

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

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

1. Original Application No. 260/06  
2. Misc Petition No.         
3. Contempt Petition No.         
4. Review Application No.

Applicant(s) Gurucharan Deb Banma

Respondant(s) U. O. I 90ms

Advocate for the Applicant(s) K.N. Chaudhury.....

Mrs. R. S. Chaudhary, R. Dubey

Advocate for the Respondent(s).....C.G.S......

Notes of the Registry	Date	Order of the Tribunal
		x10000000
This application is in form s filed, C. P. R. No. 70/- deposited via P.M.D. No. 28G 1142339 Dated.....19....10....06.....	27.10.06.	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.
<i>Ans</i> By. Registrar	1m	Vice-Chairman
<i>Ans</i> 27.10.06		
Steps taken.		
<i>Ans</i>		
2. St- received Respondent Nos. 6.		
<i>Ans</i>		
31.10.06 S. C. L. R. S. 31.10.06 has been Advocate		

Rs. 5/- received  
for Respondent Nos. 6.

Prin of  
Gobindpur  
S. & C. Co. Ltd  
31.10.06

31.10.06 ~~5x100~~  
31.10.06 C corrs has been  
collected by the T/Advocate  
for the appeal.

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(O.A.No.260 of 2006.)

DATE OF DECISION: 27.10.2006.

Sri Gurucharan Deb Barma

APPLICANT

Mrs. R.H. Choudhury

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India and ors.

RESPONDENTS

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

ADVOCATE FOR THE

RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgments? *u/s*
2. To be referred to the Reporter or not? *u/s*
3. Whether their Lordships wish to see the fair copy of the judgment? *u/s*
4. Whether the judgment is to be circulated to the other Benches? *u/s*

Judgment delivered by Hon'ble Vice-Chairman

30/10/06

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No.260 of 2006.

Date of Order: This 27<sup>th</sup> Day of October, 2006.

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

Shri Guru Charan Deb Burma,  
Resident of Nazirpukar, Krishna Nagar,  
Agartala, Tripura (West)-799001.  
By Advocate Mr. K. N. Choudhury  
Mrs. R. S. Choudhury, Mr. R. Dubey.

Applicant

-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.G.Road, Shillong.
3. The Commissioner of Central Excise,  
North East Region, Morello Compound, M.G.,Road,  
Shillong, Meghalaya.
4. The Deputy Commissioner,  
Customs Division,  
Agartala.
5. The superintendent.  
Land Customs Station, Agartala.
6. Sri Sribas Ch Banik  
Inspector, Customs Division Agartala  
(Under Transfer from  
Law Branch(NS) .... Respondents.

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

ORDER(ORAL)

K.V.SACHIDANANDAN:V.C.

The applicant is presently serving in the grade of Inspector under the Customs Division at Agartala. The applicant was transferred and posted from Agartala Airport P.P. Agartala Customs Division to Agartala Range Silchar C. Ex. Division from 2000 onwards. On 18.04.2006 he was transferred and posted from D.P.F. Unit to Agartala Land Customs Station. Thereafter the applicant was



transferred and posted from Agartala Land Customs Station to Muharighat L.C. Station, Belonia, South Tripura.

2. I have heard Mrs. R.H. Choudhury, learned counsel for the applicant and Mr.G.Baishya, learned Sr.C.G.S.C. for the Respondents. The counsel for the applicant has submitted that the daughter of the applicant is studying in Class-X and the applicant's ailing father, is of 82 years old. Being aggrieved the applicant has filed this O.A. seeking for following reliefs:-

"8.1. To set aside and quash the impugned Establishment Order No.09/2006 dated 25.09.2006 issued under memo No.,C.No.II(3)4/ET/ACA/2006/9067-9102(A) in so far as it relates to the applicant, whereby the applicant has been sought to be transferred from the Agartala L.C.Station to Muharighat L.C.Station, Belonia, South Tripura in so far as it relates to the applicant (Annexure-A).

8.2. To set Aside and quash the impugned Order issued under Memo No. C.No.II(39)22/CUS/ Agt-LC/06-07/571-574 dated 28.09.2006 issued by the Respondent No.5 relieving him from his duties as Inspector, Agartala L.C. Station.

8.3 To direct the Respondents authorities to allow the applicant to continue to serve at Agartala L.C.Station.

8.4. To direct the Respondents authorities not to give effect to the impugned transfer dated 25.09.2006 in so far as it relates to the applicant and to further dispose of his representation dated 26.09.2006.

8.5.Costs of 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 this Hon'ble Tribunal."

3. The counsel for the applicant has submitted that the Tripura- Board of Secondary Education is likely to hold the examination in the months of March-April, 2007 and the applicant

wants to continue at least for the Academic year, 2007. The applicant is on leave from 25.9.06 onwards. The applicant has submitted representation-dated 26.9.06 (Annexure D) before the respondents. But the respondents have not yet disposed of the said representation. The counsel for the applicant has submitted that she will be satisfied, if Court directs the Respondent No.4 to consider and disposed of the representation. The counsel for the respondents has no objection. For the ends of justice the Court directs the respondents to consider the applicant's representation and pass a reasoned order within a time frame of two months from the date of receipt of this order.

The O.A. is accordingly disposed of at the admission stage itself. There will be no order as to costs.



(K.V.SACHIDANANDAN)  
VICE-CHAIRMAN

Ansara  
m 27/10/08

देशीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

27 SEP 2006

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Guwahati Bench  
GUWAHATI BENCH, GUWAHATI

O.A. No. 260 of 2006

Shri Gurucharan Deb Barma

... Applicant.

-VERSUS-

Union of India & Ors.

... Respondents.

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Filed by

Rakesh Doley  
Advocate

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH, GUWAHATI**

**ORIGINAL APPLICATION NO. 260 OF 2006**

**LIST OF DATES/ SYNOPSIS**

15.12.2000 The Applicant was transferred and posted from Agartala Airport P.P. Agartala Customs Division to Agartala Range Silchar C.Ex Division.

21.02.2003 The Applicant was transferred and posted from C.Ex Agartala Range to Karimganj Division.

20.01.2004 The Applicant was transferred and posted from Karimganj Custom Division to Agartala Custom Division.

01.03.2004 The Applicant was transferred and posted from Karimganj Division to Agartala D.P.F. Unit

18.04.2006 The Applicant was transferred and posted from D.P.F. Unit to Agartala Land Customs Station..

25.09.2006 The Applicant was transferred and posted from Agartala Land Customs Station to Muharighat L.C. Station, Belonia, South Tripura.

(ANNEXURE-A)

*G. M. D.*

26.09.2006      Representation submitted by the Applicant before Respondent No.

4.

(ANNEXURE- D)

28.09.2006      Release order of the Applicant issued by the Respondent No.5.

(ANNEXURE- E)

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**BEFORE THE CENTRAL ADMINISTRATIVE  
TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI**

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

**ORIGINAL APPLICATION NO 260 /2006**

BETWEEN

Sri Guru Charan Deb Barma,  
Son of Sri Ravi Charan Deb Barma,  
Resident of Nazirpukar, Krishna Nagar ,  
Agartala, Tripura (West) – 799 001

**.... 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 Deputy Commissioner,  
Customs Division,  
Agartala.
5. The Superintendent,  
Land Customs Station, Agartala.

*Placing the Application  
through Birendra Baruah  
Advocate  
26/07/02*



6. Shi Sribas Ch Banik,  
 Inspector, Customs Division Agartala  
 (Under Transfer from From Law Branch ( NS ))

.... 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. 09/2006 dated 25.09.2006 issued under Memo No. C.No. II(3) 4/ET/ACA/2006/9067-9102(A) in so far as it relates to the Applicant, whereby the Applicant has been sought to be transferred from the Agartala Land Customs Station to Muharighat Land Customs Station, Belonia, South Tripura, within a short span of five months of being posted at the said place, and the impugned Order issued under Memo No. C.No. II(39) 22/CUS/Agt-LC/06-07/571-574 dated 28.09.2006 issued by the respondent ~~no. 5~~ the Superintendent Agartala Land Customs Station, thereby relieving the Applicant from the said post unilaterally.

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 Inspector under the Customs Division at Agartala. Be it stated herein that the head quarter of the said Division is at Shillong.
- 4.3 That after being appointed to the post of Inspector, the applicant was sincerely discharging his duties as Inspector under Central Excise & Customs under the Commissionerate at various places.
- 4.4 That the applicant, by the Establishment Order No 130/2000 dated 15/12/2000 was transferred and posted from Agartala Airport P.P. Agartala Customs Division to Agartala Range, Silchar C.Ex.Division. Thereafter by Establishment Order No 8/2003 dated 21/02/2003 the applicant was transferred and posted from C.Ex Agartala Range to Karimganj Division and by the Establishment Order No. 04/2004 dated 20/01/2004 he was transferred and posted from Karimganj Custom Division to Agartala Custom Division. Thereafter by the Establishment Order No. 02/2004 dated 01/03/2004 he was again transferred and posted from Karimganj Division to Agartala D.P.F. Unit. Thereafter, by Establishment Order No. 02/2006 dated 18/04/2006 the applicant was again transferred and posted from Agartala D.P.F. Unit to Agartala Land Customs Station under Agartala Customs Division. The applicant deems it pertinent to mention here that he is always ready to carry out the orders of the higher officers of the Department and accordingly he followed all the abovementioned transfer orders.
- 4.5 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. According to that transfer policy all Group 'C' officers of Customs (Inspector is a Group 'C' Officer) shall be transferred from one section to another in every two years that means an officer must complete at least 2 years in a particular place of posting or commissionerate, otherwise, tenure will not be accepted as complete and the same will not be considered/ counted for his/her future postings.



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.

4.6 That, in view of the facts and circumstances that have been narrated herein above the Applicant was under bonafide belief that the authorities would not transfer him for two years as he was recently transferred by Establishment Order No. 02/2006 dated 18/04/2006 and posted from Agartala D.P.F. Unit to Agartala Land Customs Station under Agartala Customs Division. However, to the utter shock and surprise of the Applicant, the Respondent No.3 vide impugned Establishment order No. 09/2006 dated 25.09.2006 under Memo No. C.No. II(3) 4/ET/ACA/2006/9067-9102(A) transferred the Applicant from the Agartala L.C. Station to Muharighat L.C. Station, Belonia, South Tripura. It is pertinent to mention at this stage that the respondent no 5 i.e. Sri Sribas Ch Banik was also transferred from Law Branch (NS) to Agartala L.C. Station, i.e. the place where the Applicant was holding charge.

A copy of the impugned Order dated 25.09.2006 is annexed herewith and marked as ANNEXURE – A.

4.7 That, The Applicant deems it pertinent to state at this stage that the daughter of the Applicant is studying in Class-X at Shishu Bihar H/S School, the only Tripura Govt. English Medium School at Agartala and will appear in the Final Examination of Madhyamik (Secondary Examination) under the syllabus of Tripura Board of Secondary Education likely to be held in the month of March-April 2007 and his son is also studying at Holy Cross School, Agartala (Durjoynagar). In addition there to, the Applicant's father, is of 82 years old and is completely paralyzed and in a bed ridden condition and needs whole time nursing care. Moreover, the Applicant's wife Smti Papri Deb Barma, is an employee of Tripura State Govt. and serving as an U.D.C. in the Department of Education with her present place of posting at Agartala and according to the Notification of Govt.of India, Deptt. Of Per. & Trg. O.M. No. 28034/7/86-Estt (A) dated the 3<sup>rd</sup> April, 1986 where one spouse is employed



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

A typed copy of the medical certificate of the Applicant's father and certificate showing the employment of the Applicant's wife are annexed herewith and marked as **ANNEXURE- B & C respectively.**

4.8 That, being aggrieved by the impugned Order of transfer dated 25.09.2006, the Applicant submitted a detailed representation on 26.09.2006 through proper channel before the Respondent No. 4 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 upto the month of April 2007 i.e. till the end of the final examination of his daughter. Be it stated herein that the Applicant also mentioned in his application about Notification of Govt. of India, Deptt. Of Per. & Trg. O.M. No. 28034/7/86-Estt (A) dated the 3<sup>rd</sup> April, 1986 relating to posting of the husband and wife at the same station

A copy of the representation dated 26.09.2006 is annexed herewith and marked as **ANNEXURE – D.**

4.9 That, due to some personal reasons, the Applicant had to proceed on leave from 25.09.2006 to 13.10.2006. The Applicant states that, pursuant to the representation dated 26.09.2006 so submitted by him he did not receive any response and to the utter shock of the Applicant, the respondent no.5 i.e. the Superintendent Agartala L.C.S. has issued an impugned Order under Memo No. C.No. II(39) 22/CUS/Agt-LC/06-07/571-574 dated 28.09.2006 relieving him from his duties as Inspector of Agartala L.C. Station with a direction to join his new place of posting. Be it stated herein that vide the said impugned



order dated 28.09.2006, the Applicant was sought to be relieved from the afternoon of 03.10.2006. However, the Applicant has proceeded on leave since then and as such, is yet to handover charge of the said post to the respondent no 6 i.e. Sri Sribas Ch Banik. Be it stated herein that the Applicant has come to learn from reliable sources that the respondent no.6 has unilaterally taken over charge on 05.10.2006 at Agartala Land Customs Station. It is also pertinent to mention here that due to some personal reasons, the Applicant has to extend his leave and he is currently on leave.

A copy of the impugned Order dated 28.09.2006 is annexed herewith and marked as ANNEXURE – E.

4.10. That, the representation so made by the Applicant not having been considered, the instant Original Application is being preferred praying for interference with the impugned Orders dated 25.09.2006 and 28.09.2006. The delay in filing of this instant application, if any, is due to the fact that a Bench was not available at the Hon'ble Tribunal.

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 only on 18.04.2006, he could not have been transferred out before completion of two years in terms of the policy pertaining to transfer. As such, the impugned order of transfer dated 25.09.06 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 representation bringing to the notice of the respondents the following specific and practical difficulties:

(a) The applicant's daughter is studying in Class-X at Shishu Bihar H/S School, the only Tripura Govt. English Medium



School at Agartala and will appear in the Final Examination of Madhyamik (Secondary Examination) under the syllabus of Tripura Board of Secondary Education likely to be held in the month of March-April 2007.

- (b) The applicant's son is also studying at Holy Cross School, Agartala (Durjoynagar).
- (c) The applicant is the only support for his ill and aged father.
- (d) Applicant's wife Smti Papri D<sup>r</sup> Barma, is an employee of Tripura State Govt. and serving as an U.D.C. in the Department of Education with her present place of posting at Agartala. As such the authorities should consider his retention at Agartala.

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 guidelines for transfer in respect of superintendents/Inspectors accepted by the Customs & Central Excise Department. The same not having been done, the impugned order of transfer dated 25.09.2006 and release order dated 28.09.2006 are 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 25.09.2006 and subsequent impugned relieving Order dated 28.09.2006 have been issued for reasons other than relevant and bonafide. From the records of the case it is clear that the Applicant followed all the earlier transfer orders without any objection and he was transferred to his present place of posting only in the month of April 2006. Now on completion of only 5 months he is again being sought to be transferred to Muharighat L.C.Station, Belonia, South Tripura which is a far distance of more than 140 K.M. from Agartala. Another grievance of the Applicant is that there is no Govt. English Medium School (Secondary



Standard) at Muharighat, Belonia where the Applicant will admit his daughter who is studying in Class-X in the only Tripura Govt.English Medium School at Agartala and will appear in Final Examination of Madhyamik (Secondary Examination) under the syllabus of Tripura Board of Secondary Education likely to be held in the Month of March-April 2007 and at this stage if the impugned transfer order is given effect to it will create irreparable loss in the academic life of his daughter. Besides this he is the only support of his 82 years old father who is in completely paralysed and bed ridden condition. Moreover, his wife is also an employee of Tripura State Government and according to the Office Memorandum of the Govt. of India the competent authority is duty bound to consider the case of the Applicant in the light of the said Memorandum.

5.4 For that, the facts and circumstances that have been narrated herein above would clearly reveal that the impugned Orders dated 25.09.2006 and 28.09.2006 have been issued most mechanically without any application of mind to the relevant factors. The fact that, pursuant to the impugned Order dated 25.09.2006, the Applicant submitted a detailed representation highlighting his grievances, but inspite of that the respondent authority has allowed the respondent no.6 to join in the place of the Applicant i.e. in Arartala L.C. Station.. The impugned orders dated 25.09.2006 and the subsequent release order dated 28.09.2006 on the face of the records are not sustainable. As such, it is humbly submitted that the said impugned Orders are liable to be set aside and quashed.

5.5 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 daughter is in her mid term academic session and the authorities have entirely ignored the fact that his daughter is likely to lose valuable years of her academic life if the said impugned Orders are given effect to. Apparently, such impugned actions infringe upon the rights guaranteed to Applicant under Articles 14 and 16 of the Constitution of India. As such, the said impugned Orders are liable to be interfered with by this Hon'ble Tribunal.



5.6 For that, the impugned Orders dated 25.09.2006 and 28.09.2006 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.

5.7 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 25.09.2006 and 28.09.2006 are void ab-initio.

5.8 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 25.09.2006 and release order dated 28.09.2006 are 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.

5.9 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.

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

5.11 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.09/2006 dated 25.09.2006 issued under memo No. C. No. II(3) 4/ET/ACA/2006/9067-9102 (A) in so far as it relates to the Applicant, whereby the Applicant has been sought to be transferred from the Agartala L.C. Station to Muharighat L.C. Station, Belonia, South Tripura in so far as it relates to the applicant. (Annexure-A)
- 8.2 To set aside and quash the impugned Order issued under Memo No. C. No.II(39)22/CUS/Agt-LC/06-07/571 -574 dated 28.09.2006 issued by the Respondent No. 5 relieving him from his duties as Inspector, Agartala L.C. Station.
- 8.3 To direct the Respondent authorities to allow the Applicant to continue to serve at Agartala L.C. Station
- 8.4 To direct the Respondent authorities not to give effect to the impugned transfer dated 25.09.2006 in so far as it relates to the applicant and to further dispose of his representation dated 26.09.2006.



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 this 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 Agartala, L.C. Station and to further suspend the operation of the impugned Establishment Order No.09/2006 dated 25.09.2006 issued under Memo No. C. No. II(3) 4/ET/ACA/2006/9067-9102 (A) in so far as it relates to the applicant and the impugned Order issued under memo No. C. No.II(39)22/CUS/Agt-LC/06-07/571 -574 dated 28.09.2006 ,whereby the Applicant is being sought to be relieved of his Charge at Agartala L.C.Station.

10. **PARTICULARS OF THE IPO.**

- i. I.P.O. NO. : 2861142339
- ii. Date of Issue : 19.10.06
- iii. Issued from : Guwahati
- iv. Payable at : Guwahati

11. **DETAILS OF ENCLOSURES:**

As stated in the Index.



### VERIFICATION

I, Sri Guru Charan Deb Barma, aged about 51 years, son of Sri Ravi Charan Deb Barma, resident of Nazirpukar, Krishna Nagar, Agartala, Tripura (West) – 799 001, 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 to 3, 4 to 9, 3, 4, 4(p)~~  
~~4, 6(p), 4, 7, 4, 8, 4, 9(p), 4, 10, 6, 47~~ are true to my knowledge and those made in Paragraphs-~~4, 4(p), 4, 5, 4, 6(p), 4, 9(p)~~ are matters of records, which I believe to be true and those made in para 5 are true to my legal advice, and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 26<sup>th</sup> day of October, 2006 at Guwahati.

*Guru Charan Deb Barma*

SIGNATURE OF THE APPLICANT

## ANNEXURE-A

-13-

OFFICE OF THE ASSISTANT COMMISSIONER OF CUSTOMS  
CUSTOMS DIVISION  
AGARTALA

ESTT ORDER NO: 09/2006  
DATED AGARTALA THE 25<sup>TH</sup> OF SEPTEMBER 2006

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

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

SL.NO	NAME (SHRI/SMT)	FROM	PROPOSED PLACE OF POSTING	REMARKS
01	GURUCHARAN DEBBARMA	LCS AGARTALA (S)	MUHURIGHAT LCS (NS)	
02	SUMANTA CHOUDHURY	LCS AGARTALA (S)	BELONIA CPF (NS)	
03	NITA NAG	DPF (S)	DISPOSAL UNIT (NS)	Date of relieve to be intimated later
04	SHYMAL NATE	BISHALGARH CPF (S)	MOHANPUR CPF (NS)	
05	V.HAUTHIANSANG	SONAMURA CPF (S)	ADJUDICATION BRANCH (NS)	
06	SAMIR KUMAR MAJUMDAR	MOHANPUR CPF (NS)	SONAMURA CPF (S)	
07	DULAL KUMAR BHOWMIK	BELONIA CPF (NS)	SRIMANTAPUR LCS (S)	
08	NISHITUSH CHOWDHURY	MUHURIGHAT LCS (NS)	BISHALGARH CPF (S)	
09	BANDANA CHOUDHURY	DISPOSAL UNIT (NS)	DPF (S)	Date of relieve to be intimated later
10	DEBABRATA T. S.	ADJUDICATION BRANCH (NS)	LCS AGARTALA (S)	
11	SRIKASH CH. BAWIK	LAW BRANCH (NS)	LCS AGARTALA (S)	

Certified to be true copy  
Rakesh Daloy  
Advocate

This order is issued with the prior approval of the Commissioner of Customs (P), NER, Shillong. Except for SI No. 03 & 09, the rest of the officers are to be relieved on/before 3<sup>rd</sup> October 2006. APRO to hold additional charge of Inspector Law until further orders.

*S/S* (Sucheta Sreejesh)  
Deputy Commissioner,

C.NO. II (3)4/ET/AC/A/2006/19067-9/02 (A) DATED: 25.09.06

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 (Insp) for strict compliance.
11. The Superintendent of the Units concerned, to relieve the Inspectors under his/her control on or before 3<sup>rd</sup> of October 2006.
12. The CAO/PAO, C&CE, NER Shillong
13. AO, Agartala Customs Division. For information & necessary action.
14. The Zonal Secretary Group 'C' Executive Officers' Association Customs Division, Agartala.
15. Confidential Branch, Customs Division, Agartala.
16. Guard file.

*(Sucheta Sreejesh)*  
Deputy Commissioner

15  
24  
(TYPED COPY)

ANNEXURE - B

Date: 25.09.2006

To whom it may concern

This is to certify that Sri Rabicharan Debbarma, 82 years, resident of Krishna nagar, father of Sri Gurucharan Deb Barma, of Inspector of Customs, Agartala, is suffereing from chronic cerebral illegibile with disability. He needs long term treatment and while time nursing care for his chronic disability ailments.

Sd/-

25/09/2006

Dr. Shyamal Roy

*Certified to true copy  
Rakesh Dulay  
Advocate*

R. Shyamal Roy

- 16 -

M.D. (Cal.)

Agartala Medical College & Hospital

Consultant Physician

(Sr. Consultant Physician for Staff of ONGC Tripura Asset)

ONGC APPROVED

CHAMBER

Satyajit Raujan Roy Memorial

POLYCLINIC & DIAGNOSTIC CENTRE

Haradhan Sangha Road,

Krishnanagar, Agartala. Ph.: 230-7962

SUNDAY EVENING CLOSED

Date 25/9/76

To whom it may concern -

This is to certify that Sri Rabindranath Debbarma, 46/1  
8243, resident of Krishnanagar, P.O. Sri Gurucharan  
& Banerjee, I/2 Inspector of Customs, Agartala, is suffering  
from chronic cardiac affections with debility. He  
needs long term treatment and will require  
care for his chronic debilitative ailments.

R.  
R.  
R.

25/9/76  
Mr. SHYAMAL ROY  
M.D. (Cal.),  
Consultant Physician  
or Central Govt. Employee  
R.L.U of T.M.R.

Certified to be true copy

Rakesh Debbarma  
Advocate

TO WHOM IT MAY CONCERN

Certified that Smt Papri Debbarma, U.D.C. W/O Sri Guru Charan Debbarma is an employee of Group-'C' under establishment of the office of Directorate of Youth affairs & Sports, Government of Tripura, Agartala. Smt Papri Debbarma has been serving in the office of this Directorate since 30<sup>th</sup> September, 1997.

*H*  
SMT PAPRI DEBBARMA  
Age Group 30-35  
D. O. B. 1961  
Code No -08071  
DIO, Youth Affairs & Sports  
Government of Tripura

*Certified to be true copy*  
Rakesh Dubey  
Advocate



To  
The Deputy Commissioner  
Customs Division  
Agartala, Tripura.

(Through proper channel)

Madam,

**Subject: Representation for consideration of retention at Agartala proper (i.e. within the Agartala Station) upto April 2007 on humanitarian ground.**

Most respectfully, I beg to bring before your honour the following facts for favour of kind consideration of my case sympathetically.

That Madam, I had been transferred and posted from Agartala D.P.F. Unit to Agartala Land Customs Station under Agartala Customs Division vide Order No. 02/2006 dated 18.04.2006 communicated under endt. C.No.11(3)1/ET/ACA/2006/2056-85(A) dated 18.04.2006 with a remarks that the order has been issued with the approval of the Commissioner, NER, Shillong (copy enclosed).

That Madam, as duty bound Officer, I have carried out the above order and joined at Agartala Land Customs Station on 19.04.2006.

That Madam, unfortunately I have been again ordered for transfer from Agartala L.C. Station to Muharighat L.C. Station, Belonia, South Tripura which is a far distance as much as about 140 K.M. from Agartala i.e. my home town vide Order No.9/2006 dated 25.09.2006 under endt. C.No.11 (3)4/ET/ACA/06/9067-9102(A) dated 25.09.2006. (Copy enclosed.)

That Madam, I have the honour to mention here that I joined at Agartala Customs Division on 19.03.2004 only on being transferred from Karingonj Customs Division vide Shillong Hqrs. Office Order No.4/2004 dated 20.1.2004 communicated under endt. Co. No.11(3)1/CE/Hrs-Estt/SII/2003/461-545 dated 20.01.2004. My Home Town is Agartala where at my family members are residing. (Copy enclosed.)

That Madam, as duty bound Officer I am ready to carry out the order of the higher officer of the Deptt. But due to some compelling circumstances as mentioned below, I am not in a position to move to my new place of posting at Muharighat L.C. Station, Belonia, South Tripura.

That Madam, my daughter is studying in Class-X. at Shishu Bihar H/S School, the only Tripura Govt. English Medium School at Agartala and she will appear in the Final Examination of Madhyamik (Secondary Examination) under the syllabus of Tripura Board of Secondary Education likely to be held in the month of March-April 2007. There is no Govt. English Medium School (Secondary Standard) at Muharighat, Belonia, South Tripura. My son is also studying at Holy Cross School, Agartala (Duijoynagar).

Cont....P/2

March 2007  
Certified to be true copy  
Rekha Deb  
Advocate

That Madam, more over, my wife, Smt. Papri Deb Barma, is an employee of Tripura State Govt. and serving as an U.D.C. in the Deptt. Of Education with her present place of posting at Agartala. Hence, I also most humbly request you to kindly consider my case in the light of Govt. of India, Deptt. of Per. & Trg. O.M. No. 28034/7/86-Estt(A) dated, the 3<sup>rd</sup> April, 1986 (in respect of posting of Husband & wife at the same Station) to enable me to lead a normal family life and to ensure the welfare of the children.

That Madam, my old ailing father (82 years old) has been passing his last stage of the life in completely paralysed and bed ridden condition and he needs whole time nursing care. (Medical *s/this* certificate enclosed)

That Madam, I am the only male member at my family.

That Madam, if my prayer for retention at Agartala proper upto the month of April 2007 (upto the Final Examination of Madhyamik) is not considered, educational or prime academic career of my daughter will be hampered to a great extent.

Under the above circumstances, I would fervently request you to kindly consider my case and allow me to retain at my present place of posting or Agartala proper upto the month of April 2007 to avoid any kind of hamper of education of my daughter during the prime stage of academic career and for this act and kindness I shall remain ever grateful to you.

I may kindly be allowed to retain at my present place of posting until disposal of my representation.

Dated: 26/09/2006

Yours faithfully,

Enclo: As above. (9 Sheet.)

*Guru Charan Deb Barma*  
(GURUCHARAN DEB BARMA) 26/9/06

Inspector

Agartala L.C. Station

Agartala, Tripura

(On Leave w.e.f. 25/9/06 to 13/10/06)

Copy to: 1. The General Secretary, Central Committee, Customs & Central Excise Gr-C, Executive Officers' Association, NER, Shillong to pursue the matter with the competent authority.  
2. The Zonal Secretary, Customs & Central Excise Gr-C Executive Officers' Association to take up the matter with the competent authority as well as Central Committee, Shillong.

*Guru Charan Deb Barma*  
(GURUCHARAN DEB BARMA) 26/9/06

Inspector

Agartala L.C. Station

Agartala, Tripura

LAND CUSTOMS STATION  
AGARTALA.

## ORDER

Dated 28.09.2006

In pursuance of Estt. Order no. 09/2006, dated 25.09.2006, of the Deputy Commissioner, Customs Division, Agartala, communicated under enclt. C.No. II(3) 04/ET/ ACA/2006/9067-9102(A), dated 25.09.2006, the following Officers in the grade of Inspector are hereby relieved of their duties in the afternoon of 3<sup>rd</sup> October 2006 with a direction to report for duties in their new place of postings.

Sl.no.	Name of the Officer	New place of posting	Remarks
01.	Sri Gurucharan Debbarma	Muhurighat L.C.S (NS)	On Leave
02.	Sri Sumanta Chowdhury	Belonia C.P.F(NS)	-----

8/8/06  
(N.N.ROY)  
Superintendent  
Agartala L.C.S

C.No.II(39)22/CUS/Agt-LC/06-07/ 571-574

Dated: 28.9.06

Copy to :

- 1) The Deputy Commissioner, Customs Division, Agartala for favour of kind information and necessary action.
- 2) Sri Gurucharan Debbarma / Sri Sumanta Chowdhury, Inspector, for compliance.
- 3) The Superintendent Belonia C.P.F/Muhurighat L.C.S, for information.

8/8/06  
(N.N.ROY)  
Superintendent  
Agartala L.C.S

25/9/06 leave  
28/9/06

Rectified to be true copy  
Rakesh Doley  
adviser