

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 2521/2006

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SECTION OFFICER (Judl.)

FROM NO. 4
 (SEE RULE 24)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH:

1. Original Application No. 254/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Smt. Arundhati Deka

Respondent(s) U.O. I Army

Advocate for the Applicant(s) M. Chanda, S. Nath...
G.N. Chakraborty, M.S. Le. Datta

Advocate for the Respondent(s) Cash

Notes of the Registry	Date	Order of the Tribunal
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24.10.2006 Present: The Hon'ble Shri K.V. Sachidanandan
 Vice-Chairman.

This application is in form
 of a Senior Teacher
 deposited on 23.10.06
 No. 269326484

Dated 27.10.06

by D. D. Deka
23.10.06
 Dy. Registrar
DR.

Steps and Notes

DR.

The applicant, a Senior Teacher, worked in Nagaland from 30.10.85 to 6.1.94, in Manipur from 7.1.94 to May 2000 then again in Nagaland from May 2000 to July 2003 and thereafter in Agartala from November, 2003 onwards. Now she has been transferred to 21 Assam Rifles Kakching, Manipur when she has got only 3 years to retire. According to her, her husband, also an Assam Rifles employee, died on 2002 and there is nobody to took after her since her two daughters had already been married and it would be very hard for her to join in her new place of posting at the fag end of her service career. It is also stated that she has received only the movement order at Annexure-4, not the transfer order. Hence, this Original Application.

Contd.
24.10.2006

Heard Mr. M. Chanda, learned counsel for the applicant. Ms. U. Das, learned Addl. C.G.S.C. representing the respondents submits that she would like to take instruction. Let it be done within four weeks. Post on 5.12.2006.

*Received
Smt. 27/10*

*Received
Usha Das
Addl C.G.S.C
27/10/06*

Insisting for an interim order Mr. Chanda submitted that nobody else has joined in her place and the post is still vacant. Considering the facts and circumstances I direct the respondent to engage the applicant at 11 AR Agartala itself if nobody else has joined in her place till the next date.

Vice-Chairman

bb.

5.12.06 Six weeks further time is granted to the respondents to file written statement. post on 19.1.07 for order.

Vice-Chairman

pg

19.1.07 Counsel for the respondents wanted to file written statement. Let it be done. Post the matter on 9.2.07. Interim order shall continue.

Vice-Chairman

lm

*order of 19/1/07
issuing to learned
advocates for both
the parties.*

23/11/07

*No W.O.s has been
filed*

23/2/07

12.2.07
W.O.s filed by the
respondents page
No. 1 to 30. *(P.D.)*

25/2/06

Notes of the Registry	Date	Order of the Tribunal
No rejoinder has been filed.	09.02.2007	Four weeks time is allowed to the Applicant to file rejoinder. Post the matter on 13.3.2007. Interim order will continue till such time.
<u>23</u> 12.3.07.	/bb/ 13.3.07.	Vice-Chairman Counsel for the applicant has submitted that he would like to file rejoinder. Let it be done. post the matter on 3.4.07. Interim order shall continue.
<u>Re. convey order dated 13.3.07.</u> <u>NT</u> 14.3.07.	1m 3.4.07.	Member vice-Chairman Counsel for the applicant prays for further time to file rejoinder. Let it be done. post the matter on 1.5.07.
<u>16/3/07.</u> <u>23.4.07</u> <u>No rejoinder filed so far.</u> <u>km.</u>	1m 1.5.07.	Vice-Chairman Let this case be listed for hearing after three weeks. Liberty is given to the applicant to file rejoinder if any. Interim order shall continue. Post the matter on 21.5.07.
No rejoinder has been filed.	1m	Vice-Chairman
<u>23</u> 20.4.07. order dt. 1/5/07. issuing to learned advocate's for both the parties.		

21.5.2007

Mr.M.Chanda has filed rejoinder.

No rejoinder has
been filed.

Pleadings are complete. Learned counsel
for the parties submitted that matter may
be posted for hearing.

My

17.5.07

Post on 6.6.2007 for hearing. Interim
order shall continue till such time.

✓

order dt-21/5/07
issuing to learned
advocate's for both
the parties

/bb/

6.6.2007

Vice-Chairman

Post on 7.6.2007.

Class
22/5/07

/bb/

22.5.07

Rejoinder filed 7.6.2007
by the Applicant.
page 1 to 6. Respondents
being served.

Pari.

/bb/

Wts and rejoinder
has been filed.

My
5.6.07

The O.A. is disposed of as
infructuous in terms of the order passed
separately. No costs.

✓
Vice-Chairman

15.6.07

copy of Judgt
has been sent to
the D/Secy. for
recdng the documents
the applicant as
well as to the
Add. C.G.S.C. for D
Replies

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 254 of 2006

DATE OF DECISION: 07.06.2007

Smti Anusree Deb Applicant/s
Mr. M.Chanda Advocate for the
..... Applicant/s

- Versus -

U.O.I & Others Respondent/s

Ms. Usha Das, Addl. 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 & other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman
12/6/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 254 of 2006.

Date of Order: This, the 7th day of June, 2007.

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

Smti Anusree Deb
W/o Late Nitishendra Deb
Working as Senior Teacher
11 Assam Rifles
Agartala
C/o 99 APO.

..... Applicant.

By Advocates S/Shri M. Chanda, S. Nath, S. Choudhury, G. N. Chakraborty & Smti U. Dutta.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
North Block
New Delhi - 110 001.
2. The Director General
Assam Rifles
Shillong-11.
3. Commandant
11, Assam Rifles
C/o 99 APO.
4. Commandant
21, Assam Rifles
C/o 99 APO.

..... Respondents.

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

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

The Applicant was initially appointed as Junior Teacher and joined as such under the Respondents on 30.10.1985. She was promoted as Senior Teacher and transferred to A.R.Phek, Nagaland in the year 1992. Thereafter, she was transferred to Manipur in 1994, Nagaland in 2000 and to Agartala in November, 2003. She is retiring on superannuation in 2009. Her husband also an Assam Rifles employee died on 7.6.2002. Applicant has got two daughters and they got married and living separately, and as such there is nobody to look after the Applicant at the verge of her retirement. In such circumstances, Applicant submitted a representation before the Respondents on 13.03.2006 before the Respondents requesting for her retention in the present place of posting at Agartala till her retirement on superannuation. According to the Applicant, though there was promise that was not fulfilled and to her utter surprise she was transferred to 21 Assam Rifles, Mokokchang, Nagaland but no formal order was issued to her. She submitted representation on 31.8.2006 before the Respondent No.2 to consider her retention at the present place of posting or to post her either at Lokra or Chardwar both located in Assam which is nearer to her home town. Thereafter, movement order was issued on 28.9.2006 fixing the date of her departure on 5.10.2006. However, she could not report to her transferred place as she was on leave and taking medical treatment. Aggrieved by the action of the Respondents she has filed this O.A. seeking the following main reliefs:-

“8.1 That the Hon’ble Tribunal be pleased to set aside and quash the impugned transfer order issued under letter bearing No.1.14017/GS/(Edn)H-T/Posting/06/407 dated 19.07.2006 as well as the impugned movement order dated 28.09.2006 (Annexure-4).

8.2 That the Hon’ble Tribunal be pleased to direct the respondents to accommodate the applicant at her present place of posting at 11 AR Agartala as her last leg choice posting or alternatively either at Lokhra or Chardwar in the State of Assam in the light of transfer policy/recommendation of the 5th Central Pay Commission.”

2. Respondents have filed reply statement and Applicant also filed rejoinder. Mr.M.Chanda, learned counsel for the Applicant and Ms.U.Das, learned Addl. C.G.S.C. for the Respondents are present. When the matter came up for hearing, Ms.U.Das has produced a fax copy of the letter dated 6.6.2007 issued by the Deputy Chief Law Officer, Directorate General Assam Rifles, Shillong addressed to her and submitted that the Applicant’s request for choice posting on compassionate ground was reconsidered and she is now posted at 46 Assam Rifles at Charduar vide Directorate signal No. O 2205 dated 31 May 2007. For better elucidation paragraph 2 of the said letter is quoted herein below:-

“2. It is submitted that request of the applicant for choice posting on compassionate ground to either Agartala, Lokra or Charduar has been reconsidered and the applicant now stands posted to 46 Assam Rifles at Charduar vide this Directorate signal No. O 2205 dated 31 May 2007 without relief. The said move is required to be carried out by 31 July 2007 (copy attached).”

The said letter is also followed by an order. Her submission and the Copies of the fax orders are placed on record.

3. In view of the said submission and the documents produced to that effect, I am of the view that the relief that has been prayed by the Applicant has already been granted by the Respondents and there is no scope for adjudication on this issue. Since the Applicant has been granted the relief the O.A. has become infructuous.

4. Accordingly the O.A. is disposed of as infructuous. In the circumstances, there is no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

BB



गुवाहाटी बैठक समिति
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 254 /2006

Smti. Anusree Deb.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

30.10.1985 Applicant was appointed and joined as Junior Teacher.

1992 She was promoted as Senior Teacher and from the initial date she was transferred and posted in extremist prone areas like Nagaland and Manipur.

30.10.85-12.02.90 She was transferred posted at 15 AS Jhenoboto.

13.02.90-18.05.92 She was transferred posted at 12 AR Okha/Nagaland.

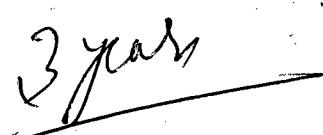
19.05.92-06.01.94 She was transferred and posted at 14 AR Phek, Nagaland.

07.01.94 to May, 2000 She was transferred and posted at 7 AR Thoubal, Manipur.

May, 2000 to July, 03 She was transferred and posted at 10 AR Mokokchang.

Nov, 2003 to till date She is still working at 11 AR, Agartala.

November, 2009 Applicant is due to retire on superannuation and at the verge of retirement. Her husband died on 07.06.2002 and was also an employee of Assam Rifles.


3 years

Anusree Deb.

as Senior Accountant. Applicant has two married daughters and living with their husbands so there is none to look after the applicant.

13.03.2006 Applicant submitted representation and requested to consider her retention in the present place of posting at Agartala till her retirement on superannuation and it may be treated as her last leg posting.

03.04.2006 Applicant was orally informed by the DGAR vide signal no. 02203 that head quarter office has agreed to retain her at the present place of posting but no formal communication has been made.

19.07.2006 Most surprisingly applicant was informed by the school authority that she was transferred to 21 Assam Rifles, Mokokchang, Nagaland but no formal order of impugned transfer order dated 10.07.06 is handed over to the applicant.

31.08.2006 Applicant submitted representation to respondent no. 2 to consider her retention at the present place of posting till her retirement on superannuation, she also stated in her representation that she is undergoing medical treatment at G.B.Pati Hospital, Agartala and also stated that she may be posted at Lokhra or Chardwar located nearer her home town and the medical facilities are also available in the nearby stations like Tezpur or Guwahati.

28.09.2006 DGAR, HQ directing the lower formation to release the applicant and with instruction to report at 21 AR, Kokching, Nagaland and submit the report with explanation and for strict compliance and also stated that at present there is no vacancy available at Lokhra or Chardwar.

28.09.2006 Movement order has been issued by the Commandant, 11 AR fixing the date of departure on 05.10.2006 with the instruction to report to 21 AR. But the applicant is on leave and is undergoing medical treatment.

Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned transfer order issued under letter bearing No. 1.14017/GS (Edn) H-

T/Posting/06/407 dated 19.07.2006 as well as the impugned movement order dated 28.09.2006 (Annexure- 4)

2. That the Hon'ble Tribunal be pleased to direct the respondents to accommodate the applicant at her present place of posting at 11 AR Agartala as her last leg choice posting or alternatively either at Lokhra or Chardwar in the State of Assam in the light of transfer policy/recommendation of the 5th Central Pay Commission.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief:-

1. That the Hon'ble Tribunal be pleased to stay operation of the impugned order of transfer dated 19.07.2006 as well as movement order dated 28.09.2006 (Annexure- 4) and further be pleased to direct the respondents to allow the applicant to continue in her present place of posting till disposal of the original application.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 254 /2006

Smti. Anusree Deb : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Date:- 23.10.2006.

Filed By:

Surajit Choudhury

Advocate

Anusree Deb.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 254 /2006

BETWEEN:

Smti Anusree Deb,
W/o- Late Nitishendra Deb,
Working as Senior Teacher,
11 Assam Rifles,
Agartala,
C/o- 99 APO.

.....Applicant.

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi- 110001.
2. The Director General,
Assam Rifles,
Shillong- 11.
3. Commandant,
11, Assam Rifles,
C/o- 99 APO.
4. Commandant,
21, Assam Rifles,
C/o- 99 APO.

.....Respondents.

*Filed by the Applicant
through Suryajit Choudhury
on 23.10.2006.*

Anusree Deb

DETAILS OF THE APPLICATION

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

This application is made against the impugned transfer and posting order dated 19th July 2006, Signal dated 28.09.2006 and also against the impugned movement order dated 28.09.2006, whereby the applicant is sought to be transferred from Agartala to Kakching in the State of Nagaland which is situated in a very remote extremist prone area just at the verge of retirement of the applicant and praying for a direction upon the respondents to allow the applicant to retain her in the present place of posting at Agartala as her last posting or choice posting till retirement on superannuation i.e. up to 2009.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That your applicant was initially appointed as Junior Teacher and joined on 30.10.1985, however she was promoted as Senior Teacher in the year 1992. Since her appointment she was transferred and posted either in the State of Nagaland or Manipur, she had served along with her deceased husband in

a very remote and extremist prone area in the State of Nagaland and Manipur under the administrative control of DGAR, Assam Rifles, Shillong.

The detail particulars of her transfer and posting and the period of stay in the remote areas in the State of Nagaland and Manipur are furnished hereunder for perusal of the Hon'ble Court.

<u>Place of posting</u>	<u>Period of posting</u>
1. 15 AR Jhuniboto, Nagaland	30.10.85 to 12.02.1990
2. 12 AR Okha, Nagaland	13.02.90 to 18.05.1992
3. 14 AR Phek, Nagaland	19.05.92 to 06.01.1994
4. 7 AR Thoubal, Manipur	07.01.94 to May 2000
5. 10 AR Mokakchang, Nagaland	May 2000 to July 2003
6. 11 AR Agartala	Nov' 2003 to till date.

It is quite clear from above that the applicant was transferred and posted in different places in extremely remote and extremist prone areas in the State of Nagaland and Manipur in different occasion, her posting at in a plain city at Agartala is the first posting during her entire service career, she has also spent nearly (6) six years at 7 AR at Thoubal in the State of Manipur during the period from January 1994 to May 2000.

4.3 That your applicant is due to retire on superannuation in the month of November 2009. The deceased husband of the applicant was also an employee of Assam Rifles, who was serving as Senior Accountant but died on 7th June 2002, applicant has got 2 (two) daughters and they got married and living separately as such there is none to look after the applicant at the verge of her retirement, in such circumstances the applicant submitted a representation on 13.03.2006 to the Director General, Assam Rifles, Shillong, through proper channel, wherein the applicant requested the authority to consider her retention in the present place of posting at Assam

4

Rifles, Nodal School, Agartala till her retirement on superannuation, she has also stated in the said representation that she is retiring on superannuation in the year 2009 and about 3 years service is left in her credit and retention at Agartala may be treated as her last leg posting as per her choice.

It is pertinent to mention here that she was orally informed by the authority that the DGAR vide Signal No. 02203 dated 03.04.2006 has intimated that the Headquarter office has agreed to retain her at Agartala as per existing policy, however, no formal communication is given to the applicant and accordingly the applicant was under bonafide believe that the authority has considered her retention at Agartala till retirement on superannuation.

A copy of the representation dated 13.03.2006 is enclosed herewith for perusal of the Hon'ble Court as Annexure- 1.

4.4 That most surprisingly the applicant was informed by the School authority that the HQ, DGAR vide impugned letter No. 1.14017/GS (Edu) H-T/Posting/06/407 dated 19.07.2006 has been transferred from '11 Assam Rifles, Kakching, Nagaland i.e. in a very remote locality in the State of Nagaland without considering of her representation dated 13.03.2006. The applicant immediately after receipt of the intimation of her transfer and posting at Kakching at the verge of her retirement, she has submitted a detailed representation dated 31.08.2006 to the respondent No. 2 praying interalia for her retention at Agartala as last leg choice posting since she is due to retire on superannuation in the month of November 2009. She has also stated in the representation dated 31.08.2006 that she is undergoing medical treatment at G.B. Path Hospital, Agartala for various ailments at this old age. She has also stated in her representation that there is no male member in the family to look after the applicant and two of her daughters are already married and settled with their husbands. She has further stated in her representation that in the event of non-consideration of her retention

at Agartala, she may be considered for transfer and posting at Lokhra or Chardwar both located in Assam and also nearer to her home town and medical facilities are also available at nearby station at Tezpur or Guwahati. The said representation was forwarded to the H.Q Office but surprisingly the same has not yet been considered by the authority. However, it was informed by the DGAR, HQ vide Signal No. 02217 dated 28.09.2006 directing the lower formation to release the applicant with the instruction to report to 21 AR, Kakching, Nagaland forthwith and also directed to submit completion report to the Directorate by return Signal with explanation and for strict compliance. It is also stated in the signal that at present there is no vacancy of Senior Teacher available at Lokhra/Chardwar. It is also stated in the aforesaid Signal that already a reply was forwarded to 11 AR vide Signal No. 02203 against her representation for last leg posting and retention at 11 AR. However no reply against her representation was communicated to the applicant at any point of time till filing of this application.

Copy of representation dated 31.08.06 and Signal dated 28.09.06 are enclosed herewith for perusal of Hon'ble Court as Annexure- 2 and 3 respectively.

4.5 That your applicant begs to say that pursuant to the Signal dated 28.09.2006, movement order has been issued on 28.09.2006 by the Commandant, 11 AR fixing the date of departure on 05.10.2006 with the instruction to report to 21 AR and accordingly the applicant has been ordered to report to 21 AR. However, the applicant being a widow and at the verge of retirement did not report to 21 AR and presently is on leave and also under medical treatment due to sickness and in the compelling circumstances finding no other alternative but to approach this Hon'ble Tribunal for protection of her right and interest and praying for an appropriate order/direction upon the respondents for review of her transfer and posting order dated 19.07.06 for retention at 11 AR Agartala or

alternatively for posting at Lokhra or Chardwar as her last leg choice posting and till such consideration the Hon'ble Court be pleased to pass an interim order directing the respondents to keep in abeyance the impugned transfer order dated 19.07.2006 and the impugned movement order dated 28.09.2006 and further be pleased to allow her to continue at 11 AR, Agartala.

It is humbly submitted that 5th Central Pay Commission have specifically recommended the Govt. of India, not to disturb the Govt. employees who are to retire on superannuation within a span of 3 years. The Govt. of India have accepted by and large the recommendation of the 5th CPC and in the light of such recommendation the applicant is entitled to be accommodated at her last leg choice posting at Agartala or posting either at Lokhra or Chardwar. It is relevant to mention here that so far the applicant came to learn, similar provision of choice posting is made in the transfer policy issued by the DGAR for its transfer policy issued by the DGAR for its employees serving under the Directorate, but unfortunately in spite of her best effort the applicant could not collect a copy of the transfer policy. Therefore, the Hon'ble Court be pleased to direct the respondents Union of India to produce the copy of the relevant transfer policy before this Hon'ble Court.

Copy of the movement order dated 28.09.06 is enclosed herewith for perusal of Hon'ble Court as Annexure- 4.

4.6 That it is stated that although the movement order dated 28.09.2006 has been issued directing the applicant to report at 21 AR Kakching, but till filing of this application no one is posted in place of the applicant at 11 AR, as such there will be no difficulty on the part of the respondents to accommodate and allow the applicant work at 11 AR till disposal of this Original Application. Therefore, the Hon'ble Tribunal be pleased to pass an appropriate interim order staying operation of the impugned order of transfer dated 19.07.2006 as well as movement order dated 28.09.2006 and

further be pleased to direct the respondents to allow the applicant to continue in her present place of posting till disposal of the Original Application.

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

5. Grounds for relief (s) with legal provisions:

5.1 For that, the applicant is a widow, serving as Sr. Teacher in 11 AR due to retire on superannuation in the year 2009 as such entitled to last leg choice posting at 11 AR till retirement on superannuation or at least her choice station at Lokhra or Chardwar in Assam.

5.2 For that, the impugned transfer and posting order dated 19.07.06 has been issued without considering her representation dated 13.03.06 submitted well in advance before issuance of the impugned transfer and posting order wherein the applicant specifically stated that she is due to retire on superannuation in the year 2009 and also due to premature death of her husband she is facing hardship and there is no family member to look after her since two daughters have already got married and settled with their husband and as such prayed for her last leg posting at 11 AR Agartala, but the said representation is deliberately ignored by the respondents in total violation of the aforesaid norms.

5.3 For that, as per extent transfer policy as well as in the light of the recommendation of the 5th Central Pay Commission, the applicant has acquired a valuable and legal right for reconsideration of her last leg posting at 11 AR Agartala or alternatively either at Lokhra or Chardwar in Assam since she is due to retire on superannuation in the year 2009.

5.4 For that, the applicant is suffering from old age diseases and undergoing medical treatment at Agartala, as such the case of the applicant is liable to

be considered for last leg choice posting either at Agartala or in other choice station.

5.5 For that, the applicant has spent her entire service career in very remote places either in the State of Nagaland or in the State of Manipur which are known as hard station and extremist prone areas, as such she is entitled to at least a last leg choice posting more so in view of the fact that she is retiring on superannuation in the year 2009.

5.6 For that, applicant is in the verge of retirement and there is no male member to look after her when she is suffering from old age diseases as such her case of posting is liable to be reconsidered, in the light of the recommendation of the 5th CPC.

6. Details of remedies exhausted.

That the applicant declares that she has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

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

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

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

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned transfer order issued under letter bearing No. 1.14017/GS (Edn) H-T/Posting/06/407 dated 19.07.2006 as well as the impugned movement order dated 28.09.2006 (Annexure- 4)

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to accommodate the applicant at her present place of posting at 11 AR Agartala as her last leg choice posting or alternatively either at Lokhra or Chardwar in the State of Assam in the light of transfer policy/recommendation of the 5th Central Pay Commission.

8.3 Costs of the application.

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

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to stay operation of the impugned order of transfer dated 19.07.2006 as well as movement order dated 28.09.2006 (Annexure- 4) and further be pleased to direct the respondents to allow the applicant to continue in her present place of posting till disposal of the original application.

10

11. Particulars of the I.P.O

i) I.P.O No.	: 26 G 326484
ii) Date of issue	: 7.9.2006
iii) Issued from	: G. P. O. Guwahati
iv) Payable at	: G. P. O. Guwahati

12. List of enclosures : As given in the index.

VERIFICATION

I, Smti Anusree Deb, W/o- Late Nitishendra Deb, aged about 56 years, working as Senior Teacher in 11 Assam Rifles, Agartala, C/o- 99 APO, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of October 2006.

Anusree Deb.

From : ST - 0029
 Smt. Anusree Deb
 Sr. Teacher
 11 Assam Rifles

To : Directorate General Assam Rifles
 (GS Branch (Edn Sec))
 PIN - 900 332
 Shillong - 793 011
 (Through proper channel)

Sub : PRAYER FOR LAST LEG POSTING

Respected Sir,

With due respect and humble submission, I beg to submit the following few lines for your kind consideration please.

That Sir, I was posted to 11 Assam Rifles during Jun 2003 and due for posting during Jun 2006.

Sir, I am a widow of Late Nithendra Narayan Deb Ex Sr. Acct of 16 Assam Rifles who expired on 07th June 2002. At that time I was posted with 16 AR and daughter who are married and settled with their husbands. There is no other members in my family to look after me. Now a days I am not keeping in good health and undergoing treatment at G B Pant Hospital Agartala (Medical Certificates att).

Sir, I am due for superannuation pension during the year 2009 ie only three years of service is left and this is my last leg of posting as per my choice.

Thus, Sir I shall be highly grateful if you kindly retain me at AR Head School Agartala till my superannuation pension.

Thanking you in anticipation

Yours faithfully,

Anusree Deb.

Place : Agartala

Dated : 13 Mar 2006

(Smt. Anusree Deb)
 Sr. Teacher
 11 Assam Rifles
 C/O 99 APO

certified to be true copy by
 Savojit Chatterjee
 Advocate
 13/3/06
 under my hand
 57 & Chetna/

From : ST-0029
Smt Anusree Deb
Senior Teacher
11 Assam Rifles
C/O 99 APO

ANNEXURE → 2

- 12 -

To : Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(GS Branch, Edn Sec)
PIN-900332
Shillong-11
(Through Proper Channel)

Sub : **PRAYER FOR LAST LEG CHOICE POSTING**

Sir,

1. With due respect and humble submission I beg to lay down the following few lines for your kind consideration and sympathetic action please.

2. That sir, I stand posted to 21 AR (Manipur) as per your posting order No I.14017/GS(Edn)/nsl/posting/06/407 dated 19 Jul 2006. In earlier occasion I had requested for retention with AR Nodal School, Agartala being my last leg posting since I am undergoing superannuating from service during the year 2009. I am also undergoing medical treatment at GB Pant Hospital, Agartala for various ailments due to advancing age. However, sir my request for last leg posting had not been considered and request was turn down vide your HQ sig No O 2203 dated 03 Apr 2006.

3. Sir, I am a widow of Late N N Deb, Ex Sr Acct of 16 AR who expired on 07th Jun 2002. I have two daughters who are married and settled with their husbands. There is no other male members to look after me at the remote part of Manipur where I stand posted.

4. In view of above, it is once again requested that I may please be retained with AR Nodal, Agartala till superannuation. Otherwise my last leg posting may please be considered at Lokra or Chardwar both located in Assam which is also nearer to my home town and medical facilities are available nearby Tezpur or Guwahati.

5. Hope sir, my last request during my long service in Assam Rifles would be considered sympathetically.

6. Thanking your sir.

31/8/06
Yours faithfully,

Anusree Deb.

(Smt Anusree Deb
Senior Teacher
11 Assam Rifles)

Dated : *31 Aug 2006*

*Application recd
01/09/06*

an 10/08/06

*to be given copy
Surajit Choudhury
Advocacy*

classified

FROM : 22AR (BEN BR)

DTG 281900

UNCLAS

O 2217

22AR : HQ 21 SECTOR

INFO : 11 AR/21 AR

posting/tfr teaching staff (.) further to this dte Sig No O 2203 Apr 2003 comma O 2255 Aug 10 comma O 2277 Sep 19 and your letter No A/15014/06/542 /2006/1423 Sep 21 (.)

firstly (.) NOT received (.)

secondly (.) Smt ANSUREE DEB comma senior Teacher of 11 AR (.) submitted an application for last leg posting and retain with 11 AR till 2009 vide your letter No A/15014/06/542 Mar 25 and reply already fwd to your HQ 11 AR via this dte Sig No O 2203 Apr 03 (.)

thirdly (.) Smti ANG SREE DEB comma senior teacher of 11 AR stand posted to 11 AR (.) release date of individual was on 05 Aug 2006 already expired (.)

fourthly (.) why individual again submitted an application for last leg posting and retain with 11 AR till till 2009 and choice of posting to LOKHRA/CHARDWAR (.) at present there is NO vacancy of senior teacher available at LOKHRA/ CHARDWAR (.)

fifthly (.) release above teacher to 21 AR forthwith and fwd completion report to this dte by return signal with explanation for duly ack and strict of compliance

Certified to be true copy
Surajit Chatterjee
Advocate

RESTRICTED

I.A.F.T. - 1759

DO NOT TAKE ANY EATABLE/DRINKING ITEMS FROM ANY UNKNOWN PERS/ UNAUTHORISED SOURCES IT MAY BE POISON WHICH MAY CAUSE OF YOUR DEATH

OFFICE OF THE COMMANDANT, 11 ASSAM RIFLES, C/O 99 APO, PIN-932011

Telephone No. 0381-2319795, 0381-2313824

MOVEMENT ORDER

1. (a) No. 5742 / Rank Senior Teacher Name Smt Anusree Deb Unit 11 Assam Rifles and a party of — JCOs/NCOs and — OR as per nominal roll on reverse page will proceed on permanent posting to 21 Assam Rifles.
- (b) Date of Departure 05 Oct 2006.
- (c) Route via _____ Destination : Known to her.
- (d) Authority for move : HQ DGAR Itr No I.14017/GS(Edn)H-T/Posting/06/107 dated 19 Jul 2006.
- (e) Nature of duty : Permanent posting to 21 Assam Rifles.
2. On arrival at (Station) _____ she will report to Adjt, 21 Assam Rifles.
3. SOS wef 06 Oct 2006 (FN/AN).
4. If in difficulty he/they will report to RTO or MP or if neither is available to the Station Master for assistance producing this Movement Order.
5. Provision of AOs 782/64 and 504/67 have been explained. Anti Malaria Precaution will be strictly observed.
6. Military matters will not be discussed with authorized person.
7. AR pers are entitled for treatment in service hospital while on leave, course leave, duty etc. Auth MOD letter No. F6/(25)152/D (Med) dated 12 Dec 52 and also confirmed via Army HQ letter No. B/75/35/DCMS-5(E) dated 07 Mar 95
8. Do not get involved in rape, molestation, drinking, misbehaving and eve teasing etc.
9. He is entd to avail 12 days Joining Time as per existing rule.
10. 66 days EL and 07 days casual leave credit up to 31 Dec 2006
11. Identity Card No. 000370 is in possession of individual
12. She has granted 10 days EL/CL wef 26 Oct 2006 to 11 Oct 2006

NGA/11/1064/2006-A/
Upd 11 Assam Rifles
PIN 781001
Station: 010 99 APO
Dated: 26 Sep 2006

(Surendra Kumar RS)
Asst Comdt
Adjutant
for Commandant

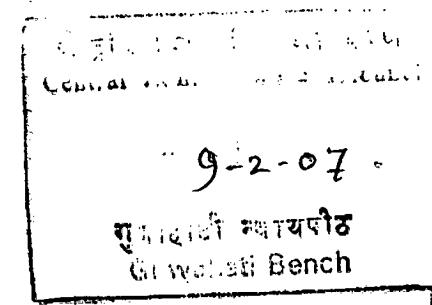
Copy to

1. Indl Concerned for compliance.
2. HQ DGAR (GS,Edn)
Shillong -11.
3. 21 Assam Rifles
PIN-932041
C/O 99 APO
4. Office Copy.

RESTRICTED

*Certified to be true copy
Suvajit Choudhury
Advocate*

✓ ~~Wurzeln~~
✓ ~~Order~~
✓ ~~3 gen. S. 1~~
✓ ~~Blattläste~~
✓ ~~Terpen~~
✓ ~~19/09/06~~
✓ ~~5/10/06~~
✓ ~~rediv.~~



Filed by
the Respondents
Alsha Das
Addl. Chse
09/02/07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH GUWAHATI

OA NO. 254/2006

SMTI ANUSREE DEB

....APPLICANT

-VERSUS-

UNION OF INDIA & OTHERS

....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of OA and gone through the same and understood the contentions made thereof. Save and except the statements, which are not specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.

Before traversing various paragraphs of the OA the respondents would like to give the brief of the case, which may be treated as a part of the Written Statement.

Smit Anusree Deb was appointed as Junior Teacher with effect from 30 October 1995 and promoted to Senior Teacher w. e. f. 01 February 1992. In para 2(d) of the appointment letter it is clearly mentioned as terms and conditions that individual is liable to serve any where in Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or wherever Assam Rifles Units exists. MHA vide letter No. Govt. of India, Ministry of Home Affairs vide letter No. II.3015/3196/PF.IV dated 19 August 2003 has laid down the authorization of teaching staff in each Assam Rifles Bn as under: -

- (a) Senior Teacher - 01
- (b) Junior Teacher - 02
- (c) Hindi Teacher - 03

A copy of the Govt. of India, Ministry of Home Affairs letter No. II.3015/3/96/PF.IV dated 19 August 2003 is annexed herewith and marked as Annexure- R1.

Posting profile of the applicant is enumerated as under: -

Unit	Period		Place/loc	Duration	Type of Ioc	Remarks
	From	To				
15 AR	14.02.1990	19.5.1992	Zunheboto (Nagaland)	04Y 03M 13D	Hard	
12 AR	14.02.1990	19.5.1992	Wokha (Nagaland)	02Y 03M 05D	Hard	Combined posting with her husband
14 AR	20.05.1992	06.01.1994	Phek (Nagaland)	01Y 07M 16D	Hard	
7 AR	07.01.1994	10.05.2000	Thoubal (Manipur)	06Y 04M 03D	Soft	Combined posting with her husband
10 AR/ 16AR	11.05.2000	31.07.2003	Mokokchung (Nagaland)	03Y 02M 19D	Soft	Extended tenure on request
11AR	01.08.03	05.10.2006	Agartala (Tripura)	03Y 02M 27D	Soft	

Answer

2) That the applicant was transferred to 11 Assam Rifles, Agartala (Tripura) which is a soft location from 16 Assam Rifles, Mokokchung (Nagaland) which is also a ~~soft~~ location vide this Directorate letter No. I.14017/02/98/A-II/251 dated 16 June 2003 and the application was Taken On Strength on 01 Aug 2003. On completion of normal tenure of 03 (three) years the applicant was transferred to 21 Assam Rifles, Kakching (Manipur) vide this Directorate letter No. I.1417/GS (Edn)/H-T/posting/06/407 dated 19 July 2006 as per posting policy. The applicant was accordingly released by 11 Assam Rifles movement order No. I.11064/12/206-A/985 dated 28 September 2006 and casualty to that effect was published in part two orders No. II/Civ/A/06 dated 12 October 2006.

Since one Senior Teacher is already on the posted strength of 11 Assam Rifles, vacancy for another teacher does not exists. The applicant was posted to soft areas w.e.f. 2000 purely on compassionate ground. The applicant had time and again submitted applications to be considered for posting in soft areas until completion of 20 years of qualifying service for pension.

A copy of the Directorate General Assam Rifles letter No. I.14017/02/98/A-II/251 dated 16 June 2003 is annexed herewith and marked as Annexure-R2.

A copy of the Directorate General Assam Rifles letter No. I.14017/GS (Edn)/H-T/posting/06/407/GS(Edn)/H-T/posting/06/407 dated 19 July 2006 is annexed herewith and marked as Annexure- R3.

A copy of 11 Assam Rifles movement order No. I.11064/12/2006-A/985 dated 28 September 2006 is annexed herewith and marked as Annexure-R4.

Copies of applications submitted by the applicant annexed herewith and marked as Annexure- R5 A,R-5B,R-5C, R-5D and R-5E.

PAREWISW COMMENTS

- 3) That with regard to the statement made in paragraphs 1 to 4.1 of the OA being a matter of record, the respondents beg to offer no comment.
- 4) That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to submit that as already stated in the preceding paragraphs, the applicant has been serving in soft areas since 1994. It is further submitted that most of Assam Rifles battalions are deployed in Manipur and Nagaland, most of the transfers of the teachers will be with Battalions. In para 2(d) of the appointment letter it is clearly mentioned as terms and conditions that individual is liable to serve anywhere Assam Rifles units exist. As per the existing posting policy all teachers are required to be transferred on completion of tenure of three years. The applicant submitted an application on 19 May 03 (Annexure R-5E refers) along with an undertaking certificate to allow her to continue with 16 AR, Mokochung (Nagaland) soft location up to October 2005 on compassionate ground stating that she wished to proceed on Voluntary Retirement on completion 20 years of service. That she has completion 20 years of service on

30 October 05 since it was to be her last leg posting, her request was acceded to and she was posted to 11 Assam Rifles at Agartala, a soft location vide this Dte letter No. I. 14017/02/98/A-II/251 dated 16 June 2003 (Annexure R-2 refers).

A copy of SOP on posting vide HQ DGAR letter No. I.17011/16/97/Adm-I dated 01.9.1998 and HQ DGAR letter No.i.17011/16/97/Adm-I dated 04.8.2000 are annexed as Annexure- R-6A and R-6B.

A copy of Appointment Order No.A/V-I/84-85/Rect/96 dated 23 September 1985 is annexed as Annexure- R-7.

Annexure

5) That with regard to statements made in para 4.3 of the Original Applicant, the respondents beg to submit that the applicant was transferred to 11 Assam Rifles, Agartala soft location on compassionate ground considering it to be her last leg posting as per application dated 19 May 2003 (Annexure R-5E refers). On completion of tenure of three years at 11 Assam Rifles she was transferred to 21 Assam Rifles, Kakching (Manipur) ^{vide} this Directorate letter No.i.14017/GS (Edn)/H-T/posting/06/407 dated 19 July 06. Another application dated 13 March 2006 was submitted by the applicant (Annexure 1 of OA refers), requesting for extension of tenure at 11 Assam Rifles till Superannuating i.e. November 2009. This Directorate vide signal No. O 2203 dated 03 April 2006 informed Headquarters 21 Sector Assam Rifles that the proposal was not agreed to in view of the policy in vogue. The posted strength of Senior Teachers at 11 Assam Rifles, Agartala as on 19 July 2006 was as under: -

SI No.	Name	Date of posting	Three years tenure completed	Remarks
1	Smt. Anusree Deb, Sr. teacher	01-08-03	01-08-06	Applicant
2	Miss Shobhra Dhar, Sr. Teacher	10-20-05		

Since, the applicant was posted to 11 Assam Rifles at Agartala on her request as last leg posting and due to proceed on Voluntary Retirement in the interim Miss Shobhra Dhar was posted as Senior Teacher to 11 Assam Rifles w. e. f. 10.2.2005. No vacancy of a Senior Teacher exists at Agartala. The applicant having completed tenure of three years and being surplus has been transferred to 21 AR, Kakching (Manipur).

A copy of the Directorate General Assam Rifles signal No. 02203 dated 03 April 2006 is annexed herewith and Marked as Annexure- R 8.

Comments

6) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to submit that reply to the representation has already been communicated to HQ 21 Sector, AR under intimation to 11 Assam Rifles vide this Directorate Signal No. 2255 dated 10 August 2006 intimating that retention of the applicant at 11 Assam Rifles was not agreed by this Directorate. HQ DGAR signal No. 2217 dated 28 September 2006 annexed, as Annexure-3 of the OA submitted by the applicant is false. At present there is no vacancy of Senior Teacher available sat Lokhra/Charduar. The details of Senior Teacher at 43 AR (Lokhra) and 46 AR (Charduar) are as under:-

Sl. No.	Unit	Loc	Auth of Sr Teacher	Posted	Date of posting	Remarks
1	43 AR	Lokhra (Assam)	01	01	17.8.05	No vacancy
2	46 AR	Charduar (Assam)	01	01	01.2.05	No vacancy

Earlier vacancy arising in 43 AR (Lokhra) and 46 AR (Charduar) is not before 17.8.2005 and 01.2.2008. It is submitted that the applicant having taken benefit of last leg posting to Agartala already cannot be permitted to enjoy choice posting rules at the cost of her colleagues.

7) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to submit that the applicant has not taken shelter of the ailment as an afterthought. It is further submitted that last leg posting is considered only

once. It was considered earlier and she was posted to 11 Assam Rifles. Last leg of posting cannot be unending. It is a settled position of law that normally courts do not interfere with the transfer orders unless it is vitiated by the malafide action of the authority or orders not passed by the competent authority.

The respondents crave leave of the Hon'ble Tribunal to rely and refer upon various judgment and orders passed by the Hon'ble Apex which are relevant in this matter at the time of hearing of the case.

8) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to submit that one Sr. Teacher already stands posted 11 Assam Rifles w e f 10.2.2005. No other teacher can be posted since in terms of MHA letter No. II. 3015/3196/PF.IV dated 19 August 2003 (Annexure R-1 refers). Further if an interim order is passed it shall prejudice other teachers of the Force who after having served in each battalions is authorized only one Senior Teacher. That the applicant was allowed to continue in 11 Assam Rifles on surplus vacancy on humanitarian ground and that the same can not be claimed as a matter of right. That she cannot be allowed to continue at 11 Assam Rifles since no vacancy of a senior teacher exists there. It is submitted that the continuation of interim stay granted in the subject case would cause irreparable damage to the posting schedule/roaster of Senior Teacher ~~maintained~~ by this Directorate apart from causing prejudice to other senior teachers who have completed their tenure in hard area and are due for a tenure in a soft area.

Annexure

9) That with regard to the statement made in paragraph 4.7 and 5.1 of the OA are being repetitive and have adequately been commented upon in preceding para 5,6,7 and 8 of the Written Statement.

10) That with regard to the statement made in paragraph 5.2 of the OA, it is submitted that the same has adequately been commented upon in the preceding paragraphs ⁵ and ⁶ of the Written Statement. That the representation of the applicant have been considered and rejected due to policy constraints. Further the applicant is misleading the organization by stating time and again that she be given a choice posting as her last leg posting. Having been accommodated once at 11 Assam Rifles she cannot be allowed to take recourse to the same ground time and again. That compassionate ground is an exception and not a rule.

Annexure

Answer

- 11) That with regard to the statement made in paragraph 5.3 of the OA are repetitive and have adequately commented upon in the preceding paragraph 6. In any case applicant has already been granted last leg choice posting and having availed that law of Estoppels does not permit her to change her stand.
- 12) That with regard to statement made in paragraph 5.4 of the OA, respondents beg to submit that there is no vacancy of Senior Teacher available either at Lohhra or at Charduar since the existing vacancy of senior Teacher of both location already stands filled up. Moreover the applicant has submitted no medical document, which warrant her day to day medical advice/attendance as being made out to justify her stay either at 11 Assam Rifles, 43 Assam Rifles or 46 Assam Rifles.
- 13) That with regard to the statement made in paragraph 5.5 of the OA, the respondents deny the same being incorrect and baseless. The respondents beg to submit that the respondents have facilitated applicants stay with family for long period as she and her husband had got combined posting three times in hard/soft area as per her choice. It has adequately been commented upon in preceding paragraphs of this Written Statement.
- 14) That with regard to the statement made in paragraph 5.6 of the OA, the respondents beg to rely and refer upon the statement made above.
- 15) That with regard to the statement made in paragraphs 6 and 7 of the OA, the respondents do not offer any comment.
- 16) That with regard to the statement made in paragraph 8, 8.1, 8.3 and 8.4 of the OA, the respondents deny the contentions made therein and it is submitted that same are repetitive and have adequately commented upon in the preceding paras of this Written Statement. In view of the submissions made in the Written Statement the Hon'ble Tribunal may not be pleased to grant any of the relief/reliefs as sought for by the applicant.

17) That with regard to the statement made in paragraphs 9 and 9.1 of the OA, the respondents respectfully submitted that the Hon'ble Tribunal may be pleased to vacate the interim stay order as on 24.10.2006 since it will prejudice other teachers who have done their hard tenure and are due for soft tenure. That compassionate ground posting on extension is an exception and not a rule. That in case interim order is not vacated, irreparable damage would be caused to the respondents.

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

AFFIDAVIT

I Shri Saoneer Saloja s/o Gr Capt SC Saloja aged about 39 years at present working as Asst Chief Law Officer at Law Bureau HQ DGO who is one of the of Petitioners in the present petition and is taking steps in the matter and duly authorized to sing the affidavit and hence competent to sign this Affidavit, do hereby solemnly affirm and state that the statement made in paragraph

Part, 17, 18 are true to my knowledge and belief, those made in paragraph 1 Part, 2 to 16 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this affidavit on this 5th day of January, 2007
at Guwahati

Identified by

Abha Das

Addl. CHSE

अभा

देशर

Asst Chief Law Officer

सहायक मुख्य विधि अधिकारी

HO DGO, Shillong-793011

प्रानिदेशालय असम राष्ट्रकला, शिलांग-793011

COPY

(A)

No. II.3015/3/96/PF.IV
 Government of India
 Ministry of Home Affairs

New Delhi, the 19th August 2003.

To,
 The Director General
 Assam Rifles
 Shillong - 793011.

Sub : Restructuring of Peace Establishment of Assam Rifles

Sir,

The undersigned is directed to refer to your letter No. II.11011/243/2001-G(PE) dated 06.06.2001 on the subject cited above and to convey the sanction of the President for restructuring of Bns. of Assam Rifles as under:-

- (I) Total number of Assam Rifles Battalions will be 46 Battalions (31 old Battalions + 15 newly approved Battalions) and the strength of 1 Battalion of Assam Rifles will be 1250 personnel (Standard Pattern of Revised PE of Battalion is enclosed as Annex II)
- (II) Out of 15 new Battalions, 9 Battalions will be raised by new raising and 6 Battalions by culled out from the surplus strength due to reduced size of Battalion from 1526 to 1250.
- (III) For 6 culled out Battalion @ 36 posts (15 Officers, 01 JCO and 20 Civilian) will be created with simultaneous abolition of equal number of posts of ORs in 6 culled out Bns. (Details of posts is given in Annex-III).
- (IV) Abolition of 460 posts in 46 Battalions (9 Havildar (Clerk) + Staff Nurse in each Battalion).

2. Expenditure on this account will be incurred from the sanctioned Budget Grant of Assam Rifles for the current financial year and subsequent years.

3. This issues with the approval of Ministry of Finance vide their U.O. No. 2(20)/E.III/2002 dated 30.4.2003 and Integrated Finance Division of this Ministry vide their Dy. No. 1548/Fin.V/03 dated 06.8.2003.

Yours faithfully,

Sd/xxx
(Indevar Pandey)
Director (PF)
19th August 2003

Copy to :-

1. Pay and Accounts Office, Assam Rifles, Laitumkhrah, Shillong-3.
2. DGAR, IP Estate, ITO, New Delhi.
3. Ministry of Finance, Department of Expenditure(E.III Desk) w.r.t. their U.O. No.2(20)/E.III/2002 dated 30.4.2003.
4. Additional Directorate General (Staff Duties), Staff Branch, Army Headquarters, South Block, New Delhi.
5. Directorate General of Military Operations, Army Headquarters, South Block, New Delhi.
6. MS Branch, Army Headquarters, South Block, New Delhi.
7. CDA(O), Pune.
8. PAO, MHA.
9. FA: Assam Rifles, Shillong.
10. Director (Pers), MHA, New Delhi.
11. Fin.V, MHA, New Delhi.
12. PF.I/II/III, MHA, New Delhi.
13. Pers.III, MHA, New Delhi.
14. Prov.I, MHA.
15. LOAR, North Block, New Delhi.
16. Guard file (PF.IV).

Copy for information to :-

1. Sr. PPS to HS.
2. PPS to JS(P).

Sd/xxx
(Indevar Pandey)
Director (PF)
19th August 2003

SER NO	CATEGORY OF POST	Group	BN HQ	HQ COY								RIF COY x 6		TOTAL
				COY HQ	COMIN PL	QM PL	IMT PL	HOSP PL	WKR SEC	AGL PL	SB PL	COY HQ	PL (18)	
	CIVIL STAFF			-	-	-	-	-	3	-	-	-	-	3
118	Medical Officer			-	-	-	-	-	1	-	-	-	-	1
119	Sister			-	-	-	-	2	-	-	-	-	-	2
120	Staff Nurse/ANM			-	-	-	-	2	-	-	-	-	-	2
121	Aya			-	-	-	-	2	-	-	-	-	-	2
122	Female Attendant			-	-	-	-	-	-	-	-	-	-	1
123	Female Safai		1	-	-	-	-	-	-	-	-	-	-	2
124	Senior Teacher		2	-	-	-	-	-	-	-	-	-	-	3
125	Junior Teacher		3	-	-	-	-	-	-	-	-	-	-	1
126	Hindi Teacher		1	-	-	-	-	-	-	-	-	-	-	1
127	Hindi Translator Gde-II		1	-	-	-	-	-	-	-	-	-	-	1
128	Hindi Typist		8	0	0	0	0	12	0	0	0	0	0	20
	Total Civilil Staff													

SUMMARY OF PERSONNEL

Army/AR Cadre Offr		4	1	1	1	1	1	0	0	0	6	0	0	15
Total Subedar Major		2	0	0	0	0	0	0	0	0	6	6	6	2
Total Subedar		3	1	2	1	0	0	0	0	0	6	6	6	19
Total Naib Subedar		12	1	2	0	1	2	2	1	0	6	12	12	39
Havildar		26	5	52	10	9	13	3	6	2	30	144	144	300
Riflemen		60	4	24	23	60	0	6	6	9	16	54	486	748
Followers		0	0	0	107	0	0	0	0	0	0	0	0	107
Civil Staff		8	0	0	0	0	12	0	0	0	0	0	0	20
Total All Ranks		115	12	81	142	71	34	11	16	18	102	648	648	1250

Authority:- Revised PE sanctioned vide MHA letter No. II.3015/3/96/PF.IV dated 19 Aug 2003.



12 Annexure - 2

Tele No.: 705075

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793 011

I.14017/02/98/A-II/251

16 Jun 2003

List 'A'
List 'B'
List 'C'

POSTING/TRANSFER : TEACHING STAFF

1. Posting/transfer in respect of teaching staff has been finalised taking into consideration of compassionate/medical ground cases and all other related aspects. Posting order duly approved is ordered as per details given at Appx 'A' to this letter.
2. All units, whether in hard or soft area will release the individuals as per release date, without awaiting reporting of relief. Efforts have been made to provide relief. However, vacancy in the units remaining unfilled will be made up in the next issue. The move of all affected staff will be completed between 25 Jun to 30 Jun 2003 without waiting for their relief.
3. HQ IGAR(N)/Ranges will render completion report latest by 10 Jul 2003 positively.
4. No repeat no modification, cancellation, retention or holding in abeyance of posting order issued vide this letter will be entertained.
5. Please ack and ensure strict compliance.

(B K Chowdhury)

Col

Col(A)

for Director General
Assam Rifles

Copy to :-
(Internal)

Record Branch (Adm I & IV) }
Med Branch } - for info please.

PEG/-

(112)

(33)

POSTING/TRANSFER : TEACHING STAFF

Ser No	Name	Units posted		Remarks
		From	To	

Senior Teacher

1.	Shri B S Yadav	3 AR	2 AR	
2.	Smti Anusree Deb	16 AR	36 AR	11 AR
3.	Shri Harbans Singh	6 AR	3 AR	
4.	Shri A L Pandey	26 AR	16 AR	
5.	Smti Seema Okram	28 AR	33 AR	

JUNIOR TEACHER

1.	Smti Sobhana PA	17 AR	4 AR	
2.	Shri Kanu Acharjee	18 AR	7 AR	
3.	Shri M P Godiyal	6 AR	28 AR	
4.	Shri K N Pandit	25 AR	17 AR	
5.	Shri Mahendra Kumar	28 AR	31 AR	
6.	Shri B K Deb	28 AR	6 AR	
7.	Shri R K Thakur	31 AR	28 AR	
8.	Shri Padam Pradhan	4 AR	16 AR	

HINDI TEACHER

1.	Shri V K Jha	2 AR	33 AR	
2.	Shri Santosh Kr Singh	8 AR	26 AR	
3.	Shri Sudama Das	10 AR	12 AR	
4.	Shri Vijay Mahato	11 AR	13 AR	
5.	Shri Mrinmoy Nath	12 AR	8 AR	
6.	Shri M K Pandey	13 AR	18 AR	
7.	Shri Madho Singh Bisht	13 AR	11 AR	
8.	Shri Amarendra Kumar	16 AR	33 AR	
9.	Shri Darbari Prasad	15 AR	9 AR	
10.	Shri B K Singh	18 AR	13 AR	
11.	Shri Arabindo Boro	18 AR	16 AR	
12.	Md Azam Sidhiqui	6 AR	15 AR	
13.	Shri Sashin Das	26 AR	27 AR	
14.	Shri Dilip Kr Bhuyan	30 AR	31 AR	
15.	Miss Reena Singha	30 AR	10 AR	
16.	Shri R C Malakar	31 AR	30 AR	

- 14 -

ANNEXURE - R-3

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

(36)

L14017/GS (Edn)/H-T/Posting/06/407

19 Jul 2006

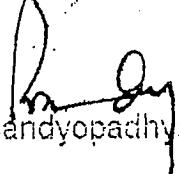
List 'A'

List 'B'

List 'C'

POSTING/TRANSFER OF TEACHING STAFF

1. Posting/transfer in respect of Teaching Staff is in Appx 'A', 'B' and 'C' to this letter.
2. All units/Sectors whether in hard or soft area will release the individuals by due date without awaiting/reporting of relief. The move of all affected staff will be completed /completion report be submitted by due date as per Appx - 'A', 'B' and 'C'.
3. No repeat no request for modification, cancellation, retention or holding in violation of posting order issued vide this letter will be entertained.
4. Please ack and ensure strict compliance.


(B Bandyopadhyay)
Col
GSO-1(Edn)
for DG Assam Rifles

End - As above.

(35)

POSTING/TRANSFER : TEACHING STAFF

SENIOR TEACHER

S/No	Rank and Name	Fmn/Unit		To be released by	Completion Report	Remarks
		From	To			
1.	Shri BS Yadav, Sr Teacher	26 AR	34 AR	05 Aug 06	15 Aug 06	
2.	Shri Harbans Singh, Sr Teacher	27 AR	23 AR	30 Aug 06	10 Sep 06	
3.	Smt Anusree Deb, Sr Teacher	11 AR	21 AR	05 Aug 06	15 Aug 06	
4.	Shri Subhasis Deb Nath, Sr Teacher	14 AR	36 AR	31 Jul 06	15 Aug 06	
5.	Shri AL Pandey, Sr Teacher	30 AR	ARTC & S Diphu	31 Jul 06	15 Aug 06	
6.	Smt Seema Okram, Sr Teacher	21 AR	14 AR	31 Jul 06	15 Aug 06	
7.	Shri Haridas Chakraborty, Sr Teacher	14 AR	30 AR	15 Aug 06	25 Aug 06	
8.	Shri NC Jose, Sr Teacher	44 AR	37 AR	31 Jul 06	15 Aug 06	

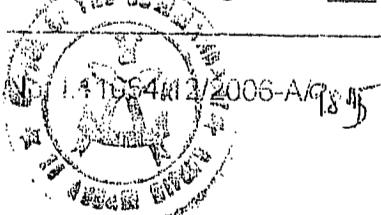
DO NOT TAKE ANY EATABLE/DRINKING ITEMS FROM ANY UNKNOWN PERS/ UNAUTHORISED SOURCES IT MAY BE POISON WHICH MAY CAUSE OF YOUR DEATH

OFFICE OF THE COMMANDANT, 11 ASSAM RIFLES, C/O 99 APO, PIN-932011

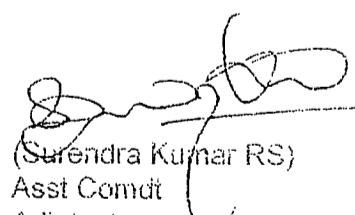
Telephone No. 0381-2319795, 0381-2313824

MOVEMENT ORDER

1. (a) No. 14017 Rank Senior Teacher Name Smt Anusree Deb Unit 11 Assam Rifles and a party of — JCOs/NCOs and — OR as per nominal roll on reverse page will proceed on permanent posting to 21 Assam Rifles.
- (b) Date of Departure : 05 Oct 2006.
- (c) Route via _____ Destination : Known to her.
- (d) Authority for move : HQ DGAR Itr No 114017/GS(Edn)H-T/Posting/06/407 dated 19 Jul 2006.
- (e) Nature of duty : Permanent posting to 21 Assam Rifles.
2. On arrival at (Station) _____ she will report to Adjt, 21 Assam Rifles.
3. SOS wef 05 Oct 2006 (FN/AN).
4. If in difficulty he/they will report to RTO or MP or if neither is available to the Station Master for assistance producing this Movement Order.
5. Provision of AOs 782/64 and 504/67 have been explained. Anti Malaria Precaution will be strictly observed.
6. Military matters will not be discussed with authorized person.
7. AR pers are entitled for treatment in service hospital while on leave, course temp duty etc. Auth MOD letter No. F6/(25)152/D (Med) dated 12 Dec 52 and also confirmed vice Army HQ letter No. B/75/35/DGMS-5(E) dated 07 Mar 95.
8. Do not get involved in rape, molestation, drinking, misbehaving and eve teasing enroute.
9. He is entd to avail 12 days Joining Time as per existing rule.
10. 66 days EL and 07 days casual leave credit up to 31 Dec 2006.
11. Identity Card No. _____ is in possession of individual.
12. She has granted 10 days EL/CL wef 05 Oct 2006 to 15 Oct 2006.



Unit : 11 Assam Rifles
PIN - 932011
Station : C/O 99 APO
Dated : 26 Sep 2006


(Surendra Kumar RS)
Asst Comdt
Adjutant
for Commandant

Copy to

1. Inpt Concerned for compliance.
2. HQ DGAR (GS,Edn)
Shillong -11.
3. 21 Assam Rifles
PIN-932041
C/O 99 APO
4. Office Copy.

/COPY/

83

From : Smt Anusree Deb, Sr Teacher
 7 Assam Rifles
 C/O 99 APO

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

(Through proper channel)

REVIEW OF POSTING ORDER

Sir,

1. With due respect and humble submission I beg to state the following lines for your kind consideration please.
2. That sir, my husband and I am serving in this unit together. But Sir, I have received posting order from this unit to 10 Assam Rifles, whereas no posting order has been received for my husband Shri N N Deb, Head Asst till date. I would like to mention here that this is the fourth time during my service that I have been separated from my husband since my appointment, and every time my husband had been compelled to ask for his posting at my duty place on compassionate grounds which has been accepted by your good office obligingly. On the other hand, my prayer each time was turned down and same the practice of posting me to a separate place has been experienced this time also for which I am afraid that this time also my husband will be compelled to ask for his posting at my duty place (i.e. 10 Assam Rif) like previous occurrences. The next posting of my husband will be his last posting prior to his retirement, for which an application from my husband to accommodate both of us at a place as per posting norms had been fwd through staff channel and same has very kindly been accepted at your good office. My husband has been informed vide your Dte signal No. A 2776 dated 23 Dec 97 that a suitable last leg posting is being reconsidered.
3. It is therefore requested that I may kindly be posted alongwith my husband to a plain area to prepare ourselves prior to proceeding on retirement of my husband and to minimise financial hardship at this stage. If not possible, I may please be retained to this unit till the vacancy is created in any of the plain area units so that I may be posted alongwith my husband in the same station.
4. For this act of your kindness I shall remain ever.

Yours faithfully,

Mrs. Anusree Deb.

Sd/ xx xx xx
 (Smti Anusree Deb)
 Senior Teacher

Dated : 05 Feb 98.

- 58 -

(32)

/COPY/

From : Smti Anusree Deb, Sr Teacher
 7 Assam Rifles
 C/O 99 APO

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

(Through proper channel)

Sub : APPLICATION FOR COMBINED POSTING

Sir,

1. With due respect and humble submission I beg most respectfully to state the following lines for your sympathetic action please.

2. That, I was posted to 10 Assam Rifles after completion of my tenure in this unit, but my retention has been approved upto 31 Apr 99, vide your HQ Signal No. A 2776 dt 23 Dec 97.

3. My husband, Shri N N Deb, HA, which is also serving in this unit, has also completed his normal tenure, but his posting order is yet to be received.

4. During my entire service I have been posted to hard/CI Ops areas only, as under :-

(a) 15 AR	=	30 Oct 95 to 12 Feb 96	- Hard/CI Ops
(b) 12 AR	=	13 Feb 96 to 18 May 92	- do -
(c) 14 AR	=	19 May 92 to 06 Jan 94	- do -
(d) 7 AR	=	07 Jan 94 to dt	- do -

5. Further, my husband and I were not accommodated in a unit together as per posting norms and each time my husband was compelled to ask for posting to my duty station, and as such, depriving the very right of a Govt servant.

6. That my husband will be retiring on attaining the age of sixty years, by the next four years and this will be his last leg to accommodate both of us in the same station has been provisionally accepted vide your HQ Signal No. A 2776 dt 23 Dec 97.

7. In view of the above, it is my ardent request that we the both may please be considered for posting in a same station, preferably in a plain area, where we can arrange for our permanent settlement, prior to my husband's retirement.

8. Further, my posting to 10 Assam Rifles may please be considered for cancellation in view of the facts mentioned in para 7 above.

Thanking in anticipation.

Yours faithfully,

Mrs. Anusree Deb

Su/ xx xx xx
 (Smti Anusree Deb)
 Senior Teacher

Station : Field
 Dated : 07 Nov 98.

/ COPY/

(3)

From : Shri N. N. Deb, Head Assistant
 7th Bn Assam Rifles
 C/O 99 APO

To : The Director General
 Assam Rifles
 Shillong-7 9 3 0 1 1

(Through proper channel)

Sub :- PRAYER FOR RECONSIDERATION OF COMBINED POSTING
 OF HUSBAND AND WIFE

Sir,

With due respect and humble submission I beg to lay down the following few lines for favour of your kind consideration and sympathetic orders please.

That sir, I have been completed 35 years of service, served in various units of Assam Rifles with entire satisfaction of my superiors. The most of the units where I served including my present Unit were located at Hard/Operational area during my entire period of service. Now, I have been ordered for posting to 10 Assam Rifles vide your Dte Sig No. A 5172 dt 20 Dec 99 where order for posting of my wife Smt. Anusree Deb, Sr Teacher has already been issued earlier vide your Dte letter No. A/V-A/96-97/PT/069/124 dt 24 Dec 97 which is still stand and the said unit is also located at CI Ops area and movement from there is restricted by convoy only. It seems that my posting has been ordered just to adjust the combined posting of husband and wife. In addition to this I would also like to mention here that I am under the seniority No. I (One) for next promotion to Sr. Acct and I hope I may be promoted within next 6 (Six) months and again I will be ordered for posting to another Unit.

Further more, I have to state that I have left only 4 (four) years of service for my pension on superannuation and I have to retire from service by 31 Dec 2003. By this time I have to complete construction of my house at Siliguri where I have a plot of land and I decided to settle down after my retirement. Since, there is no accommodation on my land for living, presently my children (Two daughters) staying temporarily at Guwahati in rented house for their study without any gurdian.

In view of foregoing, I was requested earlier vide my applications dated 20 Oct 97, 06 Feb 98 and 07 Nov 98 respectively to consider my posting together with my wife to any one of the following selected unit/places on my promotion to Sr. Acct being it will be my last lap of posting :-

(a) ARTC & S at Dimaapur
 (c) 31 Assam Rifles at Charduar

(b) 5 Assam Rifles at Lokra
 (d) 16 Assam Rifles at Diphu

Therefore, I shall be able to visit frequently to Siliguri and Guwahati to lookafter construction work of my house as well as to my children.

In view of the circumstances stated above I fervently request your honour would be kindly reconsider my posting together with my wife Smt. Anusree Deb, Sr. Teacher to any one of the Unit/place mentioned above or 30 Assam Rifles (Sikkim) which will also convenient for me to avoid difficulties as explained.

For this act of your kindness I and my wife shall remain and ever be grateful to you, Sir.

Yours faithfully,
 (Shri N N Deb)
 Head Assistant

From : Smti Anusree Deb,
Senior Teacher
7th Bn Assam Rifles
C/O 99 APG

To : The Director General
Assam Rifles
Shillong - 793011

(Through proper channel)

Sub : REQUEST FOR CHOICE POSTING ON COMPASSIONATE GROUND

Sir, Respectfully I beg to state the following for your kind consideration and sympathetic orders please.

That sir, I would like to refer my earlier applications dated 05 Feb 98 and 07 Nov 98 under which I was requested to consider my posting in a unit located at plain and peace area together with my husband Shri N N Deb, HA. It may be mentioned here that we have served in the units including the present unit located at hard and CI ops areas during our entire period of service. But it is regret to say that again we have been ordered for posting to 10 Assam Rifles vide your Dte Sig No. A 5172 dt 20 Dec 99 and A 3150 dt 19 Jan 2000 respectively which is also located at CI ops area from where movement is restricted by convoy only.

Further, I have the honour to state that my husband Shri N N Deb, HA is now under seniority list No. 1 for his next promotion to the rank of Senior Accountant and he may be considered for the same within next few months and again he will be ordered for posting to any other unit. It may also be mentioned here that only 4(four) years of service has left of my husband for pension on superannuation and this will be the last-lap of posting for him. By this time I shall be completing 20 years of my service and planned to proceed on pension on voluntary retirement together with my husband and we have to complete construction of our house at Siliguri where we have a plot of land.

Therefore, I request your honour would be kindly reconsider our orders for posting to the following unit/places from where we shall be able to visit frequently to look after the construction work of our house as well also to look after our children (two daughters) presently staying at Guwahati in a rented house without any guardian. In this connection kindly also refer my husband's application dated 31 Dec 99 submitted through staff channel is also self explanatory (copy att for ready reference) and we may kindly be permitted to retain in this 7 Assam Rifles till such time of promotion of my husband to Sr. Acct.

(a) ARTC & S at Dimapur. (b) S AR at Lokra.
(c) 31 AR at Charduar. (d) 16 AR at Diphu.

For this act of your kindness I and my husband shall remain and ever be grateful to you.

Yours faithfully,

Mrs. Anusree Deb.

(Smti Anusree Deb)
Senior Teacher

Dated : 26 Jan 2000.

From : Smt. Anusree Deb
 Sr Teacher
 16 Assam Rifles
 c/o 99 APO

To : Directorate General Assam Rifles
 (A Branch)
 Shillong - 793011
 (Through proper channel)

Sub : PRAYER FOR SELF RETENTION ON COMPASSIONATE GROUND

Respected Sir.

I have the honour to narrate the following few lines for your perusal and sympathetic consideration please.

That Sir, I have been posted to this unit from 7 Assam Rifles alongwith my husband on May 2000. With utmost mystery I would like to inform you that my husband Shri. Nithendra Narayan Deb, Sr Accountant has passed away on 07 Jun 2002. After the loss of my husband I am facing various difficulties to solve my day to days matters and unable to continue my service. On the other hand I am compelled to complete my minimum pensionable service of 20 years that is upto Oct 2005.

Sir, my normal tenure of service as per existing orders is likely to be completed and due for posting out from this unit. Being alone, and under the present circumstances I am unable to move from this unit on posting. I therefore request your honour to have a kind look into my case and allow me to retain with this unit upto Oct 2005 so that this poor widow servant under your esteem command can be peacefully completed normal pensionable service.

Here I further certified that I will submit my application for v/retirement immediately on completion of 20 years of my qualifying service.

Thanking you in anticipation.

Yours faithfully,

Anusree Deb

(Smt. Anusree Deb)
 Sr Teacher

Dated 19 May 2003

UNDERTAKING CERTIFICATE

I, Smt Anusree Deb, Senior Teacher do hereby certify that I have requested for posting for the first time during my entire service (incl last leg posting) on compassionate ground.

I also certify that I will not request for posting hereafter.

Anusree Deb
Signature of Individual
Smt Anusree Deb
Senior Teacher
16 Assam Rifles

Dated : Jun 2003

COUNTERSIGNED

Jahn

(Vikal Sahni)
Col
Comdt

Place : Field

Dated : *25* Jun 2003

Mahanideshalaya Assam Rifles
 Directorate General Assam Rifles
 Shillong - 793011

236

7011/16/97/Adm-I

01 Sep 98

list 'A'
 list 'B'
 list 'C'
 list 'D'
 list 'E'
 list 'F'
 list 'G'

STANDARD OPERATING PROCEDURE FOR
POSTING JCOS AND OR

Reference SOP for posting JCOS and OR No. I.17011/16/97/Adm-I dated 14 Jan 97 and letter No. I.17011/16/97/Adm-I dated 5 Feb 97.

The existing normal tenure laid down for centrally controlled cat pers as enumerated in para 5 (a) and (b) is further amended as under :-

(a) Para 5 (a) - Clerks/Writers/Steno/PAs

(i) Unit (soft)	- 3 Years
(ii) Unit (hard)	- 3 "
(iii) Range HQs	- 3 "
(iv) HQ IGAR(N)	- 3 "
(v) ARTC & S	- 3 "
(vi) HQ DGAR	- 3 "
(vii) MGAR/WKSF/ARSU/ AMTO/1 CG & DU AR	- 3 "

(b) Para 5 (b) - Other tech trades civs/combatants

(i) Unit (soft)	- 3 Years
(ii) Unit (hard)	- 3 "
(iii) Range HQs	- 3 "
(iv) HQ IGAR(N)	- 3 "
(v) ARTC & S	- 3 "
(vi) HQ DGAR	- 3 "
(vii) Other Units	- 3 "

The postings will be issued in a phased manner to ensure that the change is effected smoothly.

(K P M Nair)
 Lt Col
 Offs DD (Records)

Tele No. PABX : 230222
EXTN : 5107

26
ANNEXURE-R6B
Med
DTT/26
Mithanideshala, Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I. 17011/16/97/Adm-I

Off Aug 2000

List 'A'
List 'B'
List 'C'
List 'D'
List 'E'
List 'F'
List 'G'

STANDARD OPERATING PROCEDURE
FOR POSTING JCOs AND OR

1. Ref SOP for posting JCOs and OR No. I. 17011/16/97/Adm-I dated 14 Jan 97 and letter No. I. 17011/16/97/Adm-I dated 01 Sep 98.

2. Para 5 (a) and (b) of our SO quoted above as amended vide our letter No. I. 17011/16/97/Adm-I dated 11 Nov 99 may please be re-constructed as under :

(a) Para 5 (a) - Tenure of Clerks/Writers/Steno/PAs

All Fms/Units/Ests, irrespective of 3 years of the loc i.e. Soft or Hard

(b) Para 5 (b) - Tenure of other technical trades

All Fms/Units/Ests, irrespective of 3 years of the loc i.e. Soft or Hard

3. Extension of tenure, if required in exceptional cases, in terms of para 7 of SOP for posting JCOs and OR issued vide our No. I. 17011/16/97/Adm-I dated 14 Jan 1997, may be taken well in advance to this HQ (Recd. Branch) for approval by DDCR.

4. The following letters of this Dto are hereby superseded :-

(a) I. 17011/16/97/Adm-I dated 11 Nov 99

(b) I. 17011/16/97/Adm-I dated 09 Jun 2000.

DDG
B D Singha

Col.
DD (Records)
for DDG Assam Rifles

Copy to :-

Internal
Adm-IV

for info with ref to their
ION No. Recd. (Adm-IV) / SOP/
2000 / dated 31 Jul 2000.

RKS/*

Tele No : PARK 23510
Ext 231
CIV 26191

Bharat Bhawan
Government of India
Orti Mantralaya
Ministry of Home Affairs
Mananideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

* / V-1/84-85/Recd/ 96

22 Sep 85

Sati Amree Deb
C/O Shri M N Deb, UDA
6 Assam Rifles
O/O 99 APO

APPOINTMENT TEACHER

1. You are hereby selected for appointment until further orders as Junior Teacher in the scale of pay of Rs 260-6-326-18-350/- per month plus other allowances as admissible under the existing rules from time to time. The appointment is purely temporary and may be terminated with one months notice from either side.
2. Your appointment is subject to fulfilment of the following conditions and production of certificates:-
 - (a) A medical fitness certificate from District Medical Officer or from a Civil Surgeon before joining the duties.
 - (b) A character certificate from Class I officer or District Magistrate in support of your good character and conduct.
 - (c) Matriculation certificate in original alongwith other testimonials in support of your educational qualification and age.
 - (d) You are liable to serve anywhere in Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim or wherever Assam Rifles units exists.
 - (e) Your appointment is provisional subject to satisfactory police verification of your character and antecedents.

Contd..... 2/-

3. You will report for duty to the Commandant 15 Assam Rifles, C/O 99 APO on or before 31st October 85, failing which your appointment will be treated as cancelled.

JAD
(J K Doy)
Major
JAD(A)
For Director General Assam
Rifles

Copy forwarded to :-

1. HQ Nagaland Range (N)
Assam Rifles C/O 99 APO - for information.
2. 15 Assam Rifles C/O 99 APO - for information and necessary action.
3. Personal file
4. Office copy

27

ANNEXURE R-8

From : DGAR GS Br (Edn)

DTG:03

Unclas

To : HQ 21 Sect

02203

Info : 11 AR

199
28

Application for last leg posting (.) ref your letter No A/15014/06/542 dt Mar 25 (.) as per policy not agreed ~

Col B Bandyopadhyay, GSO-1(Edn)

GS(Edn)

07 Apr 2006.

Col
Torel: h

Par
03/04/06

Copy to :-

11 AR

~~RESTRICTED~~

- 28 -

(22)

PART-II ORDER : CIV STAFF

Unit : 11 Assam Rifles Station : C/O 99 APO
Present Part-II Order : 11/Civ/2006 Dated : 12 Oct 2006
Last Part-II Order : 10/Civ/2006 Dated : 13 Sep 2006

STRENGTH DECREASE
POSTING OUT

1. ST-0029
Smt Anusree Deb
Senior Teacher

(a) Posted out to 21 Assam Rifles on
permanent posting and SOS wef 06 Oct
2006 (FN).

(b) Ceased to draw SCA Tripura wef
06 Oct 2006.

Auth: - HQ DGAR letter No I.14017/GS
(Edn)/H-T/Posting/06/407 dated
19 Jul 2006.

2. HT-0073
Shri R C Malakar
Hindi Teacher

(a) Posted out to 41 Assam Rifles on
permanent posting and SOS wef 06 Oct
2006 (FN).

(b) Ceased to draw SCA Tripura wef
06 Oct 2006.

Auth: - HQ DGAR letter No I.14017/GS
(Edn)/H-T/Posting/06/407 dated
19 Jul 2006.

SERVICE INCREMENT

3. JT-0034
Smt Manju Deb Choudhury
Junior Teacher

(a) Granted periodical service
increment @ Rs. 150/- pm in the scale
of pay Rs. 5000-150-8000/- pm raising
her pay from 6050/- pm to 6200/- pm
wef 01 Oct 2006.

(b) DNI - 01 Oct 2007.

~~RESTRICTED~~

LEAVE

4. MS-072
Smt Sasi Kala N T
• Staff Nurse

(a) Granted following leave as under :-
(i) 25 days Earned leave wef
14 Aug 2006 to 07 Sep 2006.
(ii) 15 days Half Pay Leave wef
08 Sep 2006 to 22 Sep 2006.

(b) Rejoined duty on due date.

DGAR HONORARIUM

5. JT-0038
Shri A K Chakrabarty
Junior Teacher

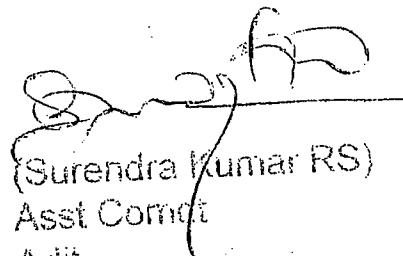
6. AYA-042
Smt Reeta Thapa
AYA

DGAR pleased to grant
Honorarium @ Rs. 750/- each on
the eve of Independence Day
2006.

(Auth:- HQ DGAR order No
A/Pers/CA/2006/05 dated 12 Aug
2006).

L11065/2/2006-AJ/617

Dated : 13 Oct 2006


(Surendra Kumar RS)
Asst Comdt
Adjt
for Comdt

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CASE LAW for (355 (SH))

1. It is decided law that transfer is an incident of service. Employee has no right to be posted at a particular place and transfer cannot be evaded merely on ground of pendency of representation or difficulty. Apex Court in Gujarat electricity Board Vs Atmaram Sungomal Poshani (1989, (2) SCC 602), has held that transfer are necessary in public interest are efficient in public administration. No Government servant has legal right for being posted at any particular place. He has no justification to avoid or evade the transfer order merely on ground of having pending representation or on the ground of his difficulty in moving from one place to another place. In Union of India Vs HN Kirtania (1989, (3) SCC 445), the Court held that it is not open to Court to interfere unless malafide, illegal or violation of statutory rules is established. In Chief General Manager (Telecom) NE Telecom Circle Vs RC Bhattacharjee (1995, (2) SCC 532), the Supreme Court has held that it is needless to emphasis that the Government employee has no legal right to insist for being posted at in a particular place once he is a holder of a transferable post. In State of UP Vs Ashok Kumar Saxena, (1998, (2) SCC 303), the Supreme Court has held transfer of employee is within the prerogative of the Government, hence, it can withdraw, alter or modify any previous order of transfer. In Union of India Vs SL Abbas (1993, (4) SCC 357), the Supreme Court has held that unless order is malafide or is made in violation of statutory provision, Court/tribunal cannot interfere even though instructions/guidelines are not followed and it is not just to quash order as being malafide. Also, authorities are not obliged to justify the transfer order by adducing a reason. Following cases are also relevant:-

(a) National Hydro Electricity Power Cooperation Ltd Vs Shri Bhagwan (2001(8) SCC 574).

21 MAY 2007

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

Filed by the applicant
M. Datta, advocate
on 21.05.07

In the matter of: -

O.A. No. 254 of 2006

Smti Anusree Deb,

..... Applicant.

-Vs-

Union of India and Others.

..... Respondentis.

-AND-

In the matter of: -

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

The humble applicant above named most humbly and respectfully state as
under: -

1. That the applicant has gone through the written statement and has
understood the contents thereof.
2. That with regard to the statements in para 1 and 2 of the written
statement, the applicant categorically denies the correctness of the same
save and except which are borne out of record and further begs to say that
in terms of the condition of appointment letter, applicant served in

various places including Hard Station and Soft Station, however applicant has filed the instant Original Application being aggrieved with the impugned transfer and posting order dated 19th July 2006, Signal dated 28.09.2006 and also against the impugned movement order dated 28.09.2006, whereby the applicant is sought to be transferred just at the verge of retirement of the applicant from Agartala to Kakching in the State of Nagaland which is situated in a very remote extremist prone area and praying for a direction upon the respondents to allow the applicant to retain her in the present place of posting at Agartala as her last posting or choice posting till retirement on superannuation.

It is further stated that applicant has served in 4 Hard stations including Thobal in Manipur, which the respondents have wrongly termed Soft Station, in her total service career. It is very much evident from the table furnished in the written statement that applicant in terms of her offer of appointment letter has served in difficult extremist prone remote areas of the NE Region and on Nov' 2003 she has been transferred at Agartala where she is serving at present. As such it is evident that applicant never refused to carry transfer orders in terms of her appointment letter but in the instant case she is aggrieved against the impugned transfer from Agartala to Kakching in the State of Nagaland on the ground that applicant is a widow and her 2 daughters got married and living separately, therefore none to look after the applicant at the verge of her retirement. In this connection it is relevant to mention here that applicant is to retire on superannuation in the month of November 2009, as such she requested the respondents Authority through her representation dated 13.03.2006 praying for her retention at Assam Rifles Nodal School, Agartala till her retirement or to transfer and post her at Lokra or Chardwar for her convenience but the respondents in spite of knowing the genuine difficulties of the applicant did not consider her prayer for retention at Agartala or to transfer at any of her choice posting

and most mechanically issued the impugned transfer and posting order dated 19.07.2006 and movement order dated 28.09.2006. Therefore as a nodal employer the respondents Authority could have acceded request of the applicant and post her at Agartala or to transfer her at any of her choice posting but that was not done in the instant case of the applicant, as such applicant has been forced to suffer at the verge of her retirement.

3. That with regard to the statements made in Para 4, 5, 6 and 7 of the written statement the applicant denies the contention of the respondents raised in those paragraphs which are contrary to the records and further begs to state that applicant has served in hard stations up to the year 2000 as such contention of the respondents that the applicant is serving in soft areas since 1994 is not true and misleading to the Hon'ble Tribunal. Applicant served at Thoubal (7 AR) in the State of Manipur from 1994 to 2000, which is a hard station and the respondents just to mislead this Hon'ble Tribunal stated that Thoubal (7 AR) is a soft station as such contention of the respondents is not correct and the same is liable to be rejected. It is further stated that while applicant is serving at Assam Rifles Nodal School, Agartala one Miss Shobhra Dhar, Sr. Teacher has been transferred and posted at Agartala on 10.02.05, when the tenure of posting of the applicant at Agartala was yet to be completed while strength of Sr. Teacher at Agartala is one, as such it can rightly be concluded that posting of 2 Sr. Teacher at Agartala has been done at the instant of the respondents, therefore the respondents have created a situation to compel the applicant to be transferred from Agartala when the applicant submitted her genuine personal difficulty and requested either to retain her at Agartala or to transfer her any of the place at Lokra or Chardwar. It is also stated that applicant in her service career already served in hard stations up to 2000 but due to her genuine personal difficulty she

submitted representation praying for choice station posting but the same has been denied to her.

4. That with regard to the statements made in paragraph 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, the applicant categorically denies the same, save and except which are borne out of record and further begs to state that at the time of transfer of the applicant at Agartala, altogether there were 9 teachers including Sr. Hindi Teacher and Junior Teachers during 2003, the applicant has been posted on transfer as Sr. Teacher. Subsequently, on 10.02.2005 one more Sr. Teacher Mrs. Subhra Dhar has been accommodated and as such from February 2005 one more Sr. Teacher has been accommodated and two Sr. Teacher are working in the said School with the proper approval of the Authority. It is further stated that during pendency of the Original Application one teacher Smti. Manju Deb Choudhury has retired voluntarily w.e.f. 28.02.2007 and one more teacher, namely; Mr. A.K. Chakraborty is going to be retired in the month of July 2007. It is pertinent to mention here that 2 more teachers, namely; Mr. R.C. Malakar and Sri Ajoy Roy also transferred during 2006, as such present strength of teacher is now 6, therefore there is no difficulty on the part of the respondents to allow the applicant to continue in the present place of posting till her retirement on superannuation in the month of October 2009 alternatively to place her at Lokhra or Chardwar at Tezpur.

In this connection it is also relevant to mention here that this is for the first time, respondents raising objections regarding working of two Sr. Teachers at the same School whereas the Authority themselves accommodated both the Sr. Teacher in the School since 2005. Therefore it is submitted that the respondents Authority can accommodate the applicant at Agartala till her retirement on superannuation. Moreover, applicant has about 2 years 5 months of service in her credit and as per 5th Central Pay Commissions recommendation central Govt. employees are

entitled for choice station posting or retention at the same place of posting who have less than 3 years of service at his/her credit, as such applicant is entitled to the benefit of 5th CPC recommendation in case of her posting at Agartala or in her choice place of posting at Lakhra or Charduwar at the verge of her retirement. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to retain the applicant at her present place of posting at Agartala or to post her at Lakhra or Charduwar in the light of the 5th CPC's recommendation.

5. That in the facts and circumstances, the applicant humbly submits that she is entitled to the reliefs prayed for and the Original Application deserves to be allowed.

VERIFICATION

I, Smti Anusree Deb, W/o- Late Nitelendra Deb, aged about 57 years, working as Senior Teacher in 11 Assam Rifles, Agartala, C/o- 99 APO, applicant in the instant Original Application, do hereby verify that the statements made in paragraph 1 to 3 of the rejoinder are true to my knowledge and rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 20th day of May 2007.

Anusree Deb.