Region  
Morello Compound, M.G.Road  
Shillong, Meghalaya.
4. The Assistant Commissioner  
Customs Division  
Agartala.
5. Deputy Commissioner  
Customs Division  
Agartala.
6. Sri Alagririn Swamy  
Superintendent  
Customs and Central Excise  
Zakhawthar Land Customs Station  
Mizoram.
7. Sri P.S. Das  
Agartala Customs Division  
Tripura.

.....Respondents.

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




O R D E R (ORAL)SACHIDANANDAN. K.V., (V.C.):

The applicant is working as Superintendent-Group-'B', Belonia CPF under the Agartala Customs Division at Agartala. Applicant claimed that he has got long service in the department and earlier sought to be transferred vide order dated 3.6.2005 against which he preferred O.A. No.164/2005 on the ground of his daughter's education and mother's illness. This Tribunal vide order dated 24.6.2005 directed the respondents to consider his case at that point of time. Pursuant to the order of this Tribunal, the respondents differed his transfer. Vide Annexure-E order dated 6.4.2006 a fresh order has been passed whereby he has been transferred to Dibrugarh. However, the applicant was allowed to continue to serve at Belonia CPF, Agartala. The applicant made representation before the respondent No.3 but to of no avail. Being aggrieved applicant has filed this O.A. seeking for the following reliefs:-

"8.1. To set aside and quash the impugned Establishment Order No.47/2006 dated 06.04.2006 issued under Memo No.C.No.II(3)/ET-III/2005/5300-339 in so far as it relates to the applicant, whereby the applicant has been sought to be transferred from the Belonia CPF under Agartala Customs Division to Commissionerate of Central Excise, Dibrugarh.

8.2 To set-aside and quash the impugned Order issued under Memo No. C.No.II(3)/ET/ACA/2002/5074-85(A) dated 02.08.2006 issued by the Respondent No.5 reliving



him from his duties as Superintendent, Belonia CPF.

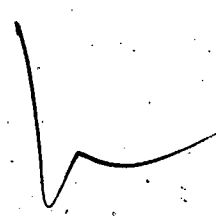
8.3 To direct the respondent authorities to allow the Applicant to continue to serve at Belonia CPF under Agartala Customs Division.

8.4 Direct the Respondent—authorities not to give effect to the impugned transfer dated 06.04.06 in so far as it relates to the applicant and to further dispose of his representations.

8.5 Cost of the application."

2. Heard Mr.K.N.Choudhury, learned Senior counsel for the applicant. Mr. G. Baishya, learned Sr.C.G.S.C. represented the respondents. The grievance of the applicant is that his daughter is studying in 12th class and is in her mid academic session and his transfer to a far of place will put her daughter in great difficulty in pursuing her studies. Therefore, he may be permitted to continue at Agartala itself at least in this mid academic session i.e. to the end of March, 2007.

3. The Hon'ble Supreme Court in a celebrated decision rendered in the case of S.L. Abbas reported in (1993) 4 SCC 357 laid down the dictum that an employee should not be disturbed during mid academic session. In the instant case, the only daughter of the applicant is in mid academic session of 12<sup>th</sup> Standard. Applicant's representation dated 2.8.2006 (Annexure-H) praying for allowing him to continue in the same station till the completion of her daughter's final examination has not been disposed of as yet. This Tribunal is of the view that ends of justice will be met if a direction



is given to respondent No.3 to consider and dispose of the representation of the applicant within a time frame. Accordingly, the respondent No.3 is directed to consider and dispose of the Annexure-H representation and pass appropriate orders within a period of two months from the receipt of this order. This Tribunal further directs that the operation of the impugned order of transfer dated 6.4.2006 (Annexure-E) be stayed till the completion of aforesaid exercise.

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



(K.V.SACHIDANANDAN)  
VICE CHAIRMAN

*BB*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. No. 205 of 2006

Shri Jyotish Das

... Applicants.

- VERSUS -

Union of India & Ors.

... Respondents.

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Filed by

(Mrs. R.S. Chowdhury)  
Advocate

9

SYNOPSIS  
LIST OF DATES

- 01.03.2004      The Applicant was transferred and posted as Superintendent, Belonia CPF under Agartala Custom Division.  
(ANNEXURE-A, Pg. 15)
- 03.06.2005      In about 15 months the Applicant was sought to be transferred from Belonia CPF, Agartala to the Commissionerate of Customs, Dibrugarh.  
(ANNEXURE-B, Pg. 18)
- 24.06.2005      The Applicant's representations having evoked no response, he preferred Original Application No.164 of 2005 inter-alia, contending that his daughter was in mid-academic session and that his mother was dependent on him and is above 80 years of age. Moreover, the Order of transfer was issued in violation of the Central Government guidelines. This Hon'ble Tribunal vide Order dated 24.06.2005 disposed of the Original Application with a direction to the Respondents to dispose of the representations within a period of 6 (six) weeks and to allow the Applicant to continue at Belonia CPF till then.  
(ANNEXURE-C, Pg. 20)
- 02.03.2006      The Applicant submitted his option as per the professed norms of the Department indicating his choices of posting. The Applicant clearly indicated that his only daughter is in Class-XII and is scheduled to appear in the Board examination in March, 2007 and that his mother is suffering from various old-age ailments.  
(ANNEXURE-D, Pg. 23)
- 06.04.2006      The Applicant was transferred from Belonia CPF under Agartala Customs Division to the Commissionerate of Central Excise, Dibrugarh. The Respondent No. 7 was also transferred from Agartala Customs Division to the Commissionerate of Central Excise, Dibrugarh by the same order.  
(ANNEXURE-E, Pg. 25)
- 10.04.2006      The Applicant submitted a representation before the Respondent No. 3. Although the Applicant did not receive any communication regarding the fate of his representation, but, he was allowed to continue at Belonia CPF.  
(ANNEXURE-F, Pg. 27)
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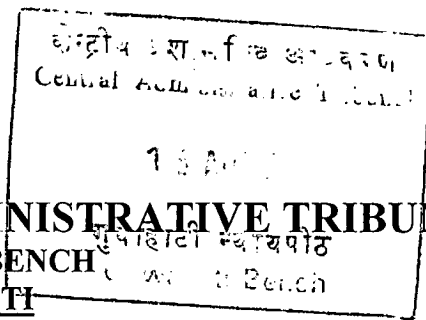
02.08.2006

Due to his wife's ailments, the Applicant had to go on leave with effect from 02.08.2006. On that very day, in his absence, the Respondent No. 5 issued the impugned order relieving him from his duties at Belonia CPF with a direction to handover charge to the Respondent No. 6.

(ANNEXURE-G, Pg. 29)

Immediately on coming to know about the impugned relieving order dated 02.08.2006, the Applicant submitted another representation. However, as no response has been forthcoming, the present Original Application is being preferred praying for setting aside the impugned orders dated 06.04.2006 and 02.08.2006.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI



FILED BY:  
The Applicant -  
THROUGH: R.S. Chowdhury  
Mr. R.S. Chowdhury  
Agartala 16/8/08

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

ORIGINAL APPLICATION NO. 205 of 2006

BETWEEN

Sri Jyotish Das,  
Superintendent,  
Belonia CPF,  
Belonia Tripura  
(Under Agartala Customs Division)

... APPLICANT

-AND -

1. The Union of India,  
Represented by the Secretary to the Govt. of India  
Ministry of Finance, North Block,  
New Delhi - 2.
2. The Chief Commissioner,  
Customs & Central Excise,  
Shillong Zone, CRESENS Building,  
M.G. Road, Shillong
3. The Commissioner of Central Excise,  
North East Region,  
Morello Compound, M.G. Road,  
Shillong, Meghalaya
4. The Assistant Commissioner,  
Customs Division,  
Agartala.
5. Deputy Commissioner,  
Customs Division,  
Agartala.
6. Sri Alagririn Swamy,  
Superintendent,  
Customs and Central Excise,  
Zakhawthar Land Customs Station.  
Mizoram.
7. Sri P. S Das,  
Agartala Customs Division,  
Tripura.

... RESPONDENTS.

**DETAILS OF THE APPLICATION**

1. **PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE:**

This application has been filed challenging the legality and validity of the Establishment Order No.47/2006 dated 06.04.2006 issued under Memo No.C.No.II(3)/ET-III/2005/5300-339 in so far as it relates to the applicant, whereby the applicant has been sought to be transferred from the Beloni CPF under Agartala Customs Division to Commissionerate of Central Excise, Dibrugarh and the impugned Order issued under Memo No.C.No.II(3)/ET/ACA/2002/5074-85(A) dated 02.08.2006 issued by the Respondent No. 5 reliving him from his duties as Superintendent, Belonia CPF.

2. **JURISDICTION OF THE TRIBUNAL:**

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

3. **LIMITATION:**

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

4. **FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and a resident of Agartala in the State of Tripura and as such, he is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

4.2 That the applicant is presently serving in the grade of Superintendent-Group-'B', Belonia CPF under the Agartala Customs Division at Agartala. Be it stated herein that the Headquarters of the said Division is at Shillong.



- 4.3 That after being initially appointed to the post of Inspector, on 14.10.1985, the applicant sincerely discharged his duties as Inspector of Central Excise & Customs under the Commissionerate. The applicant was subsequently promoted to the post of Superintendent, Group-'B' vide establishment Order No.139/2002 dated 23.09.2002 alongwith 148 others. The name of the applicant appeared at Sl. No.136 of the said of promotees.
- 4.4 That the applicant, after such promotion to the post of Superintendent was posted at the Statistics Branch, Agartala for a few days and thereafter he was transferred and placed at Divisional Statistics Branch, Agartala as Superintendent, vide establishment order No.1/2002 under Memo No.II(3)3/ET/ACA/2002/3263-3303(A) dated 1.12.2002.
- 4.5 That subsequently, within a short span of a year and three months, the applicant was once again transferred out from the Statistics Branch, Agartala and posted at Belonia, CPF, Agartala. The said transfer order was issued by the Respondent No.4 vide Establishment Order No.1/2004 under Memo No.II(3)3/ET/ACA/2002/3461-3485(A) dated 01.03.2004. Accordingly the applicant once again joined at his new place of posting at Belonia CPF, Agartala.

A copy of the said transfer Order dated 01.03.2004 is annexed herewith and marked as ANNEXURE – A.

- 4.6 That the applicant deems it pertinent to state that certain guidelines for transfer in respect of Superintendents/Inspectors have been laid down in the department which have been duly accepted by the Customs & Central Excise Department. Briefly the same are reiterated herein below;

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

- (i). In the same station for a continuous period of 4 to 6 years.
- (ii) In the same section/office for a continuous period of 2 years and
- (iii) In the Customs, formation for a continuous period of 4 years.



- (iv) In the Dibrugarh Central Excise Commissionerate for a continuous period of 4 years.”

The applicant craves leave of this Hon'ble Tribunal to refer to and rely upon the guidelines for transfer in respect of Superintendents/Inspectors at the hearing of the instant case.

- 4.7 That accordingly as per the aforesaid guidelines/norms, options were asked for by the Superintendents serving in the Commissionerate for transfer and the applicant was asked for such options vide Order No.II(26)20/ET-III/95/38351-405 dated 30.09.2003. The applicant thereafter had categorically and specifically opted for his retention at Agartala, Customs Division or at Central Excise Range, Agartala. Be it stated herein that such options are invited every year and the representations so received in this regard are accordingly considered by the Authorities prior to issuing the transfer Orders.

In fact the applicant had submitted another representation in the year 2004 before the Respondent No.3 on 26.11.04 for due consideration of his retention at Agartala for the year 2005, since his only daughter was at the final stage of her School education and further due to the fact that his ailing and bed-ridden mother required his constant care and attention at this stage of her life.

- 4.8 That to the utter shock and surprise of the applicant, the Respondent Authorities vide Inter-Commissionerate transfer/Rotation of Officers, Establishment Order No.72/2005 dated 03.06.05 issued by the Respondent No.3 under Memo No.II(3)3/ET-III/2005/56091-56190 once again transferred the applicant from Belonia, CPF, Agartala to Commissionerate of Customs, Dibrugarh. The applicant states that the said transfer order has been issued without taking into consideration the guidelines/norms ruling the field in this regard.

A copy of the Order dated 03.06.2005 issued by the Respondent No.3 is annexed herewith and marked as ANNEXURE-B.



4.9 That the applicant states that immediately on receipt of the said impugned transfer Order dated 03.06.05, the applicant represented before the authorities concerned (i.e. the Respondent No.3) on 08.06.05 and 20.06.05 praying inter-alia for consideration of his retention at Agartala Customs Divisions and for withdrawing/cancelling the order dated 03.06.05 in so far as it relates to the applicant. The said representations were not disposed by the authorities concerned.

4.10 That being aggrieved by the Order of transfer dated 03.06.2005 and the non-disposal of the representations submitted by the applicant, he preferred an Original Application being O.A. No.164 of 2005 before this Hon'ble Tribunal inter alia praying for a setting aside the Order of transfer dated 03.06.2005. This Hon'ble Tribunal vide Order dated 24.06.2005 was pleased to dispose of the Original Application with a direction to the Respondent No.3 to consider and dispose of the representations so submitted by him within a period of 6(six) weeks and till such disposal, to allow the Applicant to continue in the said station.

A typed copy order dated 24.06.2005 passed by this Hon'ble Tribunal in O.A. No.164 of 2005 is annexed herewith and marked as ANNEXURE-C.

4.11 That pursuant to the Order passed by this Hon'ble Tribunal, the Respondent No.3 passed the Establishment Order No.112 of 2004 on 17.08.2005 deffering the Order of transfer dated 03.06.2005 and allowed the Applicant to continue at Belonia CPF under Agartala Customs Division.

4.12 That the Applicant deems it pertinent to state at this stage that his only daughter is presently studying in Class XII and is scheduled to appear in the Board Examinations in March 2007. In addition thereto the Applicant's mother who is more than 80 years old stays with the Applicant's family. His mother is suffering from various old age ailments. Moreover, the Applicant himself has been diagnosed with Cardiac disease. He has a history of sudden pain in the chest followed by sharp fall of blood pressure coupled with convulsions. His ailment has

CA

assumed a recurring phenomenon and hence he is required to be attended to by his wife and/or daughter.

4.13 That, in view of the facts and circumstances narrated herein above, the Applicant, in terms of the established norms of the Department indicated his choice of posting in order of preference in the 'Transfer Proforma' on 02.03.2006. The choices indicated by the Applicant are as under:-

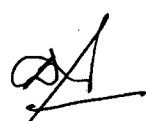
- (i) Central Excise Range, Agartala.
- (ii) Central Excise Range, Dharmanagar.
- (iii) Under Silchar Central Excise Division.
- (iv) Land Customs Station, Agartala.
- (v) DPF Unit, Agartala.
- (vi) Any place of Division Office at Agartala.

In the said Transfer Proforma/Representation dated 02.03.2006 the Applicant specifically mentioned the difficulties being faced by him as indicated in paragraph 4.12 of the instant application which were also the reasons for seeking posting/transfer in the stations indicated above.

A typed copy of the Transfer Proforma/Representation dated 02.03.2006 is annexed herewith and marked as ANNEXURE-D.

4.14 That, to the utter shock and surprise of the Applicant the Respondent No.3 vide impugned Establishment order No.47/2006 dated 06.04.2006 (issued on 07.04.2006) under Memo No.C.No.II(3)8/ET.III/2005/5300-339 transferred the applicant from Agartala Customs Division to Commissionerate of Central Excise Dibrugarh. It is pertinent to state at this stage that one Sri P.S. Das, Respondent No.7 herein was also transferred from Agartala Customs Division to Commissionerate of Central Excise, Dibrugarh.

A typed copy of the impugned Order dated 06.04.2006 is annexed herewith and marked as ANNEXURE-E.



4.15 That, being aggrieved by the impugned Order of transfer dated 06.04.2006, the Applicant submitted a detailed representation through proper channel before the Respondent No.3 stating inter alia the serious difficulties that would be faced by him and the serious prejudice that would be caused if he was to carry out the impugned Order of transfer. The Applicant further prayed for being retained at Agartala Customs Division.

A copy of the representation-dated 10.04.2006 is annexed herewith and marked as ANNEXURE-F.

4.16 That, the Applicant states that, pursuant to the representation dated 10.04.2006 so submitted by him, he did not receive any response, however, he was allowed to continue to serve at Belonia CPF, Agartala under Agartala Customs Division. It is pertinent to state at this stage that, the Respondent No.7 was also allowed to continue at Agartala Customs Division.

4.17 That, due to some personal reasons the Applicant had to proceed on leave from 02.08.2006 in fact, the Applicant had to avail of such leave in view of the ailments of his wife. While the Applicant was on leave, he suddenly came to learn from reliable sources that the Respondent No.5 has issued an impugned Order under Memo No.C.No.II (3)/ET/ACA/2002/5074-85 (A) dated 02.08.2006 relieving him from his duties as Superintendent, Belonia CPF, Agartala Customs Division purportedly in pursuance of the impugned Order dated 06.04.2006 with a direction to join at his new place of posting at the Commissionerate Central Excise, Dibrugarh. Interestingly, the Applicant was directed to hand over charge to one Sri Alagrin Swami, Respondent No.6 herein. The Applicant having come to learn about the impugned Order dated 02.08.2006 made further inquiries and was surprised to learn that the said impugned Order dated 02.08.2006 has been issued at the instance of the Respondent No.6 who was serving at Zakhawthar Land Customs Station, Mizoram and who was interested in serving under the Agartala Customs Division. Due to such reasons, the said impugned Order dated 02.08.2006 was surreptitiously issued behind the back of the Applicant while he was on leave. Be it stated herein that the impugned Order dated 02.08.2006 has not yet been served upon the Applicant till date and as



such he is continuing to serve at Belonia CPF under Agartala Customs Division for all practical purposes. Apparently, the question of handing over of charge to the Respondent No.6 has not arisen till date.

A typed copy of the impugned Order dated 02.08.2006 is annexed herewith and marked as ANNEXURE-G.

4.18 That, the Applicant deems it pertinent to mention herein that the Respondent No.7 who was transferred from Agartala Customs Division to Central Excise, Dibrugarh by way of the same Order of transfer dated 06.04.2006, for reasons not known, has been allowed to continue at Agartala Customs Division.

4.19 That, being aggrieved and being seriously prejudiced, the Applicant immediately submitted a representation before the Respondent No.3 inter alia narrating his grievances in detail and praying for being retained at Agartala Customs Division at least till the completion of his daughter's Board Examination.

A copy of the said representation is annexed herewith and marked as ANNEXURE-H.

4.20 That, the repeated representations so made by the Applicant not having been considered, the instant Original Application is being preferred praying for interference with the impugned Orders dated 06.04.2006 and 02.08.2006.

5. **GROUND FOR RELIEF/S WITH LEGAL PROVISIONS:**

5.1 For that the facts and circumstances that have been narrated herein above would clearly indicate that the respondents have deliberately flouted with all impunity the policy of the Govt. of India in matters pertaining to transfer. The applicant having been transferred to the present place of posting on 01.03.04, he could not have been transferred out before 28.02.08 in terms of the said policy pertaining to transfer. As such, the impugned order of transfer dated 06.04.06 in respect of the



applicant is ex-facie illegal and hence liable to be interfered with by this Hon'ble Tribunal.

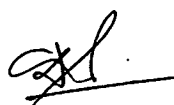
5.2 For that the applicant submitted representations bringing to the notice of the respondents the following specific and practical difficulties:

- (a) The applicant's only child is a student of class XII in the Science Stream and is in her mid academic session.
- (b) The applicant is the only support for his ailing and aged mother.

On the face of the aforesaid difficulties so faced by the applicant it was incumbent upon the respondents to address themselves to the aforesaid problem/grievances of the applicant not only on humanitarian grounds but the same is also a duty cast upon them in terms of the law laid down by the Hon'ble Supreme Court in the case of S.L. Abbas reported in (1993) 4 S.C.C. 357. The same not having been done, the impugned order of transfer dated 03.06.05, is liable to be set-aside and quashed.

5.3 For that, the facts and circumstances narrated herein above would clearly reveal that the impugned Order of transfer dated 06.04.2006 and subsequent impugned relieving Order dated 02.08.2006 have been issued at the behest of the Respondent No.6 with the sole purpose of illegally accommodating him for reasons other than relevant and bonafide. It is apparent on the face of the records that, the authority had otherwise realized the genuine difficulties of the Applicant on receiving his representation-dated 10.04.2006. It was on account of such genuine difficulties faced by the Applicant that he was allowed to continue at Agartala Customs Division till 01.08.2006. Apparently, due to undue and unwarranted influence being exerted by the Respondent No.6, the impugned relieve Order dated 02.08.2006 has been issued. The malafides are writ large on the face of the records rendering the impugned Orders ex-facie bad in law and as such, the same are liable to be interfered with by this Hon'ble Tribunal.

5.4 For that, the Applicant has been discriminated against without any reasonable basis or justification. The Applicant has been picked up for



discriminatory treatment as will be evident from the fact that the Respondent No.7 who was also transferred from Agartala Customs Division to the Commissionerate of Central Excise, Dibrugarh has been allowed to continue at Agartala Customs Division. Such impugned actions are ex-facie, illegal, malafide and arbitrary in addition to being unfair, unreasonable and capricious. The said impugned actions are in gross violation of Articles 14 and 16 of the Constitution of India. The said impugned actions reflect malice in law as well as malice in facts. As such, it is humbly submitted that the same are liable to be set aside and quashed.

5.5 For that, the facts and circumstances that have been narrated herein above would clearly reveal that the impugned Orders dated 06.04.2006 and 02.08.2006 have been issued most mechanically without any application of mind to the relevant factors. The fact that, pursuant to the impugned Order dated 06.04.2006, the Applicant submitted a detailed representation highlighting his grievances, that the same is pending consideration, that the Applicant was allowed to continue at Agartala Customs Division, that he was on leave when the impugned relieving order 02.08.2006 was issued and that the Respondent No.7 is still continuing at Agartala Customs Division are factors which have not been considered by the authorities. No person reasonably instructed in law could have been oblivious to these factors, which are germane to the issue at hand. There apparently has been a colourable exercise of power for collateral purposes. The impugned orders, on the face of the records are not sustainable. As such, it is humbly submitted the said impugned Orders are liable to be set aside and quashed.

5.6 For that, as has already been stated herein above, the authorities have not only been oblivious to the factors that have been indicated in the preceding paragraphs, but also to the fact that the Applicant's only daughter is in her mid term academic session and is scheduled to be appear in her Class XII Board Examination in March 2007. The authorities have entirely ignored the fact that his daughter's entire academic career would be jeopardized if the said impugned Orders are given effect to. Apparently, such impugned actions infringe upon the rights guaranteed to Applicant under Articles 21 and 41 of the



Constitution of India. As such, the said impugned Orders are liable to be interfered with by this Hon'ble Tribunal.

5.7 For that, the impugned Orders dated 06.04.2006 and 02.08.2006 suffer from the vice of flagrant and deliberate violation of the principles of natural justice and the settled principles of service jurisprudence. The Applicant has been denied the rights, protections and privileges of the said settled principles without any reasonable basis or justification. As such, it is humbly submitted the said impugned Orders are liable to be interfered by the said Hon'ble Tribunal.

5.8 For that, the Applicant humbly submits that the conditions precedent for exercise of powers by the Respondent authorities has not been followed in the instant case. As such, the impugned Orders dated 06.04.2006 and 02.08.2006 are void ab-initio.

5.9 That the applicant has a strong prima-facie case in his favour. The applicant shall suffer irreparable loss and injury which cannot be compensated in terms of money if the said transfer order dated 03.06.05 is given effect to. The balance of convenience is strongly in favour of the applicant. As such this Hon'ble Court may be pleased to stay/suspend the operation of the impugned order of transfer during the pendency of the instant application.

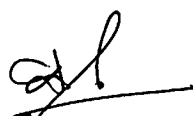
5.10 That the applicant has no other adequate, equally efficacious alternative remedy available to him and the relief as prayed for, if allowed, shall be just, adequate and proper.

5.11 That the applicant demanded justice but the same has been denied to him.

5.12 That this application is made bonafide and for the ends of justice.

6. **DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.



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

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. **RELIEFS SOUGHT FOR:**

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

- 8.1 To set-aside and quash the impugned Establishment Order No.47/2006 dated 06.04.2006 issued under Memo No.C.No.II(3)/ET-III/2005/5300-339 in so far as it relates to the applicant, whereby the applicant has been sought to be transferred from the Beloni CPF under Agartala Customs Division to Commissionerate of Central Excise, Dibrugarh
- 8.2 To set-aside and quash the impugned Order issued under Memo No.C.No.II(3)/ET/ACA/2002/5074-85(A) dated 02.08.2006 issued by the Respondent No. 5 reliving him from his duties as Superintendent, Belonia CPF.
- 8.3 To direct the respondent authorities to allow the Applicant to continue to serve at Belonia CPF under Agartala Customs Division
- 8.4 Direct the Respondent authorities not to give effect to the impugned transfer dated 06.04.06 in so far as it relates to the applicant and to further dispose of his representations
- 8.5 Costs of the application.



8.6 Any other relief or reliefs to which the applicant is entitled to, under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.

9. **INTERIM ORDER PRAYED FOR**


The applicant respectfully prays before this Hon'ble Tribunal that during the pendency of the instant original application, the applicant shall not be disturbed from his present place of posting at Belonia CPF, Agartala and to further suspend the operation of the impugned Establishment Order No.47/2006 dated 06.04.2006 issued under Memo No.C.No.II(3)/ET-III/2005/5300-339 in so far as it relates to the applicant and the impugned Order issued under Memo No.C.No.II(3)/ET/ACA/2002/5074-85(A) dated 02.08.2006.

10. **PARTICULARS OF THE IPO.**

i. I.P.O. NO. : 269324164  
ii. Date of Issue : 5/5/2006  
iii. Issued from : GPO GUWAHATI  
iv. Payable at :

11. **DETAILS OF ENCLOSURES:**

As stated in the Index.



## V E R I F I C A T I O N

I, Shri Jyotish Das, son of Late Joydeb Das, aged about 47 years, resident of Agartala in the State of Tripura, do hereby solemnly affirm and verify that I am the Applicant in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The statements made in Paragraphs-1,2,3,4.1,4.2,4.3,4.4,4.5,4.7(p),4.8,4.9,4.10(p),4.12,4.13,4.14(p),4.15,4.16,4.17(p),4.18,4.19,4.20 are true to my knowledge and those made in Paragraphs 4.6,4.7(p),4.10(p),4.11,4.14(p),4.17(p) being matters of record are true to my information derived therefrom, which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 16 th day of August, 2006 at Guwahati.

Jyotish Das

SIGNATURE OF THE APPLICANT

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**ANNEXURE - A**

**OFFICE OF THE ASSISTANT COMMISSIONER OF CUSTOMS  
CUSTOMS DIVISION  
AGARTALA**

**ESTT ORDER NO: 01/2004  
DATED AGARTALA THE 1<sup>ST</sup> OF MARCH 2004**

Subject : Estt, Transfer, Posting & Adjustment of officers in the Grade of Superintendent. Order - Regd.

The following transfers, postings & adjustments in the Grade of Superintendent, Customs Division, Agartala are hereby ordered with immediate effect & until further order.

SL NO	NAME (SHR/SMT)	FROM	TO	REMARKS
01	N.G. SEN	BELONIA CPF	UDAIPUR CPF	
02	PARESH DEBNATH	TECHNICAL BRANCH	MOHANPUR CPF	
03	JYOTISH DAS	STATISTICS BRANCH	BELONIA CPF	
04	G.C.SARKAR	CENTRAL GODOWN	LAW BRANCH	
05	SITAL CHANDRA DAS	LAW BRANCH	STATISTICS BRANCH	
06	N.L.ROY	MOHANPUR CPF	CENTRAL GODOWN	
07	RITA RANI BHOWMIK	ADJUDICATION BRANCH	ADJUDICATION BRANCH	RETAIN.
08	P.K.REANG	VAL.CELL. HQRS CUSTOMS	TECHNICAL BRANCH	


Certified to be true copy.



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		SHILLONG		
09	N.N. ROY	KARIMGANJ CUSTOMS DIVISION	SABROOM CPF	

This issues with the approval of the Commissioner of Customs NER, Shillong.  
The above officers stand relieved on or before 5<sup>th</sup> March 2004 & directed to report to their new place of posting latest by 8<sup>th</sup> march 2004 positively.

  
 01.03.04  
 (Sucheta Sreejesh)  
 Assistant Commissioner  
 Customs Division  
 Agartala.

C.NO. II(3)3/ET/ACA/2002 / 3461-3485(A) DATED: 01.03.04

Copy forwarded to:

1. The Chief Commissioner of Customs & Central Excise, Shillong Zone.
2. The Commissioner of Customs(Preventive)NER Shillong
3. The Commissioner of Central Excise , Shillong
4. The Additional Commissioner of Customs NER Shillong,
5. The Additional Commissioner of Central Excise (P&V) NER, Shillong
6. The Joint Commissioner of Customs(Preventive) NER Shillong ,
7. The Joint Commissioner of Customs, Guwahati
8. The Deputy Commissioner/ Assistant Commissioner, Customs Division (All)
9. The Assistant Director (Comm) Hqrs. Office, Shillong.
10. SHRI/ SMT Jyoti (Supdt) for strict compliance.
11. The CAO/PAO, C&CE, NER Shillong

12. AO, Agartala Customs Division. For information & necessary action.
13. The Zonal Secretary Group 'B' Superintendent's Association Customs Division, Agartala.
14. Confidential Branch, Customs Division, Agartala.
15. Guard File.

*S. Sreejesh*  
01.3.04  
(Sucheta Sreejesh)  
Assistant Commissioner  
Customs Division  
Agartala.



# 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](mailto: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 (F), 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. Fairheir	-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. Chaliha	-do-	-do-
14.	Shri Lakhoneh Simte	-do-	-do-
15.	Shri Jyotish Das	-do-	-do-
16.	Shri Thangchuoilo	-do-	-do-
17.	Shri B.B. Saikia	-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. Majumda	-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. Bania	-do-	CEX, Dibrugarh
33.	Shri B.B. Karmakar	-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. Thabab	-do-	-do-
39.	Shri Jagadish Acharjee	-do-	-do-

Certified to be true copy.

*Rshy*

	Shri R.K. Kalita	-do-	-do-
	Smti. K.M. Das	Commissionerate of	Commissionerate of
		Central Excise, Dibrugarh	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-	CEX, Shillong
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 join their new places of postings.

The above officers should be relieved latest by 17<sup>th</sup> June 2005.

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

3/6/05  
(KARNAIL SINGH)  
COMMISSIONER

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

Dated :-

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. (Signature)
14. The \_\_\_\_\_ Shillong/Dibrugarh. (Signature)
15. Guard File.

3/6/05  
(KARNAIL SINGH)  
COMMISSIONER

Typed copy

ANNEXURE- C

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos.164/2005

Date of Order : This the 24<sup>th</sup> day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

Sri Jyotish Das  
Superintendent,  
Belonia CPF,  
Belonia Tripura,  
(Under Agartala Customs Division)

...Applicant.

By Mr. K.N. Chowdhury, Sr. Advocate and Mr. I Chowdhury, Mrs. R.S. Chowdhury,  
Mr. G. Rahul Advocates.

-Versus-

1. The Union of India,  
Represented by the Secretary to the  
Govt. of India  
Ministry of Finance, North Block,  
New Delhi-2.
2. The Chief Commissioner,  
Customs & Central Excise,  
Shillong Zone, CRESENS Building,  
M.C. Road, Shillong.
3. The Commissioner of Central Excise,  
North East Region,  
Morello Compound, M.G. Road,  
Shillong, Meghalaya.
4. The Assistant Commissioner,  
Customs Division,  
Agartala.

.....Respondents.

By. Ms. U. Das, Addl. C.G.S.C.

*Certified to be true copy.*

*Rohy*

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ORDER (ORAL)

SIVARAJAN. I. (V.C.)

1. The applicant is a Superintendent of Customs and Central Excise Department and presently working at Belonia in Tripura State. He is aggrieved by the transfer order dated 03.06.2005 (Anexure-F) issued by the 3<sup>rd</sup> respondent. According to the applicant, transfer is made in the month of June causing inconvenience to the education of his children who are in the mid session of their studies. It is also his grievance that the transfer order is issued in gross violation of norms regarding transfer of Superintendent in the Customs and Central Excise Department. The applicant states that his present transfer to Dibrugarh has caused great inconvenience to him. The applicant has got various other circumstances necessitating further continuance in the present station.
2. I have heard Mr. K. N. Choudhury, learned Sr. counsel for the applicant and also Ms. U. Das, learned C.G.S.C. for the respondents.
3. I had opportunity to dispose of a number of applications i.e. O.A.Nos.127/2005, 141/2005, 142/2005, 143/2005 etc. against the very same transfer order and had directed the 2<sup>nd</sup> respondent therein to dispose of the representations dated 08.06.2005 and 20.06.2005 (Annexure-C & H) respectively. In the circumstances, I am of the view that this application can be disposed of at the admission stage itself with direction. Accordingly, there will be a direction the 3<sup>rd</sup> respondent to dispose of the said representations taking into account the guidelines for transfer and special circumstances pointed out by the applicant therein within a period of six weeks from the date of receipt of this order. If the applicant has not so far been relieved from the present station, he will be allowed to continue in the said station till the disposal of the representations as directed hereinabove.

The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order before the 3<sup>rd</sup> respondent for compliance.

Sd/- Vice Chairman

Copy forwarded to:-

1. Chief Commissioner, Customs and Central Excise, Shillong Zone for favour of kind information and consideration in the right of the above content please.
2. Commissioner of Central Excise Shillong Zone for favour of kind information and consideration in the right of the above content please.
3. Commissioner of Customs, Shillong Zone for favour of kind information and consideration in the right of the above content please.
4. Commissioner of Central Excise, Dibrugarh. Zone for favour of kind information and consideration in the right of the above content please.
5. Deputy Commisioner of Customs Division, Agartala Zone for favour of kind information and consideration in the right of the above content please.

Sd/- (JYOTISH DAS)  
Superintendent  
Belonis CPF, Tripura  
(On leave)

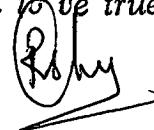
### Transfer Proforma

1. Name of the Officer with Designation : **JYOTISH DAS, Superintendent.**
2. a) Date of Appointment in the Department & Grade: 14.10.1985 as INSPECTOR  
 b) Date of appointment in the present Grade : 23.02.2002  
 c) Date of Birth : 01.02.1950
3. Name of the Home town and State : Agartala, Tripura
4. History of posting since entry  
 (History of posting as Group )

Sl. No.	Station (Name of the Unit)	Post held	From	In
1	Custom and Central Excise Head quarter <b>Shillong</b>	Inspector	14.10.85	25.11.85
2	Central Excise Range II	Inspector	26.11.85	07.04.88
3	CPF Unit, Agartala	Inspector	08.04.88	31.07.90
4	Central Excise Antrevason (Under Silchar Division)	Inspector	01.08.90	19.07.91
5	Agartala LCS	Inspector	20.07.93	21.12.93
6	Airport Preventive Post	Inspector	22.12.93	21.09.94
7	CPP, <b>Subroom</b>	Inspector	22.09.94	04.06.96
8	Dist. Headquarter Preventive Unit, Agartala	Inspector	07.06.96	28.02.97
9	Agartala Technical Branch	Inspector	04.03.97	03.07.97
10	Airport Preventive Post	Inspector	04.07.97	15.04.99
11	CPF Unit, <b>Sonamura</b>	Inspector	16.04.99	31.07.01
12	<b>Srimantapur LCS</b>	Inspector	01.08.01	27.04.02
13	Divisional Sts Branch	Inspector	28.01.04	22.09.02

As the transfer and posting will be executed at present grade of Superintendent group "B" it is mentioned that I have been promoted to the grade of Superintendent vide Estt order No.139/2002 dated 23.09.2002 and have been placed under Customs formations since 03.10.2002 dated by the Cadre Controlling authority (copy enclosed). The history of posting as Superintendent is given below separately for reference please.

*Certified to be true copy.*



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History of posting as Group –“B” (Executive Officer)

Sl. No.	Station (Name of the Unit)	Post held	From	In
1	Satistics Unit, Agartala	Superintendent	23.09.2002	05.03.2004
2	Belonia CPF Unit	Superintendent	10.03.2004	till date

5. Pl indicate your choice of posting in order of preference.

(1 to 3 for Central Excise 4 to 6 for Customs with Brief Reasons)

1. Central Excise Range, Aragtala
2. Central Excise Range, Dharmanagar  
(Under Silchar Division)
3. ....
4. 4.Land Customs Station, Agartala
5. DPF Unit, Agartala
6. Any place of Divisional Office at Agartala.

Brief Reasons:- My only daughter who has been reading class XI and will be promoted to Class-XII in the academic year 2006-07 have obtained registration from the institution where she is studying now. At this stage my transfer will have adverse affect on her academic carrier and badly affect my family welfare. However, the option given will have less affect as I shall be able to attend her studies if I am even transferred to Central Excise Dharmanagar which is some 200 Km from my Home Town Agartala.

Note: The choice of posting does not necessarily imply that the officer will be given a posting office choice, officers are liable to transferred before completion of full term in the exigencies of service.

Station

Dated

Sd/-

(JYOTISH DAS)

Signature of Official with Designation

**Forwarding Officers Comment's**

The particulars given above are verified and found to be correct

Signature

Name & Designation of forwarding Authority

- 25 -

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(TYPED COPY)

ANNEXURE - E

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

Tel. 91-0364-2224751/2223030 Fax- 91-0364-2223478/2224 E-Mail: cexshill@excise.nic.in

ESTABLISHMENT ORDER NO. 47/2006

DATED, SHILLONG THE 6<sup>th</sup> APRIL, 2006

Subject: Inter Commissionerate transfer of Officers in the grade of Superintendent.....Illegible..... regd.

The following transfers of Officers in the grade of Superintendent of Shillong Zone are hereby ordered with immediate effect and until further orders.

SL. NO.	NAME OF THE OFFICERS	PRESENT PLACE OF POSTING	FROM	TO
1.	Shri B.C. Nath	Guwahati Central Excise Division	Commissioner of Central Excise, Shillong	Commissioner of Customs (P), Shillong
2.	Shri D. D. Karmakar	Hqrs. Audit Division, Guwahati Central Excise	-do-	-do-
3.	Shri G. Das	Guwahati VI Range Guwahati C.E. Division	-do-	-do-
4.	Shri N. K. Nandi	Welfare & Housing Guwahati C.E. Division	-do-	-do-
5.	Shri R. K. Kalita	Tech-II Sec. Guwahati CE Division	-do-	-do-
6.	Shri M. S. Tyagi	Arrear Recovery Cell Guwahati CE Division	-do-	-do-
7.	Shri T.K. Kar	Audit Branch, Shillong Central Excise Hqrs.	-do-	-do-
8.	Shri Jagajyoti Acharjee	Jagiroad Range Guwahati CE Division	-do-	-do-
9.	Shri R.K. Debendra	Guwahati IV Range Guwahati CE Division	-do-	-do-
10.	Shri Jyotish Das	Agartala Customs Division	Commissionerate of Customs P), Shillong	Commissionerate of Central Excise, Dibrugarh
11.	Shri P. S. Das	Agartala Customs Division	-do-	-do-
12.	Shri S.K. Dutta	Dhubri Customs Division	-do-	Commissionerate of Central Excise, Shillong
13.	Shri P.D. Kakati	Guwahati Customs Division	-do-	-do-
14.	Shri Dipankar De	Jorhat Central Excise Division	Commissionerate of Central Excise, Dibrugarh	Commissionerate of Customs (P), Shillong
15.	Shri A.K. Dutta	Tezpur Central Excise Division	-do-	Commissionerate of Central Excise, Shillong

The Officers should be relieved positively by 13<sup>th</sup> April 2006

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

*Certified to be true copy.*

Sd/- Illegible  
(KARNAIL SINGH)

C.No. H(3)8/ET.III/2006/15307-339

COMMISSIONER  
Dated 7 APR, 2006

Copy forwarded for information and necessary action to:

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone CRESCENS Building, M.G. Road, Shillong-1
2. The Commissioner, Customs (Preventive), NER Shillong.
3. The Commissioner, Central Excise, Dibrugarh
4. The Additional Commissioner (Anti Evasion), Central Excise Hqrs. Office, Shillong.
5. The Joint Commissioner (P&V), Central Excise, Dibrugarh.
6. The Joint Commissioner, Customs (Preventive), NER, Shillong.
7. The Joint Commissioner (Audit), Central Excise Hqrs. Office, Shillong.
8. The Deputy Commissioner (Audit), Central Excise Hqrs., Shillong. Copy meant for the concerned Officer is enclosed.
9. The Deputy/Assistant Commissioner, Central Excise/Customs \_\_\_\_\_ Division. Copy meant for the concerned Officer is enclosed.
10. The CAO Central Excise, Shillong.
11. The PAO, Customs & Central Excise, Shillong.
12. The Accounts I & II/Confidential E and /C.E. Vigilance Br. and Computer Cell, Central Excise Hqrs., Shillong.
13. Shri \_\_\_\_\_ Superintendent for compliance.
14. The General Secretary Group B Superintendents' Association, Customs & Central Excise, Shillong.
15. Guard File.

Sd/- Illegible  
(KARNAIL SINGH)  
COMMISSIONER

-27-

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(TYPED COPY)

**ANNEXURE- F**

C. No. H(3) 3/EI/CPF-BLN-98/

Dated 10/04/2006

To  
The Commissioner,  
Central Excise,  
North Eastern Region,  
Shillong.

(Through proper Channel)

Sub: Representation for review of the transfer of Sri Jyotish Das, Superintendent, Sl. No. 10 vide Estt Order No. 47/2006 dated Shillong, the 6<sup>th</sup> April, 2006.

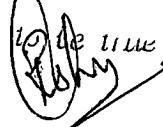
Sir,

With due deference and all humility, I submit that I have had the proud privilege to depose before your magnanimous prudence to review the transfer of humble subordinate for medical ground mentioned below :-

1. That Sir, on 16<sup>th</sup> February, 2006 I am on a sudden felt uneasy and severe pain in my chest when I was at work at my office at Belonia (C.P.F.). My colleagues took me to the Belonia Govt. hospital where I remained hospitalized. The physicians at Belonia Hospital referred me to the G.B. Hospital, Agartala where I consulted Dr. C. Bhattacharjee, a consultant heart specialist. He advised me to take complete rest for two weeks.
2. That Sir, last year on 11<sup>th</sup> January, 2005 I developed similar problem when I consulted Dr. A. Mazumdar, a senior heart specialist. He advised me to get myself admitted into G. B. Hospital where I got treatment for several days.

On the advices of the physicians, last year I went to Kolkata & consulted doctors there in Calcutta Medical & Research Institute and Birala Heart Research Institute on 25<sup>th</sup> April & 28<sup>th</sup> April, 2005 respectively. They tried to diagnose. I was under their treatment for few days.

3. That, Sir, now I am afraid that this is a symptom which is recurring time & again which doctors opine to be very detrimental to my routine work at time.

Certified to be true copy  


4. . That Sir, my only daughter is a student of class – XII in a local school where she has already received her registration. I shall not be able to transfer my family this year as she is to appear her class – XII board examination in this academic year in March, 2007 who set to vital phase of her academic career during 2006-2007 and my absence at this stage of her career will have a disastrous effect on her studies. In this connection I had also submitted a representation on 02/03/2006 on the same ground.

Under the circumstances, I would pray to your benevolence to retain me at Customs Division, Agartala at least for this year so that when I get transfer in the next year. I may be able to transfer my family considering the present state of my health which may sometimes be fatal if I am not attended by my family in those hours of my sudden physical development (all the necessary documents of my treatment here & in Kolkata have been attached).

And this act of kindness will be a positional boon to my & to my family.

Enclo:- Six (6)

Yours faithfully,  
Sd/- Illegible  
( JYOTISH DAS )  
Superintendent  
Belonia C.P.F.  
Belonia : Tripura (S)

C. No. H(3)3/ei/CPF-BL.N/97-98

Dated:- /04/2006

Copy to:-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone for information please.
2. The Commissioner of Customs (Preventive), NER, Shillong for information please.
3. The Deputy Commissioner, Customs Division, Agartala for information please.
4. Zonal Secretary, Group IV Executive Officers' Association, Agartala.

Sd/- Illegible  
( JYOTISH DAS )  
Superintendent  
Belonia C.P.F.  
Belonia : Tripura (S)

(TYPED COPY)  
OFFICE OF THE ASSISTANT COMMISSIONER OF CUSTOMS  
CUSTOMS DIVISION  
AGARTALA

ORDER

Dated: Agartala the 2<sup>nd</sup> of August, 2006

In pursuance of the Estt Order No. 47/2006 dated 06.04.2006 of the Commissioner of Central Excise, Shillong communicated under his \_\_\_\_\_ C NO. II(3)/8/ET-III/2005/15300 – 339 dated 07.04.2006, Shri Jyotish Das, Superintendent, Belonia CPF is hereby relieved from Customs Division, Agartala in the afternoon of 04.08.2006 with a direction to join his new place of posting in the Commissionerate of Central Excise Dibrugarh.

Shri Das is hereby directed to handover his complete charge to Shri Alagria Swamy, Superintendent on or before 04.08.2006 positively.

Sd/- Illegible  
(SMT. SUCHETA SREEJESH)  
DEPUTY COMMISSIONER  
CUSTOMS DIVISION  
AGARTALA

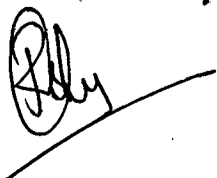
C. NO. II(3)/ET/ACA/2002/5074-85 (A)

Dated 02 /8/06

Copy forwarded for information and necessary action to :

1. The Commissioner of Central Excise, Shillong.
2. The Commissioner of Central Excise, Dibrugarh.
3. The Commissioner of Customs (P), N.E.R., Shillong.
4. The Additional Commissioner of Customs, N.E.R., Shillong.
5. The Joint Commissioner (P&V), Customs & Central Excise, Shillong.
6. The Joint Commissioner of Customs, N.E.R., Shillong.
7. The Joint Commissioner of Customs, Guwahati.
8. Shri Jyotish Das, Superintendent, Belonia CPF for compliance.
9. Shri A. Swamy, Superintendent for compliance. He is directed to take over complete charge from Shri Jyotish Das, Superintendent on or before 04.08.2006.
10. The Zonal Secretary of Group – 'B' (Gazetted) Officer Association, Customs Division, Agartala.
11. Confidential Branch, Customs Division, Agartala.
12. Guard File.

*Certified to be true copy.*



Sd/- Illegible  
(SMT. SUCHETA SREEJESH)  
DEPUTY COMMISSIONER  
CUSTOMS DIVISION  
AGARTALA

10  
The Commissioner of Customs,  
Customs Commissionerate,  
Shillong.

Through proper Channel

**Sir,**

**Sub. :** Representation against transfer from Agartala<sup>1</sup> to Dibrugarh.

Most respectfully, I beg to submit the following representation for favour of your kind consideration.

That Sir, I was transferred to DIBRUGARH from Agartala Customs Division vide order No. - 72/2005 dated 03.06.05 of the Commissioner of Central Excise Shillong.

That Sir, I submitted representation to the Commissioner of Central Excise Shillong stating the educational problems of my only daughter involving change of state in the middle of the year. The representation was not considered and in view of serious dislocation of the academic session of my only daughter I filed O.A. in 24.06.05. The Hon'ble CAT disposed of application passing order dated 24.06.05 with a direction to the Commissioner of Central Excise, Shillong for consideration of my representation.

The Commissioner of Central Excise, Shillong in deciding of representation vide Estt. order No.112/2005 dt. 17.08.2005 stated that -

"HAVING SYMPATHETIC VIEW, I HEREBY ORDER TO DEFER HIS TRANSFER FOR THE TIME BEING". And I was allowed to stay at Agartala Division on the ground of educational problems of my daughter.

That Sir, again I have been transferred from Agartala to Dibrugarh vide Estt. order No. 47/2006 dt. 06.04.2006.

That Sir, I submitted a representation dt. 10.04.2006 to the Commissioner of Central Excise, Shillong stating that my only daughter is reading in class XII and she will be appearing her final board examination in the academic year 2007. (A copy of the representation is enclosed as **Annexure 'A'**)

That Sir, the decision of the representation has not been received from the Commissioner of Central Excise, Shillong for which I was allowed to continue in my present place of posting by the Deputy Commissioner, of Customs, Agartala Division.

That Sir, I have been given to understand that the humble Deputy Commissioner of Customs Division, Agartala relieved me from Customs Division,

[ Contd...P/2 ]

Certified to be true copy

2nd leaf

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Chy

~~Leave 7-4-0~~  
 sent to  
 parents"  
 ue copy.

Agartala w.e.f. 04.08.2006 with a direction to join in my new place of posting in DIBRUGARH COMMISSIONERATE.

That the sudden relieve order of the Deputy Commissioner of Customs Division, Agartala in the middle of the year and when only 6 to 7 months are left final board Examination, it has caused serious problem on the academic carrier of my only daughter. At this critical academic stage and at middle of the year, it is in no way possible for me to shift my daughter from one state to another for getting her admission in school and also I can leave my family at Agartala alone and my absence from my family at this stage shall have a disastrous effect on the education of my only daughter.

In view of the circumstances stated in the foregoing paras, I most fervently pray to your honour to kindly consider my representation and allow me to stay at Customs Division, Agartala at least upto Dec. 2006 so that my daughter can appear her final board's examination without any hindrance.

Yours faithfully,

( Jyotish Das )

Superintendent

Belonia C.P.F., Agartala  
Customs Division (ON LEAVE)

Enclo : Two Sheets

Copy forwarded to :

1. The Chief Commissioner, Central Excise & Customs, Shillong Zone, Cresen's Building, M.G. Road, Shillong - for favour of kind information and necessary action please.
2. The Zonal Sec. Group 'B' Executive Officer Association, Agartala Zone - for information and doing the needful please. He is also requested to take up the matter with the Central Committee, Shillong.

( Jyotish Das )

Superintendent

Belonia C.P.F., Agartala  
Customs Division (ON LEAVE)