

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 272/2006

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM No. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

1. Original Application No... **272 of 06**
2. Misc. Petition No.....
3. Contempt Petition No.....
4. Review Application No.....

Applicant(s)..... **Shri L. Basumatary**

Respondent(s)..... **V. P. I. C. Oray**

Advocate for the Applicant(s)..... **Mr. S. Nath, G. N. Chakraborty,**

Smti U. Dutta,

Advocate for the Respondent(s)..... **M. K. Sen, Addl. CA**

Notes of the Registry	Date	Order of the Tribunal
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This application is a copy
is made by the Registry

Office No. 10 P. 10

No. **286 9 32840**

Dated **12.10.06**

Meetha
Dy. Registrar

NS
3/11/06

NO steps.

8/11/06

3.11.06. The applicant is working as LDC in the office of the Defence Estates Officer, Tezpur, Assam. The applicant has been ordered to be transferred to Agartala. His contention is that he was transferred and posted to the office of the Assistant Defence Estates Officer in the year 1994 and served at Agartala up to 1999. The applicant's two sons are presently studying in College at Calcutta and Guwahati. As per Circular issued by the Government of India Department of Per.& Training. O.M No.AB-14017/27/89 Estt.(RR), dated 20.6.1989 the SC/ST candidates recruited for Group 'C' & 'D' posts, be given posting near their native places, is reproduced below: -

h

22-
3.11.06

"G.I. Dept. of Personnel and
Training O.M. No.AB-1401/
2/89-Estt.(RR), dated
20.6.1989.

Sub:- S.C./ST candidates
recruited for Groups 'C' and
'D' posts, be given posting
near their native places.

The undersigned is
directed to say that a
Committee of Members of
Parliament, which examined
matters relating to
representation of Scheduled
Castes And Schedule Tribes in
Government services, has
recommended that Tribals
should as far as possible be
posted near their native place.

2. The recommendation
has been examined carefully.
It may not be possible or
desirable to lay down that
holders belonging to SC/ST of
Group A and Group B Posts
who have All India transfer
liability should be posted near
their native places. It has,
however, been decided that in
the case of holders of Group
'D' posts who have been
recruited on regional basis
and who belong to Scheduled
Tribes may be given posting
as far as possible, subject to
administrative constraints
near their native places within
the region.

3. Suitable instructions may
also be issued to all
subordinate units."

Apart from that the
government authorities are
restrained in transferring SC/ST
employees in far off places and
efforts should be made to
accommodate them in their home
district.

Contd/-
✓

CA 272/06

3.11.06

I have heard Mr.M.Chanda learned counsel for the applicant and Mr.M.U.Ahmed learned Addl. C.G.S.C. for the respondents. The counsel for the applicant has submitted that it is because of malafide in action on the part of the Respondent No.4. The counsel for the respondents has stated that the transfer of the applicant only is an administrative exigency and the applicant has no legal right to challenge the order.

In view of the facts and circumstances, I am of the view that the application can be admitted.

Application is admitted. Issue notice on the respondents. Post the mater on 18.12.06.

Meanwhile, the Court directs the respondents that the applicant will not be disturbed till the next date of hearing.

Vice-Chairman

lm

08.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

Learned Counsel for the Respondents wanted to have time to file reply statement. Post on 23.01.2006. Interim order shall continue till the next date.

Vice-Chairman

/mb/

Notice & order sent to D/Section for issuing to resp. nos. 1 to 4 by regd. A/D post.

13/11/06. D/No - 1129-1132
Dt = 16/11/06.

① Service report awaited.

24
7.12.06.

order dt-8/12/06 issuing to learned advocates for both the parties.

11/12/06.

Notice duly served on R-2,3,4.

19/12 No W/O has been filed.

22.107.

OA. 222/06

23.1.2007

No reply filed. Further time is granted for the same.

Order dt-23/1/07
issuing to learned
advocate's for both
the parties.

~~24/1/07~~

Post on 19.2.2007. Interim order
will continue till such time.

Vice-Chairman

/bb/

28.2.07.

Counsel for the respondents
has submitted that the written state-
ment is ready and he will file the
written statement within two days.
Interim orders shall continue.

Ce
Member

Vice-Chairman

Order dt-28/2/07
issuing to learned
advocate's for both
the parties.

~~5/3/07~~

lm

Order dt-28/2/07 issuing
to learned advocate's
for both the parties.

~~5/3/07~~

07.03.07. Counsel for the applicant \ prays for
time to file rejoinder. Let it be done.
Post the matter on 30.3.07. Interim
order shall continue.

Vice-Chairman

lm

30.3.07.

Counsel for the applicant wanted
time to file rejoinder. Let it be
done. Post the matter on 30.4.07.
Interim order shall continue.

Vice-Chairman

6.3.07
W/S submitted
by Asst. Kos 1 to 4.
Page containing 1 to 55.

lm

30.4.2007

Learned counsel wanted time to file
rejoinder. Let it be done.

Post on 18.5.2007. In the meantime
interim order will continue.

Vice-Chairman

Order dt. 30/3/07 issuing
to learned advocates /bb/
for both the parties.

~~3/4/07~~ No rejoinder has
been filed. 24.4.07

Notes of the Registry	Date	Order of the Tribunal
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No rejoinder has been filed.

no
17.5.07.

order dt. 18/5/07
issuing to learned
advocate's for both
the parties.
lts.

No rejoinder has been filed.

3
5.6.07.

order dt. 6/6/07
issuing to learned
advocate's for both
the parties.

Clas
7/6/07.

12.6.07

Rejoinder has been
filed by the applicant.

NS
12.6.07.

W/s and rejoinder
has been filed.

9/6
20.6.07.
order dt. 21/6/07 issuing
to both the parties.

18.5.07. Two weeks further time is granted
to file rejoinder. Post the matter on
6.6.07. Interim order shall continue.
Vice-Chairman

lm

06.06.07 Rejoinder has been filed. Counsel for the
respondent wanted time to take instructions.
Post the matter on 21.6.07. Interim order shall
continue.

lm

Vice-Chairman

21.6.07. Counsel for the respondents wanted
time to file reply to the rejoinder. Let it be
done. Post the matter on 13.7.07. Interim
order shall continue.

Vice-Chairman

17.7.2007 Counsel for the applicant submitted
that the pleadings are complete. Counsel
for the respondents wanted to take
instruction on the rejoinder.

Post on 2.8.07. By the time
respondents counsel may take instruction.

Vice-Chairman

pg

Post the matter on 20.8.07. Interim
order shall continue.

Vice-Chairman

lm

UA 27/06

Notes of the Registry	Date	Order of the Tribunal
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The case is ready
for hearing.

20.8.07.

The case is ready
for hearing.

1.8.07.

2.8.07.

Pl. comply.

The case is ready
for hearing.

20.8.07.

Pl. comply

order dt. 20/8/07
issuing to both
the parties.

22/8/07

23.8.07

Addl. W/S filed
by respondent Nos. 1 to 4.
Copy not served.

The case is ready
for hearing.

28.8.07.

20.8.2007

It is submitted that reply to the
rejoinder has been filed. Learned counsel
for the Applicant wanted time to peruse
the same. Let it be done.

Post the matter on 29.8.2007 for
hearing. Interim order shall continue till
such time.

Vice-Chairman

/bb/

29.8.2007

Post on 20.9.2007.

Vice-Chairman

nkm

12-10-07

Heard Mr M.Chanda, learned counsel for
the applicant. Application is disposed of as
infructuous in terms of the order recorded
separately. No order as to costs.

(Khushiram)
Member(A)

(Manoranjan Mohanty)
Vice-Chairman

pg

12/11/07
2007
Dr. for the
applicant

13/11/07
Dr. for the
applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.272/2006

DATE OF DECISION : 12-10-2007

Shri Lalit Basumatary

.....Applicant/s

Mr M.Chanda, S.Nath & Mrs U.Dutta

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr M.U.Ahmed, Addl.C.G.S.C

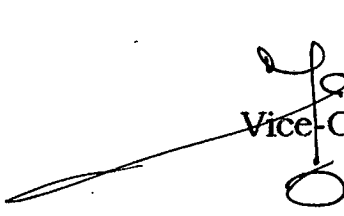
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

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 their Lordships wish to see the fair copy of the judgment ? Yes/No.


Vice-Chairman/Mamber(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.272 of 2006.

Date of Order : This the 12th Day of October, 2007.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Lalit Basumatary
S/o Late Dulal Basumatary,
J.N.Road, Kacharigaon,
Dist. Sonitpur, Assam

.....Applicant

By Advocate Shri M. Chanda

Versus –

1. The union of India
Respresented by the Secretary to the
Government of India,
Ministry of Defence, South Block,
New Delhi-110001.
2. The Principal Director,
Defence Estates, HQ.C
13th Camac St., (7th Floor)
Kolkata-17, West Bengal.
3. Defence Estates Officer,
Cole Park Road, Tazpur-1,
P.O.Tezpur, Assam.
4. Sri P.Singh,
Defence Estates Officer,
Cole Park Road, Tezpur-1
P.O.Tezpur, Assam.

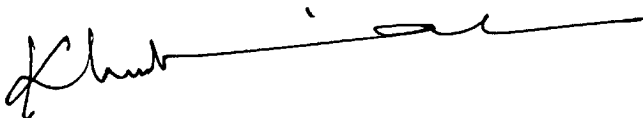
.....Respondents

By Mr M.U.Ahmed, Addl.C.G.S.C.

ORDER (ORAL)

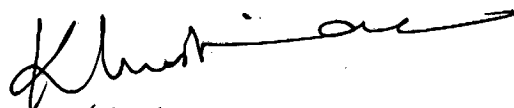
KHUSHIRAM, (MEMBER-A)

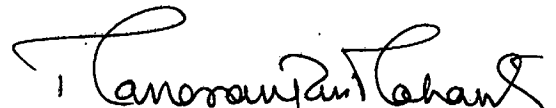
Mr M.Chanda, learned counsel appearing for the Applicant states that the Applicant having faced a transfer from Tezpur to Agartala, approached this Tribunal with the present application, filed under Section 19 of the Administrative Tribunals Act 1985. Today



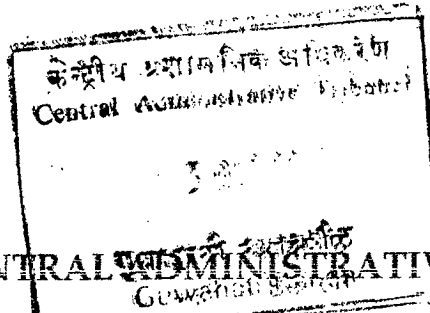
learned counsel for the Applicant produced before us, an order dated 07.09.2007 of the Directorate General of the Defence Estate to show that the Applicant has been asked to continue at DEO/Tezpur. Since the Applicant has been asked to continue at Tezpur, by the subsequent order issued by the Director General, this Original Application has become infructuous and accordingly stands disposed of.

2. Copy of the order dated 07.09.2007 produced by Mr M.Chanda, learned Counsel for the Applicant be kept on record.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE CHAIRMAN

/pg/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 272 /2006

Sri Lalit Basumatary

-Vs-

Union of India & Ors.

2 Sans

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 26.11.1976- Applicant was initially appointed as LDC in the office of the Defence Estates Officer, Tezpur Circle, Tezpur, Assam. He is a permanent resident of Sonitpur District of Assam and belongs to ST category.
- 1994- Applicant was transferred and posted to the office of the Assistant Defence Estates Officer in the year and served at Agartala upto January 1999.
- 11.08.2006- Applicant received a movement order dated 11.08.06, whereby he has been directed to proceed to Delhi in connection with filing a Special Leave petition.
- 11.08.2006- Applicant after receipt of the said order submitted his advance TA/DA bill on 11.08.06 and the said advance TA/DA bill was duly forwarded by the respondent No. 3 for sanction to the office of the CDA, Narangi, Guwahati. (Annexure- 1)
- 14.08.2006- Respondent No. 3 issued a letter to the applicant and again directed him to move to New Delhi in order to assist him in connection of the Court cases and also assured that he had requested the CDA for immediate release of TA/DA to enable him to move to New Delhi. (Annexure- 2)
- 17.08.2006- Applicant submitted representation to DO, Tezpur Circle, informing that inspite of his best effort he could not arrange money to purchase railway ticket and expressed his helplessness and further informed that only after receipt of the TA/DA he would be able to move to New Delhi. (Annexure-3)
- 17.08.2006- Respondent No. 3 without taking any initiative for payment advance TA/DA directed the applicant to attend to New Delhi positively on 22.08.2006.

Sri Lalit Basumatary

19.09.2006- Applicant receive impugned letter dated 19.09.06, whereby it has been informed that consequent upon the posting/transfer order contained in the Principal Director, Defence Estates Kolkata letter dated 15.09.06 on his permanent posting from the office of the DEO, Tezpur Circle to the office of the ADEO, Agartala he is to be relieved of his duties on exigencies of work on Government interest and further directed the applicant to submit his TA/DA advance for his permanent transfer from Tezpur to Agartala failing which he would be relieved in the Govt. interest. But unfortunately applicant has not yet received impugned transfer and posting order dated 15.09.06 till filing of this original application. (Annexure- 4)

12.06.1989- Govt. of India, Department of Personnel and Training, New Delhi has issued O.M dated 12.06.89 whereby it has been directed that SC/ST employees of the Govt. of India should not be transferred and posted in far off places and effort should be made to accommodate them in their home district or at best in the adjacent district.

(Annexure- 5 Series)

Hence this Original Application.

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned transfer and posting order bearing letter No. 360331/LC-1/CON dated 15.09.2006 as well as DO, Part-II letter bearing Sl. No. 47/2006 dated 19.09.2006 (Annexure- 4).
2. That the Hon'ble Tribunal further be pleased to direct the respondents to allow the applicant to continue in his present place of posting i.e. at Tezpur in the same capacity.
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 this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order bearing letter No. 360331/LC-1/CON dated

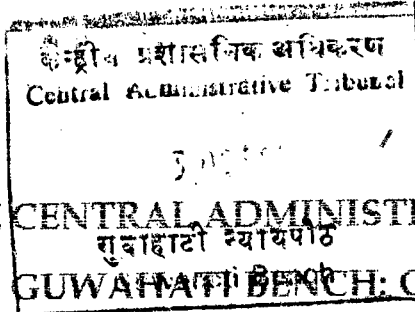
Sr. Lalit Bagun Sharma



15.09.2006 as well as DO, Part-II letter bearing Sl. No. 47/2006 dated 19.09.2006 (Annexure- 4) till disposal of the original application.

2. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

Sr. Latif Basim Am.



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

Title of the case : O. A. No. 272 /2006

Shri Lalit Basumataray

Applicant

-Versus -

Union of India & Others:

Respondents.

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03.	1	Copy of the letter dated 11.08.2006.	-12-
04.	2	Copy of the letter dated 14.08.2006	-13-
05.	3	Copy of the representation dated 17.08.2006	-14-
06.	4	Copy of impugned order dated 19.09.06.	-15-
07.	5 (Series)	Copy of the O.M dated 20.06.89 and 06.07.78.	16-18.

Date: 03.11.06

Filed by

S. Naha
Advocate

Sri Lalit Basumataray

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 272 /2006

BETWEEN

Shri Lalit Basumatary,

S/O Late Dulal Basumatary.

J.N Road, Kachrigaon,

Dist- Sonitpur, Assam.

...Applicant.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defence, South Block,
New Delhi- 110001.
2. The Principal Director,
Defence Estates, HQ.C.
13th Camac St., (7th floor)
Kolkata-17. West Bengal.
3. Defence Estates Officer,
Cole Park Road, Tezpur-1
P.O- Tezpur. Assam.
4. Sri P. Singh,
Defence Estates Officer,
Cole Park Road, Tezpur-1
P.O- Tezpur. Assam.

... Respondents.

DETAILS OF THE APPLICATION

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

a

Sri Lalit Basumatary

Filed by the applicant
Manghi S. Nath
Advocate
03.11.2006

12

This application is made against the impugned transfer order dated 15.09.2006 issued by the Principal Director, Defence Estates, Kolkata and also against the letter dated 19.09.2006 issued by DEO, Tezpur Circle, whereby applicant who belongs to Scheduled Tribe community and a permanent resident of Tezpur is now sought to be transferred and posted from Tezpur to Agartala with a arbitrary and malafide intention and also against the direction contained in the office memorandum No. AB-14017/27/89-Estt. (RR), dated 20.06.1989 issued by the Govt. of India and for a direction to allow the applicant to continue in the present place of posting at Tezpur i.e. in the home District.

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 period of limitation prescribed under Section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 The applicant is a bonafide citizen of the District of Tezpur, he belongs to scheduled tribe community, as such he is entitled to special privileges as granted by the Constitution of India as well as by the Govt. of India by issuing office memorandum, circulars protecting the right and interest of the employees belonging to Scheduled Tribe Community by the Govt. of India. The applicant is working as Lower Division Clerk in the office of the Defence Estates officer, Tezpur Circle, Tezpur.

4.2 That the applicant was initially appointed in the cadre of IDC in the year 26.11.1976 in the office of the Defence Estates officer, Tezpur Circle, Tezpur.

Dr. Lalit Barman (am)

However, the applicant was transferred and posted to the office of the Assistant Defence Estates officer in the year 1994, he has carried out the said transfer order and served at Agartala till January 1999, while serving at Agartala the applicant again transferred and posted back to Tezpur circle, Tezpur, Assam. The applicant is a permanent resident of Vill- Kachri Gaon, Dist- Sonitpur, he belongs to Schedule Tribe Community and as such entitled to privileges and protection granted by the Govt. Of India from time to time.

4.3 That your applicant has two sons and the elder son Sri Nayan Basumatary presently studying Computer Engineering at Kolkata, after completing his B. Tech degree from North East Regional Institute of Science and Technology, Itanagar, Arunachal Pradesh and the younger son Sri Sayan Basumatary is presently studying MBBS course at Guwahati Medical College, Guwahati, as such the applicant required to make huge expenditure for the purpose of smooth continuation of education of his children. The applicant is a low paid group- 'C' employee working in the cadre of the Lower Division Clerk but required to maintain at least three establishments with such meager income.

4.4 That the applicant receipt a movement order bearing Sl. No. 154/06 dated 11.08.2006 in the said D.O Part-II/Movement order it has been directed to proceed to Delhi in connection with filing of a special leave petition, it is also indicated in the said order that probable hold at outstation is three days however he would be able to return to the H.Q on completion of his duties. The applicant also given a liberty to claim TA/DA from CDA, Narengi, Guwahati for the said move as applicable. The applicant immediately after receipt of the movement order submitted his advance TA/DA bill on the same day i.e. 11.08.2006 itself and the said advance TA/DA bill dated 11.08.2006 was duly forwarded by the respondent No. 3 himself for sanction to the office of the CDA, Narangi, Guwahati. However on 14.08.2006 the applicant verbally requested Sri P. Singh D.O, Tezpur Circle for expeditious sanction of TA/DA in order to enable him to move at New Delhi in

Sr. Lalit Basumatary

connection with the Court cases, but surprisingly on the same day Sri P. Singh, respondent No. 3 issued a letter to the applicant and again directing him to move to New Delhi in order to assist him in connection of the court cases and also assured the applicant that he had requested the CDA for immediate release of his TA/DA to enable him to move to New Delhi. It may be noted here at this stage that the applicant was very much available in the office and Sri P. Singh, DEO, Tezpur Circle could have informed the same to the applicant verbally. However the applicant submitted application before the DO, Tezpur Circle on 17.08.2006 in writing whereby, applicant has informed the local head of office that in spite of his best effort he could not arrange money to purchase railway ticket and express his helplessness and further informed that only after receipt of the TA/DA he would be able to move to N. Delhi and the applicant categorically express his willingness to move to N. Delhi to assist the DO, Tezpur Circle but unfortunately the applicant did not receive the TA/DA advance within the time scheduled and as such could not able to move to N. Delhi to assist the respondent No. 3 to filing special leave petition.

(Copy of the letter dated 11.08.2006 and 14.08.2006 is enclosed herewith as Annexure-1 and 2 respectively).

- 4.6 That your applicant further beg to say that after receipt of the representation dated 17.08.2006 the respondent No. 3 without taking any initiative for payment of advance TA/DA rather directed the applicant to attend New Delhi positively on 22.08.2006 vide his letter bearing No. DEO/TZP/PER/142/27 dated 17.08.2006. Such action of the respondent No. 3 itself smacks malafide, it is very much within the power of the respondent No. 3 to arrange the sanction of the TA/DA advance by sending a special messenger to the office of the CDA, Narangi considering the poor financial condition of the applicant. But respondent No. 3 without doing any such financial

Sri Lalit Basu

9 5

arrangement forced the applicant to attend New Delhi to assist him in filing court cases.

(Copy of the representation dated 17.08.2006 is enclosed herewith as Annexure-3)

- 4.7 That most surprisingly the applicant received the impugned DO, Part-II letter bearing Sl. No. 47/2006 dated 19.09.2006, whereby it has been informed to the applicant that consequent upon the posting/transfer order contained in the Principal Director, Defence Estates Kolkata letter No. 360331/LC-1/CON dated 15.09.2006 on his permanent posting from the office of the ADEO, Tezpur Circle to the office of the ADO, Agartala, he is to be relieved of his duties on exigencies of work on Government interest and further directed the applicant to submit his TA/DA advance for his permanent transfer from Tezpur to Agartala failing which he would be relieved in the Govt. interest without the payment of TA/DA advance, but unfortunately the applicant not yet received the impugned transfer and posting order dated 15.09.2006. The applicant further came to learn that the impugned transfer order has been issued by the Principal Director, Defence Estates Kolkata at the instance of Sri P. Singh, Defence Estates officer, Tezpur Circle, Tezpur with a malafide intention, as because the applicant could not report at Delhi as per his instruction due to non receipt of TA/DA bill. It is also learn that respondent No. 3 has influenced and insisted respondent No. 2 for passing of the impugned order of transfer dated 15.09.2006 with an intention to take revenge against the applicant but did not take into consideration of the fact that due to lack of his initiative the applicant could not receive the TA/DA bill from the office of the CDA, Narangi, Guwahati and now in order to punish the applicant, respondent No. 3 manage the impugned transfer order dated 15.09.2006 against the applicant whereby he is now sought to be transferred and posted from Tezpur to Agartala in a far off place in total violation of the provision contained in Govt. of India O.M. dated 20.06.1989

Sr. Lakhit Barman

that too with a malafide intention as such impugned order of transfer and posting is punitive in nature and on that score alone the said impugned order dated 15.09.2006 as well as letter dated 19.09.2006 are liable to be set aside and quashed. It is further prayed that the respondents be directed to produce the impugned letter dated 15.09.2006 before this Hon'ble Tribunal for perusal.

(Copy of the transfer order dated 19.09.2006 is enclosed herewith as Annexure-4).

- 4.3 That the Govt. of India, Department of personnel and training, New Delhi has issued office memorandum bearing letter No. AB-14017/27/89-Estt. (RR) dated 20.06.1989 whereby Govt. authorities are restrained in transferring SC/ST employees in far off places and effort should be made to accommodate them in their home district or at best in the adjacent district for general welfare of the persons belonging to the SC/ST community when the Govt. of India has provided reservation in Central Government services accompanied by various other facilities, concession and relaxation. Similar circular has also been issued by the Indian Railways wherein it has been instructed that SC/ST employees may be transferred and posted in other places very rarely and for very strong reasons only but in the instant case of the applicant he was all of a sudden picked up for posting at Agartala ADEO from Tezpur DEO with a malafide intention and not in public interest, which will cause great hardship, irreparable loss and injury to the applicant and his dependent family members more particularly, it will upset the smooth continuation of the study of his two sons, who are studying in different places. Transfer is a incidence of service but it is not fair to transfer an employee belonging to ST community as such the impugned transfer and posting order dated 15.09.2006 as well as order dated 19.09.2006 are highly unfair, illegal and malafide and same are liable to be set aside and quashed. It is categorically submitted that no one has been posted in place of the applicant till filing of this application.

Sm. Lakhvi Basu

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Copy of the O.M dated 20.06.1989 and 06.07.78 are enclosed herewith and marked as Annexure-5 (Series).

4.9 That your applicant further begs to say that till filing of this application applicant has not yet been released but apprehending release at any moment, as such the Hon'ble Tribunal be pleased to stay operation of the impugned transfer order dated 15.09.2006 as well as letter dated 19.09.06 till disposal of this application. It is humbly submitted that if the impugned transfer order is implemented in that event it will cause irreparable loss and injury to the applicant.

4.10 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 impugned transfer and posting order dated 15.09.2006 as well as 19.09.2006 has been issued with a malafide intention just to harass the applicant, whereby the applicant has been transferred from Tezpur to Agartala and on that ground alone the impugned order dated 15.09.2006 as well 19.09.2006 is liable to set aside and quashed.

5.2 For that, the Govt of India, Department of Personal and Training issued the office Memorandum bearing letter No. AB-14017/27/89-Estt. (RR) dated 20.06.1989 whereby restriction has been imposed in the matter of transfer and posting of the SC/ST employees for the welfare of the members of the said community wherein it has been specifically provided that employees belonging to the category of SC/ST shall not be transferred and posted in a far off places and if the transfer and posting is at all required they should be transferred within their home district or in the nearby district that too rarely and for very strong reasons and the employer i.e the respondents are bound to follow the said instructions issued by the Govt. of India and the impugned memorandum of transfer order dated 15.09.2006 has been issued in respect of

Sr. Lalt Basumatam

the applicant in total violation of the memorandum dated 20.06.1989 and on that score alone the impugned transfer and posting order dated 15.09.2006 as well as letter dated 19.09.2006 are liable to set aside and quashed.

5.3 For that, the two sons of the applicant are studying computer engineering in Kolkata and MBBS course in Guwahati Medical College as such transfer and posting of the applicant will cause irreparable loss and injury to the education of his sons, due to his poor financial condition.

5.4 For that, the applicant being a low paid group "C" employee it will be difficult to maintain any other establishment at Agartala with such a meager amount of pay when his sons are studying in different places.

5.5 For that transfer order is punitive in nature and not in public interest but the same has been issued at the instance of respondent No. 3 with a malafide intention.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

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

The applicant further declares that he 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:

Dr. Lalit Basumatam

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 and posting order bearing letter No. 360331/LC-1/CON dated 15.09.2006 as well as DO, Part-II letter bearing Sl. No. 47/2006 dated 19.09.2006 (Annexure- 4).
- 8.2 That the Hon'ble Tribunal further be pleased to direct the respondents to allow the applicant to continue in his present place of posting i.e. at Tezpur in the same capacity.
- 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 this application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned transfer and posting order bearing letter No. 360331/LC-1/CON dated 15.09.2006 as well as DO, Part-II letter bearing Sl. No. 47/2006 dated 19.09.2006 (Annexure- 4) till disposal of the original application.

Sd/- *Lalit Banerjee*

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- 9.2 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10.

.....
This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 28 G 932340 .
ii) Date of Issue : 12.10.06 .
iii) Issued from : G.P.O. Guwahati .
iv) Payable at : G.P.O. Guwahati .

12. List of enclosures.

As given in the index.

Sri Lakshmi Basu

VERIFICATION

I, Shri Lalit Basumatary, S/o Late Dulal Basumatary, aged about 54 years, resident of J.N. Road, Kachrigaon, Dist- Sonitpur, Assam 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 2nd day of November, 2006.

Sd/- Lalit Basumatary

Annexure-2

D.O PART- II/ MOVEMENT ORDER

UNIT : D.E.O TEZPUR CIRCLE
LOCATION : COLE PARK ROAD, TEZPUR-1
DATED : // AUGUST, 2006

SL. NO. 154/06

Shri L. Basumatary, LDC of this office is hereby directed to proceed to Delhi to contact CAS New Delhi on 21-08-06 (F/N) in connection with filing of SLP against High Court order dated 22.9.2005 in WA 401/95 - Noorbari Tea Co (P) Ltd, Assam Vs UOI & Ors.

The probable halt at out station is days. However, He will return to this HQrs. on completion of duties.

He is authorized to claim TA/DA from the CDA Narangi, Guwahati for the said move as applicable.

Authority :- Govt. of India, Min. of Defence, DG, DE, (ACQ-1) New Delhi letter No. 10/453-A/ACQ/EC/DE Dated 9th August, 2006.

DISTRIBUTION

1. D.O Part -II/ M.O Book
2. The CDA Narangi, Guwahati-71
3. The AAO, Shillong- 01
4. Shri L. Basumatary, LDC - For complians as above.

P. Singh
DEFENCE ESTATES OFFICER
TEZPUR CIRCLE
(P. SINGH)

*Attested
Jm
Aairate*

- 13 -

Annexure - 2

4
v

By Hand

NO.DEO/TZP/ACCTT/2-A/

OFFICE OF THE D.E.O. TEZPUR CIRCLE,

COLE PARK ROAD, TEZPUR - 784001,

DATED : 11 AUG 2006.

To

Shri Lalit Basumatari, LDC
O/O the DEO, Tezpur Circle, Tezpur -1.

Sub:-Temporary Duty Move.


Reference this office M.O. No. 154 dated 11-8-2006.

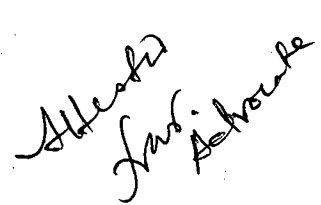
2. On 14. 8. 2006 you mentioned the undersigned that unless advance is given to you to move to Delhi, you will not move (to Delhi) as ordered vide M.O. No. 154 dt. 11-8-2006.

3. Your stand is neither appreciated nor is acceptable .As you have been given the responsibility to attend the legal matter / Court Cases/ the preparing briefs etc. among other responsibilities, therefore it is important that you positively reach the CAS, Hon'ble Supreme Court New Delhi to assist the undersigned who is personally attending CAS supreme Court considering the importance of the case and to safeguard the interest of the Government.

4. Your requisition for TA/DA advance has already been forwarded to CDA Guwahati for their necessary action. Further the undersigned made request to them for release. In any case the TA/DA claim will definitely be paid by CDA Guwahati for your temporary duty move to New Delhi.

5. In view of the above you are directed to reach CAS Hon'ble Supreme Court New Delhi on 22nd August, 2006 without fail along with all connected document, Court orders/ files etc. on Noorbari Tea Estate Case and to assist the undersigned in this issue to C.A.S New Delhi.


Defence Estates Officer,
Tezpur Circle
(P. Singh)



14-
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Annexure-3

NO.DEO/TZP/PER/142/ 27
OFFICE OF THE D.E.O. TEZPUR CIRCLE,
COLE PARK ROAD, TEZPUR - 784001,
DATED : 17 AUG 2006.

To,

Shri Lalit Basumatari, LDC
O/O Defence Estates Officer,
Tezpur Circle, Tezpur - 1

Subject : Temporary duty move to C.A.S. Hon'ble Supreme Court New Delhi.

1. Reference your letter dated 17.8.06.
2. Your ~~declination~~ to arrange for temporary duty move to reach C.A.S. Hon'ble Supreme Court New Delhi on 22nd Aug'2006 on financial ground is not acceptable. On exigencies of duty and to attend the C.A.S. Hon'ble Supreme Court, New Delhi in such an important Court Case which has been attended by you only so far therefore your presence in C.A.S. New Delhi as directed is very much required and is inescapable. You are hereby once again directed to ensure to reach C.A.S. Hon'ble Supreme Court on 22nd August 2006 positively.

Defence Estates Officer
Tezpur Circle
(P. Singh)

Attested
J. S.
Acharya

SI. NO. 47 / 2006.

DATED : 19 SEPT 2006.

Shri Lalit Baskumari, LDC

Consequent upon the Posting/Transfer order contained in the Principal Director, Defence Estates, Kolkata letter No.360331/LC-1/CON Dated 15.09.2006, Shri Lalit Basumatari, LDC on his permanent posting/transfer from the office of D.E.O. Tezpur Circle, Tezpur to office of A.D.E.O. Agartala is to be relieved of his duties on exigencies of work and Govt. interest. Hence, Shri Lalit Basumatari LDC of this office is hereby directed to submit his requisition for TADA advice for his permanent transfer from Tezpur to Agartala immediately, failing which he will be relieved in Govt. interest without the payment of TADA advance.

P. Singh
Defence Estimation Officer
Tezpur Circle
(P. Singh)

Distribution :-

1. D.O. Part-II Book.
2. The Director General, DE, Delhi Cantt., Delhi-10.
3. The Principal Director, DE, HQ, EC, Kolkata - 17.
4. The C.D.A. Narangi, Guwahati-71.
5. The C.D.A. T-Section, Narangi, Guwahati-71.
6. The A.A.O. Shillong-1.
7. The A.D.E.O. Agartala.
8. Shri L. Basumatari, LDC

For immediate compliance as above

One of framing Recruitment Rules or while attending the existing Recruitment Rules, the adverse effect of this measure on the interests of SCs/STs should be clearly brought out on file and specific orders of the Minister-in-charge should be obtained.

4. The interests of Scheduled Castes and Scheduled Tribes are adversely affected also while changing from non-selection method to selection method for promotion. Before making such changes also in respect of Group 'C' or Group 'D' posts, the procedure suggested above should be followed for obtaining the approval of the Minister-in-charge.

5. It is also requested that if any changes of the nature referred to above adversely affecting the interests of Scheduled Castes and Scheduled Tribes have been made in the recent past in Group 'A' or Group 'B' posts/services, the same may kindly be reviewed in consultation with the Department of Personnel and Training.

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G.I., Dept. of Per. & Trg., O.M. No. AB-14017/27/89-Estt. (RR), dated 20-6-1989

Subject:—Examination Centres/Interview Boards for recruitment should be set up where SC/ST candidates are concentrated.

The undersigned is directed to say that a Committee of Members of Parliament, which examined various matters relating to representation of Scheduled Castes and Scheduled Tribes in Government services have made the following recommendation:—

"Recruitment Boards be sent tribal concentration areas such as Santhal Parganas in Bihar where Scheduled Tribe candidates are available in large number." Government have carefully examined the recommendation and have decided as follows:—

- (a) Wherever recruitment is made on the basis of competitive examinations, centres for examination should be set up at all places where a sizeable number of tribal candidates appear at the examination in addition to the usual centres of examination.
- (b) Where selection is made by interview, the Recruitment Boards should be sent to places where there is a concentration of candidates belonging to Scheduled Tribes.

2. These instructions may also be communicated to subordinate formations and recruitment agencies under the control of Ministries/Departments.

60

G.I., Dept. of Per. & Trg., O.M. No. AB-14017/27/89-Estt. (RR), dated 20-6-1989

Subject:—SC/ST candidates recruited for Groups 'C' and 'D' posts, be given posting near their native places.

The undersigned is directed to say that a Committee of Members of Parliament, which examined matters relating to representation of Scheduled

Handwritten signature: H. S. Acharya

54 SWAMY'S—RESERVATIONS & CONCESSIONS IN GOVT. SERVICES

Castes and Scheduled Tribes in Government services, has recommended that tribals should, as far as possible, be posted near their native place.

2) The recommendation has been examined carefully. It may not be possible or desirable to lay down that holders (belonging to SC/ST) of Group 'A' and Group 'B' posts who have All India transfer liability should be posted near their native places. It has, however, been decided that in the case of holders of Group 'C' and Group 'D' posts who have been recruited on regional basis and who belong to Scheduled Tribes may be given posting as far as possible, subject to administrative constraints near their native places within the region.

3. Suitable instructions may also be issued to all subordinate units.

61

G.I. Dept. of Per. & Trg., O.M. No. 36012/6/88-Estt. (SCT), (SRD III), dated 24-4-1990 and No. 36036/8/98-Estt. (Res.) dated 16-3-1999.

Subject: Caste/Tribe certificates issued by the judicial/revenue authorities only to be accepted as proof at the time of initial appointment and not Matriculation Certificate.

It has been brought to the notice of the Government that there are cases in which candidates have produced false caste certificates as belonging to Scheduled Castes/Scheduled Tribes and secured Central Government jobs against vacancies reserved for SCs/STs. Instructions already exist which provide that the services of the candidates claiming to be belonging to SCs/STs would be terminated, if their claims are found to be false on subsequent verification through District Magistrates.

2) At present, the following certificates can be accepted by the Appointing Authorities as sufficient proof in support of candidate's claim as belonging to SC/ST:—

Matriculation or School Leaving Certificate or birth certificate giving the caste/community of the candidate and the place of his residence.

3. It has now been decided that henceforth the certificates as mentioned in Para. 2 above should not be accepted as proof of caste at the time of initial appointment. The Caste/Tribe certificates issued by the following authorities in the prescribed form in Appendix-14 of the Brochure on Reservation for Scheduled Castes/Scheduled Tribes (Seventh Edition) (see Appendix-2) will only be accepted:—

- (1) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/I Class Stipendiary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/ Extra Assistant Commissioner.
- (2) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (3) Revenue Officer not below the rank of Tehsildar; and
- (4) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

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CHAPTER XIII

CONCESSIONS AND FACILITIES ADMISSIBLE TO
SCHEDULED CASTES AND SCHEDULED TRIBES
OTHER THAN IN DIRECT RECRUITMENT AND
PROMOTIONS

13.1. Security Deposits.—Security deposits from Scheduled Tribe candidates for employment on Indian Railways is 50 per cent of the normal security for training. It can be deposited in a lump sum or in instalments after the training actually started.

(Letter No. F(X)1-57-SC4/1 dated 15th November 1957)

13.2. Appointments/Transfers.—(i) At the time of initial appointment, the Scheduled Caste/Scheduled Tribe candidates should as far as practicable, be posted near to their home town or at a place where the administration can provide them with quarters subject to their eligibility. These instructions would equally apply to cases of transfer on promotion provided the post is available.

(Letter No. 78E(SCT)15/25 dated 6th July 1971)

(ii) Subject to the exigencies of service, transfer of Scheduled Castes and Scheduled Tribes employees should be confined to their native districts or adjoining districts or the places where the Administration can provide quarters. They should be transferred very rarely and for very strong reasons only.

(Letter Nos. (i) E(SCT)70CM15/15/3 dated 19th November 1970 and
(ii) E(SCT)74CM15/58 dated 14th January 1975)

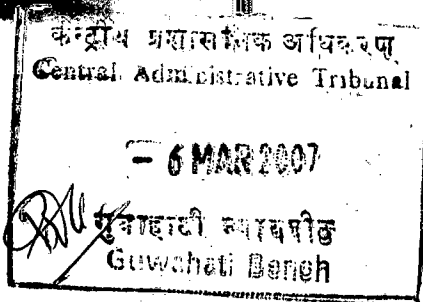
13.3. Pre-Examination Training Courses at the University of Allahabad.—Grant of leave to Scheduled Caste/Scheduled Tribe employees.—Scheduled Caste/Scheduled Tribe employees desirous of joining classes at the above-mentioned Training Centre may take leave (earned leave, etc.) as due to them under normal rules including extraordinary leave.

In cases where the leave due and extraordinary leave is not sufficient to cover the period of training, the General Managers may at their discretion grant extraordinary leave in excess of 90 days in relaxation of Rule 732-R. I.

(Letter Nos. (i) E(SCT)62CM15/14 dated 15th February 1962 and
(ii) E(SCT)62CM9/57 dated 20th February 1963)

13.4. Complaint Register.—So far as complaints and grievances of Scheduled Caste/Scheduled Tribe employees are concerned, a separate Complaint Register should be maintained at various levels. All representations received from reserved community employees containing their grievances and complaints should be entered in this register and necessary action taken judiciously and

*Attested
Law Advocate.*



1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO. 272/2006

Shri Lalit BASumatari

... Applicant

-Versus-

Union of India & others

.... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 1 to

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

1(a) That I am... *For... Puspendra Singh... I.D.K.S...*
Defence... Estates Officer, Tezpur C.A.C., Tezpur...
.....and respondent No. 3 and 4... in the
above case. I have gone through a copy of the application served on me and have
understood the contents thereof. Save and except whatever is specifically
admitted in this written statements, the contentions and statements made in the
application and authorized to file the written statement on behalf of all the
respondents.

- (b) The application is filed unjust and unsustainable both facts and in law.
- (c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.
- (d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.
- (e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision

Filed by

- Mohin Kool-Din Ahmed

Case
06/03/07

taken by the Respondents, against the applicants had suffered from vice of illegality.

2) That with regard to the statement made in paragraph 1 to 4.2 of the OA, the respondents do not admit anything contrary to the case. The statements, which are not borne on records, are denied and the applicant is put to the strictest proof thereof.

3) That with regard to the statement made in paragraph 4.3 of the OA, the answering respondents beg to submit that the statements, which are not borne on records, are denied. This office is not fully aware of the averments mentioned in the paragraph as the applicant verbally has mentioned to his office colleagues in past that his one son transferred in the CBI and is posted in Kolkatta, whereas in the para 4.3 he has stated that his son is studying in Kolkata. Therefore, the facts may kindly be verified.

4) That with regard to the statement made in paragraph 4.4 of the OA, the answering respondents while denying the contentions made therein beg to submit that the applicant is falsely correlated an administrative action of his being transferred to Agartala vide the orders contained in PD, DE, EC letter No. 360331/LC-1/CON dated 15.9.2006 and the consequent D.O. Part-II order No. 47/2006 dated 19.9.2006, with his action of disobediendly not moving to Delhi in the case of filing of SLP in Hon'ble Supreme Court vide movement order No. 154/06 dated 11.8.2006.

It is pertinent to mention here that the applicant was transferred in consequence of an administrative action arising out of official requirements. His transfer to Agartala arose to fill the vacancy in ADEO office Agartala, arising due to the transfer of one of the L.D.C., Shri A. K. Pathak of the office of A.D.E.O. Agartala to DEO Jorhat. The transfer of the applicant Shri L. Basumatari arose due to the transfer of Shri A. K. Pathak is evident from the impugned transfer order No. 360331/LC-1/CON dated 15 Sep 2006 (Annexure-A) of Principal Director Defence

Estates, Eastern Command, Kolkatta. It is also pertinent to mentioned here that as a few months before one L.D.C.- Shri Bishnu Das was transferred from D.E.O. Guwahati to D.E.O. Tezpur vide PD, DE, EC letter No. 360009/Transfer Policy/LC-1/5 dated 24.5.2006 (Annexure-B) after Shri Das's continued posting since his date of appointment in the office of D.E.O. Guwahati therefore a LDC was sent from DEO Tezpur to ADEO Agratala.

Copies of the letter dated 15 Sep 2006 and the letter dated 24.5.2006 are annexed herewith and marked as Annexure- A and B respectively.

Thus, it is evident from the above said discussion that the applicant's transfer to Agartala is product of a chain transfers that Shri Bishnu Das transferred from D.E.O. Guwahati to D.E.O. Tezpur, Shri A.K. Pathak transferred from A.D.E.O., Aragratala to D.E.O. Jorhat and Shri L. Basumatari (the applicant) transferred from D.E.O. Tezpur to A.D.E.O. Agartala. The chain had started much before the said movement order around which the applicant is falsely knitting his arguments so that he avoids the necessary administrative action of the process of his transfer to Agartala.

In fact the applicant twice in past also avoided his transfer to other station outside Tezpur. In the years 2000 and 2003 twice he was promoted and transferred to DEO Secunderabad vide Director General Defence Estates New Delhi (DGDE) order No. 102/195/ADM/DE dated 22.9.2000 and then again vide DGDE order No. 102/195/ADM/DE/LDC-UDC dated 24.12.2003. But vide his letter No. Nil Dated 01.8.2001 and vide his letter no. Nil dated 16.1.2004 he represented on medical ground that time and avoided his transfer outside Tezpur. This time he is misusing the process of law by way of false correlating one movement order, which he did not follow to his transfer to Agartala (Copy enclosed)

However, if all Central Government employees prefer not to serve outside their hometowns the administration will collapse eventually.

In the exigencies of service the filing of appeal/S.L.P. is beyond the control of the office. It is required that the dealing hands of the office attend the Govt. duty efficiently and with commitment. The temporary duty move of the applicant was time bound, his requisition of advance as per procedure delivered under letter No. DEO/TZP/ACCIT/2/17 dated 11.8.2006 to C.D.A. Narengi, Guwahati by hand on the same date. The C.D.A. Guwahati vide their cheque slip dated 11.8.2006 i.e. on the same date, passed the temporary TA/DA advance for Rs. 3,600/-, but due to late dispatch of the cheque by the C.D.A. Guwahati to the banker at Tezpur the amount was found credited on 31.8.2006 which could not be paid before the move. Although the applicant knew that his move was necessary as he was the only employee dealing with the case as the concerned dealing hand. Being a local employee in the station could have arranged that sum of money for the time being if money was any issue at all.

Copies of the letter dated 11.8.2006 and C.D.A. Guwahati Cheque Slip dated 11.8.2006 are annexed herewith and marked as Annexure- 'C' and 'D' respectively.

Although it is a fact that issue of TA/DA advance from C.D.A. Guwahati in most of the cases are delayed. But all officer and the employees of the office of D.E.O., Tezpur move to attend the Govt. duty on their own without TA/DA advance month after month in hostile places like Arunachal Pradesh and in far off places like Delhi and make the final claim of the TA/DA after the completion of the duties so that the Govt. interest is not jeopardized. The said M.O. dated 11.8.2006 was given to the applicant, as he was the only person who has been attending the Guwahati High Court, therefore he was given order to proceed to Hon'ble Supreme Court along with the DEO to assist the filing of S.L.P., but the reasons known to him only he was reluctant to proceed to Delhi for filing of S.L.P. in the said case involving M/S Noorbari Tea Co.

However, as such his story of non-payment of TA/DA advance cannot be related to his instant posting/transfer.

The said M.O. though shows his delinquentness and disobedience to his superior authorities who had ordered in Govt. interest to move to Delhi to assist the filing of S.L.P. against one M/S Noorbari Tea Estate in which the Union of India has lost in Hon'ble High Court Guwahati which was being attended by the applicant but not related with his instant transfer.

As has been submitted above the transfer of the applicant has arisen due to administrative necessities. If the applicant does not join the A.D.E.O. Agartala then not only the other Central Govt. employees of this Deptt. Will be encouraged to misuse the process of law for their personal gain and convenience, but the Govt. interest will also be heavily jeopardized. Shri A.K. Pathak has already been relieved to join D.E.O. Jorhat and there is vacancy of L.D.C. in the A.D.E.O. Agartala where incidentally numerous court cases against the Govt. are in process. If the applicant does not join in office of ADEO Agartala the Govt.'s interest will severely and irreparably suffer.

5) That with regard to the statement made in paragraph 4.5 of the OA, the answering respondents while denying all allegations made therein beg to submit that considering the importance of the case, which was attended by the applicant, and he was the only employee in the office conversant with the case, he was required to assist in filing the SLP. But it is again submitted that his transfer has no relation to the temporary duty.

Had there been any intention of the competent authority to punish him for disobeying the written order then necessary action under CCS (Conduct) Rules might have taken against him. But there was no intention to punish the applicant but the intention is to make necessary arrangement of an LDC to the office of ADEO Agartala from where an LDC has been transferred to DEO Jorhat.

6) That with regard to the statement made in paragraph 4.6 of the OA, the answering respondents while reiterating and reaffirming the

statement made in paragraph 4 (reply to the paragraph 4.4 of the OA) beg to submit that the applicant has made false observations that no initiative was made by the respondents No. 3 and 4 to get his TA/DA advance. As stated at paragraph 4 above as well as the respondent No. 4 sent a messenger to deliver the TA/DA voucher of the applicant to CDA, Narengi, Guwahati with the request to immediately issue the TA/DA advance by hand. The CDA Guwahati passed the advance the same date but it did not send the cheque of the TA/DA advance to both of them i.e. the applicant and the defendant No. 4 ^{the defendant No. 4} to safeguard the Govt. interest proceeded to Delhi without TA/DA advance for filing of the SLP, so that Govt. interest is safeguarded where as the applicant was most reluctant to safeguard the Govt. interest and very conveniently disobeyed the written order.

7) That with regard to the statement made in paragraphs 4.7 of the OA, the answering respondents beg to submit that posting/transfer of Group 'D' and 'C' staff in Eastern Command is the jurisdiction of the Principal Director, Director, Defence Estates, Eastern Command, Ministry of Defence, Kolkata-17 (PDDE) for adjustment of staff and vacancies. The DEOs are not related with the posting/transfer of Group- 'C', 'D' staff nor the same are made on the recommendations of the DEO. It is an administrative arrangement of the PD, DE, EC, Kolkata.

As has been stated in the reply to the para 4 above the applicant has correlated his transfer to Agartala to the said Movement order to Delhi for assisting to file SLP to avoid his transfer outside Tezpur Town and to avoid joining Agartala. As submitted below, in past also twice he avoided joining his place of posting to Secunderabad, that time taking a plea on medical grounds.

On this occasion he is misusing the process of law by way of misrepresenting facts and knitting false arguments before the Hon'ble Tribunal. The Principal Director Defence Estates Eastern Command Kolkata issued the order of transfer vide his letter No. 360331/LC-I/CON dated 15.9.2006 which has already been given to him with the DO part II

Sl. No. 47/2006, latter being the follow up action of the former. The PDDE, EC, Kolkata order No. 360331/LC-I/CON dated 15.9.2006 is annexed herewith and marked as Annexure- 'A'.

Not obeying the said movement order though shows applicant's delinquentness and disobedience to his superior authorities which had ordered in Govt. interest to move to Delhi to assist the filing of SLP against one M/S Noorbhari Tea Estate in which the Union of India has lost in the Hon'ble Gauhati High Court, which was being attended by the applicant but not related to his instant transfer.

Had there been any intention of the competent authority to take punitive action against the applicant for not obeying the movement order then there were enough grounds to initiate actions against him under CCS (Conduct) Rules, 1960. However, the competent authorities took no punitive action so that the applicant himself takes corrective measures on his part.

8) That with regard to the statement made in paragraph 4.8 of the OA, the answering respondents beg to submit that the applicant has been recruited on all India basis and has all India transfer liability. The employees of this Deptt. , therefore, are also paid Special Duty Allowance (SDA) (Annexure-I) when they once posted from outside North Eastern Region (NER) to NER. In fact the applicant has not been transferred to far off place but he is in NER itself. Employees from outside NER are posted in NER and vice versa in the Department.

The Govt. of India, Deptt. Of Personnel and Training, New Delhi O.M No. AB- 14017/27/89-Extt (RR) dated 20.6.1989 (GI-60) referred to as annexure-5 (Series) are in respect of the recruitment of regional basis of Group- 'C' and 'D' employees who belong to SC/ST and not for those who have been recruited on All India transfer liability. Moreover, due consideration has been made to keep the applicant in the N. E. Region though it was not binding per se in D.E. Department. The applicant has used this OM only divert the issue.

Further, the total strength of staff in D.E.O. Tezpur Circle falls under following categories:-

Schedule Tribe - 4 (Four)
 Schedule Caste - 6 (Six)
 O. B. C. - 2 (Two)
 General Caste - 5 (Five)
 Handicapped - 1 (One)

Out of the following are in the post of L. D. C.

S.T. - 2

S. C. - 2

P. H. - 1

General - 1

Thus, the applicant is not the lone employee belonging to the ST/SC Category. Posting/transfer is made considering the work load demanded in a particular office for placement of staff to cope up with keeping in view of their exigencies of service. This organization is a Central Govt. Organization under Ministry of Defence, and the officer and staff of this organization has All India Transfer liability. As such, the applicant has not been posted in far off place since he has ^{been} not recruited on Regional basis. His instant place of posting is in NER only.

Hence, the plea of the applicant is baseless.

9) That with regard to the statement made in paragraph 4.9 of the OA, the answering respondents beg to submit that as has been submitted above the transfer of the applicant has arisen due to administrative necessities. If the applicant does not join the ADEO, Agartala, and the work of the Department will heavily jeopardized. Shri A. K. Pathak has already been relieved to join D.E.O., Jorhat and there is vacancy of L.D.C. in the A.D.E.O., Agartala where incidentally numerous court cases against the Govt. are in process. If the applicant does not join, the Govt. interest will severely and irreparably suffer.

10) That with regard to the statement made in paragraph 4.10 of the OA, the answering respondents beg to submit that the applicant is totally

malafide and has been filed this Original Application for his personal gains while jeopardizing the Govt. interest and therefore the same may kindly be rejected.

11) That with regard to the statement made in paragraphs 5.1 and 5.2 of the OA, the answering respondents beg to submit that as stated prior to posting/transfer order dated 15.9.2006, the applicant on his promotion as U.D.C. vide Govt. of India, Ministry of Defence, DG, DE, New Delhi letter No. 102/195/ADM/DE dated 22.9.2000 was posted to Secundrabad and later again vide Govt. of India, Ministry of Defence, DG, DE New Delhi letter No. 102/195/Adm/DE/LDC-UDC dated 24.12.2003, the applicant was posted on promotion as U.D.C. to D.E.O. Secundrabad. Moreover, the applicant was given the opportunity among others staff of D.E.O. Tezpur to give their choice station of posting on promotion vide Govt. of India, Ministry of Defence, DG, DE, New Delhi letter No. 102/195/ADM/DE dated 16.7.2001 and the then Director, Defence Estates, Eastern Command, Calcutta letter No. 360009/LC-1/XXXII/68 dated 25.7.2001. But the applicant, instead of giving the choice station submitted representation for retention at Tezpur and thus on both occasions the applicant declined promotion and posting/transfer on one pretext or another, as it is learnt that he is running a shop in Tezpur itself and does not want to leave this station even at the cost of jeopardizing Govt. interest. It was clear instruction of the Govt. that declining of promotion/transfer does not entitle them for their retention in the present station.

Accordingly to All India transfer liability condition in this Department and administrative reasons/exigencies, the staff can be transferred any where in India in the public/ Govt. interest.

As such, there has been no malafide intention behind the transfer order of the applicant from Tezpur to Agartala. Moreover he has been transferred in the NER only, it should be executed upon the applicant in the public/ Govt. interest.

12) That with regard to the statement made in paragraph 5.3 of the OA, the answering respondents beg to submit that as per the policy of the Govt. posting/transfer of the employees are related to their respective job and had to be carried out in public and Govt. interest for effective administration and there is no place for lame excuses. The applicant has stated that while residing at Tezpur he maintains three establishments, on his joining to ADEO, Agartala, his establishments will remain same. Thus, how does he would be bearing additional loss?

Further, since he has already claimed his permanent transfer TA/DA advance for his family to move to Agartala and has also claimed one-month advance salary for impugned transfer. Both the amounts - permanent transfer TA/DA and one month advance have been credited to his State Bank of India Tezpur Main Branch Acctt. No. 10501732420 on dated 31.10.2006 and dated 06.11.2006 respectively (after receiving the same from AAO Shillong and CDA Guwahati).

Copies of the applications of the applicant claiming one month salary and permanent transfer TA/DA advance are annexed herewith as E and F respectively and the copies of the cheque slips of the advance salary and the permanent transfer TA/DA advance are also annexed herewith as Annexure G and H respectively.

13) That with regard to the statement made in paragraph 5.4 and 5.5 of the OA, the answering respondents while denying the contentions made therein beg to submit that when the employee will move to Agartala his number of establishment will remain same. His pleas are hollow and lame excuses only. The transfer order issued by the administrative authority is in the Govt. interest and not at the stance of the respondent No. 3 and 4. The allegation is baseless and only to avoid his transfer to Agartala.

As has been submitted above the transfer of the applicant has arisen due to administrative necessities. If the applicant does not join the A.D.E.O., Agartala then the Govt. interest will be heavily jeopardized. Shri A.K. Pathak has already been relieved from ADEO, Agartala to join DEO Jorhat and there is vacancy of L.D.C. in the ADEO, Agartala where incidentally numerous court cases against the Govt. are in process. If the applicant does not join, Govt. interest will severely and irreparably suffer. In the larger perspective as well in the present times when the public expect that Govt. employees come up to the efficiency level of the corporate world, if examples like the instant application succeed the administration itself will collapse eventually.

14) That with regard to the statement made in paragraph 6 of the OA, the answering respondents beg to submit that the present application is merely a tactics of the applicant to mislead the Hon'ble Tribunal and to get time for retention in the present station. On his earlier transfers the applicant filed representation before the Department. This time he has approached the Hon'ble Tribunal without filing representation to the Department. Hence the present OA is not maintainable.

15) That with regard to the statement made in paragraph 7 of the OA, the answering respondents beg to offer no comment.

16) That with regard to the statement made in paragraph 8.1 of the OA, the answering respondents beg to submit that the Hon'ble ^{Tribunal} may be pleased to consider the administrative exigencies dismissing the present OA.

17) That with regard to the statements made in paragraphs 8.2 of the OA, the answering respondents beg to submit that the Hon'ble Tribunal be pleased to direct the applicant to proceed to Agartala to his new station of posting in Govt. interest.

18) That with regard to the statement made in paragraphs 8.3 and 8.4 of the OA, the answering respondents beg to submit that the applicant is not entitled to get any relief as sought for in the present application. Any

other action against the applicant for wasting the valuable time of the Hon'ble Tribunal for his personal gains and putting up false averments before the Hon'ble Tribunal, for this reasons only the Hon'ble Tribunal my pleased to dismissed the OA with cost and/or any other order/orders as may the Hon'ble Tribunal be deemed fit and proper.

19) That in view of the facts and circumstances narrated above and the submission made by the respondents the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

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- 13 -

VERIFICATION

I Raspendra Singh, I.D.E.S......, aged
about 27 years at present working as
Defence Estates Officer, Tezpur Circle, Tezpur,

Assam..., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

1, 2, 14 to 19 are true

to my knowledge and belief, those made in paragraph

2 to 13 being matter of records, are

true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 10th day of January 2007 at Gumti.

DEPONENT

Raspendra Singh
एक्षा सम्पदा अधिकारी
तेजपुर मंडल
Defence Estates Officer,
Tezpur Circle

No. 360331/LC-1/CON

NO. 360331/LC-1/CON
Directorate of Defence Estates
Min. of Defence, Eastern Command
13, Camac Street (7th floor)
Kolkata - 700 015 Dt. 15 Sept. 2006.

AMEX-11

14-06

The Defence Estates Officer
Tezpur Circle / Jorhat Circle

The ADEO
Agartala

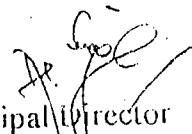
Subject : Posting/Transfer : Group 'C' Clerical Staff.

It has been decided to make the following posting / transfers :

	Name (S/Shri)	From	To	Remarks
(a)	Sri AK Pathak, LDC	ADEO Agartala	DEO Jorhat	Against the existing vacancy.
(b)	Sri L. Basumatari, LDC	DEO Tezpur	ADEO Agartala	Vice Sh. AK Pathak transferred

2. The above officials may be relieved of their duties immediately after payment of TA/DA advance.

3. The dates (FN/A/N) of relinquishment/assumption of duty by the officials shall be intimated to this Dte. after the event.


Principal Director
Defence Estates
Eastern Command

Copy to :

1. The DG. DE. Delhi Cantt.
2. The Joint Director, DE, Shillong
3. The CDA, Guwahati
4. The AAO Shillong

Internal Case file No. 360009/LC-1
No. 360009/LC-1/Rep
No. 360060/LC-1

15- Annex B1
Spec. Post

Fo. 360009/Transfer Policy/LC-1/5
Directorate of Defence Estates
Ministry of Defence, Eastern Command
13, Camac Street (7th floor)
Kolkata-700017, Dt: 24 May, 2006

To

The DEO Guwahati
Guwahati Circle
Guwahati-781003

SUB: TRANSFER POSTING IN RESPECT OF GROUP 'C' & 'D' STAFF

Under the power delegated to the Principal Director vide DG DE New Delhi letter No.102/195/ADM/DE/LDC-UDC/2003 dated 25 Nov 2005, Shri B. Das LDC in the office of DEO Guwahati is transferred and posted to the office of DEO Tezpur against the existing vacancy of LDC.

2. The date of relinquishment/assumption of duties may please be intimated to this Directorate immediately after the event.

Principal Director
Defence Estates
Eastern Command

Copy to :-

1. The DG DE New Delhi
2. The DEO Tezpur Circle
3. The CDA Guwahati
4. The AAO Shillong
5. Float Copy

Internal:

1. Case File No.360009/REP/LC-1
2. Case File No.360060/LC-1



Office of DEO, Tezpur Circle	
File No.	218
Date	01/06/06
Adm.	JS
DDO	
CS	30/5
SD - I	
SD - II	
SDO-III	
UDC, LDC	

02.
5-
30.5.2006

NO. 102/195/ADM/DC
Government of India,
Ministry of Defence,
The General Defence Estates,
West Block-4, R.K. Puram,
New Delhi - 110066.

Dated the 22 Sep., 2000.

To

The Principal Director/Director,
Defence Estates, Ministry of Defence,
Central/Southern/Eastern/Western/Northern Command/NIDEM
LUCKNOW/PUNE/CALCUTTA/CHANDIGARH/JAMMU/DELHI CANTONMENT.

Subject : PANEL FOR PROMOTION FROM UDC TO T.A. AND FROM LDC TO UDC CONSEQUENTIAL PROMOTION/TRANSFER/POSTING IN DEFENCE ESTATES ORGANISATION.

A D.P.C. was held to recommend the name of UDC and LDC for promotion to the post of TA (Pay scale Rs.5000-150-8000) and UDC (Pay scale Rs.4000-100-6000) respectively in Defence Estates Organisation. The panel drawn by the DPC and approved by the competent authority is circulated as under :-

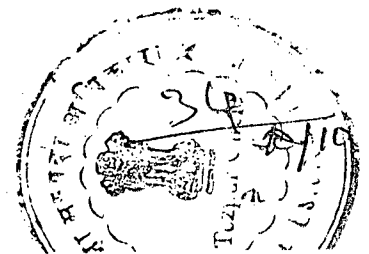
REGULAR PANEL OF TA

1. D.B. Nalkande (Since retired on 30-6-2000)
2. A.N. Mondal
3. U.N. Sharma
4. Mohd. Shamimuddin
5. O.P. Sharma
6. J.C. Mishra
7. Gauri Shanker
8. J.N. Gupta
9. Smt. V. Visalakshi
10. Ram Saran Saxena
11. K. Sukumara Menon
12. Dulal Chandra Sharma

RESERVE PANEL OF TA

1. N.C. Saha
2. Ramanuj Goswami
3. Smt. Santamma Kurup
4. Smt. Suresh. Mahrotra
5. K.L. Passi
6. N. Mani Prakash
7. V.T. Pandhi
8. J.C. Acharya
9. Smt. Rakha Rakshit
10. U.D. Deshpande

✓ DEO, Terapur



65
22/9/10

22/9/10

REGULAR PANEL OF UDC

- 49 //
1. C. S. Kamble
 2. Smt. Philomina Mondal
 3. Smt. Sadhan Chakroborty
 4. Chandra Kant Das
 5. Smt. A. K. Murmu
 6. Smt. Susama Mukherjee
 7. J. Sanchowra
 8. R. A. Sharma
 9. Abdul Rashid
 10. P. Vasundarani
 11. Vijay Kumar Sood
 12. Satvir Singh Yadav
 13. Smt. Sandhya Saha
 14. Smt. Prem Lata
 15. Shankar Mo Chowdhury
 16. Jayaram Pathak
 17. Tarsem Lal
 18. Lalit Basumatari
 19. D. Yadiiah
 20. Kum. Asha Lata D. Chavan
 21. Smt. Madhuri Mukand Potnis
 22. Kuldip Singh
 23. Ram Jiyawan
 24. S. K. Ghosh
 25. G. T. Gaikwad
 26. Smt. Anjali Tarun Sagohi
 27. Govind Bhatnagar
 28. Chhatra Pal

RESERVE PANEL OF UDC

1. R. A. Shah
2. Smt. Herbhajan Geherwal
3. Ishwar Dass
4. Harvinder Singh
5. P. J. Alat
6. Sunder Shyam
7. Smt. Alokanda Sengupta
8. Smt. Sundershan Gupta
9. Rajinder Singh
10. D. D. Gite
11. Smt. Laxmi Bai Jharla
12. Smt. Usha Kuldip Kaura
13. M. Appa Rao
14. P. K. Sidhanta

2. Consequent to the above and with the approval of the competent authority the following UDCs are promoted as TA and posted as under :-

<u>Sl. No.</u>	<u>Name</u> <u>S/Shri</u>	<u>From</u>	<u>To</u>
1.	A. N. Mondal	DEO Calcutta	DG DE
2.	U. N. Sharma	DEO Jorhat	Dte DE NC Jammu
3.	Mohd. Shamimuddin	DEO Danapur	Dte DE WC Chandigarh

Sl. No. Name

From

To

1. S.S.Kamble Sub-Office Ahmednagar (DEO Pune) DEO Mumbai
2. Smt.Philomina Mondal DEO Calcutta ADEO Agartala
3. Smt.Sadhan Chakroborty DEO Calcutta ADEO Agartala
- ✓ 4. Chandra Kant Das DEO Tezpur DEO Mumbai
5. Smt.A.K.Murmu DEO Calcutta DEO Vizag
6. Smt.Susama Mukherjee Dte DE EC Calcutta DEO Vizag
7. J.Sanchowa DEO Jorhat DEO Ahmedabad
8. R.A.Sharma DEO Agra DEO Secunderabad
9. Abdul Rashid Dte DE CC Lucknow DEO Bangalore
10. P.Vasundaran DEO Chennai DEO Bangalore
11. Vijay Kumar Sood Dte DE WC Chandigarh DEO Meerut
12. Satvir Singh Yadav DEO Jaipur DEO Mhow
13. Smt.Sandhya Saha DEO Calcutta DEO Allahabad
14. Smt.Prem Lata Dte DE WC Chandigarh DEO Ambala
- ✓ 15. Shankarmo Chowdhury DEO Tezpur DEO Pathankot
16. Jayaram Pathak DEO Jorhat ADEO Karwar
17. Tarsem Lal DEO Jallandhar ADEO Port Blair
- ✓ 18. Lalit Basumatari ADEO Agartala DEO Secunderabad
19. D.Yadiah DEO Secunderabad DEO Mumbai
20. Kum Asha Lata D.Chavan DEO Pune Dte DE SC Pune
21. Smt.Madhuri Mukand Potnis DEO Pune DEO Pune
22. Kuldip Singh DEO Pathankot DEO Jammu
23. Ram Jiyawan DEO Lucknow DEO Jabalpur

4. The officials promoted and posted vide para 2 and para 3 above shall submit their acceptance/refusal of promotion to this Dte General within 15 days of receipt of this order. It may be brought to the notice of the officials that declining of promotion/transfer does not entitle them for their retention in the present station. According to all India Service liability condition and administrative reasons/exigencies, the staff can be transferred anywhere in India in public interest.

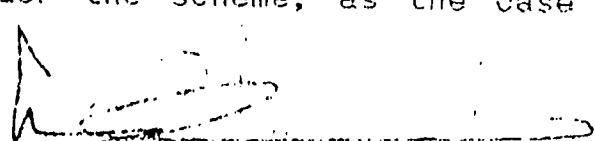
5. The above officials who accept the promotion may be relieved of their duties immediately after payment of TA/DA Advance.
REPRESENTATIONS REGARDING CHANGE OF STATION OF POSTING WILL NOT BE ENTERTAINED.

6. The above officials have been promoted to the post carrying duties and responsibilities of greater importance than the post held by them; as such they will have the option to get their pay fixed from the date of promotion or on the date of accrual of next increment in the lower post.

7. The dates (FN/AN) of relinquishment/assumption of duties shall be intimated to this Dte General immediately after the event.

8. Principal Directors/Directors are requested to ensure that communication regarding acceptance/refusal of promotion reaches this Dte General within 30 days of issue of this order failing which it would be deemed that the official has refused promotion and the next official in the panel will be promoted.

9. IMPORTANT INSTRUCTIONS :- It may be brought to the notice of all concerned employees that while accepting the benefit of ACP, they deemed to have given their unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case now they refuse to accept the higher post on regular promotion, they shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard adversely affecting the ACP granted and also their eligibility for second financial Upgradation under the scheme, as the case may be.


for Director General
Defence Estates

Copy to :-

The Joint Director, DE, Shillong.

All concerned DEO/ADEO.

The CDA Central/Eastern/Western/Northern/Southern Commands
LUCKNOW/CALCUTTA/CHANDIGARH/JAMMU/PUNE.

The CDA Hqs, 'G' Block, New Delhi-110011.

ADG (Coord).

CAO/A-2(B).

CAO/Move.

The General Secretary, AIDEA, C/o DEO Lucknow.

(2) (3)

- 20 -

No. 102/195/Adm/DE/ LDC-UDC
Government of India,
Ministry of Defence (DGDE)
West Block -IV, R.K. Puram,
New Delhi -110066.

Dated 24 December, 2003.

To,

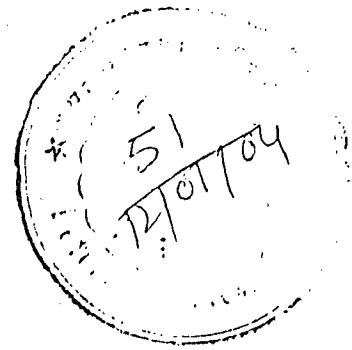
The Principal Director/Director,
Defence Estates,
Central/Southern/Eastern/Western/Northern/NIDEM
Lucknow/Pune/Kolkata/Chandigarh/Jammu/Delhi Cantt.

SUB: PANEL FOR PROMOTION FROM LDC TO UDC (GROUP 'C' NON - GAZETTED) IN THE PAY SCALE OF RS. 4000-100-6000 AND CONSEQUENTIAL PROMOTION/TRANSFER- POSTING IN DEFENCE ESTATES ORGANISATION.

A DPC was held to recommend the names of Lower Division Clerks for promotion to the post of Upper Division Clerks in the pay scale of Rs. 4000-100-6000 in Defence Estates Organisation. The Panel drawn by the DPC is circulated as under:-

REGULAR PANEL

Sl. No.	Name (S/Shri)
1.	S.S. Kamble, (SC)
2.	Smt. Philomina Mondal, (ST)
3.	Sadhan Chakraborty.
4.	Chandrakanta Das, (SC)
5.	Smt. A.K. Murmu, (ST)
6.	Smt. Sushama Mukharjee
7.	R.A. Sharma
8.	P. Vasundharan
9.	Satvir Singh Yadav
10.	Smt. Sandhya Saha
11.	Gurdial Chand, (SC)
12.	Shankarmoy Choudhary
13.	Jairam Pathak, (SC)
14.	Tarsem Lal, (SC)
15.	Lalit Basumatari, (ST)



(Contd. P/2)


53

Sl. No.	Name (S/Shri)
16.	D.Yadlah (ST)
17.	R.A. Shah
18.	Smt. Harbhajan Geherwar
19.	Ishwar Dass, (SC)
20.	Sunder Shyam
21.	Smt. Alokanda Sengupta
22.	R.N. Mandal
23.	Vishal Walia
24.	Badrinath (OBC)
25.	Smt. K. Aarathi, (SC)
26.	Satish Sharma
27.	Smt. Jaswinder Kaur (SC)
28.	Vinod Sharma
29.	M. Murugan, (OBC)
30.	Tota Ram
31.	Puttan Lal
32.	Ajay Kumar
33.	Smt. Veena Kumar, (SC)
34.	R.K. Maurya, (OBC)
35.	Smt. Ritu Sharma
36.	S.V. Borawar (P/H)
37.	Smt. Madhavii Bhargava
38.	Bishwanath Prasad

RESERVE PANEL

Sl. No.	Name (S/Shri)
1.	Smt. Sudershan Gupta
2.	Rajinder Singh, (Ex-S)
3.	D.D. Gite
4.	Smt. Lakshmi Bai Jharia, (SC)
5.	Smt. Usha Kuldip Kaura
6.	M. Appa Rao, (SC)
7.	U.K. Saikia
8.	P.C. Barman, (ST)
9.	Smt. Suman Bala
10.	Kum. G. Vara Lakshmi, (OBC)

(Contd. P/3)



Consequent to the above, the following LDCs are promoted on regular basis as UDCs and posted as under:-


Sl. No.	Name S/Shri	From	To	Remarks
1.	S.S. Kamble, (SC)	Sub-office Ahmednagar	DEO Pune	Against existing vacancy
2.	Smt. Phillomina Mondal, (ST)	DEO Kolkata	DEO Kolkata	Vice Shri A.N. Mondal, UDC retiring on 31.12.03
3.	Sadhan Chakraborty	DEO Kolkata	DEO Secunderabad	Against existing vacancy
4.	Chandrakanta Das, (SC)	DEO Tezpur	ADEO Agartala	Against existing vacancy
5.	Smt. A.K. Murmu, (ST)	DEO Kolkata	DEO Vishakhapatnam	Against existing vacancy
6.	Smt. Sushama Mukharjee	DEO Kolkata	ADEO Agartala	Against existing vacancy
7.	R.A. Sharma	DEO Agra	DEO Jabalpur	Against existing vacancy
8.	P. Vasundharan	DEO Chennai	DEO Chennai	Against existing vacancy
9.	Satvir Singh Yadav	DEO Jaipur	DEO Bikaner	Against existing vacancy
10.	Smt. Sandhya Saha	DEO Kolkata	DEO Danapur	Against existing vacancy
11.	Gurdial Chand, (SC)	DEO Ambala	DEO Bikaner	Against existing vacancy
12.	Shankarmoy Choudhury	DEO Tezpur	DEO Jorhat	Against existing vacancy
13.	Jairam Pathak, (SC)	DEO Guwahati	DEO Tezpur	Against existing vacancy
14.	Tarsem Lal, (SC)	DEO Jalandhar	DEO Bangalore	Against existing vacancy
15.	Lalit Basumatari, (ST)	DEO Tezpur	DEO Secunderabad	Against existing vacancy
16.	D.Yadiah (ST)	DEO Secunderabad	DEO Bangalore	Against existing vacancy
17.	R.A. Shah (P/H)	DEO Pune	Dte DE, SC, Pune	Against existing vacancy
18.	Smt. Harbhajan Geherwar	DEO Delhi	Dte. NIDEM, New Delhi	Against existing vacancy

(Contd. P/4)

Sl. No.	Name S/Shri	From	To	Remarks
19.	Ishwar Dass, (SC)	DEO Chandigarh	DEO Pathankot	Against existing vacancy
20.	Sunder Shyam	DEO Delhi	DEO Meerut	Against existing vacancy
21.	Smt. Alokanda Sengupta	DEO Kolkata	Dte DE, WC, Chandigarh	Against existing vacancy
22.	R.N. Mandal	Dte NIDEM	DGDE HQ, New Delhi	Against existing vacancy
23.	Vishal Walia	DEO Delhi	DGDE HQ, New Delhi	Against existing vacancy
24.	Badrinath (OBC)	DEO Allahabad	Dte DE, CC, Lucknow	Against existing vacancy
25.	Smt. K. Aarathi, (SC)	DEO Bangalore	DEO Bangalore	Against existing vacancy
26.	Satish Sharma	Sub-office Rajouri	DEO Jalandhar	Against existing vacancy
27.	Smt. Jaswinder Kaur (SC)	Dte DE, WC, Chandigarh	Dte DE, WC, Chandigarh	Against existing vacancy
28.	Vinod Sharma	DEO Delhi	DEO Ambala	Against existing vacancy
29.	M. Murugan, (OBC)	DEO Chennai	ADEO Cochin	Against existing vacancy
30.	Tota Ram	Dte DE, WC, Chandigarh	DEO Bareilly	Against existing vacancy
31.	Puttan Lal (OBC)	DEO Allahabad	DEO Ahmedabad	Against existing vacancy
32.	Ajay Kumar	DEO Bikaner	DEO Chennai	Against existing vacancy
33.	Smt. Veena Kumar, (SC)	DEO Pathankot	DEO Pathankot	Against existing vacancy
34.	R.K. Maurya, (OBC)	DEO Allahabad	ADEO Port Blair	Against existing vacancy
35.	Smt. Ritu Sharma	DEO Delhi	DEO Delhi	Against existing vacancy
36.	S.V. Borawar (P/H)	DEO Pune	DEO Pune	Against existing vacancy
37.	Smt. Madhavi Bhargava	DEO Secunderabad	DEO Secunderabad	Against existing vacancy
38.	Bishwanath Prasad	DEO Danapur	DEO Mumbai	Against existing vacancy

(Contd. P/5)

3. If any of the above said official is not willing to accept the promotion and Transfer, he/she be informed that he/she has to bear the consequences to such refusal as per existing Govt. orders/Policy and will also not be entitled for upgradation under ACP Schemes.
4. It may also be brought to the notice of the officials that, declining of promotion/transfer does not entitle them for their retention in the present station. According to All India Service Liability condition and administrative reasons/exigencies, the staff can be transferred any where in India in public interest.
5. The above officials may be relieved of their duties immediately after payment of TA/DA advance. Representation regarding change of station of posting will not be entertained.
6. The dates(FN/AN) of relinquishment/assumption of duties shall be intimated to this Dte. General Immediate after the event.
7. Principal Directors/Director are to ensure that the communication regarding acceptance of promotion should reach this Dte. General within 30 days of issue this order failing which, it would be deemed that the official has refused promotion and the next in the panel will be promoted.


For Director General
Defence Estates.

Copy to:-

1. PCDA HQrs 'G' Block, New Delhi.s
2. The PCDA/CDA
Central/Southern/Western/Northern/Eastern/North Eastern.
Lucknow/Pune/Chandigarh/Jammu/Patna/Kolkata/Guwahati.
3. DEOs Concerned. *Tezpur*
4. CAO/A-2(B)
5. CAO(Move)
6. DGDE, Coord.
7. The General Secretary, AIDEEA, C/O DEO, Lucknow Circle.

25 -

X

The Director-General
Defence Estates, Govt. of INDIA,
Min. of Defence R.K. Puram
NEW DELHI - 65.

(THROUGH PROPER CHANNEL).

Subject :- SUBMISSION OF PRAYER PETITION REGARDING
POSTING/TRANSFER IN RESPECT OF SRI
BASUMATARI, IDC (ET) OF D.E.O. TEZPUR OFFICE
ON MEDICAL GROUNDS.

Respected Sir,

Reference Dir-Genl., DE New Delhi letter No. 1021/195/
ADN/DE dated 16-7-2001.

2. Most humbly and respectfully I would like to request
your goodness in the matter of posting/transfer vide Dir-Genl., DE
New Delhi letter cited under reference for your kind and sympathetic
consideration please.

- i) That Sir, following your posting/transfer order
No. 102/195/ADN/DE dated 11-8-1997, I reported for
duty in the office of A.D.E.O. Agartala without any
objection.
- ii) That Sir, the above said posting and transfer had
thrust me into distressed condition besides caring
of my mother on 10-8-1998.
- iii) That Sir after joining in the office of A.D.E.O.
Agartala I performed my duty very sincerely and
after completing 4½ (four and half) years of
service your Hqs-Genl was pleased to transfer me
from ADEO, Agartala to DEO, Tezpur considering my
various problems.
- iv) That Sir, as per ibid order I had joined in this
office (DEO, TEZPUR) only on 11-8-1997. But as
it is in records that though the Deptt had trans-
ferred me without promotion I joined in the office
of ADEO, Agartala. Now Deptt wants to give me promo-
tion from IDC to UDC, but it is my unfortunate
that due to my physical disorder I am not in a posi-
tion to accept the promotion.
- v) That Sir, from last three years I am suffering from
some internal diseases viz high blood pressure, Diabetes
etc and as a result my health condition
is deteriorating day by day. At present I am under
treatment. That Sir, as a proof of my illness I
would like to mention some incidents. That Sir I was
suddenly fall down in front of the Head Post Office
at Agartala in the month of March/1998 and again
Gurabati bus station in the month of July/2000 when
I was accompanied with present D.E.O. Tezpur on tem-
porary duty. So, in this health condition it is to-
tally impossible for me to travel a long distance
taking the risk of my life which is dangerous.

Contd on page 24

- vi) That Sir, after consultation about my present health condition the concerned Doctor has advised that generally people are suffering from high blood pressure, diabetes and therefore have to control tension and depression for which some medicine is given. This is medically termed as stress. As such in order to get relief from tension, it is necessary for me to avoid the elements which cause tension, irritation/depression.
- vii) That Sir, my consulted Doctor has warned me not to perform long journey and also to do heavy work which were health hazardous for me (diabetic patient). He has also suggested me to control my diet, regular walking and regular medication which will result in (a) lowering of blood pressure (b) lowering of cholesterol level (c) better control of diabetes (d) reduction in heart ailments and (e) reduction in stress. That Sir, it is not possible to maintain these in out station. In this connection herewith copy of a Medical Certificate/prescription of the concerned Doctor as well as blood testing report are enclosed herewith for your perusal please.
- viii) That Sir, it is for your kind information and action that an IAS post is going to be vacant in the month of March 2001. Since Shri Dulal Chandra Baruah, UOI of D.C.O. post is going on retirement in the month of February 2001.

3. In view of above fact and circumstances, I earnestly requested your kind honour to graciously consider my case on medical grounds which is true and fact and also completely on medical grounds. Please accept my petition submission as a special case on medical grounds and explore the feasibility to adjust me in this office or allow me to continue in the same post for some developments of my health etc.

For this act of justice I shall be ever grateful to you. Hope my prayer will get the relief and natural justice.

With kind regards,

Yours faithfully,

Shri Lalit Basumatari

Dated :- 01-8-2001.

(SHRI LALIT BASUMATARI)

L.D.C. (PT) O/O DEO, TEZPUR

An advance copy forwarded
to :-

The Director-General, DE
Govt. of India, Min. of Def.,
(Adm Secy) R.K. Furam
NEW DELHI - 66.

I may be excused for
enclosing an advance
copy please.

Dr. S. A. Majid, MS,

LAPAROSCOPIC SURGEON and

Diabetes Consultant

Trained in Laparoscopic Surgery (Mumbai)

Trained in Laparoscopic Surgery & (SGR Hospital, New Delhi)

Formerly Fellow in Diabetes Research Centre, Madras

Chamber : EMM HOSPITAL & RESEARCH CENTRE, Tezpur : ☎(03712) 30379

Residence : Ex. Police Line, Tezpur, Assam : ☎(03712) 31105

CONSULTING HOURS

Mon, Tue, Wed, Sat. : 9 am to 1 pm

Fri : 9 am to 11.30 am

SUNDAY : by prior appointment only

Life Member of—

INDIAN ASSOCIATION OF GASTRO INTESTINAL ENDO-SURGEONS

ASSOCIATION OF SURGEONS OF INDIA

INDIAN MEDICAL ASSOCIATION

ASSOCIATION OF MEDICAL SOCIETIES

ASSOCIATION OF SURGEONS OF ASSAM

Ref.

Date 11.1.2001

To whom it may concern

It is to certify that

Mr. Lajid Basumatary is

suffering from Diabetes

with Hypertension

He has been under my

treatment.

Dr. S. A. Majid
Consultant Surgeon
Emm Hospital & Research Centre
Tezpur-784 001

◆ PLEASE MAKE AN APPOINTMENT FOR EACH VISIT.

◆ PLEASE BRING THIS PRESCRIPTION IN THE NEXT VISIT.

28-

SUNDAY : by prior appointment only

60

Consultant

Trained in Laparoscopic Surgery (Mumbai)
Trained in Laparoscopic Surgery @ (SGR Hospital, New Delhi)
Formerly Fellow in Diabetes Research Centre, Madras

Chamber : EMM HOSPITAL & RESEARCH CENTRE, Tezpur : Ph (03712) 30370
Residence : Ex. Police Line, Tezpur, Assam . Ph (03712) 31105

Life Member of—
INDIAN ASSOCIATION OF GASTRO INTESTINAL ENDO-SURGONS
ASSOCIATION OF SURGEONS OF INDIA
INDIAN MEDICAL ASSOCIATION
ASSOCIATION OF MEDICAL SCIENCES
ASSOCIATION OF SURGEONS OF ASSAM

Ref. Lalit Basumatary

Date 01 AUG 2001

BS: 180 : 107

JRS 120

BR 82

PPBS - 130

1. Glymax MF
1 1/2 ————— 1 1/2 after
fry

2. Sulam (2.0) ————— D

3. Annapin (1.0) ————— D

4. Amp ————— D

BS, PPBS
after 1 week
Micro Test
Hb

◆ PLEASE MAKE AN APPOINTMENT FOR EACH VISIT.
◆ PLEASE BRING THIS PRESCRIPTION IN THE NEXT VISIT.

A. Majid, MS,

☎ : 03712-31185 (R)
03712-30373 (H)

LAPAROSCOPIC & GENERAL SURGEON

Diabetes Consultant

EMM HOSPITAL & RESEARCH CENTRE

RANU SINGH ROAD, TEZPUR - 784001

Trained in Laparoscopic Surgery, (Mumbai)

Trained in Laparoscopic Surgery & GI Endoscopy (SGH Hospital, New Delhi)

Formerly Fellow in Diabetes Research Centre, Madras

CONSULTING HOURS
MON, TUE, WED, THU, SAT : 9 AM to 1 PM.
FRIDAY : 9 AM to 11.30 AM.

SUNDAY : by prior Appointment only.

LIFE Member of

INDIAN ASSOCIATION OF BASTARD MEDICAL FROM SURGICAL
ASSOCIATION OF SURGEONS OF INDIA,
ASSOCIATION OF SURGEONS IN ASSAM
INDIAN MEDICAL ASSOCIATION

Ref. Dr. A. Majid BARIHAT

Date: 11/11/2000

BP - 170
100

S. Chol - 230

HDL - 58

LDL - 128

VLDL - 44

TM - 220

FBS - 160

PPBS - 185

U. Nitro - 0.01

1. Glymax MF
2 tab. just after breakfast
2 tab. just after dinner

2. Alswitem 50 - 1 - 0

3. Amlopine (5) - 0 - 1

4. Ruvap - 1 - 0

To test FBS, PPBS after 1 week

TEZPUR PATHOLOGICAL LABORATORY

New Amolapatty, Tezpur - 784001. Tel: 224882

Working Hours: 8 A.M. to 4 P.M.

62-
30-
(13)

Date: 16.5.2020 Exam: Rout. Blood for Sugar, Cholesterol, Tryglyceride, Uric acid, Sodium, Potassium
 Name: Latika Dasgupta
 Advised by Dr. _____

EXAM REPORT		NORM. REF.
BLOOD SUGAR		
<input checked="" type="checkbox"/> Fasting	265 mg%	80 to 120 mg%
<input type="checkbox"/> Post - prandial		below 150 mg%
<input type="checkbox"/> Random		
BLOOD UREA	mg%	20 to 40 mg%
SERUM CREATININE	mg%	0.4 to 1.5 mg%
SERUM BILIRUBIN (TOTAL)	mg%	0.2 to 0.8 mg%
SERUM BILIRUBIN (DIRECT)	mg%	
SERUM CHOLESTEROL	mg%	150 to 250 mg%
SERUM TRYGLYCERIDE	mg%	Male 60 to 135 mg% Female 40 to 140 mg%
SERUM URIC ACID	mg%	Male 3.5 to 8 mg% Female 2.5 to 7 mg%
SERUM SODIUM	mEq/l	136 to 142 mEq/l
SERUM POTASSIUM	mEq/l	4 to 5.6 mEq/l
SERUM LITHIUM	mEq/l	0.4 to 0.6 mEq/l (Recommended Level)

Latika Dasgupta
 PATHOLOGIST

TEZPUR PATHOLOGICAL LABORATORY

New Amolapatty, Tezpur - 784 001 ☎ 20843
Working Hours : 8 A.M. to 4 P.M.

SUNDAY CLOSED

Date: 11-5-2021

Exam. Rqd. LIPID PROFILE

Name: Subir Kumar Dasgupta

Advised by Dr. N. K. Dasgupta

Exam. Report :

LIPID PROFILE

Serum Cholesterol	230	mg%
HDL Cholesterol	58	mg%
LDL Cholesterol	128	mg%
VLDL Cholesterol	44	mg%
Serum Triglyceride	220	mg%

Risk Ratio : $\frac{\text{Total Cholesterol}}{\text{HDL Cholesterol}} = 3.9$

Pathologist

Expected Values :

Cholesterol		150 to 250 mg%
HDL Cholesterol	Men	35 to 55 mg%
	Women	45 to 65 mg%
LDL Cholesterol	Less than	150 mg%
VLDL Cholesterol	Less than	25 mg%
Serum Triglyceride	Men	60 to 165 mg%
	Women	40 to 140 mg%
Standard Risk Ratio		3 to 6

TEZPUR PATHOLOGICAL LABORATORY

New Amolapatty, Tezpur - 784 001, ☎ 20843

Working Hours : 8 A.M to 4 P.M.

SUNDAY CLOSED

Date 29-5-2017 Exam. Blood, Blood for Sugar, Urea, Creatinine, Bilirubin,
Cholesterol, Triglyceride, Uric Acid, Sodium, Potassium, Lithium

Name Calit Basumaty

Advised by Dr. M K Sen

EXAM REPORT

NORMAL VALUES

BLOOD SUGAR

Fasting 160 mg%
Post-prandial 185 mg%
Random mg%

80 to 120 mg %

below 160 mg %

BLOOD UREA

mg %

20 to 40 mg %

SERUM CREATININE

mg %

0.4 to 1.5 mg %

SERUM BILIRUBIN (TOTAL)

mg %

0.2 to 0.8 mg %

SERUM BILIRUBIN (DIRECT)

mg %

SERUM CHOLESTEROL

mg %

150 to 250 mg %

SERUM TRIGLYCERIDE

mg %

Male 60 to 165 mg %

Female 40 to 140 mg %

SERUM URIC ACID

mg %

Male 3.5 to 8 mg %

Female 2.5 to 7 mg %

SERUM SODIUM

mEq/l

130 to 142 mEq/l

SERUM POTASSIUM

mEq/l

4 to 5.6 mEq/l

SERUM LITHIUM

mEq/l

0.4 to 0.8 mEq/l

(Recommended Level)

Urine for

Albumin Nil

29/5
PATHOLOGIST

TEZPUR PATHOLOGICAL LABORATORY

New Amolapatty, Tezpur - 784 001, ☎ 20843

Working Hours : 8 A.M to 4 P.M.

SUNDAY CLOSED

Date 30.6.01

Name

Lalit Basumaty

Advised by Dr.

Exam. Blood, Blood for Sugar, Urea, Creatinine, Bilirubin,
S.G.O.T., S.G.P.T., Cholesterol, Triglyceride, Hb, Hct, Hemoglobin,
Potassium, Lithium

EXAM REPORT

NORMAL VALUES

BLOOD SUGAR

Fasting

120

mg%

80 to 120 mg%

Post prandial

130

mg%

below 140 mg%

Random

mg%

BLOOD UREA

mg%

20 to 40 mg%

SERUM CREATININE

mg%

0.4 to 1.5 mg%

SERUM BILIRUBIN (TOTAL)

mg%

0.2 to 0.8 mg%

SERUM BILIRUBIN (DIRECT)

mg%

S.G.O.T

Units / l of Serum

8 to 40 Units/litre of Serum

S.G.P.T

Units / l of Serum

5 to 35 Units/litre of Serum

SERUM CHOLESTEROL

mg%

150 to 250 mg%

SERUM TRIGLYCERIDE

mg%

Male 60 to 165 mg%
Female 40 to 140 mg%

SERUM URIC ACID

mg%

Male 3.5 to 8 mg%
Female 2.5 to 7 mg%

SERUM SODIUM

mEq/l

136 to 142 mEq/l

SERUM POTASSIUM

mEq/l

4 to 5.6 mEq/l

SERUM LITHIUM

mEq/l

0.4 to 0.8 mEq/l
(Recommended Level)

PATHOLOGIST

To
The Principal Director
Defence Estates, HQ, E.C.
13th Camac St., (7th Floor)
KOLKATA - 17.

(Through proper channel).

Subject :- Submission of prayer petition regarding
posting/transfer in respect of Shri Lalit
Basumatari, LDC(Pt) of D.E.O. Tezpur Circle.

Respected Madam,

Reference Pte-Genl D.G. New Delhi letter No.102/195/ADM/
DE/LDC-UDC dtd.24-12-2003.

2. Most humbly and respectfully I would like to request
your goodself in the matter of posting/transfer and submitting
following few lines for your kind and sympatic consideration please.

- i) That following the posting/transfer order of D.G.DE
New Delhi vide letter No.102/195/ADM/DE dtd.11-8-1994
I proceeded for duty and joined in the office of ADEO,
Agartala and performed my duty very sincerely and aft-
er completion of 5-years in that remote area Deptt. has
transferred me considering my various problems and I
had joined in this office only on 00-2-1999.
- ii) That although the Deptt had transferred me without
promotion I joined in the office of ADEO, Agartala
without hesitation. Now the Deptt has given me promot-
ion, but it is my misfortune that due to my physical
condition I am not in a position to accept the promot-
ion. Besides from the last four years I am suffering
from high blood pressure and Diaboties etc and as a
result my health condition is deteriorating and at present
under treatment. For this illness I have to face two
incidents in March/1998 at Agartala and in July/2000
at Guwahati while I was on temporary duty with the
DEO, Tezpur. So, in this fail health condition it is
not possible for me to travel a long distance taking
the risk of my life which is dangerous for me. In this
connection I have already submitted a Medical certifi-
cate and prescription obtained from my consulting
Doctor. However, a xerox copy of Medical Certificate
dated.1-8-2001 is enclosed for your persual please.
- iii) Besides this, my wife is also suffering from hyperten-
sion and chronic Gastritis and also suffering from shoul-
der/joints pains for which she is unable to do hard
works even she cannot reach upto brush hair, fastening
bolts due to difficulty in shoulder movements in any
directions. In this connection a Medical certificate
dated 16-01-2004 and prescription obtained from the
consulting Acupunture Therapist are enclosed herewith
for your kind persual please.
- iv) It is, therefore, necessary that my presence at home
is imperative since no person is available to look after
my ailing wife who needs regular medication and perso-
nal help. For her long held illness has caused grief
and habitual worry at my home.



OS
N.N.R.
16/1/04

Contd. 2/

- v) That I am a low paid employee and at present maintaining three establishments at different stations as my older son is studying M.Tech in (I.T.) at Bangalore and my younger son is studying M.B.B.S. at Guwahati Medical College Guwahati. So, this transfer will thrust me into distress condition specially being a low paid staff and it will also very badly affect the careers of my son's higher education.
- vi) That as far as day-to-day function of this office is concerned, presently I am holding the charge of Legal and Acquisition sections. Besides this, I am doing some Miscellaneous works of this office. I am also contacting the Sr.C.G.S.C. of Guwahati High Court/Addl D.C. Tezpur / Dy Legal Advisor of M.O.L. Branch Sectt at Kolkata. That it is also in records that due to sudden illness of the then DEO, Tezpur I had represented the D.E.O. Tezpur alongwith J.D. Shillong/DEO, Guwahati Circle and attended the DEO's conference held at 101 Area in Shillong and also countered/termed the allegation levelled by the Local Military Authorities against D.E.O. Tezpur in solving some pending cases where I have amply explained the follow up action taken by the DEO Tezpur.

3. In view of the above fact and circumstances, I earnestly requested your kind honour to graciously consider my economic and social obligations on humanitarian grounds which were true and fact. Please accept my petious submission as a special case on merit and explore the feasibility to adjust me in this office giving initial promotion in the existing vacancy of UDC's vacant posts in this office (3 Authorized 2 held).

That Madam, for this act of kindness I shall be greatful to you for all my life. Hope my prayer gets a patient hearing and I request your bounty to be bestowed upon me and my family.

Thanking you in anticipation.

Yours faithfully,

(Signature)
(Shri Lalit Baaugatar)
L.D.C. (Pt) O/O D.E.O.
Tezpur Circle.

Dated :-16-01-2004.

A. MAJID, MS,

ENDOSCOPIC SURGEON and

Consultant

Trained in Laparoscopic Surgery (Mumbai)

Trained in Laparoscopic Surgery & (SGR Hospital, New Delhi)

Formerly Fellow in Diabetes Research Centre, Madras

Chamber : EMM HOSPITAL & RESEARCH CENTRE, Tezpur : ☎:(03712) 30379

Residence : Ex. Police Line, Tezpur, Assam : ☎:(03712) 31185

CONSULTING HOURS
Mon, Tue, Wed, Sat, : 9 am to 1 pm
Fri : 9 am to 11.30 am

SUNDAY : by prior appointment only

Life Member of—

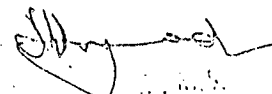
INDIAN ASSOCIATION OF GASTROINTESTINAL ENDO SURGEONS
ASSOCIATION OF SURGEONS OF INDIA
INDIAN MEDICAL ASSOCIATION
ASSOCIATION OF MEDICAL SCIENCES
ASSOCIATION OF SURGEONS OF ASSAM

Ref.

Date 10.1.2001

To whom it may concern

It is to certify that
Mr. Lohit Basumatary is
suffering from Diabetes
with Hypertension.
He has been under my
treatment.


Dr. A. Majid
Consultant Endoscopic Surgeon
- EMM Hospital & Research Centre
Tezpur-784 001

◆ PLEASE MAKE AN APPOINTMENT FOR EACH VISIT.
◆ PLEASE BRING THIS PRESCRIPTION IN THE NEXT VISIT.

Dr. Bhola Kach M.D. (MED.)
GOOD HEALTH MEDICUS
CLINIC HOUSE
L.D.S. Road, Tezpur
PIN - 784001

37-

5

Ref. No.:

Date: 12/11/2014

[illegible]

12. 1011 2.05.11

Wang, Hui
Sun, Jie

2

1. No. 5546

Specialist in Medicine

A.C.G. available on Appointment

Visiting Hours: 12 noon to 3 p.m.

6 p.m. to 8 p.m.

GOOD HEALTH MEDICINE

I.M.A. HOUSE, TEZPUR
NEAR TEZPUR ACADEMY

①

- 38 -

 C/F

Name Dr. Pubbing Gasyinto Date 2.12.2023

Age..... 654..... Sex..... F.....

2012-12-12

[illegible][illegible]

2000 6/10/2000 10:30
2000 6/10/2000 10:30

~~529~~ 1212-14
 2 1000 50-10
 1000 1000 1000

2400
2021/1/15

(Handwritten signature)

Please bring this Prescription on your next visit

Cont'd 22-7-65

Medicare

A Computerized Acupuncture Clinic.



Dr. H. Saha, D.H.M.S. (M.D.) C. Acupuncture (CAL)
Acupuncture Therapist,
200 Mill X-ray Clinic Campus, Teaneck,
Regd. 22559 N.J.S.C. Ph no- 222600.

PAIN-RELIEVE, JOINTS AND NEURO-CARE

DATE: 16.01.2004

To Whome it may Concern

This is certifying to Mrs. - Purvima Basumaty, age 45 yrs
wife of Mr. Satish Basumaty had attacked from frozen shoulder (Rt.)
She had been under my treatment and supervision
since last date - 9.10.2000.

It was given following to physiotherapy
as per advice.

H. Saha

H. Saha
16.01.04

Medicare

A computerised Acupuncture clinic.

Dr. R. SAVIA B.Sc. DHMS (BU) C. Acu. IRMM (CAL).
Consultant Acupuncture Therapist.

211 Mill X-ray clinic Campus, ground floor, Telapur. Ph no-22000.

PAIN-RELIEVE JOINTS-AND-NERVE TREATMENT
CENTRE

Longer Show der - Mrs. Purnima Bhusanath
Rt sided arm Age - 45 years
Pallies Stiffness on Shoulder girdle
B.P. 140 - 80 mm Hg
Wt - 80 kg.

Is (1) Acupuncture treatment for 10 days in physiotherapy
recording following way -

(2) Blood Serum test for FBS PPRS

- Is
- (1) Med off 1800 - 7. 10 - 2000.
 - (2) Ro off 1800 10. 10 2000 -
 - (3) Ruxton - x Tel - 3 Tors Tors
 - (4) S. Ptm Tel - one Tel Tms

Q. (Muzgel - 120)
extract for Muzgel

2. Albion Tms - 2000 - 1800

3. S Pms Tms - 2 Tms 1800

4. Rux ZB Tms

2 one Tms one

31.10.2000

Please bring this prescription on your next visit
We do our best.

Medicare.



A COMPUTERIZED ACUPUNCTURE CLINIC. M-22600

Treated by DR. R. SATHI. Consultant Acupuncturist.

Morning- 9 Am-4 pm - Sunday Evening Closed.

2111 Mill x-ray Clinic Campus. Ground floor, Telapur.

Computerized analysis Charges --	RS.- 300-00 -	Paid / Unpaid
Acupuncture treatment courses Required- 7 days / 10 days / 12 days / 20 days / 30 days /		
Advance deposit (ONCE IN TIME)	RS -- 1500 - /- 2000 /- 3000 /- 4000 /	Paid / Unpaid

Receive with thanks - from Mr / Mrs / Miss

Pradipare Basumaty

Address

K. K. K. K. K.

Dist

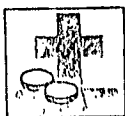
Sawapur

Date

10.10.

2000

Stamp Signature -- MEDICARE



Counter Receipt.

43
132
26
SPEED POST/MOST URGENT

NO.360009/LC-1/XXXII/68
Dte. of Defence Estates
Min. of Defence, Eastern Command
13, Camac Street (7th floor)
Calcutta - 17, dt. 25 July, 2001.

To

The Defence Estates Officer
Calcutta / Jorhat / Tezpur Circle

**SUB : PROMOTION FROM LDC TO UDC CONSEQUENTIAL
PROMOTION / TRANSFER / POSTING IN DE
ORGANISATION.**

(2) Reference Dte. Genl. DE letter No.102/195/ADM/DE dated 16.7.2001
(copy enclosed for ready reference).

2. The DG DE vide their letter cited reference has asked to submit the choice of at least 3 (three) stations for posting from the undermentioned official(s) of your office :-

- (1) Shri Sadhan Chakraborty, LDC of DEO Calcutta Circle.
- (2) Shri Jayaram Pathak, LDC of DEO Jorhat Circle.
- (3) Shri J. Senchowa, LDC of DEO, Jorhat Circle.
- (4) Shri U.N. Sharma, UDC of DEO, Jorhat Circle.
- ✓(5) Shri Chandra Kanta Das, LDC of DEO Tezpur Circle.
- ✓(6) Shri Shankarmoy Chowdhury, LDC of DEO, Tezpur Circle.
- ✓(7) Shri Lalit Basumatari, LDC of DEO, Tezpur Circle.

3. Under the above circumstances, it is requested to ensure that the choices of stations (at least 3 stations) from the concerned individuals are reached at this Dte. DE alongwith your recommendations positively by 1st August, 2001.

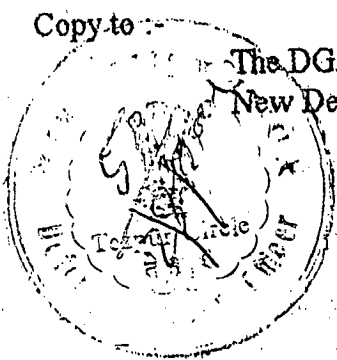
Director
Defence Estates
Eastern Command

Copy to :-

The DG. DE

New Delhi - 110066 -

for information please with reference to their letter No. cited under reference. It is also to mention here that Shri Lalit Basumatari, LDC (Sl. No.14) is at present in the strength of DEO, Tezpur and not in the strength of ADEO, Agartala as mentioned in their letter. The necessary amendment may kindly be made at their end please.



DR.
DIE(A)
D. No. / ID
D. No. / AD
D. No. / ADEG
D. No. / OS

SPEED POST

No. 102/195/ADM/DE
Government of India,
Ministry of Defence,
Dte General Defence Estates,
West Block-4, R.K. Puram,
New Delhi - 110066.

16 Jul 2001.

To

23 JUL 2001

The Principal Director/Director,
Defence Estates, Ministry of Defence,
Central/Southern/Eastern/Western/Northern Command/NIDEM
LUCKNOW/PUNE/CALCUTTA/CHANDIGARH/JAMMU/DELHI CANTONMENT.

Subject : PROMOTION FROM LDC TO UDC CONSEQUENTIAL
PROMOTION/TRANSFER/POSTING IN DE ORGANISATION.

It has been decided to ascertain the choice (at least 3 station) for the posting of the following officials :-

1. U.N. Sharma, UDC of DEO Jorhat
2. Mohd. Shamimuddin, UDC of DEO Danapur
3. S.S. Kamble, LDC of Sub-Office Ahmednagar (DEO Pune)
4. Sadhan Chakroborty, LDC of DEO Calcutt
5. Chandra Kant Das, LDC of DEO Tezpur
6. Smt. Susama Mukherjee, LDC of Dte DE EC Calcutta
7. J. Sanchowa, LDC of DEO Jorhat
8. R.A. Sharma, LDC of DEO Agra
9. P. Vasundharan, LDC of DEO Chennai
10. Satvir Singh Yadav, LDC of DEO Jaipur
11. Shankar Chowdhury, LDC of DEO Tezpur
12. Jayaram Pathak, LDC of DEO Jorhat
13. Tarsem Lal, LDC of DEO Jalandhar
14. Lalit Basumatari, LDC of ADEO Agartala
15. D. Yadiah, LDC of DEO Seunderabad

2. You are requested to ask the officials concerned to give their choices immediately to you and the same may be forwarded to DGDE immediately along with your recommendation. This information may please be forwarded to this Dte General by 6/8/2001.

A. V. Singh
for Director General
Defence Estates

Copy to :-

The Joint Director, DE, Shillong.

All concerned DEO/ADEO.

45 -

28

Sr. Director, DE, EC Fax No. 033-2478115.

Sub :- Promotion from LDC to UDC consequential promotion/Transfer/Posting in DE Organisation.

Sir,

Reference telecon between Director, DE, EC/DEO of date.

The choice station in r/o officials submitted under ~~this office~~ this office letter No. ADM/3/133 dated 2-8-2001 except Shri S.M. Chowdhury, LDC which is submitted now hereunder.

Name & designation

1. Shri C.K. Das, LDC

2. Shri L. Basumatari, LDC

3. Shri S.M. Chowdhury, LDC

Three choice Station

- (a) Jorhat
- (b) Guwahati
- (c) Shillong

Instead of choice station submitted representation for retention at ~~Tezpur~~ Tezpur has been forwarded vide our letter quoted above.

- (a) ~~SILCHAR~~ SILCHAR
- (b) Guwahati
- (c) Jorhat.

16/8/01.
Defence Estates Officer
Tezpur Circle
(K. Lhouvum)

Annexure 'C'

(29)

46- By Fax / Speed post
NO. DEO/TZP/ACCTT/2/17
Office of the Defence Estates
Officer, Tezpur Circle,
Cole Park Road, Tezpur-1
Dated : 11 Aug/06

To

The CDA 'T' Sec
Udayan vihar
Narangi, Guwahati-781

SUB :- FORWARDING OF REQUISITION TY.TA/DA ADVANCE
IN RESP CT OF SHRI L.BASUMATARI, LDC

A requisition bearing Vr.No.TA/08/LB/2006-07
dated 10-8-06 for Rs. 4860/- (Rupees four thousand eight
hundred and sixty only) on account of TA/DA for Ty.duty
move to New Delhi in respect of Shri L.Basumatari, LDC
of this office is forwarded herewith alongwith DO.PT-II/
MO No. dt. each in duplicate for your
pre-audit and early payment please. The vit signed photocopy
has already sent to you.

The cheque for the aforesaid amount may please be
issued in favour of SBI, Tezpur for crediting into the
Public Fund Account No.01000050177 of DEO, Tezpur.
under intimation to this office.

P. Singh
DEFENCE ESTATES OFFICER
TEZPUR CIRCLE
(P. SINGH)

10/8/06

47 -

Voucher No. TA/08/13/08/06-7at. 10-8-2006.

REQUISITION FOR TA/DA ADVANCE

Received from the Controller of Defence Accounts,
Naranyi, Guwahati a sum of Rs. 4,860/- (Expense for 7 days) only on account of Ty. Duty leave from
Tezpur to Delhi

Authority :- D.O. PTI II/M.O. NO.

Basic Pay

From

To

Rs. 8,000/-

Tezpur

New Delhi

Particulars

Rate

Total

Fare from Tezpur to
New Delhi

Rs. 1995/-
x 2

Rs. 3990/-

D.A. for 7 days

Rs. 170 x 3 = 510/-

Rs. 90 x 4 = 360/-

Rs. 870/-

Rs. 360/- Total: Rs. 4860/-

STATION : TEZPUR

DATED : 10/8/06

Signature

[Signature]

Name : L. Bagumtari

Designation : LDC

DEO, Tezpur Circle

COUNTERSIGNED BY

The nil

DEFENCE ESTATES OFFICER

TEZPUR CIRCLE

(P. SINGH)

Certified that the fund is available to meet the
expenditure during the financial year 2006-07 under Code
Head 0/094/76 Travelling expenses (domestic).

DEFENCE ESTATES OFFICER

TEZPUR CIRCLE

(P. SINGH)

*Passed for Rs. 3,600/- vide
CDA Guwahati C/561 P. 2
11.8.06 for Rs. 3,600/- vide
referred to Govt. on 31.8.06*

[Signature]

[Signature]

CHEQUE SLIP

DEFENCE ACCOUNTS DEPARTMENT

OFFICE OF THE C.D.A GUWAHATI
DATE OF ISSUE OF CHEQUE SLIP

11/08/06

SERIAL NUMBER OF THE CHEQUE SLIP
DEO/TZP/ACCTT/2

RSTRB2489

10/08/06

48 - Annexure 1 of (31)
RV. 16/10
7-08/06
DV No. 5091
08/06
Valid & Cancelled
via S/O, payee
cheque No. 043311
dt. 31-8-06 for
Refund through
R.A.O. to Govt.

In payment of DEO TEZPUR

FOR CREDIT TO THE
PUBLIC a/c 10501577610

3,600/=

TOTAL IN WORDS:

THREE THOUSAND SIX HUNDRED ONLY

For C.D.A

Initials

Signat

(Signature of the Officer Supdt. Audit Section Officer, I/C Audit Sect
signing the cheque)

To

STATE BANK OF INDIA
TEZPUR
TEZPUR

Copy Forwarded to the :-

S/C DEO TEZPUR, Cole Park

L.A.O (A) Tezpur

Vr No. TA/08/LB/08/06-07

For Information

RSTRB2489 154178 L BASUMATARY
RSTRB2489 154178 L BASUMATARY
Total Amount = 7200 3600

3600
3600

Office of DEO, Tezpur Circle	
Dt. 10/8/06	
Accts Sme	
CS	123/3
SD - I	
SD - II	
SD - III	
UDC, LDC	

337482
11/8/06

REGISTERED.
No. DEO/TEZ/ACCT/144/06/1
Office of the DEO, Tezpur circle
Cole Park road, Tezpur -1.
Dated the 22 Sept, 2006.

To

The Area Accounts Officer,
(Pay-VII) Dima Road,
Shillong -1.

Sub: - Forwarding of requisition of pay advance in respect of
Shri L. Basumatari, LDC.

Requisition for one month's pay advance Voucher No. 06-C/P&A/Adv/09/06-07
did 22-09-2006 for Rs. 8100/- in respect of Shri L. Basumatari, LDC on his permanent
Posting. Transfer from DEO Tezpur to ADEO Agartala is forwarded herewith along with
the following documents for your per audit and early payment

(i) C.T.C. of PD DE EC Kolkata letter No. 360331/LC-D/CON did 15.9.2006.

(ii) DEO Tezpur D.O. Part-II No. 47/2006 did. 19-9-2006.

The Cheque for the aforesaid amount may please be issued in favour of SBI
Tezpur for crediting into Public Fund Account No. 10501577610 of DEO Tezpur Circle,
under intimation to this office

Encl: As stated above.

Defence Estates Officer,
Tezpur circle
(P. Singh)

*Pass & file
5/10/06, for
P. Singh*

50-
IS No. 06-CP/PA/PA/109/06-07 H/d. 11.09.2006. 8 ✓ (33)

Application for Advance of Day as per GEN.

B.P. 5400/-
Dr. 2700/-

Basic pay : Rs. 8,100/- (B.P. + D.P.)

Received from the A.A.O. Shillong (C.P. Muzaffar)
a sum of Rs. 2400/- (Amount - Rs. 2400/-) only
on account of permanent transfer from Tezpur to Agartala.

Authority :- The P.D., DE HQ EC Kolkata letter
No. 350331/LC-1/CCN dated 15-9-2006
and DRO, Tezpur D.O. Part-II order
No. 47/2006 dtd. 19-9-2006.

Station : Tezpur

Dated : 21/9/2006.

Signature [Signature]
Name in block letter
SRI JALIT BASHYINARI, LDC(Pt)
Unit : D.E.O. Tezpur Circle

COUNTER SIGNATURE

DEFENCE ESTATES OFFICER
TEZPUR CIRCLE

Passed for Rs. 8,100/- (Rupees)
[Signature] Estates Officer,
Tezpur Circle

Voucher No.

Treasury	Name of payee	Amount of cheque.	Date of cheque	Initial of Signat.
----------	---------------	----------------------	-------------------	--------------------

Am. 2006.

Passed for Rs. 8,100/-
-116 AAO Shillong
chd 5/12/06

51-

83

REGISTERED

No.DEO/IZP/ACCTT/2/23

Office of the DEO, Tezpur Circle

Cole Park Road, Tezpur - 1.

Dated the 22 Sept, 2006.

To

The C.D.A. 'I' Section
Udayan Vilas
Narangi, Guwahati - 171.

Sub : Forwarding of requisition of Pt. TA/DA adv. in respect of Shri L.
Basumatari, LDC

Requisition for Pt. TA/DA Advance voucher no. TA/28/LB/REQN/09/06-07 dtd.
2/-09-2006 for Rs. 26,035/- in respect of Shri L. Basumatari, LDC of this office on his
permanent Posting/ Transfer from DEO Tezpur to ADEO Agartala is forwarded herewith
along with the following documents for your pre-audit and early payment.

- (i) C.T.C of PD, DE, EC, Kokara letter No.360331/LC-1/CON dtd.15-9-2006.
- (ii) DEO Tezpur D.O. Pl. II No. 47/2006 dtd. 19.9.2006.

The Cheque for the passed amount may please be issued in favour of S B L.
Tezpur for crediting into Public fund Account No.10501577610 of DEO Tezpur Circle,
under intimation to this office.

Encls : As above.

Defence Estates Officer,
Tezpur Circle
(P. Singh)

- 52 -

(B)

67

21-09-2006

RECEIVED FROM THE CONTROLLER OF DEFENCE ACCOUNTS, MANGALURU.

IN LIEU OF ORDER NO. 134.

R.P. Rs. 5600/-
R.P. Rs. 2700/-

Rs. 8,300/-

Received from the controller of Defence Accounts, Mangaluru a sum of Rs. 26,035/- (Rupees twenty six thousand and thirty five only) on account of advance for permanent transfer from Mangaluru to Tezpur.

1) Self 2) Wife 3) Son
Mangaluru :- The P.O. DE D.C. Mangaluru letter No. 350331/IC-1/CON d.d. 18-7-06 and this office D.O. Part-II order No. 47/2006 dtd 19-9-2006.

From	To	Total
Mangaluru.	Tezpur	
Part from	Rs. 405/- x 3 =	Rs. 1215/-
Tezpur to Mangaluru.		
1) Rs. 115/-		
II) Rs. 300/-		
<u>Rs. 405/-</u>		

Rs. 540/-

As per T.A. rules luggage charges of 15 ml from Tezpur to Mangaluru by road as the link is available.

Rs. 16,000/-

Transfer grant for one month basic pay as per and other rules (D.P. & O.P.).

Rs. 8,135/-

Rs. 26,035/-

Station : Tezpur

Dated : 21/Sept/-2 2006

Signature : *[Signature]*
Name : *[Name]*
Designation : L.C.C. (P-1)
DEO, Tezpur circle.

[Stamp]
P. Mangaluru S. 3

Defence Accounts Officer, Mangaluru is available to work on the 1st of the month and the Financial Part-II order No. 47/2006 dtd 19/09/76 regarding expenses is directed to the

- 53 -

Annexure G

Document No. 06-C/PA/Adv/09/06-07
22.09.2006

Acct/Hp ✓-61

Ref No 12
of 10/06

CHEQUE SLIP

साथ में लगे बैंक का चिपता

Showing how the total of the accompanying cheque is made up

रक्षा सेवा विभाग

DEFENCE ACCOUNTS DEPARTMENT

रक्षा सेवा विभाग कार्यालय
Office of the C.D.A.

कमांड
Command

चेक की तिथि

Date of issue of cheque

चेक नंबर की प्रतिलिपि

Serial number of cheque slip

प्रत्यक्ष निशान

सार्वजनिक निधि

Public Fund 10501577610

रु.
Rs.

प.
P.

In payment of

संग्रह्य भव

खाता

810000

For credit to the

व्यक्तिगत

Account of DEO

व्यक्तिगत

Personal

जोड़ समूह में

Total in words

Total

810000

रक्षा सेवा विभाग की ओर से
For C.D.A.

हस्ताक्षर
Initials

(चेक पर हस्ताक्षर करने वाले)

अधिकारी के हस्ताक्षर)

(Signature of the Officer
signing the cheque)

(अधीक्षक, सेवा वित्त अनुभाग)
(Supdt., Audit Section)

(अधीक्षक, सेवा वित्त अनुभाग)
(Officer, I/c Audit Section)

भेजा में

To

S. D. T. 1/2, ...

प्रतिलिपि भेजी जा रही है :-

Copy forwarded to the

अधीक्षक

O/C

रक्षा सेवा विभाग अधीक्षक

L.A.O.

(1) 1/2/2006

रक्षा सेवा विभाग

C.D.A.

नोट :- अनावश्यक अंश काट दिए जाएं।

N.B. - Portion not necessary should be struck out.

Handwritten notes and stamps including "25.09.06", "22.09.06", and "20.09.06" with various signatures and initials.

54

54-

AKKAKASE 'H'

CHEQUE SLIP
DEFENCE ACCOUNTS DEPARTMENT

Dr. No.

SLIP

OFFICE OF THE C.D.A. SUVAHATI
DATE OF ISSUE OF CHEQUE SLIP

10/10/06

SERIAL NUMBER OF THE CHEQUE SLIP

RSTEB3364

DEO/TZP/ACCT/2/23

22/09/06

IN payment of DEO TEZPUR

FOR CREDIT TO THE
PUBLIC

A/C 10501577610

15,000/=

TOTAL IN WORDS:

FIFTEEN THOUSAND ONLY

For C.D.A.

Initials

Signature

(Signature of the Officer, Supdt. Audit Section, Officer, I/C Audit Section
signing the cheque)

STATE BANK OF INDIA

TEZPUR

TEZPUR

Copy Forwarded to the :-

C/O DEO TEZPUR

C.D.A. O. Tezpur

For Information

TA-1/15/REGD/09/66774 421/9/02

AC. No. SMC

6/9/11

RSTEB3364 154178 15-10-11-11
RSTEB3364 154178 15-10-11-11
Total = 30000

15000
15000

Dec 31

86

Rates of Border Allowance

Pay Range (Basic Pay + SI + DP + NPA)	Rate per month Rs.
Below Rs. 3,000 p.m.	40
Rs. 3,000 to 4,499 p.m.	80
Rs. 4,500 to 5,999 p.m.	120
Rs. 6,000 to 8,999 p.m.	160
Rs. 9,000 p.m. and above	200

— OM, dated 3-3-1992 & 1-3-2004

Condition for drawal—The Border Allowance will be paid when no other compensatory allowance like Special Compensatory (Remote Locality) Allowance, Tribal Area Allowance, Bad Climate Allowance, Special Compensatory (Hill Areas) Allowance, etc., is admissible.

Not admissible to members of Security Forces and Central Government servants whose conditions of recruitment primarily cover service in border areas.

5. Special (Duty) Allowance

[Swamy's — FR & SR, Part-I]

1. Admissibility.—To Central Government civilian employees having All India Transfer liability on posting to any station in the North-Eastern Region, viz., Assam, Meghalaya, Manipur, Nagaland, Sikkim and Tripura from outside the region. Also admissible to officers posted to N-E. Council, when they are stationed in N-E. Region.

2. Rate admissible.— $12\frac{1}{2}\%$ of (Basic pay plus SI plus DP plus NPA). This will be in addition to Special Pay and/or Deputation (Duty) Allowance, if any, drawn.

3. Other Special Allowances.—Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance can be drawn separately.

4. S/T Officers.—Scheduled Tribe Officers exempted from payment of Income Tax also eligible to draw Special (Duty) Allowance under these orders.

5. Not admissible during leave, etc.—Not admissible during leave/training beyond 15 days at a time and beyond 30 days in a year, and during Suspension/Joining Time.

6. Not treated as 'Pay'.—Special (Duty) Allowance not treated as 'Pay' for any purpose.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

12 JUN 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

88

Filed by the applicant
through U. Dutta, advocate
on 06.06.07

In the matter of:-

O.A. No. 272/2006

Sri Lalit Chandra Basumatary.

-Vs-

Union of India and Others.

-And-

In the matter of: -

Rejoinder submitted by the applicant
against the written statement filed by
the respondents.

The applicant above named most respectfully begs to state as follows: -

1. That with regard to the statements made in paragraph 3 and 4 are specifically denied save and except the statements which are borne out of record. It is further submitted that out of the 6 LDCs who are working in the office of the DEO, Tezpur Circle, Tezpur, out of those LDCs, the applicant was earlier transferred and posted at Agartala and he had served there since 1994 to January 1999, but surprisingly the applicant is again picked up out of the 6 LDCs for transfer and posting from Tezpur to Agartala at the instance of the respondent No. 3, who is impleaded as private respondent also in the Original Application. The transfer order has been issued just after his non-attending at New Delhi to assist the D.O for filing the SLP on the ground of non-receipt of TA/DA, as such the order of transfer which has been issued

with a malafide intention by the impugned order dated 15.09.06 as well as the impugned letter dated 19.09.06 and the applicant further reiterates the statement made in the original application.

2. That with regard to the statements made in paragraphs 5, 6, 7 and 8 of the written statement, the applicant categorically denies the correctness of the same and further begs to say that the impugned transfer and posting order is punitive in nature and further begs to say that the applicant has not made any false observation and on that score alone the impugned transfer and posting order is liable to be set aside and quashed. It is further submitted that out of the 6 LDCs working in the DEO, Tezpur has got the equal duties and responsibilities towards the interest of the Govt. work. Therefore every one has got the liability to serve at Agartala, if the administrative exigency requires to do so. But in the instant case, the applicant is once again picked up for posting at Agartala, on the pretext of administrative exigency, when many of the LDCs working at Tezpur since their initial posting never been posted at Agartala, as such the frequent posting of the applicant in a far off place at Agartala amounts to violation of Article 14 of the Constitution of India, apart from the Govt. of India's circular dated 20.06.1989.
3. That with regard to the statements made in paragraphs 8, 9, 10, 11 and 12 of the written statement the applicant denies the correctness of the same save and except which are borne out of records. It is relevant to mention here that the O.M dated 20.06.99 is squarely applicant in the instant case of the applicant and it is categorically submitted that he was locally recruited as LDC in NE Region, as such he is entitled to the benefit of the SC/ST circular in the matter of transfer and posting. It is categorically submitted that out of 6 LDCs working at DEO, Tezpur, the applicant has been picked up time and again for posting at Agartala on the pretext of administrative exigencies, whereas some of the LDCs working at Tezpur were never transferred and

posted at Agartala. As such, the applicant is discriminated in the matter of transfer and posting in a most arbitrary manner, that too with a malafide intention. So far the question of accommodation of Sri A.K. Pathak is raised, it can be said that Sri Pathak can be accommodated by transferring some LDCs who were never posted at Agartala DEO.

With regard to the statement made in paragraph 11 of the written statement, regarding his posting on promotion at Secunderabad during the year 2000, in this context it can rightly be said that there is a clear provision in the rule, that the Govt. employee can forgo his promotion and such action does not fall within the purview of misconduct.

4. That the applicant categorically denies the other contentions of the respondents made in paragraph 13, 14, 16, 17 and 19 and further reiterates the statements made in the Original Application.

VERIFICATION

I, Shri Lalit Basumatary, S/o Late Dulal Basumatary, aged about 54 years, resident of J.N. Road, Kachrigaon, Dist- Sonitpur, Assam do hereby verify that the statements made in Paragraph 1 to 4 of the rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 3rd day of June 2007.

Sri Lalit Basumatary

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

23 AUG 2006
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI
Guwahati Bench

IN THE MATTER OF :

O.A.NO. 272/2006

Shri Lalit Basumatary

...Applicant

- Versus -

Union of India & Ors.

....Respondents

- AND -

IN THE MATTER OF :

Addl. Written Statement
submitted by the respondents
No.1 to 4.

WRITTEN STATEMENT

The humble answering
respondents submitted their
Addl. Written statement as
follows:

1.

That I am Shri PUSPENDRA SINGH, S/O Shri N.

SINGH, Defence estate officer, Tezpur
Circle, Tezpur

and respondent No. 324 in the above case. I have gone
through a copy of rejoinder served on me and have
understood the contents thereof. Save and except whatever
is specifically admitted in this written statement, the
contentions and statements made in the application and
authorized to file the Addl. Written statement in

Received
a copy
on 20/8/07
Lat
Ravi

Purush

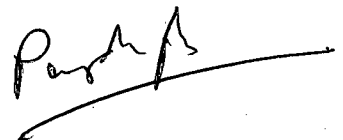
92
Filed by N. Respondent

Shri M. A. Munda
20/8/07 Case

continuation to the earlier written statement filed on behalf of all the respondents. ab

2. That with regard to the statements made in paragraph 1 of the rejoinder filed by the applicant the answering respondents beg to state that it is merely a concocted story to avoid his posting/transfer order issued by the competent authority. It was an administrative decision taken in the public/Govt. interest in the exigencies of service as submitted in the written statement filed on 6.3.07 in detail.

3. That with regard to the statements made in paragraph 2 of the rejoinder filed by the applicant the answering respondents beg to state that the posting/transfer order is not punitive in nature but it is taken in the public interest. If there had been any intention of the competent authority to take punitive action against the applicant for not obeying the movement order as he has mentioned in his original application then there was enough grounds to initiate disciplinary actions against the applicant under C.C.S (Conduct) Rules 1960 for not obeying the written order which was not done by the competent authority to allow the petitioner to realize and correct his ways. As per Govt. policy the D.E. Organisation have All India transfer liability in respect of their staff and officer, the staff and officer so recruited has to serve anywhere in India. Whether they have recruited locally through Employment Exchange, for which the applicant already opted during his initial appointment to serve anywhere in India in fact the applicant in past was



✓ transferred twice to Secundrabad dated 22.9.2000 and dated 24.12.2003 on that occasion he avoided by way of submitting application on health ground. The details have been given in Para 4 of the earlier written statement. The transfer of the applicant is product of a chain transfer as referred to in the written statement filed on 6.3.07. Even in the past the applicant was asked to submit choice station of posting on promotion to be considered by the higher authorities, but instead submitted representation retention in the station. As such the applicant has no right to decide of his transfer/posting whatsoever the competent authority considered under the administrative necessities. The other L.D.Cs most of whom have joined this station either from outside N.E.R or from other circle office within the N.E.R on their posting/transfer may be due for promotion transfer/posting may have not been considered as L.D.C for transfer to Agartala. Therefore, the statement of the applicant that he has been again picked up out of the 6 LDCs for transfer and posting from Tezpur to Agartala at the instance of the respondent No.3 is baseless to defer posting/transfer on one pretext to another. On earlier occasion he avoided the transfer out side Tezpur town on health ground, now he is trying to avoid his transfer out side Tezpur town on these baseless points.

4. That with regard to the statements made in paragraph 3 of the rejoinder filed by the applicant the answering respondents beg to state that though the applicant was sponsored through local Employment Exchange was always subject to the condition to serve anywhere in

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India as the applicant accepted during his appointment. Further the O.M dated 20.6.99 is not applicable in the case of employee who are working under Ministry of Defence, D.E Organisation, as referred to in the earlier written statement filed by the respondents. 25

As regards to the posting on promotion to Secundrabad during the year 2000, though there is a provision that the Govt. employee can forgo his promotion, but subject to condition that declining of promotion/transfer does not entitle them for their retention in the preset station. Accordingly on the basis of All India Service Liability condition and administrative reasons/exigencies, the staff can be transferred anywhere in India in public interest. Moreover, the employee has been kept in N.E.R only. But he does not want to go outside Tezpur town.

5. That with regard to the statements made in paragraph 4 of the rejoinder filed by the applicant the answering respondents beg to state that they have categorically denies the contentions of the rejoinder made in para 1 to 4 and further reiterates on the earlier written statement made and submitted on 6.3.07.

P R A Y E R

In the premises
aforesaid, your humble
petitioners/respondents pray
that your Lordship may be
pleased to vacate the interim

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stay granted to the applicant
and direct the applicant to
resume his duty in ADEO,
Agartala and/or to pass
other/s order/s as your
Lordship may deem fit and
proper.

- A N D -

For this act of kindness
your petitioner/respondents
shall ever pray.

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VERIFICATION

I Shri PUSPENDRA SINGH, S/O Shri N. SINGH
aged about 37 years at present working as Defence Estates
Officer, Tezpur Circle, Tezpur

who is one of the respondents and taking steps in this case
being duly authorized and competent to sign this
verification for all respondents do hereby solemnly affirm
and state that the statement made in paragraph 1 to 5-
are true to my knowledge and belief and those made in
paragraph / being matter of records, are true to my
information derived there from and the rest are my humble
submission before this Hon'ble Tribunal and I have not
suppressed any material fact.

And I sign this verification on this 16th day
of August, 2007 at Gumla.

Puspendra Singh

DEPONENT

श्री सम्पदा अधिकारी
ते १४ मंडल
Defence Estates Officer,
Tezpur Circle