

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 148/05

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SECTION OFFICER (Judl.)

*Sahil*  
21/11/2007

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

ORDER SHEET

Original Application No. 148/05

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s) Mr. B.C. Nain

Respondents Not Dars

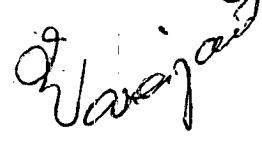
Advocate(s) for the Applicant(s) Mr. J.L. Sarkar, Sr. Adv.

Advocate(s) for the Respondents (Ar. C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form          is filed/C. F. for Rs. 50/-          deposited v.d.e I.P.C/BD          No. <u>209133890</u>          Dated <u>13-6-05</u></p> <p><i>Alredy</i>          Dy. Registrar  <i>Notified</i>  <u>16-6-05</u></p> <p><i>Pl. comply on or before</i>          dated <u>17-6-05</u>.  <i>N/17-6-05</i></p> <p><i>R</i>  <i>PAK Chaudhury</i>  <u>28/6</u></p>	<u>17.6.2005</u>	<p>Heard Mr. J.L. Sarkar, learned          counsel for the applicant and also          Mr. A.K. Chaudhuri, learned Addl.          C.G.S.C. for the respondents.</p> <p>Post on 22.6.2005. Since          similar matters are being filed          every day, Addl. C.G.S.C. will get          instructions from the Commissioner-          ate, Cumstomies and Central Excise          at Shillong as to what is exactly          happening pursuant to the transfer          orders dated 03.06.2005 and 06.06.05.          Unless positive instructions are          obtained order will be passed          quashing the impugned orders. In          the meantime, if the applicant has          not been relieved as on today, he          will not be relieved till 22.6.2005.</p> <p><i>K. Bhattacharya</i>          Member</p> <p><i>G. Jagadish</i>          Vice-Chairman</p>

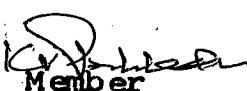
21.6.2005 List on 22.6.2005.

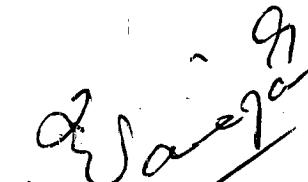
  
K. P. Shashi  
Member

  
Dr. Jagaj  
Vice-Chairman

mb

22.6.2005 Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets.

  
K. P. Shashi  
Member

  
Dr. Jagaj  
Vice-Chairman

mb

29.6.05  
C. C. Copy has been collected by the ~~Advocate~~ applicant and same has been handed over to the Regd. PCCSC for the Regds.

AS

Office Note	Date	Tribunal's Order

u  
O.A 148/05

Office Note	Date	Tribunal's Order
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5. 8. 05

One order No. 28/05  
which is issued by the  
Chief Commissioner, Central  
Excise & Customs, Shillong  
zone, North Eastern Region,  
in connection with O.A.No. 148/05  
received by this Registry  
may lawfully be seen at  
flag 'A'.

The same has  
been laid before the  
Hon'ble V.C. for information/  
necessary orders.

7/8/05  
S.O.G.J. 8/8/05

8/8/05 DR

Hon'ble

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application Nos. 147/2005 and 148/2005

**Date of Order : This the 22<sup>nd</sup> day of June, 2005.**

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.  
The Hon'ble Sri K.V. Prahladan, Administrative Member.

**O.A. No. 147/2005**

Sri Bidhu Bhusan Karmakar  
Working as Superintendent  
Nagaon Range.

By Advocates Mr. J.L. Sarkar, Mr. S. Nath

... Applicant

- Versus -

1. Union of India, represented by the Secretary, Ministry of Finance  
Department of Customs and Central Excise,  
New Delhi.
2. The Chief Commissioner,  
Customs & Central Excise, North Eastern Region  
Shillong.

By Mr. A.K. Chaudhuri, Addl. C.G.S.C.

... Respondents

**O.A. NO. 148/2005**

Shri Bikash Ch. Nath  
Working as Superintendent  
Central Excise  
Guwahati.

By Advocates Mr. J.L. Sarkar & Mr. S. Nath.

... Applicant

- Versus -

1. Union of India  
Represented by the Secretary to the  
Govt. of India, Ministry of Finance  
Department of Customs & Central Excise  
New Delhi.
2. The Chief Commissioner,  
Customs & Central Excise,  
North Eastern Region, Shillong.
3. The General Manager (Con/P)  
N.F. Railway, Maligaon, Guwahati.

By A.K. Chaudhuri, Addl. C.G.S.C.

... Respondents.

ORDER (ORAL)SIVARAJAN. J. (V.C.)

The applicants in both the cases are working as Superintendents, Customs and Central Excise Department. They are aggrieved by the transfer orders dated 03.06.2005 and 06.06.2005 issued by the Commissioner, Customs and Central Excise. It is their main grievance that they were transferred from the existing place in the month of June when their children are in their mid session of studies. They have got various special circumstances in their favour to continue in the present station. Their case is that transfer orders are issued ignoring the guidelines issued by the respondents themselves only to oblige certain other Superintendents who sought for choice posting.

2. We have heard Mr. J.L. Sarkar, learned counsel for the applicants and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

3. By order dated 17.06.2005 we directed the Addl. C.G.S.C. for the respondents to get instructions from the respondents in the matter. An interim order retaining the applicants in the present post was also passed. Learned Addl. C.G.S.C. for the respondents has now placed before us a communication dated 20.06.2005 from the Commissioner, Customs and Central Excise, Shillong and it appears from the said communication that the respondents are inclined to consider the representation to be made by the officers whose children are studying in school in the mid session.

4. Considering the circumstances as done in other cases earlier, we direct the applicants to make separate representations before the Chief Commissioner, Customs and Central Excise, Shillong,



the 2<sup>nd</sup> respondent within a period of two weeks from today. If any such representation is filed by the applicants the 2<sup>nd</sup> respondents will consider the same and pass appropriate order in accordance with law within a period of one month thereafter.

5. Since Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents stated that the applicants have not so far been relieved from the present place, the interim order passed on 17.06.2005 shall continue till the disposal of the representations as aforesaid. Needless to say that if no such representation is filed as directed above by the applicants, the respondents are free to implement the order.

The O.A. is disposed of as above. The applicants will produce this order alongwith the representation.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

16 JUN 2005

गुवाहाटी न्यायालय  
Guwahati Bench

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati

O.A.No. 146/2005

Shri B.C.Nath

- Versus -

Union of India & Ors.

#### SYNOPSIS OF THE APPLICATION

This application is made against the impugned transfer orders dated 03/06/2005 and 06/06/2005 whereby the applicant has been transferred to Agartala Customs Division.

That the said impugned transfer orders have been issued in violation to the circulated/published policy of transfer of the Respondent Department.

That the applicant was posted to Central Excise Guwahati in February 2000. His tenure of minimus four years service at Guwahati has not been completed till date. It is also stated that the children of the applicant are pursuing studies with Assamese as a subject and it is their mid session. The transfer of the applicant shall cause immense hardship and loss to the academics of the children.

✓ The applicant is a patient of Heart, Liver and Pancreas ailments and has been under treatment at Madras and Guwahati Medical College Doctors and CGHS.

That the impugned transfer order in June is against the accepted policy and guidelines of transfer to be made and given effect by December/January.

In the Central Administrative Tribunal,  
Guwahati Bench :: Guwahati

O.A. No. 148/2005.

Sri B.C.Nath .... Applicant

--Versus--

Union of India & Ors. .... Respondents

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

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

ORIGINAL APPLICATION NO. 148/2005.

filed by the applicant  
through Bikash Nath  
Advocate  
16.06.05

Bikash Chandra Nath

Between

Shri Bikash Ch. Nath  
Working as Superintendent,  
Central Excise,  
Guwahati.

... Applicant

- Versus -

1. Union of India,  
Represented by the Secretary to the  
Govt. of India, Ministry of Finance,  
Department of Customs & Central Excise,  
New Delhi.
2. The Chief Commissioner,  
Customs & Central Excise,  
North Eastern Region,  
Shillong.
3. The General Manager (Con/P)  
N.F.Railway, Maligaon,  
Guwahati.

... Respondents

DETAILS OF THE APPLICATION :

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

This application is made against the impugned transfer order No. 72/2005  
dated 03/06/2005 and order No. 5/2005 dated 06/06/2005.

2. JURISDICTION :

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

**3. LIMITATION:**

This applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administrative Tribunals Act 1985.

**4. FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and hence is entitled to the rights and privileges guaranteed under the Constitution of India.

4.2 That the applicant is a Group-B Officer, working as Superintendent, Central Excise and posted at Guwahati, district-Kamrup. The applicant was promoted to the post of Superintendent from the post of Inspector in September, 2002 and was posted at Dhubri. In February, 2004 he was transferred to Guwahati, Central Excise Audit where he working with effect from 3.2.2004. His tenure of minimum four years service at Guwahati, as Superintendent has not been completed till date.

4.3 That for the purpose of transfer and posting of Group B officers in North East the Respondent Department has made out a transfer policy vide C. No.II(7)5/ET.III/88/1674 dated 07.11.1996 taking into relevant considerations including consideration for welfare of the children and their education. The adopted policy is that transfer will be completed before 31<sup>st</sup> December on any year and as far as possible effected by 31<sup>st</sup> January of the following year.

Copy of the transfer policy dated 07/11/96 is enclosed as Annexure-A.

Chandra Nath  
Bekash

4.4 That the aforesaid transfer policy has explicitly made the tenure and posting of Group-B Officers as under:

“3. The general tenure in one station will be 4 to 6 years.

4. Period of stay in any one station/section/office will not be more than 2 years.

5. Since the officers belong to a common cadre of Central Excise mainly, no officer will remain posted in Customs for more than 4 years.”

4.5 That by a letter dated 04.10.2004 option for annual general transfer of Superintendent for the year 2004 were called from the concerned officers who have completed tenure of service as per accepted transfer policy. Options were directed to submit in the prescribed proforma enclosed with the letter on or before 31/10/2004. It is stated that the option for purported general transfer under this letter dated 04/10/2004 was called for as per para 2 of the aforesaid transfer policy. He gave his option for Barpeta Road Central Excise Range. He has submitted the original option in the form and has not retained any copy.

*letter dated 4.10.04 and*  
Ans: Copy of the Transfer Proforma is enclosed as Annexure-B. *and C*

4.6 That it is stated that Commissioner of Central Excise, Shillong has issued an order No. 72/2005 of transfer/rotation of the officers in the grade of Superintendent Group-B dated 03/06/2005 by which 59 Group-B Officers including the applicant have been transferred from one station to another. The name of the applicant appears in the aforesaid transfer order at Sl.No.21. This transfer order shows that the same has been issued without application of mind and it has been issued as routine exercise of power and administrative action has not element of public interest. On the contrary the order dated 03/06/2005 acts contrary to the interest of the children's education of the applicant. The applicant

B  
B  
Kash Chandna  
B  
B

has not yet received the order from office because of his absence from duty on the ground of illness.

Copy of the order dated 03/06/2005 is enclosed as

Annexure- D

4.7 That consequent upon the aforesaid transfer order dated 03/06/2005 the Commissioner of Customs (Preventive), Shillong by Order No.5/2005 dated 06/06/2005 ordered transfer and posting of 36 officers including the applicant with immediate effect and until further orders. By this Order dated 06/06/2005 the applicant has been purported to be transferred and posted from Guwahati Central Excise to Agartala Customs Division. The said order also indicates that officers in Sl. No.12, 13, 15 and 27 have been transferred on the basis of their representation and before completion of tenure in the Commissionerate. The term "until further orders" in the said transfer and posting order dated 06/06/2005 is vague and ambiguous. It is stated that the applicant has not been released from his present posting. It is stated that the applicant is sick with effect from 13.6.2005 and not received the orders dated 3.6.2005 and 6.6.2005 from office. He has collected the same from his colleague.

Copy of the order dated 6-6-2005 is enclosed as Annexure-

D. E

4.8 That the applicant submitted a representation on 7.6.2005 to the Commissioner of Customs, Addl. Commissioner (P&V) of Customs and Chief Commissioner when he heard about the order of transfer. He has not received any reply.

Copy of the representation dated 7.6.2005 is enclosed as

Annexure-D. F

4.9 That the applicant begs to state that his normal tenure period at Guwahati as per the accepted policy/guidelines of transfer has not been expired. It is also stated

Bikash Chandra Nath

75  
Bikash Chandra Nath

that the children of the applicant are studying at different educational institutions at Barpeta and they are studying with Assamese as one of the subjects. They are pursuing studies in Class III and VII. The transfer of the applicant under such circumstances will also cause immense hardship and loss to the academics of the children and they will be deprived of their further studies in the new station.

4.10 That the said order of transfer dated 03/06/2005 has been issued without regard to the prescribed and accepted norms of transfer. The circulated/published policy stipulates that all general transfers shall be made in December of any year to be given effect by January next. But most surprisingly the said order has been issued in June in total negligence of the Department's own formulated policy. This has been done purportedly to accommodate some officers.

4.11 That the order of transfer dated 03/06/2005 manifests that the same has been issued hastily without waiting for December which is the schedule time for issue of the order. A close perusal of the order dated 03/06/2005 indicates that the same has been issued to accommodate a number of officers, for example, officers at Sl. No.3, 4, 5, 6, 17, 18, 21 etc. on the basis of their representations. Such transfer at the behest of some officers as indicated therein violating the prescribed time schedule of transfer, causing undue and immense hardship to others including the applicant is not just and fair administrative action. Such actions are discriminatory and arbitrary and the applicant has become victim of such arbitrary action.

4.12 That the said order dated 03/06/2005 directs as under :

“No further representations will be entertained...”

Such stipulation denies the applicant the right and scope to submit and express his grievances and difficulties to the superior administrative officers for their due consideration. This cuts at the root of administrative fairness and denies the

Bireesh Chandra Nah

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

- 4.13 The applicant is a patient of Liver, Pancreas and Heart and has been under treatment of Malar Hospital, Chennai and Guwahati Medical College and CGHS, Guwahati.
- 4.14 That the applicant has also submitted representations requesting for posting at Barpeta.

Copy of representation dated 6.8.2004 is enclosed as Annexure-F. 6.

- 4.15 That the applicant submits that if his transfer and posting as per the aforesaid transfer orders dated 03/06/2005 and 06/06/2005 is not cancelled he and his family members including the children shall suffer irreparable loss and injury.
- 4.16 That this application is made bonafide and for the cause of justice.

#### 5. GROUND FOR RELIEFS WITH LEGAL PROVISIONS :

- 5.1 For that the impugned orders of transfer and posting are illegal in as much as the same have been issued violating the prescribed and accepted norms, policy and guidelines of transfer.
- 5.2 For that the respondents have transferred the applicant before completion of his prescribed tenure at Guwahati.
- 5.3 For that the transfer of the applicant at the mid session of his children's education is unwarranted and not just and fair. The problem of Assamese as a subject shall be insurmountable.
- 5.4 For that the transfer orders have been issued to accommodate some officers which is discriminatory and arbitrary and offends Article 14 of the Constitution of India.

17  
B. K. Chandra Nath

- 5.5. For that the applicant is a serious patient as explained in the petition.
- 5.6. For that malice in law and malice in fact is explicit in the impugned orders.
- 5.7. For that in any view of the matter the applicant is entitled to the reliefs sought for.

**6. DETAILS OF THE REMEDIES EXHAUSTED :**

The applicant has no other efficacious remedies under any Rule.

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

The applicants have not filed any other case/applications in any other Court/Tribunal regarding the present subject matter.

**8. RELIEFS SOUGHT FOR :**

Under the facts and circumstances stated above, the applicant prays for the following reliefs :

- 8.1 The name of the applicant be deleted from the impugned transfer orders dated 03/06/2005 and 06/06/2005.
- 8.2 The applicant be allowed to continue at his present station of posting.
- 8.2 Any other relief or reliefs as the Hon'ble Tribunal deems fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

**9. INTERIM ORDER PRAYED FOR :**

Pending disposal of this application the applicant prays for the following interim reliefs :

- 9.2 The orders dated 03/06/2005 and 06/06/2005 of transfer of the applicant be suspended and he may be allowed to continue at his present place of posting.
- 9.3 Any relief or reliefs as the Hon'ble Tribunal deem fit and proper.

**10. Particulars of the Postal Order :**

Postal Order No. : 206 J 33890

Date

13-06-05

Issuing Office - Guwahati GPO

Payable at - Guwahati GPO

10.

List of enclosures:

An per index.

B. C. Nath

VERIFICATION

I, Bikash Ch. Nath son of Dr P.K.Nath, aged above 47 years, a resident of Guwahati, do hereby verify that the statements made in the paragraphs 1, 4, 6 to 12 are true to my knowledge and statements in para 2, 3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 16<sup>th</sup> day of June, 2005.

Bikash Chandra Nath  
Signature

TRANSFER POLICY OF GROUP 'B' OFFICERS IN NORTH EAST.

20

After a detailed discussion between the CCP, CCE and AC(Hqrs) alongwith various instructions of the Ministry and the last of which is F.No. A-35012/28/92-Ad. I.I.B dated 30th June, 1992, in view of various conferences and other discussions, it has been agreed to follow the following transfer policy among the Group 'B' officers in the North East.

1. Since the Commissioners cover 7 (seven) North Eastern States with different ethnic background, Administration will follow as far as possible convenient zone and areas so that officers are not unduly put to difficulties. However, these will not include transfers on Administrative grounds.
2. Before any general transfer, Group 'B' officers will submit a representation for :-
  - (a) Place of posting of the request
  - (b) Option for Customs/Central Excise
  - (c) For any other deputation.

These representations will be received positively by 1st October of any year.
3. The general tenure in one station will be 4 to 6 years.
4. Period of stay in any one station/section/office will not be more than 2 years.
5. Since the officers belong to a common cadre of Central Excise mainly, no officer will remain posted in Customs for more than 4 years.
6. The rotation in every 2 years will be from difficult to soft area and from sensitive to hard areas.
7. Compassionate postings will be considered mutually between the CCP and CCE and after satisfying the genuineness of the compensation cases, transfer will be made if needs be. Such transfers on compassionate grounds must be addressed to DC/AC(PAV) and endorsed to both the Commissioners.

Dated..... 2/

Attested  
for reference

8. Though Dep'tt. of Personnel & Training with their letter dated 3rd April '86 have recommended posting of Head and sub-division together in one station, the area of jurisdiction being vast and the nature of work being different from general Administration only where there is absolutely any problem or difficulty, transfer will be considered as per Ministry of Personnel guidelines.

9. Since the Commissioners are highly short staffed, cooling off period from any deputation as recommended by the Ministry will in future be enforced.

10. General transfers will be completed before 31st December of any year and as far as possible effected by 31st January.

11. Officers who are due to retire within 2 years will be retained/posted within and around their Home Town or places/stations requested by them.

Umesh Bhattacharya  
( LALUNGJINEMA ) 7/11  
COMMISSIONER  
CUSTOMS (PREV) : NER : SHILLONG

( L.R. MITRA )  
COMMISSIONER  
CENTRAL EXCISE : SHILLONG

C.N. II(7)5/ST. III/86/ 1674.

Dated : 7/11/86.

Copy to :-

1. The Member(P&V)/(C.Ex.)/(A.S.), Central Board of Excise and Customs North Block, New Delhi for kind information.
2. The Chief Commissioner(EZ), Customs and Central Excise, 15/1 Strand Road, Calcutta for kind information.
3. The Commissioner(Cus. Prev.), NER, Shillong for kind information.
4. The Deputy Commissioner(Cus. Prev.), NER, Shillong for kind information.
5. The Secretary, General, All India Federation of Central Excise Gazetted Executive Officers, 40A/1, J.C. Mitra Road, Calcutta for kind information.
6. The General Secretary, Group 'B' Executive Officers' Assn., Customs and Central Excise, Shillong for kind information.
7. The Assistant Commissioner of C.Ex./Cus. (V), for information.

( U. Bhattacharya ) 7/11/86  
( D. Mitra )  
ASSISTANT COMMISSIONER (HONS.)  
CUSTOMS AND CENTRAL EXCISE : SHILLONG.

Copy to General Secretary (all) for information.  
B. D. Khan, Group 'B' - Sub-julb - Jan. Secretary



Commissioner of Central Excise  
MORELLO COMPOUND  
M.G. ROAD, SHILLONG

Tel 91-0364-2224751 / 2223030.

Fax. 91-0364-2223428 / 2226215.

E-Mail: [cexshill@exchse.nic.in](mailto:cexshill@exchse.nic.in)

C.No. II(26)20/ET.III/95/

To

Dated:

29/09/2004

04 OCT 2004

The Deputy/Assistant Commissioner  
Central Excise Division

GUWAHATI  
The Superintendent ( )  
Central Excise Hqrs. Office  
Shillong.

Subject: Option for Annual General Transfer of Superintendent/Inspector - regarding.

The Annual General Transfer for 2004 of Superintendents and Inspectors posted in different formations and Headquarter Office of Central Excise Commissionerate, Shillong is proposed to be made in December 2004. The concerned officers who are due for transfer as per the accepted guidelines for transfer of this Commissionerate will be considered for transfer.

Briefly the accepted guidelines for transfer in respect of Superintendents/Inspectors are reiterated below for the benefit of the officers.

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

- (i) In the same station for a continuous period of 4 (four) to 6 (six) years,
- (ii) In the same Section/Office for a continuous period of 2 (two) years, and
- (iii) In the same Commissionerate for a continuous period of 4 (four) years

Similarly, Inspectors who have completed their tenure will be considered for transfer:

- (i) In the Divisional Hqrs. Office for a continuous period of 6 (six) years,
- (ii) In the Ranges outside the Divisional Office for a period of 3 (three) years,
- (iii) In Central Excise Hqrs. Office for a period of 6 (six) to 8 (eight) years and
- (iv) In the same Commissionerate for a continuous period of 4 (four) years

Also, Superintendents and Inspectors of Shillong Central Excise Commissionerate who opts for Customs or Dibrugarh Commissionerate should send in the same Transfer Proforma.

It is therefore requested to forward the options of officers for posting in Central Excise and Customs in order of preference for next posting indicating the reasons thereof. Options in the prescribed proforma (enclosed) should reach this office on or before 31.10.2004. Options received after 31.10.2004 will not be taken into consideration for Annual General Transfer 2004. It is, therefore, requested to take personal initiative to send this office on or before the said date. While forwarding the proforma, it may be ensured that the same is duly verified by the Head of Office.

Please acknowledge receipt.

(B. THIMMAR)  
ADDITIONAL COMMISSIONER (P&V)

6/10/04

Attested  
for  
Advocate

## TRANSFER PROFORMA

1. Name of the Officer (In Block Letters):

2: (a) Date of Apptt. In the Deptt. and grade:

(b) Date of Apptt. In the present grade :

(c) Date of Birth :

3. Name of the Home town &amp; State :

## 4. HISTORY OR POSTING SINCE ENTRY

Sl. No.	Station	Post Held	From	To

5. Please indicate choice of posting in order of preferences:

1 to 3 for Central Excise and 4 to 6 for Customs with brief reasons:

1.

2.

3.

4.

5.

6.

Note: The choice of posting does not necessarily imply that the Officer will be given a posting of his choice. Officers are liable to be transferred before completion of full term in the exigencies of Service.

STATION:

DATE:

SIGNATURE OF OFFICIAL AND DESIGNATION

Forwarding Officer's Comments:

(i) The particulars given above are verified and found to be correct.

STATION:

DATE:

SIGNATURE, NAME AND DESIGNATION  
OF THE FORWARDING AUTHORITY

EX-102-A FORM NO. 102-A (P&amp;G)

A. S. G. S.  
Advocate

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

Tel. 91-0364-2224751 / 2223030. Fax: 91-0364-2223428 / 2226215. E-Mail: sexshill@excise.nic.in

ESTABLISHMENT ORDER NO. 12/2005

DATED SHILLONG, THE 26 JUNE 2005

Subject: Inter- Commissionerate Transfer/Rotation of the officers in the grade of Superintendent Group "B" - order reg.

The following Transfer/Rotation of officers in the grade of Superintendent in the Shillong Zone are hereby ordered with immediate effect and until further orders.

SL. NO.	NAME OF THE OFFICERS	FROM	TO
1.	Shri C. Shullai	Commissionerate of Customs(P), Shillong	CEX, Shillong
2.	Smti. R.R. Bhowmick	do-	do-
3.	Shri N.L. Roy	do	do-
4.	Shri D.R. Saha	do	do-
5.	Shri G.C. Paul	do	do-
6.	Shri N.R. Das	do	do-
7.	Shri S.K. Nandi	do	do-
8.	Shri L.H. Fairheim	do	do-
9.	Shri T.K. Singh	do	do-
10.	Shri T.K. Sen	do	CCX, Dibrugarh
11.	Shri U.K. Das	do	do-
12.	Shri Jatindra M. Borah	do	do-
13.	Shri S.K. Chaliha	do	do-
14.	Shri Lakhoneh Simte	do	do-
15.	Shri Jyotish Das	do	do-
16.	Shri Thangchuoilo	do	do-
17.	Shri B.B. Saikia	do	do-
18.	Shri M. Baruah	do	do-
19.	Shri T.T.K. Thang	do	do-
20.	Smti. P. Devgupta	Commissionerate of Central Excise, Shillong	Commissionerate of Customs (P), Shillong
21.	Shri B.C. Nath	do	do-
22.	Shri Binayak Bhattacharjee	do	do-
23.	Shri D. Majumdar	do	do-
24.	Smti. Champa Shome	do	do-
25.	Smti. K.P. Laloo	do	do-
26.	Shri D. Roy Choudhury	do	do-
27.	Smti. L. Shangpialang	do	do-
28.	Shri Gangadhar Das	do	do-
29.	Shri N.C. Sutradhar	do	do-
30.	Smti. S. Bhattacharjee	do	do-
31.	Shri J.L. Bhowmik	do	do-
32.	Shri D. C. Bania	do	CEX, Dibrugarh
33.	Shri B.B. Karmakar	do	do-
34.	Shri M.S. Tyagi	do	do-
35.	Shri F.U. Fukir	do	do-
36.	Shri N.K. Nandi	do	do-
37.	Shri G.C. Paul	do	do-
38.	Shri G. Thabah	do	do-
39.	Shri Jagadish Acharjee	do	do-

Attested  
for  
Shri  
S. S. S. S.

40.	Shri R.K. Kalita	-do-	-do-
41.	Smti. K.M. Das	Commissionerate of Central Excise, Dibrugarh	Commissionerate of Customs (P), Shillong
42.	Shri S. Ganguli	-do-	-do-
43.	Shri T.K. Rajkhowa	-do-	-do-
44.	Shri J.C. Das	-do-	-do-
45.	Shri K.C. Sarkar	-do-	-do-
46.	Shri V. Hangzo	-do-	-do-
47.	Shri H.P. Roy	-do-	CEX, Shillong
48.	Shri D. Chakraborty	-do-	-do-
49.	Shri R. K. Borali	-do-	-do-
50.	Shri G. K. Bhuyan	-do-	-do-
51.	Shri D. K. Deb	-do-	-do-
52.	Shri N. Singha	-do-	-do-
53.	Md. Mohibur Rahman	-do-	-do-
54.	Shri L.S. Das	-do-	-do-
55.	Shri D.R. Das	-do-	-do-
56.	Shri N.C. Kataki	-do-	-do-
57.	Shri G.C. Mandal	-do-	-do-
58.	Shri H.C. Kalita	-do-	-do-
59.	Shri Sudip Dev	-do-	-do-

This disposes of all the representations received in the grade of Superintendents.

The officers at Sl. Nos. 3, 4, 5, 6, 17, 18, 21, 23, 34, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58 & 59 will not be entitled TA/DA as they have been transferred on the basis of their representations. No further representations will be entertained unless the officers join their new places of postings.

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

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

3/6/05  
(KARNAIL SINGH)  
COMMISSIONER

56091-56190  
C.No.II(3)/05T-II/2005/

Copy forwarded for information & necessary action to:-

Dated :-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone 'CRESCENS' Building, M.G. Road, Shillong.
2. The Commissioner, Customs (Preventive), NE : Shillong.
3. The Commissioner, Central Excise, Dibrugarh.
4. The Commissioner (Appeals), Central Excise, Guwahati.
5. The Additional Commissioner (P&V), Central Excise, Shillong/Dibrugarh.
6. The Additional Commissioner (Tech.), Central Excise Hqrs. Office, Shillong.
7. The Additional Commissioner, Customs (Preventive), 'NIER', Shillong.
8. The Joint Commissioner (A/E), Central Excise Hqrs. Office, Shillong/The Joint Commissioner, Central Excise, Dibrugarh.
9. The Deputy/ Assistant Commissioner, Central Excise/Customs, Division, Shillong/ Dibrugarh Commissionerate. Copy(s) meant for the concerned officer(s) is/are enclosed.
10. The CAO, Central Excise/Customs, Shillong/Dibrugarh Commissionerate.
11. The PAO, Customs & Central Excise, Shillong.
12. Accounts I & II/Confidential Branch/CIU - Vigilance Branch, Central Excise Hqrs. Office, Shillong.
13. Shri/Smti. N.K. Nandi Superintendent for compliance.
14. The General Secretary Group 'B' Superintendents Association, Customs & Central Excise, Shillong/Dibrugarh.
15. Guard File.

(KARNAIL SINGH)  
COMMISSIONER



OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)  
NORTH EASTERN REGION  
SHILLONG

110 Mahatma Gandhi Road, Shillong - 793001, Meghalaya  
Phone: 0364-2222597/2225325/2229005. Fax: 0364-2223440/2229007. E-mail: cusslhg@sancharne

ORDER No. 5/2005

Dated Shillong the 6<sup>th</sup> June 2005

**Subject:-** Transfer and posting in the grade of Superintendent, Group 'B' officers of Customs (Preventive), Commissionerate, North Eastern Region, Shillong - order reg.

Consequent upon Inter-Commissionerate transfer and the placement of officers with the Commissionerate of Customs (Preventive), N.E. Region, Shillong vide Central Excise Estt. Order No.72/2005 issued under C.No. II(3)7/ET.III/2005/56091-56190 dated 3<sup>rd</sup> June 2005, the following transfer and posting in the grade of Superintendent, Group 'B' officers of Customs (Preventive), Commissionerate, North Eastern Region, Shillong is hereby ordered with immediate effect and until further orders.

Sl. No.	Name of Officers	Place of Posting	
		From	To
1	2	3	4
1.	Arabinda Dutta	Hqrs. Tech. Branch	Cus. Hqrs. Prev. Unit
2.	A. Bhattacharjee	Shillong Cus. Division	Cus. Hqrs. Tech. Branch
3.	S. Kilong	Dimapur Cus. Divn.	Cus. Tax Recovery Cell
4.	D.K. Chettri	Aizawl Cus. Divn.	Cus. Hqrs. PRO
5	Tridip Ch. Roy	Karimganj Cus. Divn.	Cus. Hqrs. Law Branch
6.	Haripada Debnath	Karimganj Cus. Divn.	Cus. Hqrs. Valuation Br.
7.	B.P. Jaishi	Hqrs. Prev. Unit Cus. Hqrs. Shillong	Cus. Hqrs. Disposal Unit
8	Jambu Lama	Shillong Cus. Division	Hqrs. Appeal/Review Br.
9	Smti Champa Shome	Range-I, Silchar C.Ex. Divn.	Cus Computer & Trg.
10	Smti K. P. Laloo	Jowai Range, Shillong C.Ex. Divn.	Cus. SIU-Vig. Branch
11	D. Roy Choudhury	Shillong C. Excise	Cus. Hqrs. Adjn. Branch,

Order Page 1 of 3

Abesw  
Smti  
Achoura

12	J. N. Bhowmick	Hqrs. CIU-Vig, C.Ex. Shillong	Agartala Cus. Division
	D. Mazumdar	Hqrs. PRO, C. Ex. Shillong	Agartala Cus. Division
14	Binanayak Bhattacharjee	A/E Unit, Silchar C.Ex. Divn.	Agartala Cus. Division
✓15	B. C. Nath	Hqrs. Audit, C.Ex. Guwahati	Agartala Cus. Division
16	K. Hinar	TRC, Cus. Hqrs. Shillong	Aizawl Cus. Division
17	J. C. Das	Tezpur Range, Central Excise	Aizawl Cus. Division
18	K. C. Sarkar	Tangla Range, Tezpur C. Ex.	Aizawl Cus. Division
19	N.C. Sutradhar	Tech.III, Dhubri C. Excise	Aizawl Cus. Division
20	S. Ganguli	A/E Unit, Tezpur C. Excise	Dimapur Cus. Division
21	Smti K. M. Das	Amguri Range, C.Ex.	Dimapur Cus. Division
22	B. R. Boro	A/S Unit, Imphal Divn.	Dhubri Cus. Division
23	Smti L. D. Sangma	LGBI Airport, Guwahati Divn.	Dhubri Cus. Division
24	S.K. Mazumdar,	Appeal & Review Cus. Hqrs. Shillong	Guwahati Cus. Division
25	M. A. Mazarbhuiya	UOT to Agartala Cus. Division	Guwahati Cus. Division
26	Ashwani Kr. Das	Dimapur Cus. Divn.	Guwahati Cus. Division
27	V. Hangzo	Tinsukia II Range, C. Excise	Imphal Cus. Division
28	Gangadhar Das	Range-IV, Guwahati C.Ex.	Imphal Cus. Division
29	T. K. Rajkhowa	Makum Range, C.Ex.	Imphal Cus. Division
30	B. C. Das	Computer & Trg. Cus. Hqrs. Shillong	Karimganj Cus. Divn.
31	Ashit Chakraborty	Tech. Branch, Shillong Divn.	Karimganj Cus. Division
32	Smti P. Devgupta	Range-II, Silchar C.Ex. Divn.	Karimganj Cus. Divn.
33	Smti S. Bhattacharjee	Tech. II, Silchar C.Ex. Divn.	Karimganj Cus. Divn.
34	Jagadindu Das	Adjudication Br. Cus. Hqrs. Shillong	Shillong Cus. Division
35	Sudhakar Sharma	Cus. Hqrs. PRO	Shillong Cus. Division
36	Smti L. Shangpliang	Audit Branch, C. Excise Shillong	Shillong Cus. Division

The Officer Sl.No.12, 13,15 & 27 will not be entitled TTA as they have been transferred on the basis of their representations, before completion of normal tenure in the Commissionerate.

In the term of Board's D.O.No.C.50/30/2000 dated 15.07.2004 the above officers are placed at the disposal of the respective Divisional Deputy/Assistant Commissioners for further posting in the respective Divisions.

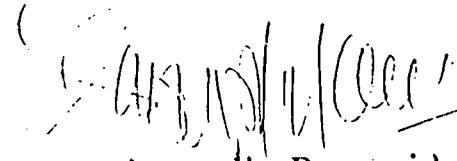
Officers who have completed their tenure in sensitive/hard-ship unit may be considered for rotation. Tenure may be extended in exceptional cases with prior approval of the Commissioner.

Sd/-  
(D D Ingty)  
Commissioner.

C.NO.II (3) 6/Hqrs.Estt/SII/2004/4158-247(A) Dated: 6.06.2005

Copy forwarded for information and necessary action to:-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone, Shillong.
2. The Commissioner of Central Excise, Shillong/Dibrugarh.
3. The Commissioner (Appeal), Customs & Central Excise, Guwahati.
4. The Additional Commissioner (P & V)/Tech/CC's Unit Customs & Central Excise, Shillong.
5. The Joint Commissioner, Customs (Prev.), NER, Guwahati/Imphal.
6. The Joint Commissioner Central Excise, Shillong.
7. The Deputy/Assistant Commissioner of Customs /Central Excise Division  
(Copy meant for the concerned officer is/are enclosed for delivery).
8. The Chief Accounts Officer, Customs/Central Excise, Shillong.
9. The Pay & Accounts Officer, Customs & Central Excise, Shillong.
10. The A.C.A.O. (Accounts), Customs Hqrs. Office, Shillong.
11. The Superintendent, SIU-Vig. Branch, Customs Hqrs. office, Shillong.
12. The Branch-in-charge, ET-1 / Confidential / CIU -cum-VIG Branch of Customs & Central Excise, Shillong.
13. Superintendent (Hqrs. Office), Shillong
14. Shri/Smti Do. ~~Abinandan~~, Superintendent, for compliance.
15. The General Secretary, Group 'B' Officers' Association, Customs & Central Excise, Shillong.
16. Guard File.

  
( Gaigongdin Panmei )  
Additional Commissioner.

To.

The Commissioner of Customs / Add. Commissioner (P & V) of Customs / Chief Commissioner  
Shillong. (Through Proper Channel)

-14- BY hand

Annexure - F

Sir,

Sub:- Prayer for posting either at Rangiya Preventive post, Rangiya or India  
containers Depot, Amingaon.

Most humbly and respectfully I beg to lay before you the following few lines for favour of your kind  
perusal and sympathetic action please.

That Sir, I came to learn that my name has been transferred from Central Excise side to Customs side  
very recently. As per Headquater's establishment order no.11/2004 dated 13-01-2004, I was transferred from  
Dhubri Central Excise Divisional Office to Headquater's Audit unit, Guwahati and accordingly I joined on  
3rd Feb., 2004 and thus completed a tenure of 1 (one) year only.

That Sir, I was suffering from acute heart and liver problems for which I availed 86 days earned leave on  
medical ground. I went to Madras and was hospitalised at Malar hospital and T.T.K. hospital, Madras and  
still undertaking prolong therapeutic treatment and I have been advised for a check-up after every 6(six)  
months till recovery (photocopies of medical Prescriptions & clinical examination reports, etc. are enclosed)

That Sir, I also submitted a representation to the Commissioner of Central Excise, Shillong on 6.8.04 requesting  
for my transfer to & posting at Barpeta Road Range under Guwahati Central Excise Division on mutual  
willingness between Sri B.C.Patir, Supdt. and self- both surrendering T.T.A. (copies enclosed). Both my children  
have already been admitted to a convent school run by the missionaries at Barpeta Road (my home town)  
and my family resides there.

That Sir, in view of the above facts and circumstances, I beg to request you to kindly transfer me and posted  
either to Rangiya Preventive post, Rangiya (only 2 hours distance from my home town) or to India containers  
Depot, Amingaon and for this act of your kindness, I alongwith members of my family shall remain ever  
grateful to you.

\* Enclo:- As above

9 sheets

yours faithfully,

(B.C.NATH)

(B.C.NATH)

superintendent (Audit)  
Central Excise, Guwahati

\* Sir, of late I came to know that I have been posted to  
Agartala Customs Division for which no T.T.A. was allowed.  
I have neither completed my tenure to my present place of posting  
nor I ever ~~posted~~ opted for any posting in Customs. I may  
kindly be retained at Guwahati considering the position of  
my health failing which my health might get jeopardised.  
Kindly decide at your earliest.

(B.C.NATH)

Supdt (Audit), C. Ex,  
Guwahati

Attn  
S. Nath  
Guwahati

## PRESCRIPTION

Patient Name : Mr. B. C. Nath



Malar Hospitals

(HUMANE CARE FOR HUMAN CURE)

Code No. : 1250

Age : 48 yrs

Sex : Male

Prescribed by :

52, 1st Main Road,  
Gandhi Nagar,  
Adyar, Chennai 600 020.  
Phone : 24914023/24914393

R

Return Medicine

Hand Care - 9

Syringe 10 ml - 2

Syringe 5 ml - ③

Tij Calimuse - ③

Tij Epsolin - 2

Hand Care - 0

Date : 2/8/04

Phone  
Signature



HOSPITAL

22  
32

2491 2948, 2491 8461

Dr. ANITA RAO  
Director - Medical Services

T T Ranganathan Clinical Research Foundation  
IV MAIN ROAD, INDIRA NAGAR, CHENNAI - 500 020

B. R. Nath

Date: 6/10/04

Rx

Morning உறை	After Noon ஏதியும்	Night உறை
1		
		1
1		1
		1
		1
		1
		1

T. Disulfiram

T. Phenyltoin Sodium  
100 mg

T. Megaceft 8K  
200mg

T. Enacetil Plus  
(RELITIL +)

T. Rehidip 80g

R 200 dys  
as

24912948, 24918461  
E.mail: ttrcrf@md2.vsnl.net.in

**Dr. ANITA RAO**  
Director - Medical Services

**T T Ranganathan Clinical Research Foundation**  
IV MAIN ROAD, INDIRA NAGAR, CHENNAI - 600 020

R B. C. Nath

Date: 21/4/04

	Morning காலை	After Noon நடுவு	Night நாளை
7. Disulfene	1		
7. Hclot	1		
5. PNa 100mg	1		2
5. Zytol 200mg (MEZARIL)	1		1
T. Emetil Pain (RELITIL +)			1
T. Emetil 25mg (Relitil 25mg)	1	1	1
T. Relidip 50mg			1
x 200 mg al			

T T Ranganathan Clinical Research Foundation (Regd.)

17, IV Main Road, Indira Nagar, Chennai - 600 020 INDIA

No.: 452

Ref. :

Date: 02/04/04

TO WHOMSOEVER IT MAY CONCERN  
FITNESS CERTIFICATE

This is to certify that Mr. R. C. Nalde.....

Office Address.....B.N.P.L. Road.....  
9th : Customs & Central Excise.....

is / was under our treatment for Substance induced Hepatitis and Reactive  
Depression from 03/03/04 to 02/04/04...

He is fit to join duty on 05/04/04.....

(N)

Dr. ANITA RAO  
Director,  
Medical Services  
Regn. No. : 31870

After  
final  
rewards



*25*  
Malar Hospitals

(HUMANE CARE FOR HUMAN CURE)

MALAR HOSPITALS LTD.

No. 52, First Main Road, Gandhi Nagar,  
Adyar, Chennai - 600 020.  
Phone : 24914023, 24914214  
Fax : 91-44-24918133

DATE : 02-03-2004

CODE NO : IP04 1250

CONSULTANT RADIOLOGISTS :

DR.ROCHITA V RAMANAN.

Dr.ARUN KUMAR.B.

NAME : Mr.B.C.Nath.  
REF.BY : Dr.Rangarajan.

AGE & SEX : 48 Yrs / Male  
DEPT NO : 1101/2004

CLINICAL HISTORY :

INVESTIGATION : ULTRASOUND STUDY OF WHOLE ABDOMEN.

REPORT :

The liver is normal in size and shows diffuse fatty infiltration. There is no evidence of any intrahepatic biliary dilatation.

The gall bladder is normal in size. The wall thickness appears normal. There is no evidence of any calculus.

The common bile duct is not dilated.

The pancreas is poorly visualised due to shadowing from the stomach gas.

The spleen measures 09.9 cms and has a normal size and uniform echotexture.

The right kidney measures 11.4 x 4.6 cms and its parenchymal thickness is normal.

The left kidney measures 10.4 x 5.2 cms and its parenchymal thickness is normal.

Both the kidneys show normal echogenicity of the renal parenchyma and renal sinus complex. There is no evidence of any calculi or calyceal dilatation.

The ureters are not dilated.

The retroperitoneal vascular structures are normal. There is no evidence of para-aortic lymphadenopathy.

Contd.No.2...

35

...2...

LOWER ABDOMEN :

The bladder is uniformly transonic and has smoothly outlined walls. There is no evidence of intraluminal pathology.

The prostate measures  $2.1 \times 3.8 \times 1.8$  cms with a volume of (8cc).

The seminal vesical glands are normal.

There is no ascites.

Both iliac fossae are free.

IMPRESSION : \* DIFFUSE FATTY INFILTRATION OF THE LIVER.

\* PANCREAS IS NOT WELL VISUALISED.

Self attested  
(Bath  
7.6.05  
Suptt (Audit)  
Central Sx cise  
Guysahale



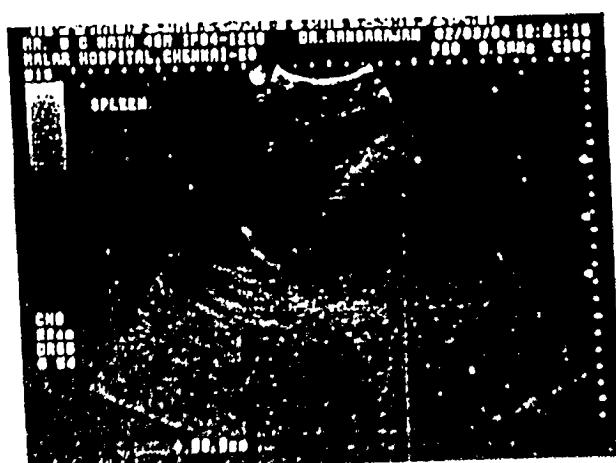
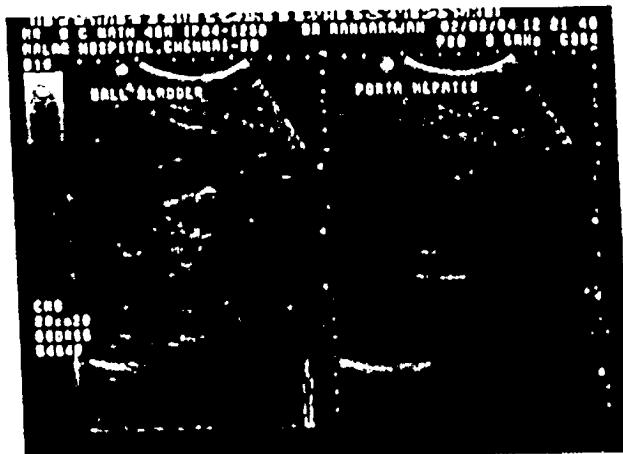
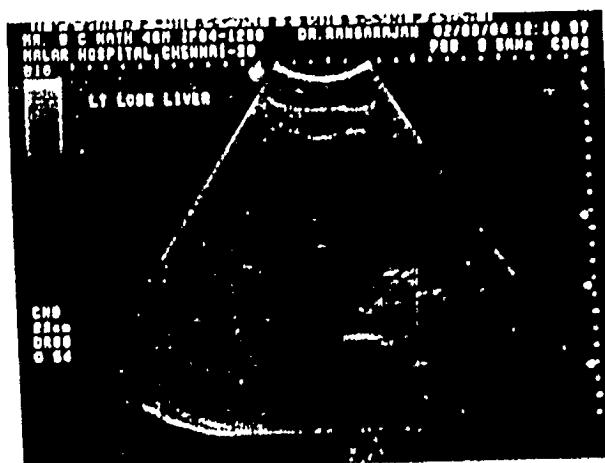
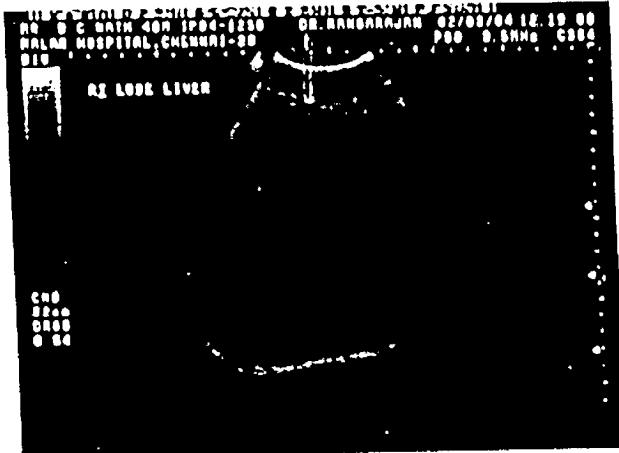
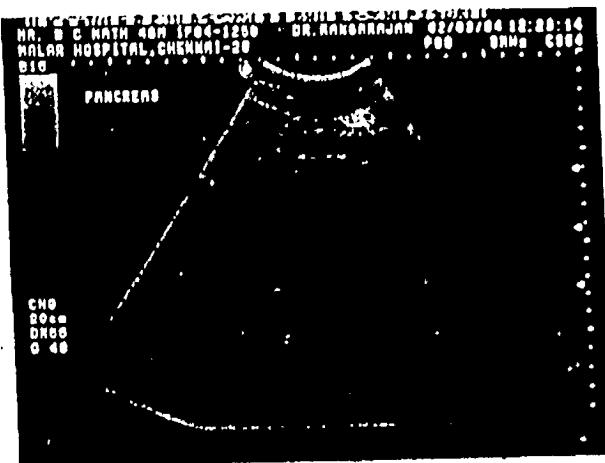
DATE : 02/03/2004 ENCL: 2 FILMS (DR. ROCHITA Y RAMANAN)  
GS

-27-

MALAR HOSPITAL  
ADYAR, CHENNAI

Patient Name	Mr. B C NATH	Patient Age	48 years
Patient Id	IP04-1250	Sex	MALE
Referral Doctor	DR.RANGARAJAN	Visit Date	02/03/2004

37



To, The Commissioner, Central Excise, Shillong.

Annesure-G 38

(Through proper channel)

Sir,

Sub :- Prayer for transfer to and posting at Barpeta Road Range under Quawahati Central Excise Division on mutual willingness between Shri B.C. Patir, Supdt. and self-both surrendering T.T.A.

Kindly refer to my representation dated 4-11-2003 and 30-6-2004 respectively (copies enclosed) for transfer to and posting at Barpeta Road Range, my home town, on proven medical ground and considerable domestic problems stated in my representations as enclosed.

In addition to the above-I beg to inform that Shri B.C. Patir Supdt., Barpeta Road Range is very much willing to be transferred to and posted at Guwahati, where his family members are residing and childrens education are going on. He is also willing to surrender his T.T.A. on mutual transfer (copy of representation enclosed).

In view of the above facts and circumstances-I humbly pray before your honour to be kind enough and consider my posting at Barpeta Road Range favourably and at the earliest and for this act of your kindness- I, along with the members of my family, shall remain ever grateful to you.

Enclosed : As above.  
3 (Three) Sheets.

Yours faithfully,  
(B.C. NATH)  
Superintendent (Audit)  
Central Excise,  
Guwahati.

P/10

Affected  
for divorce