

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 26-06-2006
2. Misc Petition No. _____
- 3- Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Mr. B. Sharma

Respondents U.O.I & Ors.

Advocate for the Applicant(S). Mr. M. U. Mandal, Mr. A. Hussain,
Mr. A. F. N. U. Mullah

Advocate for the Respondant(S). C.G. S. C.

Notes of the Registry	Date	Order of the Tribunal
		28.03.2006 Present: Hon'ble Mr. K. V. Sachidanandan Vice-Chairman

This application is in form
filed/C. F. for Rs. 50/-
deposited in the PO/BD
No. 266-B-200588
dated 22-3-06

Glued to

The claim of the applicant is that he has been transferred from Regional office, Guwahati to FEO, Kohima vide order dated 10.9.2004. The applicant has filed a representation on 20.7.05 before the respondents, but no response is given to the applicant. The applicant filed an application in O.A. No.4 of 2005 and this Tribunal relying on the decision of the Supreme Court in B.Varadha Rao Vs. State of Karnataka and others, AIR 1986 SC 1955 (Para 6) disposed of the said O.A. directing the respondents to consider the representation of the applicant and also directed that the respondents, as far as possible, will defer the transfer of the applicant till 31.3.2006. Subsequent to the above order of the Tribunal the Respondents have passed the impugned

Steps taken

Contd/-

28.03.2006

order declining the request of the applicant for cancellation of the transfer order. Aggrieved by the said order, the applicant has filed this O.A.

Notice and order
sent to D/section
for issuing to
resp. no. 1, 2 & 3
by regd. A/D post.

Received copy
of notice
on behalf of
resp. no. 1, 2 & 3
D/No - 428 to 430
D.T. 5/4/06.

Copy of notice
received on behalf of
resp. no. 1, 2 & 3
D/No - 428 to 430
D.T. 5/4/06.

Notice duly served
on resp. nos. 4, 5 & 6.

Notice duly served
on resp. nos. 1, 3.
25/4/06.

① Notice duly served
on R.No. 1, 3, 4, 5, 6.

Pl. comply order dated

11.5.06.

Received
by post
11.5.06

I have heard Mr. M. U. Mandal, learned counsel for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. appearing for the respondents. When the matter came up for hearing the learned counsel for the respondents has submitted that notice may be issued to the Respondents. Issue notice on the respondents. Post the matter on 11.5.06.

In the interest of justice the court directs the Respondents to keep the status quo as on to-day till the next date of hearing.

Vice-Chairman

11m

11.5.2006 Mr. G. Baishya, learned Sr.C.G.S.C. wanted to have more time to file reply statement. Let it be done. Post on 22.6.2006.

Interim order dated 28.3.2006 will continue till the next date.

Vice-Chairman

bb

Pl. comply order dated
11.5.06.
Received
by post
11.5.06

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

21-6-06

22.06.2006

Learned counsel for the respondents
sought for time to file reply statement.
Let it be done. Post on 25.7.2006.

Vice-Chairman

mb

No Writs have been
billed.

MB

07.07.2006

In view of the order passed in
M.P. 63 of 2006, the interim order
dated 28.03.2006 is extended till
the next date.

Post on 25.07.2006.

Vice-Chairman

/mb/

25.07.2006

Learned counsel for the respondents
submitted that he would like to have thr
weeks time to file reply statement.
Post on 17.08.2006. Interim order
will continue till the next date.

Vice-Chairman

mb

17.08.06.

When the matter came up for hearing
the learned counsel for the Respondent
has submitted that he wants to file
written statement. Let it be done.
Post the matter on 11.9.06.
Interim order ~~will~~ will continue till
the next date.

Vice-Chairman

lm

17.8.06.

NT

17.8.06.

Received
17.8.06.

No Writs have been
billed.

22.7.06

11.9.06: Learned counsel for the respondents wanted to file written statement.

Let it be done. Post the matter on 18.9.06. Interim order will continue.

order dt. 11/9/06
issuing to both
the parties

lm

Vice-Chairman

18.9.2006

Mr.G.Baishya, learned Sr.C.G.S.C wanted to have some more time to file reply statement. Let it be done.

Post on 2.11.2006. Interim order will continue till then.

order dt. 11/9/06
issuing to both
the parties

order dated 18-9-06

Received

By Somu
18-9-06

bb

Vice-Chairman

order dt. 18/9/06
issuing to learned
advocate, for both
the parties.

order dated 18/9/06

No written statement
has been filed.

lm

Vice-Chairman

27.11.2006

Learned counsel for the applicant has filed objection to the reply statement by way of rejoinder. Let it be brought on record if it is otherwise in order. The O.A. is admitted.

Post on 14.12.2006. Interim order will continue till such time.

order dt. 2/11/06
issuing to both
the parties.

order dated 3/11/06

6.11.06

bb

Vice-Chairman

WJS filed by
The Respondents.

DR

WJS has been filed.

order dated 24/11/06

14.12.2006

Mr.G.Baishya, learned Sr.C.G.S.C submits that he is not fully ready with the matter. Hence adjourned and posted on 12.1.2007. Interim order will continue till then.

Vice-Chairman

12.1.07.

Post the matter on 18.1.07. Interim order shall continue till the next date of hearing.

Vice-Chairman

lm

order dt. 12/1/07.
issuing to learned
advocate's for both
the parties.

(cc)
16/1/07.

Wb's and rejoinder
has been filed.

3
17.1.07.

18.1.2007

Mr. G. Baishya, learned Sr. C.G.S.C. for the Respondents wanted to verify the documents annexed by the Applicant in the rejoinder and to file counter document, if any.

Post on 05.02.2007. Interim order will continue till such time.

Vice-Chairman

order dt. 18/1/07 issuing
to learned advocate's
for both the parties.

(cc)
19/1/07.

/bb/

The case is ready
for hearing.

3
21.2.07.

The case is ready
for hearing.

3
5.3.07.

5.2.2007

Mr.G.Baishya, learned Sr.C.G.S. for the Respondents wanted to take instruction on the rejoinder filed by the Applicant as to the additional points raised therein. Let it be done

Post on 19.02.2007. Interim order will continue till then.

*Received
P.W. Hall
7.2.07*

/bb/

Vice-Chairman

*The case is ready
for hearing.*

6.3.07 Counsel for the respondents wants to take clarification of Annexures. Post the matter on 28.3.07. Interim order shall continue.

23
5-3-07*Received
P.W. Hall
23-3-07*

lm

Vice-Chairman

*order dt. 6/3/07
issuing to learned
Advocate's for both
the parties.*

28.3.2007

Mr.G.Baishya, learned Sr.C.G.S. submits that he has received a copy of the rejoinder and he wanted to file a reply to that. Let it be done as a last chance to the Respondents.

Post on 3.4.2007, interim order shall continue till then.

*The case is ready
for hearing.*

Vice-Chairman

*23
27.3.07*

bb

3.4.07.

Let the case be listed on 3.5.07. Interim order shall continue.

*Received
P.W. Hall
27-3-07*

lm

Vice-Chairman

order dt-3/5/07
issuing to both
the parties.

03.05.07. Post the matter on 9.5.07 as a last chance. In the meantime respondents are at liberty to file reply to the rejoinder. Interim order shall continue.

l
Vice-Chairman

lm

*The case is ready
for hearing.*

9.5.07. At the request of learned counsel for the respondents two weeks time is granted to file reply to the rejoinder. Post the matter on 25.5.07. Interim order shall continue.

✓
Vice-Chairman

lm

*The case is ready
for hearing.*

24.5.07.

25.5.2007 At the request made by Mr.G.Baishya, learned Sr.C.G.S.C. let the case be posted on 21.06.2007.

Interim order shall continue till such time.

l

Vice-Chairman

/bb/

*The case is ready
for hearing.*

20.6.07.

21.6.07. None is present for the applicant. It is made clear that if the counsel for the applicant is not present on the next date, this Court will pass appropriate order. Post the matter on 13.7.07. Interim order shall continue.

l
Vice-Chairman

lm

*The case is ready
for hearing.*

*nd date
11/6/07*

13.7.07.

P.L. correctly

13.7.07.

Counsel for the applicant has

submitted that he has got some personal difficulty and he prays for adjournment. Post the matter on 26.7.07. Interim order shall continue.

Vice-Chairman

order of 13/7/07
issuing to learned
advocates for both
the parties.

lm

Leave of
24/7/07.The case is ready
for hearing.3
25.7.07.

26.7.2007

Mr.G.Baishya, learned Sr.C.G.S.C. has filed reply to the rejoinder. Let it be brought on record if it is otherwise in order. Copy of the same has been served upon learned counsel for the Applicant Mr.M.U.Mandal. He wanted two weeks time to react sharply to the reply. Let it be done.

Post the case on 14.8.2007 for

hearing. Interim order shall continue till such time.

Vice-Chairman

/bb/

The case is ready
for hearing.26
27.8.07.

28.8.07 Post on 13.9.07 for hearing.

Vice-Chairman

An objection filed
by the Applicant against
affidavit in reply by
Applicant. Copy not served.

pg

13.9.07

Counsel for the applicant submitted that he wanted to take instruction.

Post on 28.9.07. Interim order will continue.

Vice-Chairman

dt. 13.9.07

P.L. correctly

order of 13/9/07
issuing to learned
advocates for both
parties.

pg

13/9/07

28.9.2007

The case is ready
for hearing.

27.9.07.

Heard Mr.M.U.Mandal, learned

counsel for the Applicant (in presence of
the Applicant himself) and Mr.G.Baishya,
learned Sr. Standing Counsel for the
appearing for the Respondents.

Hearing concluded. For the reasons
recorded separately, this Original
Application stands dismissed. No costs.

Record
of hearing
in case
9.10.07

/bb/


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

16.10.07
Copy of the
Writ has been
sent to the Office
for issuing the same
to the applicant
by post.

16
Judgment sent
via D.N.O. No. 1143
on 6.11.07.

15/11/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.76/2006.

DATE OF DECISION : 28-09-2007

Shri Bhubaneswar Sharma.

.....Applicant/s

Mr M. U. Mandal, A. Hussain, F. N. U. Mollah

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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

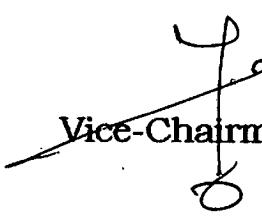
.....Advocate for the
Respondent/s

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. 76/2006.

Date of Order : This the 28th Day of September, 2007.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Bhubaneswar Sharma
Son of Late Rajani Kanta Sharma
Vill: & P.O: Branghati
P.S: Kya, Dist: Kamrup
Assam.

..... Applicants

By Advocates S/Shri M.U.Mandal, A.Hussain & A.F.N.U.Mollah

Versus –

1. Union of India,
represented by Secretary to the
Government of India, Deptt of
Directorate of Advertising &
Visual Publicity, Ministry of
Information & Broadcasting
New Delhi-110001.
2. The Director of Advertising & Visual Publicity
Ministry of Information & Broadcasting
Govt. of India, B.Block, Barracks K.G.Marg
New Delhi – 110001.
3. The Deputy Director (ADM)
Directorate of Advertising & Visual
Ministry of Information & Broadcasting
Govt. of India, New Delhi.
4. The Regional Officer of Directorate
of Visual Publicity
Ministry of Information & Broadcasting
Nabin Nagar, Jonapath
Guwahati-24.
5. The In-Charge

Khushiram

12

Resource Officer of Directorate of Visual Publicity
 Ministry of Information and Broadcasting
 Nabin Nagar, Jonapath
 Guwahati-24.

6. The Asstt. Editor of Directorate
 of Advertising & Visual Publicity
 Ministry of Information & Broadcasting
 Nabin Nagar, Jonapath
 Guwahati-24.

.....Respondents

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

ORDER (ORAL)

KHUSHIRAM (MEMBER-A)

The Applicant is employed as a Helper in the office of the Directorate of Advertising and Visual Publicity, (Ministry of Information and Broadcasting) at Guwahati. He was transferred, on 10.9.2004, from Guwahati to Kohima as against the vacant post of Chowkidar. He filed an appeal on 21.09.2004 for cancellation/modification of the transfer order and, subsequently, filed an O.A. No.223/2004 before this Tribunal, which was disposed of by order dated 29.09.2004 with a direction to the departmental authorities to dispose of his appeal within a specified time. The said direction of this Tribunal was complied with (by the appropriate authority) by passing of an order dated 5.10.2004-rejecting the appeal against the transfer. The said order dated 05.10.2004 was again challenged by way of filing yet another O.A. No.4/2005 before this ^{the Tribunal} Tribunal and by an order dated 22.6.2005/~~passed in that O.A.~~ directed the Respondents not to implement the order of transfer dated 10.09.2004

Khushiram

respect of the Applicant till 31.3.2006 having regard to the education of his children at Guwahati. The Applicant was also directed to present his representation (along with a copy that order of this Tribunal) for consideration of the Department. Meanwhile, the stay order was directed to continue till disposal of the representation as per direction of the Tribunal. The Respondents vide order dated 1.8.2005 deferred the transfer of the Applicant till 31.3.2006; while rejecting the request for cancellation/modification of his transfer to Kohima. By a separate order dated 5.10.2004 the department also clarified that the Applicant would continue to hold post of Helper at Kohima. The Applicant has challenged the said orders by way of filing the present Original Application ~~OA~~ 76/2006 under Section 19 of the Administrative Tribunals Act 1985, on 27.3.2006, claiming that he was working in regional office Guwahati as Helper since 10.05.1988 but by the order dated 10.9.2004 he has been transferred to FEO Kohima against the vacant post of a Chowkidar and, thus, demoting him from Helper to Chowkidar in violation of the Government circulars. He also alleged that the transfer order has been passed with mala-fide intentions and is illegal and arbitrary and thus to be set aside.

2. The Respondents have filed a written statement explaining the difficulties in cancellation/modification of the transfer order. It has also been stated that the problems faced by the Applicant and his family are common to all employees and hence no exception could be made in respect of the Applicant by canceling his transfer order. It was also

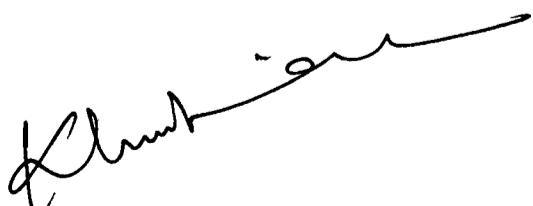
Khurana

pointed out that he has been allowed to continue at Guwahati in compliance with the direction given by this Tribunal; though there was acute shortage of staff in DAVP headquarters and vacant posts cannot be filled since they have been identified for abolition on downsizing the apparatus of the Govt. It was also stated that Kohima, where applicant is posted, is a part of North Eastern Region where the applicant has been employed that the Applicant has stayed at Guwahati for more than 17 years; that he has not faced any transfer since joining the Government service and that, therefore, they sought dismissal of the case and vacation of interim stay orders.

3. We have heard Mr M.U.Mandal, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr.C.G.S.C appearing for the Respondents.

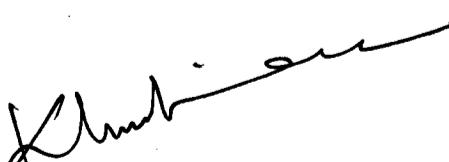
4. Learned counsel for the Applicant has repeated the points already raised in different O.As of the Applicant and also stressed on the difficulties being faced by the Applicant and his family members.

5. Mr G.Baishya, learned Sr.C.G.S.C for the Respondents pointed out that since the transfer of the Applicant in 2004 he had avoided compliance of the order till date under orders of the Tribunal and earlier also his transfer was deferred upto 31.3.2006 on account of his children's education. Once that date is over, he again avoided compliance of the order of transfer and managed to get stay order and had continued to stay at Guwahati. It is stated that the academic session in Guwahati is from January to December; but last time the Applicant claimed that his



children's education session will be over in March and the new Education session was to start from April and that is why he was allowed to continue at Guwahati till 31.3.2006. He cited the decision of S.C.Saxena vs. U.O.I & Ors. Reported in (2006) 9 SCC 586 (para-6) wherein the Hon'ble Supreme Court has held that "a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed." He also cited the decision of State of U.P. & another vs. Siyaram and another, reported in (2004) 7 SCC 405 wherein the Supreme Court has held that "transfer is not only an incident of service, but a condition of service as well and is necessary in public interest and efficiency in public administration – No govt. servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice."

6. In the instant case, the Applicant has taken advantage of the system and managed to avoid compliance with the transfer order by obtaining stay orders from the Tribunal from time to time, and has continued to stay at Guwahati without any regard for the exigencies of public service and requirement of the department. The applicant has proved himself to be a habitual litigant, who invents excuses for avoidance of the compliance of the transfer order.



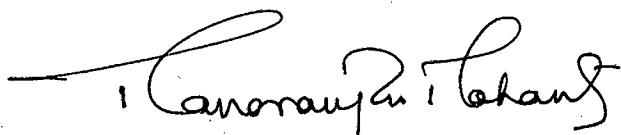
7. In the light of the foregoing discussions, we find no merit in this O.A; which deserves to be dismissed. This case is, therefore, dismissed.

8. Consequently, the interim order dated 28.3.2006, as extended from time to time, stands vacated.

9. There will, however, be no order as to costs.



(KHUSHIRAM)
ADMINISTRATIVE MEMBER



(MANORANJAN MOHANTY)
VICE CHAIRMAN

/pg/

In the Central Administrative Tribunal,
Grenville Beach, Ghy.

Sub:- Application for Seeing Permission
to move an urgent Case as
unlisted matter in O.A. No. - - - 1

Sri. Bhubaneswaran

The mind of India

My Lord,

The above, noted O.A. No. 106 has
been filed on 27/3/06 but not
listed today's cause list. The
matter is very urgent. The applica-
needs an interim order otherwise
the matter would become infracted.

Therefore your lordship
would be pleased to allow the
matter to be moved as unlisted
motion.

Allur

Thanking you.

yours faithfully

Mr. A. Hessan
Adv.

28/3/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

G. A. R. 6

[See Rule 22 (1)]

RECEIPT

1804

No.....

Date. 28/3/2026

Received from ... B. Bhattacharjee with

Letter No. O.A. 76/06 dated 20.....

the sum of Rupees. Five only

In cash/by IPO on account of Service charge for excess resp'th
by bank draft in payment of

Signature

Rs. 5/-

Abi
Abi
Cashier

19
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No.

76/06

1. a) Name of the Applicant: B. Sharma
b) Respondents: Union of India & Ors.
c) No. of Applicant(S):-

2. Is the application in the proper form: Yes / No.

3. Whether name & description and address of the all the papers been furnished in cause title: Yes / No.

4. Has the application been duly signed and verified: Yes / No.

5. Have the copies duly signed: Yes / No.

6. Have sufficient number of copies of the application been filed: Yes / No.

7. Whether all the annexure parts are impleaded: Yes / No.

8. Whether English translation of documents in the Language: Yes / No.

9. Has the application is in time: Yes / No.

10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.

11. Is the application by IPO/BV for Rs.50/- 260322588

12. Has the application is maintainable: Yes / No.

13. Has the Impugned order original duly attested been filed: Yes / No.

14. Has the legible copies of the annexurea duly attested filed: Yes / No.

15. Has the Index of the documents been filed all available: Yes / No.

16. Has the required number of enveloped bearing full address of the respondents been filed: Yes / No.

17. Has the declaration as required by item 17 of the form: Yes / No.

18. Whether the relief sough for arises out of the Single: Yes / No.

19. Whether interim relief is prayed for: Yes / No.

20. Is case of Condonation of delay is filed is it Supported: Yes / No.

21. Whether this Case can be heard by Single Bench/Division Bench:

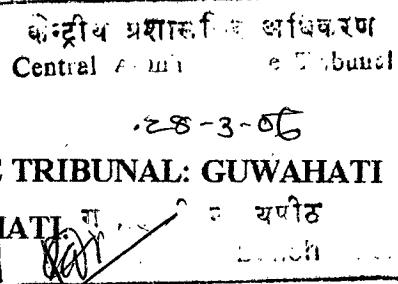
22. Any other pointd :-

23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in order *Deletio*

SECTION OFFICER (J)
N.S. 28/3/06

DEPUTY REGISTRAR

Rai



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI
BENCH, GUWAHATI, गुवाहाटी बैच**

O.A. No. 76 / 2006.
BETWEEN

Sri. Bhubaneswar Sharma -Versus- The Union of India & Ors.

List of dates and synopsis of the application.

9.12.83 to 18.5.88. The applicant has been working Helper daily wages in the Regional Office, Guwahati under the Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting, New Delhi.

10.5.88. The applicant has been regularized as a helper under the Directorate of Advertising and Visual Publicity, Ministry of Information & Broadcasting, New Delhi and working at Regional office, Guwahati since 13.12.83 to till dated.

19.5.88. The applicant has joined his regular service under the same department at Regional Office, Guwahati and working there till date with full satisfaction of all concerned.

10.9.2004. The applicant has been transferred from Guwahati to Kohima as Chowkidar from helper to adjust one Diwan Sing Chowkidar who is resident of Delhi who has been transferred to Delhi from Kohima.

16.9.2004. The photocopy of the order dtd. 10.9.04 was received by the applicant through Fax.

21.9.2004. An appeal has been filed by the applicant to the respondent but no response is given to the grievances of the applicant. Hence this application.

29.9.2004. This Hon'ble Tribunal was pleased to pass an order directing the respondents to dispose the representation dtd. 21.9.04 and by order dtd. 5.10.04 and impugned order is passed against the spirit of Hon'ble Tribunal but no response is given to the representation filed on 28.10.04 as per the order dtd. 29.9.04 in O.A. No. 223/04.

22.6.05 Order passed in O.A. No. 4/2005 by the learned Tribunal.

1.8.05 Impugned order passed by the Deputy Director, (Admn.).

7.6.05, 27.2.06, 7.3.06,
25.2.06, 27.2.06 & 19.7.05 Schools and Medicals Certificates

08.03.2006 Last representation filed by the Applicant.

Filed by
S. N.
Advocate

केन्द्रीय नियन्त्रण अधिकारण
Central Admin. & Control Tribunal

28.3.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI^{বিধি}
BENCH, GUWAHATI.

O.A. No. / 2006.

BETWEEN

Sri. Bhubaneswar Sharma -Versus- The Union of India & Ors.

-INDEX-

<u>Sl.No.</u>	<u>Particulars of the documents</u>	<u>Pages</u>
1.	Application	1 - 14
2.	Verification	15
3.	Annexure 1	16
4.	do 2	17
5.	do 3	18
6.	do 4	19
7.	do 5	20
8.	do 6	21
9.	do 7	22 - 26
10.	do 8	27
11.	do 9	28
12.	do 10	29
13.	do 11	30
14.	do 12	31
15.	do 13	32
16.	do 14	33 - 36
17.	do 15	37
18.	do 16	38
19.	do 17	39
20.	do 18	40
21.	do 19	41
22.	do 20	42
23.	do 21	43
24.	do 22	44

Filed by

Alis
Advocate.

Filed by the petitioner
through
Adv. Amit Hussain
Advocate
27/3/06
22

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

GUWAHATI.

O.A. No. /2006.

BETWEEN

Sri. Bhubaneswar Sharma

S/o.Late. Rajani Kanta Sharma

Vill: & P.O. Branghati

P.S.Kya, Dist.Kamrup, Assam.

.....**Applicant.**

-VERSUS-

1. The Union of India,
represented by the Secretary,
Govt. of India, Deptt. Of
Directorate of Advertising &
Visual Publicity, Ministry of
Information & Broadcasting
New Delhi-100-1.

2. The Director of Adve-
rtising & Visual Publicity,
Ministry of Information &
Broadcasting Govt. of India,
B. Block, Barracks K.G. Marg,
New Delhi-110001.

3. The Deputy Director (ADM)
Directorate of Advertising &
Visual, Ministry of Infor-
mation & Broadcasting, Govt.
of India, New Delhi.

Sri-Bhubaneswar Sharma

4. The Regional Officer of Directorate of Visual Publicity Ministry of Information & Broadcasting, Nabin Nagar, Jonapath, Guwahati-24.

5. The In Charge, Resource Officer of Directorate of Visual Publicity Ministry of Information & Broadcasting Nabin Nagar, Jonapath, Guwahati-24.

6. The Asst. Editor of Directorate of Advertising & Visual Publicity Ministry of Information and Broadcasting, Nabin Nagar, Jonapath, Guwahati-24.

..... **Respondents.**

DETAILS OF APPLICANT.

1. Particular of the order against which the application is made.

The instant application is directed against the illegal, malafide and arbitrary action of respondents authorities whereby the applicant is transferred from Regional office, Guwahati to FEO, Kohima against the vacant post of Chowkidar that too in violation of the circular issued the Govt. of India in respect of grade IV employee. The impugned transfer order dated 10.9.04 and impugned

Sri-Bhupenwar Sarma

order dated 5.10.04 issued by the Deputy Director of Advertising and Visual publicity, Ministry of Information & Broadcasting, B-Block Barracks, K.G.Marg, New Delhi-11000. By the impugned order, the applicant is also demoted to the post of Chowkidar from the post of helper and transferred to Kohima from Guwahati whereas the post which was held by the applicant is lying vacant.

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

3. Limitation.

The applicant further declares that the application is filed within the limitation period provided under Section 21 of the Administrative Tribunal Act, 1955.

4. Facts of the case.

4.1 That the applicant is a citizen of India and a permanent resident of village Branghati P.O.Branghati, P.S. Kya in the district of Kamrup, Assam and as such he is entitled to get all sorts of rights, privileges, benefits and protections guaranteed by the Constitution of India and other laws of the land.

4.2 That the applicant has been working as helper in the office of the Regional office, Guwahati under Govt. of India, Directorate of

Sri - Bhupenwar Sarma

Advertising & Visual Publicity, Ministry of Information and Broadcasting Regional Office at Guwahati with effect from 19.12.83 to 18.5.88. There after his service has been regularized as helper from 10.5.88 and he has been entrusted with the job of diarising receipt and despatchs and also he is entrusted to operate the photo state Machine having been trained by the officials of M/s. Modi Zerox since 15.3.90. The applicant has been discharging his duties as allotted by the authorities and entrusted with the same job very sincerely and also with satisfaction of all concerned. The applicant has been regularised in his service by order dated 10.5.96 and he joined his service on 19.5.88 since then he has been working as helper to the satisfaction of all without any break and any blemish whatsoever.

A photo copy of the certificate dt.17.5.85 is annexed herewith and marked as **Annexure-1**.

A photo copy of the certificate dat. 4.10.90 is annexed herewith and marked as **Annexure-2**.

A photo copy of the order dated 27.5.88 is annexed herewith and marked as **Annexure-3**.

A photocopy of the joining report dtd.19.5.88 is annexed herewith and marked as **Annexure-4**.

4.3 That on 10.9.04 the respondent No.4 issued an order whereby the applicant has been transferred to FEO Kohima against the vacant post

Sri - Bhupen Chandra Sarman

of Chowkidar from Regional office Guwahati by demoting from helper to Chowkidar in violation of the Govt. Circular wherein it is provided that no 4th grade employee can be transferred from one state to other state and as much the impugned order is illegal, malafide, arbitrary, discriminatory and without jurisdiction and the same is liable to be set aside and quashed.

A photocopy of the impugned order dated 10.9.2004 is annexed herewith and marked as **Annexure-5**.

4.4. That on 21.9.04 the applicant has filed an appeal /representation to the Director of Advertising and Visual Publicity, Ministry of Information and Broadcasting, Govt. of India, B.Block Barracks, K.G.Marg New Delhi-110001 requesting him to set aside and quashing the impugned order dt.10.9.04 highlighting all his grievances in the said appeal/representation. Despite of pendency of the appeal, the respondents has pressured to leave Guwahati for joining at Kohima as per the transfer order. The respondents authorities had not taken any action on the said appeal and as such the applicant is in a very critical position who can not leave Guwahati by leaving his wife sons and daughters who is suffering from various deceased since long back.

A type copy of the appeal /representation dt. 21/9/04 is annexed herewith and marked as **Annexure-6**.

Sub-Subcommittee
Sarman

4.5 That the applicant's brother namely Bibnod Sharma has been suffering from mental decease and there ~~is~~ is none to look after his brother in his house. The wife of the applicant is a serious patient of diabetise and heart decease and the applicant is the only person who is to take look after her family. One Ranjan Sharma son of the applicant has been suffering from neurological problems and as such the petitioner would not leave Guwahati under any circumstances. The applicant has submitted a representation on 30.9.04 and 28.10.04 to the respondents as per the order dtd.29.9.04 passed in O.A.223/04 along with medical certificate with the copy of the order dtd.29.9.04. Certificate and order relevant documents has passed on perverse order behind the applicant without recording any reason and as such the same is illegal and liable to ~~be~~ set aside and quashed. Moreover Sri. Rema Devi is reading in class-III Sri. Ranjan Sharma is reading in Class-V and Himashree Devi is reading in Class-VI and in the mids session of the applicant cannot leave the station from Guwahati to Kohima which will effect the studies of his minor sons and daughter and as such the impugned transfer order dt.10.9.04 and 5.10.04 are liable to be set aside and quash on the humatarian grounds also.

Copies of the medical certificates and documents are annexed herewith and marked as **Annexure-7** Series.

Sri - Bhupen Singh
Bogam

A copy of the order dated 29.9.04 passed in O.A. No.223/04 is annexed herewith and marked as **Annexure-8**.

A copy of the order dated 5.10.04 is annexed herewith and marked as **Annexure-9**.

A copy of the representation dtd.28.10.04 is annexed herewith and marked as **Annexure-10**.

Copies of the Medical Certificate are annexed herewith and marked as **Annexure-11 & 12** respectively.

Copies of the postal receipt and Fax Message are annexed herewith and marked as **Annexure-13**.

4.6. That the applicant had submitted a representation on 20.7.05 in pursuance to the order dated 22.6.05 passed in O.A.No.4/2005 and the same is rejected without considering the mids session of the school children Medical ground of the applicant and his son and her wife and as such the impugned order dated 10.9.04 and 1.8.05 are illegal, arbitrary, discriminatory and without jurisdiction and the same are liable to be set aside and quashed.

Copies of the order dated 22.6.05, 1.8.05, Medical and Schools certificates are annexed herewith and marked as **Annexure-14, 15, 16, 17, 18, 19, 20, 21, 22** respectively.

4.7 That the applicant begs to state that the petitioners minor sons and daughters are reading

Srini Bhulbulegavat Salman

in class III, V and VI in Assamese medium school respectively and as such it is not possible on the part on the part of the applicant to go to Kohima in the sessions of study period and as such the transfer order has been passed without application of mind which has caused serious prejudice on the applicant and as such the impugned transfer order is liable to be set aside and quashed.

4.8 That the applicant begs to state that the impugned transfer order has been issued by the respondent to accommodate one Diwan Sing Chowkidar FEO Kohima who has been transfer from Kohima to New Delhi against the post of helper and as such the impugned transfer in on extraneous consideration that too without recording any valid reason and also not in the public interest. There is no public interest or necessary of the requirement of transfer order since the post is lying vacant.

4.8 That the applicant has preferred an application challenging the transfer order dtd.10.9.04 and this Hon'ble Tribunal was to dispose of the O.A. No.223/04 directing the respondents to dispose of the representation dtd. 21.9.2004 within 10 days. Accordingly, the applicant on 28.10.04 has submitted the copy of the order to the respondents along with the order dtd.29.9.04 with all relevant documents including medical certificate but no order has been passed on the said representation till date. The

Sukanta Bhattacharya, Segman

30

respondents has interestingly passed an order on 5.10.04 stating that his case can not be considered but no reason is recorded in the impugned order dtd.5.10.04 that without having the applicant and also not recording the reference of the order dtd.29.9.04 passed in O.A. No.223/04 which is illegal, arbitrary, malafide, perverse, based on non-applicable of mind and as such the impugned orders dtd. 10.9.04, 5.10.04 and 1.8.05 are bad in law and the same are liable to be set aside and quashed.

4.9 That the applicant begs to state that all the employees are transferred to other home state except the applicant and SL.No.1 one R.C.Deka and as such the impugned transfer order is passed on malafide intension which is illegal, arbitrary, discriminatory and not tenable in the eye of law and the same is liable to be set aside and quashed.

4.10 That considering the facts and circumstances of the case, the impugned order dtd. 10.9.04 may kindly be stayed otherwise the petitioner and his wife, school going children his handicapped son and his brother who is suffering mental disorder which would suffer irreparable loss, hardships and injustice.

4.11 That this application has been filed bonafide and to secure the ends of justice.

5. Ground for relief with legal provisions:-

5.1 For that the impugned transfer order dt. 10.9.04 is passed an extraneous grounds just to accommodate one Diwan Sing who is resident of New Delhi is transferred for Kohima to New Delhi and the applicant to Kohima from Guwahati that too without assigning any valid reason and without any public interest and as such the same is arbitrary, malafide, illegal discriminatory and without jurisdiction and the same is liable to be set aside and quashed.

5.2 For that the impugned order is passed without application of mind has caused serious prejudice to the applicant minor son and daughter who are studying in Assamese medium school and in the minds of sessions the applicant can not move to Kohima with his family members. The impugned orderes dtd.10.9.04, the order 5.10.04 and 1.8.05 are perverse illegal, arbitrary, malafide and based on non-application of mind and the same are liable to set aside and quashed.

5.3 For that the applicant is a grade-IV employee as helper who has been transferred as Chowkidar to Kohima from Guwahati and it is not possible him to stay at Kohima with his little earning being as grade-IV employee. Moreover, the wife of the applicant is a Govt. employee of the state of Assam and there is govt. circular where it is provided that if both husband and wife were employee of the Govt. they should live together

Bhupen Chandra

and as such the impugned transfer order is in violation of the govt. circular, rules and guidelines and the same is liable to be set aside and quashed.

5.4 For that the wife of the applicant is diabetic and heart patient who is undergoing her treatment. One Ranjan Sharma is handicapped son of the applicant and the brother of the applicant is suffering from mental disorder and as such it is critical position it is impossible for the applicant to leave for Kohima and as such the impugned transfer order is bad in law and liable to be set aside and quashed. The order dtd.10.9.04, 5.10.04 and 1.8.05 are based on non-application of mind which passed behind the application without considering the medical certificate and schools certificates and the same is liable to be set aside and quashed.

5.5 For that the impugned order is not given effect and the applicant is not yet released from his post at Guwahati and there is none in the cadre of grade IV employee at Guwahati and as such balance of convenience in favour of the applicant and as such the impugned transfer order dtd.10.9.04, 5.10.04 and 1.8.05 are liable to be set aside and quashed.

5.6 For that in any view of the matter the impugned transfer order and the order dated

Sri-Dehbarananda Sharma

10.9.04, 5.10.04 and 1.8.05 are liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. Details of the remedies exhausted.

The applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. Matters not previously filed or pending before any other court.

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of any other court, Authority or any other Bench of the Hon'ble Tribunal for any such application writ petition or suit in pending any of them.

8. Relief sought for.

Under the facts and circumstances stated above, the applicant prays that your Lordships would be pleased to admit this application, call for the records issue a rule to respondents to show cause as to the relief sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs.

8.1 To direct the respondents No.2 and 3 to set aside and quash the impugned transfer order.

Sri - Bhupendra Singh Salman

dtd.10.9.04, 5.10.04 and 1.8.05 issued by the respondent No.3 and the Deputy Director (Admn) Advertising & Visual Publicity, Ministry of Information and Broadcasting, Govt. of India, New Delhi-110001.

8.2 To direct the respondents to allow the applicant to discharge his duties as Helper at Guwahati R.O. in pursuance to the appointment letter on medical ground.

8.3 Any other relief/relies to which the appointment so entitled to.

9. Interim order prayed for:

Pending disposal of this application the applicant prays that your Lordships would be pleased to stay the operation of the impugned transfer order dtd.10.9.2004, 5.10.04 and 1.8.05 and also the direct the respondents not to release the applicant as helper from Regional office, Guwahati and also direct the respondents to allow the applicant to discharge his duties as helper at Regional officer, Guwahati on medical ground and mids of session of the children and/or be pleased to pass an status quo order in respect of transfer order in the interest of justice.

Samml.

Spri-Bhulbhule, Swar

Further be pleased to direct the respondents that there shall be no bar to cancel/modify the impugned order during pendency of this application.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

I. I.P.O. No. 269 322568
II. Date 22.3.06.
III. Payable at Guwahati.

12. List of enclosures.

As state in the Index.

Sri - Bhulendra Salomon

VERIFICATION

I, Sri. Bhubneshwar ^aSharm, aged about 43 years, son of late Rajani Kanta Sharma, resident of vill. Branghati, P.O. Branghati, P.S. Kya, Dist. Kamrup, Assam do hereby solemnly affirm and declare and verify that the statement made in paragraphs 1, 2, 3, 4.1, 4.7, to 4.11 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4 to 4.6 and 11 are derived from the records and the rest are my humble submissions before this Hon'ble Tribunal.

And I sing this verification on this 27th March, 2006 at Guwahati.

Sri-Bhubneshwar Sharma
Depoent

- 16 -

लोक : "ग्राहिता"
Telegram : "ADVISUAL"ग्राहिता
विज्ञान और दृष्टि विभाग
गृहना और प्रधारण मंत्रालयGOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
REGIONAL OFFICE :: GUWAHATI.

No. _____

फैसली-110001

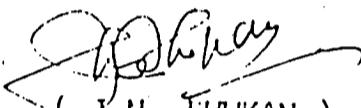
NATIONAL PRESS WIRE

Guwahati the, 17th May, 85.

TO WHOM IT MAY CONCERN

This is to Certify that Shri Bhupanawar Sharma is working in this Office as helper on daily wage basis for more than two years. He is very obedient, Sincere and hard working.

I wish him success in life.


(J. M. THUKAN)
Research Officer.

Initial Appointee

certified to be true copy

*Officer
S.W.*

- 17 -

GOVERNMENT OF INDIA
 D. A. V. P., MIN. OF T & B
 REGIONAL OFFICE
 HATIGARH, ZOO-NARENGI ROAD,
 GUWAHATI-781024

No. PB/JD/1/1990-91/2279

Date: 04.10.90

TO WHOM IT MAY CONCERN

This is to certify that Shri Bhubneswar Sarma worked in this office as Daily-wage Helper from 19.12.83 to 18.05.88. He was regularised as Helper from 10.05.88. He was entrusted with the job of diarising receipt and despatchs from May, 1990 onwards. He also operates the office Photostat machine (after being trained by the officials of M/s Modi Xerox) since 15.03.90. All these jobs are done by Shri Sharma satisfactorily.

He is an honest and sincere worker and bears good moral character.

I wish him success in life.

✓
 4/10/90
 (H.T. KHUMA)
 Lt. Director, D.A.V.P.
 G.O.M. of India,
 Guwahati

certified to be true Copy

Alis
 Addy.

ANNEXURE-3

No. A-20012/9/88-Exh. (A)
Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting

18
71 Block, K.G. Marg,
New Delhi - 110 001,
the 27th May, 1988.

ORDER

1. Sri Bhulanesar Sarma is appointed to the post of Helper in the pay scale of Rs. 750-12-870-EB-14-940 in this Directorate with effect from 19th May, 1988 (F.N) in a temporary capacity until further orders, and posted at the Regional Office, Guwahati.

2. Sri Sarma will be on probation for a period of two years from the date of his appointment: the post which may be extended at the discretion of the appointing authority.

(S.L. Singla)
Deputy Director (Admn.)

Copy to:-

1. Sri Bhulanesar Sarma, Helper Regional Office, Guwahati.
2. J.D., Guwahati.
3. A.O(Cash) (2 copies). Sri Sarma has been medically examined and found fit. His date of birth is 01.01.1962.
4. Budget & C.A.O&A.O (B.LII) T.A. Section.
5. Establishment Section/PAS Section/Confidential Assistant.
6. Pay and Accounts Officer, DAVP etc., K.G. Marg, New Delhi.
7. Assistant Director (Ct) Sri. K.L. Vasudeva.
8. Reference folder/Caron file ward file.
9. File no. A-12011/15/S7-Exh. (V)
10. Spare copies (10).

✓ file no
(A.C. Datta)
Supervisor

Regular App from

Kabirly/28.5.88/

Answer to whom
by
/sd/-

certified to be true Copy

Ali
Adv.

- 19 -

GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
REGIONAL OFFICE: GUWAHATI

ANNEXURE 4

Recd. 40

Hajigat, Zira-Narangi Road, Guwahati-781024

Sub: Submission of joining report.
Ref: Your Memo, no. A-12011/15/87-Exh(A) dt. 5.5.88.

With reference to your above, Shri Bhubneshwar Sarmah, Helper has joined his duty today tomorrow (the 19th May, 1988). His joining report (in the prescribed format from Hons.) alongwith other forms duly filled in are sent herewith for doing the needful.

(J. N. Phukan)
Research Officer,
for Joint Director.

Enclos: 1) Joining report
in prescribed form.
2) Form of immovable property
in duplicate.
3) Declaration of Home town form.
4) Form of declaration of new entrants
to Government service (Annexure -III)
5) Form containing information about close relatives.
6) Form affirming allegiance to the Government of India.
7) Photocopy of I.C.C. Pass certificate.

Shri S. L. Singla, Dy. Director (Adm.), DAUP, New Delhi
U. O. No. GHT/RD/LST/2783-87/7628 dt. 19.5.88

Report
Recd.

Certified to be true copy

Phukan
D.S.

New Delhi-110-001, dated 10 September 2004

ORDER

1163

The following posting/transfer in the grade of Chowkidars/Helpers are ordered with immediate effect.

S. No	Name of the employee and present posting	New Posting	Remarks
1.	Shri R.C. Deka, Helper, RO, Guwahati	FEO, Tura against the vacant post of Chowkidar	Shri R.C. Deka will move first.
2.	Shri Zakir Hussain, Chowkidar, FEO, Tura	DAVP, Hqrs. New Delhi against the vacant post of Helper	
3.	Shri Diwan Singh, Chowkidar, FEO, Kohima	DAVP, Hqrs., New Delhi against the vacant post of Helper	Shri Sharma will move first.
4.	Shri Bhubneshwar Sharma, Helper, RO, Guwahati	FEO, Kohima against the vacant post of Chowkidar	
5.	Shri N.K. Paul, Chowkidar, FEO, Ranchi	FEO, Kolkata	Shri Sudhir Roy will move first
6.	Shri Sudhir Roy, Chowkidar, FEO, Kolkata	FEO, Ranchi vice Shri N.K. Paul	
7.	Shri Sribash Saha, Helper, RO, Guwahati	FEO (FW), Kolkata	

2. Shri Sribash Saha, Helper; Shri Diwan Singh, Shri Zakir Hussain and Shri N. K. Paul Chowkidars will not be entitled for TA/DA/Joining time, etc. since their transfer is being made on their own request.

3. This issues with the approval of Director, DAVP.

Puran Singh
(PURAN SINGH)
DEPUTY DIRECTOR (ADMIN.)
TELE NO. 23386768

Copy to:

1. Persons concerned.
2. PAO DAVP etc., New Delhi
3. PAO, Doordarshan, Guwahati
4. RO, Guwahati
5. FEOs, Tura/Kohima/Kolkata/Ranchi;
6. AO (Cash)/TA/ Budget Section;
7. Admin.-I/II/III/GA/Vig Sections
8. PA to Director/JD (Exh.)/CEO/RO, New Delhi.
9. AD(OL) for Hindi version of the Order.
10. Spare copies (5)

Certified to be true copy

Ali

Asst.

To,

The Director of Advertising & Visual Publicity Ministry of Information & Broad Casting Govt. of India, B. Block, Barracks, K.G.Marg.
New Delhi-110001.

Sub:- An appeal for Cancellation/Modification of the transfer order dated 10.9.04

Date 26.9.04

Sir,

I have the honour to state that I have been working in the office of the Directorate of Advertising Visual Publicity under the Regional office, Guwahati since 1983 as Helper. I have been transferred from Guwahati to Kohima by its order-dated 10.9.04 as chaukidar from Helper just to accommodate one Diwan Singh who has been transferred to Delhi from Kohima who is a resident of Delhi. Moreover my wife has been suffering from diabetes, my one son is handicapped, and one son and two daughters are reading in class III, V, and VII respectively in a Assamese Medium schools and in the mids of sessions if I go to Kohima they will suffer from studies which would cause serious prejudice to my family members. One of my brother is suffering from mental deases and there is none to look after my family members.

Therefore your request to cancel the said transfer order dated 10/9/04 in the interest of justice.

Yours faithfully

(Bhubneshwar Sharma)
S/o Lt. Rajanikanta Sharma
Vij. & P.O. Branghati
P.S. Kya.
Dist. Kamrup, Assam.

Certified to be true copy

Mr. Adi

THE NEW
ASSAM X-RAY & CLINICAL LABORATORYJANISH ROAD, PANBAZAR
GUWAHATI-781001Working Hours
From 7.30 A.M. to 7.30 P.M.

REPORT FORM

Name of Patient Mrs. Basanti Barkotoky.
 Referred by Dr. D.K. Nakoti, M.E.B.S, M.D., F.S.A.S.H.S.
 Specimen Blood for Sugar (R).
 Nature of Examination

1. Haemoglobin	gm% (Sahli)	11. V. D. R. L	mg%
2. Total R. B. C	per c mm	12. Kahn	
3. Total W. B.C.	13. ABO Blood Group	
4. Platelets Count	14. Rh Blood Group	
5. M. P.	14. Blood Sugar (F)	mg%
6. Diff. Count	Blood Sugar (F) 380	mg% (90-130 mg)
Poly	%	Blood Sugar (P.P.)	mg%
Lympho	%	15. Blood Urea	mg%
Mono	%	16. Blood Cholesterol	mg%
Eosino	%	17. Blood Uric Acid	mg%
Others	%	18. Serum Bilirubin	mg%
7. F. S. R.	mm 1st hr (Westergren)	Total Bilirubin	mg%
8. P. C. V.		Direct. Bilirubin	mg%
M. C. V.		19. Serum Protein Fraction	
M. C. H.		Total Protein	gm%
M. C. H. C.		Albumin	gm%
Others		Globulin	gm%
9. B. T.		20. S. G. O. T.	Units/ml
C. T.		21. S. G. P. T.	Units/ml
10. Sputum		22. Serum Creatinine	mg%
Urine for Sugar (R): (++)		23. Alkaline Phosphatase	KA Units
		24. R. A. Factor	
		25. A. S. O. titre	
		26. Australia Antigen	

Pathologist

Date

15/12/13

Certified to be true copy

Dr.
A.D.N.

Name : Mast. Ranjan Sarma, 11 Yrs/ Male R. No - 02
Referred by : Dr.(Mrs) Bandana Baruah MD.
Dated : 11-Jun-03

HAEMOGRAM :

Test	Result	Normal range
Haemoglobin	10.93 gm /dl	men : 13.5 -18 g/dl.
WBC Count (TC)	7,100/Cumm	4,000 - 11,000 /Cumm.

DIFFERENTIAL W.B.C. COUNT

Neutrophils	61 %	40-75 %
Lymphocytes	35 %	31-45 %
Eosinophils	01 %	16-06 %
Monocytes	03 %	16-10 %
Basophils	00 %	00-01 %

Lab. Technologist

Hony. Consultant Pathologist

Name : Mast. Ranjan Sarma. 11 Yrs/ Male R. No - 02
Referred by : Dr.(Mrs) Bandana Baruah MD.
Dated : 11-Jun-03

URINE ROUTINE EXAMINATIONPhysical :

Colour : Pale yellow
Appearance : Clear
Sediment : Not seen
Sp: Gravity : 1.020

Microscopic :

Epithelial Cells : (+)
Pus cells : 4-5/HPF
RBCs : Not seen.
Casts : Nil.

Chemical :

Reaction : Neutral
Glucose(reducing substances)

Bacteria : Not seen.

Fasting :
PP :
Random : Nil
Albumin : Nil
Acetone :
Bile pigment :
Bile salt :
Others :
:

Uric acid :
Urates :
Cal. Oxalate :
Triple phos. :
Am. Phosphate : (+)
Cal. Carbonate : (+)

Lab. Technologist

Hony. Consultant Pathologist

Diagnostic
Centre

25

7/5/2003 - 46
A unit of City Associates Pvt. Ltd
S. C. Goswami Road, Panbazar, Guwahati-781001
E-mail - citydiagnosticcentre@yahoo.com
Phone No. (0361) 2606291, 2606292

Whole Body C.T. Scan ↑ Ultra Sound ↑ Color Doppler ↑ X- Ray ↑ Computerised Pathological Lab ↑ Digital E. C. G.

Name : Mast. Ranjan Sarmah. 11 Yrs/Male R. No - 02
Referred by : Dr. (Mrs) Bandana Baruah, MD
Dated : 13-Jun-03

URINE FOR CULTURE AND SENSITIVITY

Aerobic culture of Urine incubated at 37 ° c for 48 hrs reveals no growth of any organism.

Lab Technologist

Hony. Consultant Pathologist

26
7/9/04
Dr. M. Sarma
M.B.B.S., D.C.P.
Guwahati Medical College

Regd. No. 7442
Date, 21/09/2004

To Whom It May Concern:

This is to certify that, Mrs. Basanti Borkotoky, wife of Mr. Bhubneshwar Sarma, (an employee of D.A.V.P.; Nabin Nagar, Guwahati) has been suffering from diabetes mellitus since for 2/3 years. She had also developed other secondary complication leading to peripheri neuritis & occasional diabetic coms : so, she is advised to stay along with an attendant to take care of her.

Sd/illegal
21/9/04
Asstt. Professor
Dept. of Microbiology
Gauhati Medical College.

certified to be true copy

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

ORDER SHEET

Annexure - 88

18

27

223/04

Final Application No. - - - - -

Alsc. Petition No. - - - - -

Contempt Petition No. - - - - -

Review Application No. - - - - -

Applicants: Subhadeep Kumar Sharma

Respondents: M. O. I. Gons Z. Hossain
M. U. Manda Mrs. Adil Ahmed

Advocate of the Applicants: C. A. S.

Advocate for the Respondents: C. A. S.

29.09.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

Heard Mr. A. Ahmed, learned Advocate for the applicant.

The applicant has been transferred from Guwahati to Kohima which is challenged by him in this application. The applicant has averred that he has filed an appeal for cancellation/modification of the transfer order. In view of that this application can be disposed of by giving direction to appropriate authority to consider the said appeal/representation dated 21.09.2004 for cancellation/modification of transfer. The appropriate authority shall take decision in the matter within ten (10) days of the receipt of this order.

The application is disposed of accordingly.

Sd/ VICE CHAIRMAN
Date: 30/9/04

RECORDED

certified to be true Copy

Shiv
Gov.

28
39

MOST IMMEDIATE
BY SPEED POST

DIRECTORATE OF ADVERTISING AND VISUAL PUBLICITY
(ADMN.IV SECTION)

No. C-30019/4/2004-Admn.IV

Dated: 5-10-2004

OFFICE MEMORANDUM

Subject: Transfer of Shri Bhubneshwar Sharma, Helper from R.O., DAVP,
Guwahati to FEU, Kohima.

Reference representation dated 21-9-04 received from Shri Bhubneshwar
Sharma, Helper for cancellation of his transfer from Guwahati to Kohima. 380 km

2. The request of Shri Sharma has been considered. It has not been found possible
to cancel/modify his transfer from Guwahati to Kohima. He is, therefore, directed to
report to FEU, Kohima within permissible joining time.

3. It may be clarified that Shri Sharma has not been transferred as Chowkidar as
indicated by him in his representation. He would continue to hold the post of Helper.

This issues with the approval of Director:DAVP.

Puran Singh
(PURAN SINGH)
DY. DIRECTOR (ADMN.)

✓ Shri Bhubneshwar Sharma, (through Regional Office, DAVP, Guwahati)
Helper,
Regional Office, DAVP, Guwahati.

Impressum
Certified to be true Copy

*Mr
Adv.*

REGD/AD

Annexure - 10

29

1. The secretary to the Govt of India, Department of Directorate of Advertising & visual publicity, Ministry of information & Broad casting, Shastri Bhawan, New Delhi- 110001.
2. The Director of DAVP, PTI, Building 3rd floor, Parliament Street, Ministry (I & B), New Delhi-110001.
3. The Deputy Director (Adm) DAVP Ministry (I & B) Govt of India, K.G. Marg, New Delhi-110001.
4. The Regional Officer, DAVP Ministry (I & B) Nabin Nagar, Janapath, Guwahati - 781024.
5. The In-charge Research Officer, DAVP Ministry (I & B) Nabin Nagar, Janapath, Guwahati - 781024.
6. The Assistant Editor, DAVP Ministry (I & B) Nabin Nagar, Janapath, Guwahati - 781024.

Date 28.10.04

Ref : Fax Message dtd 1.10.04

Sub : Submission of the order dts 29.09.04 passed in O.A No. 223/04 by Hon'ble CAT.

Sir,

I am submitting the above noted order for your kind consideration as per the terms and condition of the order and cancell/modift the transfer order dtd. 10.09.04 in view of difficulties narrated in representation dts. 21.09.2004.

Therefore, you are requested to do needful as per the above noted order and this oblige.

Yours faithfully

Bhubaneswar Sharma,
(Mr. Bhubaneswar Sharma)
Vill+ Post. Baranghati
P.S. Kalyan
Dist. Kamrup

Copy enclosed :

1. Order dts 29.09.04
passed O.A. No. 223/04

Certified to be true Copy
Officer

30

MEDICAL CERTIFICATE

Not Valid for Medicolegal Purpose

Annexure - II

This is to certify that Mr./Mrs. Bhubaneswar Sarma 42 yrs
Vill Baresgata P.O. Boronghat Ps. Kaya
Dist. Kauny (Assam)
is/was under my treatment due to Hypertension & Par (3 G.B.
Parathy)

Since From 27/9/2004 to 11/11/2004 He/She is/was advised rest for
that period. He/She is fit to resume his duties

regularly. He is not cured upto now
and He is further advised to take rest
for another 2 (two) month w.e.f. 12/11/2004



GUWAHATI GPO (781001)
RL 1093
PA : PCH
To: THE REGIONAL DIRECTOR, D A V P MIN OF I&B
GHY 24, PIN:

At: 200 grams
PG: 18.00, Aat: 22.00, 29/12/2004, 13:39:21
HAVE A GOOD DAY

Date 11/11/2004

60p
11/11/2004
Signature: Kharupoloi PCH
Darrang, Assam
Date: 11/11/2004

Certified to see some Copy

Attn
SDR

531 Annexure 12 ✓

MEDICAL CERTIFICATE

Not Valid for Medicolegal Purpose

This is to certify that Mr./Mrs. Bhubaneswar Palmar 42/8
Vill Baranghati Po Baranghati Ps Kalyan
Dist. Kamrup (Assam)
is/was under my treatment due to Hypertension Ps

Since From 27/9/2012
He/She is/ was advised rest for
15 days.

regularly W. e. f. See below not recorded until
now for which he is advised to take
rest for another one month W.e.f. 12/10/2012

Date

10/10/2012
Dr. M. B. HO
K. H. Hospital, PHE-
Darrang, Assam

Certified to be true
Dr.
Dr.

TRANSMISSION REPORT

Annexure - 13

FILE NUMBER
123719083DATE & TIME DURATION TX/RX PAGE RESULTS
NOV 02 15:52 01/22 TX 01 OK

GUWAHATI G.P.O. (781001)

RL-AD 3928

PA : MOON

To: THE REGIONAL OFFICER,
GHY, PIN: 781024

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:56:34

HAVE A GOOD DAY



GUWAHATI G.P.O. (781001)

RL-AD 3929

PA : MOON

To: THE DIRECTOR OF DAVP,
DELHI, PIN: 110001

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:56:52

HAVE A GOOD DAY



GUWAHATI G.P.O. (781001)

RL-AD 3930

PA : MOON

To: THE ASSTT EDITOR,
GHY, PIN: 781024

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:57:11

HAVE A GOOD DAY



GUWAHATI G.P.O. (781001)

RL-AD 3931

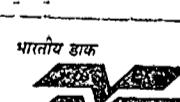
PA : MOON

To: THE IN CHARGE RESEAR, CH OFFICER
GHY, PIN: 781024

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:57:26

HAVE A GOOD DAY



GUWAHATI G.P.O. (781001)

RL-AD 3932

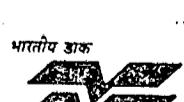
PA : MOON

To: THE SECY TO THE GOVT, OF INDIA
NEW DELHI, PIN: 110001

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:57:52

HAVE A GOOD DAY



GUWAHATI G.P.O. (781001)

RL-AD 3933

PA : MOON

To: THE DY DIRECTOR,
NEW DELHI, PIN: 110001

Wt: 20grams

PS: 0.00, Amt: 25.00, 28/10/2004, 13:59:07

HAVE A GOOD DAY

certified to be true copy
Anil Dutt

33

Annexure 14
54

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.4 of 2005

Date of Order: This the 22nd day of June, 2005

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

The Hon'ble Shri K.V. Prahladan, Administrative Member.

Shri Bhubaneswar Sharma,
S/o Late, Rajani Kanta Sharma,
Village- Branghati, P.O. Branghati,
P.S.- Kya, Dist. Kamrup, Assam.Applicant

By Advocates Mr U. Mandal and Mr M.H. Barbhuyan.

- versus -

1. The Union of India, represented by the Secretary, Government of India, Department of Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting, New Delhi-110001.
2. The Director of Advertising & Visual Publicity, Ministry of Information & Broadcasting, Government of India, B. Block, Barracks K.G. Marg, New Delhi-110001.
3. The Deputy Director (ADM), Directorate of Advertising & Visual, Ministry of Information & Broadcasting, Government of India, New Delhi.
4. The Regional Officer, Directorate of Visual Publicity, Ministry of Information & Broadcasting, Nabin Nagar, Jonapath, Guwahati-24.
5. The In Charge, Research Officer, Directorate of Visual Publicity, Ministry of Information & Broadcasting, Nabin Nagar, Jonapath, Guwahati-24.
6. The Asstt. Editor, Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting, Nabin Nagar, Jonapath, Guwahati-24.Respondents

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

Certified to be true copy

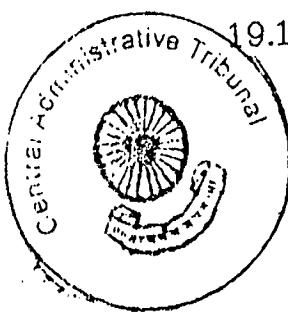
*U.D.
S.D.*

2 34 5

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicant, a Helper under the respondent No.4 in the Regional Office, Directorate of Visual Publicity, Ministry of Information and Broadcasting, Guwahati, was transferred from that office to Kohima as per order dated 10.9.2004 (Annexure-5). The applicant then filed a representation (Annexure-6) before the respondent No.2. Later he filed O.A.No.223 of 2004 before this Tribunal which was disposed of by order dated 29.9.2004. The Tribunal directed the appropriate authority to consider the appeal for cancellation/modification of the transfer order within ten days. The said direction was complied with by order dated 5.10.2004 (Annexure-9). The request of the applicant was rejected. The applicant challenges the said order in this O.A. Interim order was passed on 19.1.2005 as follows:



"In the meantime, however, respondents shall not implement the order of transfer dated 10.9.2004 in respect of the applicant only till the next date."

This order is extended from time to time and is in force even today.

2. According to the applicant he has got personal problems like education of this children, illness of his wife etc., apart from the fact that this transfer is made in the month of September,

3. The respondents have filed a written statement wherein it is stated that one Shri Diwan Singh, Chowkidar, Field Exhibition Office, DAVP, Kohima to DAVP, New Delhi made a request for his transfer in the light of the Circular regarding choice posting. After completion of the required service in the North Eastern Region he

844

3 25

was given a posting to New Delhi. It is further stated that there is acute shortage of staff at DAVP headquarters as well as its field offices located all over India and that the applicant has been transferred to Kohima in public interest. The personal problems projected by the applicant in his representation were also considered; it is stated.

4. We have heard Mr U. Mandal, learned counsel for the applicant and Ms U. Das, learned Addl. C.G.S.C. for the respondents. They made submissions on the lines of respective pleadings of the parties. Learned counsel for the applicant has also relied on a decision of the Supreme Court in B. Varadha Rao Vs. State of Karnataka and others, AIR 1986 SC 1955 (para 6) and submitted that low paid employees cannot be transferred particularly during unscheduled time which will disturb the education of their children. Ms U. Das, on the other hand, submits that the applicant was transferred only on public interest and that too after completion of a considerable period at the same station, i.e. Guwahati.

5. We have considered the rival submissions. Admittedly, the transfer of the applicant is in the months of September. He has stated that his children are in the middle of the academic session. This Bench, as already noted, has stayed the transfer of the applicant. He is now continuing in the same place. Now the education of his children are in the mid session. In the circumstances, having regard to the fact that an interim order has been issued and that the respondents might have filled up the vacancy at Kohima (Ms U. Das, on instructions, submits that the post is still vacant), we direct the applicant to make a representation pointing out the peculiar circumstances within one month from today. If any such

App.

representation is filed, the respondents will consider the same and take a decision in the matter within a period of two months thereafter. Having regard to the education of the children of the applicant (if the same is properly established with materials) the respondents, as far as possible, will defer the transfer of the applicant till 31.3.2006.

6. The O.A. is disposed of as above. The applicant will produce this order alongwith the representation as directed for compliance.
7. The Interim order already passed will continue till the disposal of the matter as directed.

sd/ VICE CHAIRMAN

sd/ MEMBER (A)



TRUE COPY
क्रितिका

15.7.05
एन्साम शपिकारी
Section Officer (Jnd)
Central Administrative Tribunal
गुवाहाटी-5
JL/5/2

Certified to be true copy

Mr
Adv.

Annexure-15

Speed Post
Most Immediate
Court Case

Post to P.O. 16

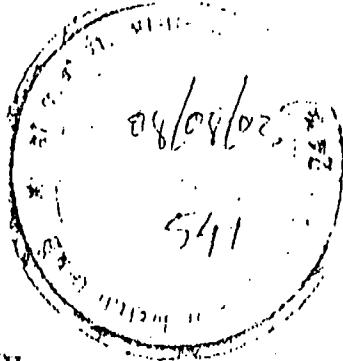
37

378/45
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
(ADMIN. IV SECTION)

SUBJECT:- O.A No.4/03 filed by Shri Bhubaneswar Sharma in CAT
Guwahati Bench, Guwahati.

Reference Regional Office, Guwahati's I.D. No.A-20013/32/Gau/89-
05/620, dated 20-7-2005 on the above subject.

2. The representation dated 20-7-2005, received from Shri Bhubaneswar
Sharma, Helper has been considered in this Directorate. It has not been found
possible to cancel order No. A-42011/16/2003-Admin. IV, dated 10-9-2004.
However, considering the fact that his children are studying in school in
Guwahati and are in mid of session, his transfer is deferred till 31-3-2006.
Regional Office, DAVP, Guwahati may relieve him from the afternoon of 31-3-
2006 with the directions to report for duty at Field Exhibition Office, DAVP,
Kohima where he will report for duty within permissible joining time.



(ASHOK KUMAR)
Deputy Director (Admin.)
Tele 23717023

Regional Office (Shri A.C. Goswami, RO In-charge) DAVP, Guwahati
DAVP I.D No.C-30019/4/04-Admin.IV dated 01-08-2005

Certified to be true Copy

Dr.
Dr.

CARD FOR PERSONS



State Code, Name of District, Disability Code.

Identity Card No. 2244
(For example, UP. Dehradun. MR.155)

DATE OF ISSUE: 07-6-2005

VALID UP TO: 3 yrs
(only for children below 18 years of age)

Name: Sri Ranjan Satma

Date of Birth: 10.04.1970 Sex: Male

Nature of Disability: C.P.D. 40% (Bulky P.C.)

(Signature/Thumb
Impression of Card holder)

Name & Signature of
Issuing Authority

A.K. Baruah
District Social Welfare Officer
Kamrup, Guwahati

28
Blood Group: O (Hue) Tele No.

Identification Marks:

Address: S/o: Sri Bhupen Chandra Baruah
Dwarka Kati, via Sonakuchi, Kamrup.

INSTRUCTIONS

The holder of the Identity Card for person with disabilities is eligible to claim concessions/benefits provided by Central Govt., State Govt., Statutory Bodies and Other local authorities in accordance with the Act/Rules/instructions issued by these authorities from time to time.

Whoever, fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.

At R.S
At 2nd 28
(S.C. 2005)
Asstt. Editor
Regional Office
D.A.V.P., Min. of P&B
Govt. of India
Guwahati-781024

Certified to be true by

Ch
Adv.

Annexure-17(Type Copy)

Dr.M. Sarmah

Regd.No.7422 (AMC)

M.B.B.S., D.C.P.

Gauhati Medical College

Date 07.03.2006

To Whom It May Concern

This to certify that, Mrs.Basanti Borkotoky, w.f. of Mr.Bhubaneswar Sarmah (an employee of D.A.V.P.; Nabin Nagar, Guwahati) has been suffering from diabetes mellitus since for 2½ years. She is also suffering from other secondary complication leading to peripheral; occasionally, she used to suffer from diabetes long. So, it is admissible for her to stay along with an reliable attendant to take care of her as & when urgency demands.

Sd/illegible

7.3.06

Asstt. Professor, Dept.of Microbiology
Gauhati Medical College

.....
Sd/illegible

7/3/06

(S.C.Talukdar, Asstt.Editor
Regional Office DAVP, Min.of I&B
Govt. of India, Guwahati-781024

certified to be true copy

*Attd
Add.*

Annexure-18

(Type Copy)

Office of the Headmaster
Garpot Bapuji M.E. School
P.O. Baranghati : Dist: Kamrup (Assam)
Pin-781350

Ref. No.

Date:

To Whom It May Concern

This is to certify that Sri Ranjan Sarma, Son of Sri Bhubaneswar Sarmah, an inhabitant of vill. Baranghati, P.O. Baranghati, Dist. Kamrup, Assam is reading at Garpot Bapuji M.E. School (Assamese Medium). At present he is reading in class-VII.

I wish his success in life.

Sd/illegible
27.2.06
Headmaster
Garpot Bapuji M.E. School
P.O. Baranghati

.....
Sd/illegible
7/3/06
(S.C. Talukdar, Asstt. Editor
Regional Office DAVP, Min. of I&B
Govt. of India, Guwahati-781024

Certified to be true 6/9/07

*S. C. Talukdar
Asstt. Editor*

41
62

Annexure-19

(Type Copy)

Office of the Headmaster
Garpot Bapuji M.E. School
P.O. Baranghati : Dist: Kamrup (Assam)
Pin-781350

Ref. No.

Date:

To Whom It May Concern

This is to certify that Sri Rima Prova Devi, daughter of Sri Bhubaneswar Sarma, an inhabitant of vill. Baranghati, P.O. Baranghati, Dist. Kamrup, Assam is reading at Garpot Bapuji M.E. School (Assamese Medium). At present she is reading in class-V(Five).

I wish her success in life.

Sd/illegible
27.2.06
Headmaster
Garpot Bapuji M.E. School
P.O. Baranghati

.....
Sd/illegible
7/3/06
(S.C. Talukdar, Asstt. Editor
Regional Office DAVP, Min. of I&B
Govt. of India, Guwahati-781024

Certified to before copy

Mr.
Adv.

42

Annexure-20

(Type Copy)

Office of the Headmaster
Garpot Bapuji High School
P.O. Baranghati : Dist: Kamrup (Assam)
Pin-781350

Ref. No.

Date:25.2.06

To Whom It May Concern

Certified that Miss. Himashri Devi, D/o. Sri Bhubaneswar Sarma, of vill.Baranghati, P.O.Baranghati, in the District of Kamrup has been reading in class VIII (Eight) of Garpot Bapuji High School (Assamese Medium) during this session 2006-07.

I wish her success in life.

Sd/illegible
25.2.06
Headmaster
Garpot Bapuji High School
P.O. Baranghati, Dist.Kamrup

.....
Sd/illegible
7/3/06
(S.C.Talukdar, Asstt.Editor
Regional Office DAVP, Min.of I&B
Govt. of India, Guwahati-781024

certified to be true Cpx
Shy
Adv.

Annexure-21

(Type Copy)

Dr. P. Duara,
M.B.B.S., A.H.S.
Dy. Director of Health
Services Assam, Retd.
Regd. No. 3205 (AMC)

Phone No. 2450676
R.G. Baruah Road,
Guwahati-781003
19.7.05

To Whom It May Concern

Certify that Sri Bhubaneswar Sarmah, aged about 42 yrs of Nabin Nagar & an employee of D.A.V.P. Guwahati-24, is an patient of high grade & is continuing treatment under me, for the last 2 years. He is not yet & continuing treatment.

Sd/illegible

19.7.2005

certified to be true copy
Dr.
Adv.

44
Annexure 22
The Dy Director,
DAVP, Min of I & B,
New Delhi-01

(Through Regional Director)

Sub : TRANSFER TO F.I., DAVP, KOHIMA ETC

8/3/06

Sir,

Most respectfully I have the honor to state that I have been working as Helper in the Office of the Regional office, DAVP, Guwahati since 1988.

Sir My elder son Shri Rajjan Sharma is a handicapped boy who could not move alone and as such my attendance is must to look after him (Certificate of handicapped is enclosed).

Sir, my wife has been suffering from diabetes since last 2/3 years. She has also developed other secondary complication leading to periplume neuritic and she must need an attendance to take care of her. Moreover, my one son and two daughters are reading in class VII, VI and V in Assamese Medium Schools and as such in the mid of session they would not suffer. Sir, I have been also suffering from hypr tension and hepatitis and as such I am not in a position to arrange double establishment at Guwahati as well as at Kohima as the low paid employee.

Considering the above facts and circumstances the order of transfer dtd 10/09/04 may kindly be cancelled /modified and I may be allowed to work at Gauhati as a helper in view of the medical ground and other humanitarian ground in the interest of justice

Encl : As stated above.

Yours faithfully,

B. B. Sharma

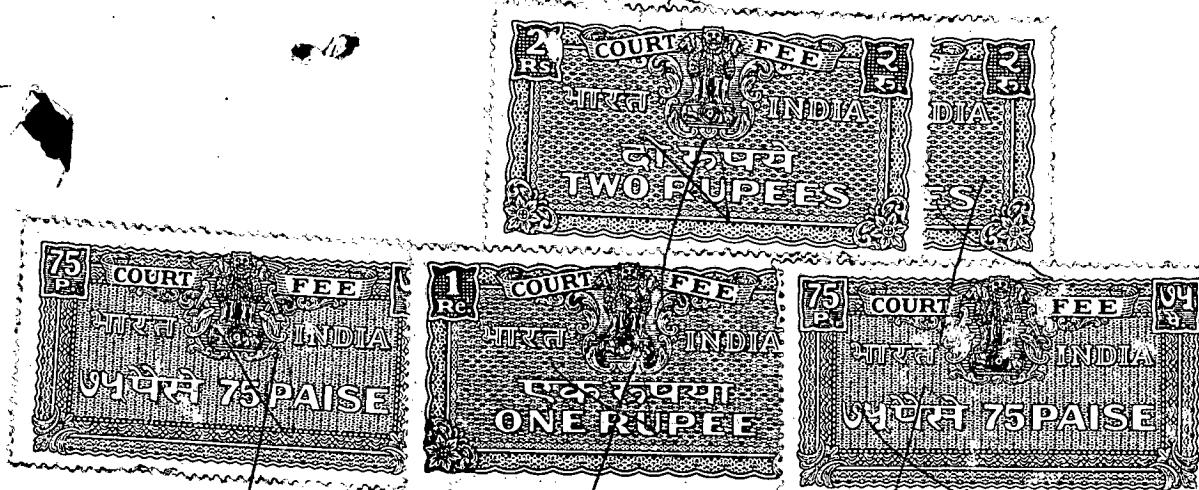
Bhubaneswar Sharma.
Helper, R.O, DAVP, Guwahati

Dated : 06/03/06

*Received
B. B. Sharma*

Certified to be true copy

*Mr
Adv.*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 12005.

Sri. Bhubaneswar Sarma

Appellant (S)
Petitioner (S)

-VERSUS-

Union of India & ors.

Respondent (S)
Opposite Party (Parties)

Petitioner

Know all men these presents that the above-named

Sri. Mr. M.U. Mondal, Md. A. Hussain, Mr. A.F.N.U. Mallah.....

Advocate and such of the undermentioned Advocate as shall accept this Vakalatnama to be my /our true and lawful Advocates to appear and act for me / us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc, for me / us and on my / our behalf and I / we agree to ratify and confirm all acts so done by the said Advocates as mine /ours to all intents and purposes. In case on non-payment of the stipulated fee in full no Advocate will be bound to appear or act on my / our behalf.

In Witness Whereof I / we hereunto set my /our hand on this 27th day of March, 2005

ADVOCATES

Mr. N.M.Lahiri
Mr. A.M. Mazumdar
Mr. J.M.Choudhury
Mr. C.R. Dey
Mr. A.B.Chowdhury
Mr. J. Abedin
Mr. M.U. Mondal
Mr. F.U. Barbhuyan

Mr. H.R.A. Choudhury, Sr. Advocate
Mr. M.H. Barbhuyan
Mr. Dr. B.U. Ahmed
Mr. I. A. Hazarika
Miss. L. Rahman
Mr. Z. Hussain
Mr. N. Dhar
Mr. A. Hussain

Received from the
executant, satisfied
and accepted.

Mr. Senior Advocate
will lead me / us in this case.

Accepted

Mohor uddin Mondal
Advocate

Advocate

A. F. N. U. Mallah
Advocate

Notice

6X
Date - 27/3/06

From:- M. A. Hussein
Advocate

To,

~~S.C. Rth~~
Senior C.G. S.C.

Sub:- O.A. NO. - 106

Sri. Bhupaneshwar Sarma

MS.
The union of India vs

Sir,

Please find enclosed with a copy
of the above noted petition which
would be filed today

Please receipt and acknowledge
the same.

Received by
G.B.S. 28/3/06
Senior C.G. S.C.

Yours faithfully,
M. A. Hussein
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 76 OF 2006

Shri Bhubaneswar Sharma ...

Applicant

V/s

Union of India and Ors.

Respondents

The written statement on behalf of the Respondents above named:-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

- 1) That with regard to the statements made in paragraph 1 of the Application the respondent denied that the applicant has been demoted to the post of Chowkidar from the post of Helper, as alleged. This issue has already been settled in OA No. 4/2005 filed by the applicant in this Hon'ble Tribunal.

- 2) That with regards to the statement made in paragraph 3 of the application the respondents have no comment.

- 3) That with regards to the statements made in paragraph 4.1 of the application the answering respondents have no comment.

- 4) That with regards to the statement made in paragraph 4.2 of the application the respondents beg to state that those are matter of

contd....p. /-

R. B. Bhattacharya

Filed by
the respondents

68
through telex in case no.

records and are repetition of the facts stated by the applicant in OA No. 4/2005 filed by him in this Hon'ble Tribunal.

5) That with regards to the statements made in paragraph 4.3 of the application the respondents while denying the statements made therein beg to state that the applicant has been transferred from Regional Office, DAVP, Guwahati to Field Exhibition Office DAVP, Kohima as Chowkidar. In fact, he has been transferred as Helper and will continue to perform his duties attached to the post. However, he has been transferred against the vacant post of Chowkidar, which carries identical scale of pay to facilitate him to draw salary etc. Thus, there is nothing illegal, malafide, arbitrary or discriminatory action on the part of respondents, as alleged.

6) That with regards to the statement made in paragraph 4.4 of the application the respondents beg to state that as per directions of the Hon'ble Tribunal dated 29.9.2004 passed in OA No. 223/04, the respondents considered representation dated 21.9.2004 of the applicant against his transfer to Kohima. After considering all aspects/circumstances leading to his transfer, it could not be found possible to cancel/modify the transfer order dated 10.9.2004. A reply

contd....p. /-

Rakeswar

has been given to the applicant. The applicant had submitted a representation dated 20.7.2005, which was considered sympathetically and he was given a reply on 1.8.2005. Copy of the reply has been annexed by the applicant as Annexure-15 in the application.

7) That with regards to the statement made in paragraph 4.5 of the application the respondents beg to state that the issues involved have already been settled in OA No. 4/2005 filed by the applicant. The respondents deny that they ignored the personal problem of the applicant while considering the representation dated 21.9.04. In fact, the personal problems have also been taken into account vis-à-vis immediate requirement of the applicant at Field Exhibition Office, DAVP, Kohima. It is needless to mention that all employees share the common problems like illness of family members, children's education or other domestic problems. Hence it may not be possible to make exception in respect of any one for deferment or cancellation of transfer orders, where services of these employees required urgently in public interest. Keeping in view the fact that children of the applicant are studying in mid session, this Hon'ble Tribunal has also directed the respondents, while disposing OA No. 4/2005, to defer transfer order of

contd...p. /-

R. K. Lewa R

the applicant till 31.3.2006. In view of these directions, the applicant has been allowed to continue at Guwahati till 31.3.2006.

8) That with regards to the statement made in paragraph 4.6 of the application the respondents denied that the representation dated 20.7.2005 of the applicant have been ignored. He has been allowed to continue in Guwahati till 31.3.2006 as per directions dated 22.6.2005 of this Hon'ble Tribunal in OA No. 4/2005.

9) That with regards to the statement made in paragraph 4.7 of the application the respondents beg to state that the matter relating to mid term session in respect of children of the applicant has already been considered by this Hon'ble Tribunal while disposing OA No. 4/2005, filed by the applicant. He has been allowed to continue at Guwahati till 31.3.2006 so that his children can complete academic session. Now the applicant is deliberately avoiding to proceed to Kohima in the new academic session of 2006-07 by way of filing the present OA, which does not contain any fresh issue. As such, the applicant is violating this Hon'ble Tribunal's directions dated 22.6.2005 in OA No. 4/2005.

10) That with regards to the statements made in paragraph 4.8 of the application the respondents beg to state that, this issue has also

contd...p. /-

R. Chakravarthy

already been settled in OA No. 4/2005. However, it may again be stated that the Government of India have provided certain incentives/facilities admissible to various categories of civilian Central Government employees serving in North Eastern Region including the states of Manipur and Nagaland. Among these incentives, there is a fixed tenure of posting 3 years at a time (for employees with 10 years of service of less) and of 2 years at a time (for employees with more than 10 years of service). On completion of fixed tenure, the concerned officers may be considered for posting to a station of their choice as far as possible. Keeping in view the instructions, Shri Diwan Singh has been considered for transfer from Field Exhibition Office , DAVP, Kohima to DAVP, New Delhi on his request. He was initially appointed at Field Exhibition Office, DAVP, Imphal on 10.7.2000 and thereafter transferred to Field Exhibition Office, DAVP, Kohima on 4.6.2002. He has therefore, served in the North Eastern Region for more than 4 years. He had requested for his posting at the choice of station i.e. Delhi. Keeping in view his tenure of postings in the North Eastern Region, his request was considered and he has been transferred to DAVP ,New Delhi. There is acute shortage of staff in DAVP headquarters as well as its field offices located all over India. The vacant posts cannot be filled since they have been identified for abolition on downsizing. In order to achieve maximum targets on publicizing policies, programmes and achievements of the Government

contd.p /-

Rifkar S

for which the field units of DAVP are mainly responsible, the work being carried out through existing strength by transferring the staff from such units where staff strength is comparatively better to other units, where staff position is grim. Among these arrangements, the applicant, who has been working at Regional Office, DAVP, Guwahati since 10.5.1988 and has not faced any transfer, has been considered for posting at Field Exhibition officer, DAVP, Kohima which is facing acute shortage of staff and there is no Group-D employee at present. Every efforts is made by the respondents not to transfer low-paid Group-D employees except on request and in exigencies of public service. If transfer has to be made in exigencies of public service, possibilities are explored to transfer the low paid staff at the nearest station. As such, the applicant has been considered for posting at Kohima i.e. another station located within the North Eastern Region where his services are required urgently.

11) That with regards to the statements made in paragraph 4.8 of the application it is denied that no reply was given to the applicant in response to his representation. In compliance with the directions dated 22.6.2005 of this Hon'ble Tribunal in OA No. 4/2005, a reply was given

contd....p. /-

R. Chetwai

to the applicant on 1.8.2005 in response to his representation dated 20.7.2005.

12) That with regards to the statement made in paragraph 4.9 of the application the respondents beg to state that, similar is the case of Sri R.C. Deka, who has been transferred in exigencies of public service from Regional office, DAVP, Guwahati to Field Exhibition Office, DAVP, Tura where he is only Group 'D' employee. On his transfer, Shri Deka has since reported for duty at Tura. There is no malafide intention in issuing transfer orders dated 10.9.2004 in respect of the applicant and other employees. As such there is nothing illegal, arbitrary or discriminatory as alleged.

13) That with regards to the statements made in paragraph 4.10 of the application the respondents beg to state that, in view of the position explained in above paragraphs, the applicant may be directed to comply with the order dated 10.9.2004 on his services are required urgently at Field Exhibition Office, DAVP, Kohima. The issues involved in the present OA have already been settled in OA 4/2005.

Contd...p. /-

R. B. Deka

14) That with regards to the statements made in paragraph 5.1 of the application the respondents beg to state that, as explained in paragraph 4.8 above, Shri Diwan Singh has been transferred at the choice place of posting after completion of his fixed tenure in the North Eastern Region. This is in accordance with the Government instructions. The applicant, who has been continuously working in Guwahati for more than 17 years and has not faced any transfer ever since his joining in Government service, has been considered for transfer to Kohima since his services are required urgently. Therefore, there is nothing arbitrary, malafide, illegal or discriminatory, as alleged.

15) That with regards to the statement made in paragraph 5.2 of the application the respondents beg to state that, considering the mid session of his school going children, this Hon'ble Tribunal has allowed the applicant to stay in Guwahati till 31.3.2006 while disposing OA 4/2005. The applicant deliberating avoiding his transfer by way of filing the present OA in which no fresh issue has been raised.

16) That with regards to the statement made in paragraph 5.3 of the application the respondents beg to state that, while denying the contentions made in the corresponding para of OA the respondents

contd...p. /-

Rukhsar

beg to state that applicant has not been transferred as Chowkidar. Every effort is made not to transfer low paid Group-D employees. Yet in exigencies of public service they are to be transferred at a station where their services can be utilised at the maximum. As regards Government instructions on posting of husband and wife at the same station, request of the applicant has been considered with utmost sympathy. It was not found possible within the constraints of administrative convenience to allow the applicant to continue at Guwahati.

17) That with regards to the statement made in paragraph 5.4 of the OA the application, the respondents beg to state that the family problems as stated by the applicant have been considered sympathetically but it could not be found possible to accede to them due to exigencies of public service.

18) That with regards to the statement made in paragraph 5.5 of the application the respondents beg to state that, the same are not correct. There are Group 'D' staff at Guwahati offices of DAVP after the relief of applicant on his transfer to Kohima. It is for the respondents to see that services of their staff are utilised at the maximum on the basis of workload.

Contd...p. /-

Rukhsar

19) That with regard to the statement made in paragraph 5.6 of the application the respondents beg to state that, in view of the position explained in the foregoing paragraphs and the fact that the issues raised in the present OA have already been settled in OA No. 4/2005 the applicant may be directed to report for duty at Field Exhibition Office, DAVP, Kohima where his services are required urgently.

20) That with regards to the statement made in paragraph 6 of the application the respondents have no comments.

21) That with regards to the statement made in paragraph 7 of the application the respondents beg to state that, the applicant has previously filed similar application by way of OA No. 4/2005 in this Hon'ble Tribunal which was decided vide order dated 22.6.2005.

22) That with regards to the statement made in paragraph 8 & 9 of the application the respondents beg to state that, in view of position stated above, no relief need be granted to the applicant. The Hon'ble Tribunal may be pleased to vacate the interim order dated 28.3.2006.

23) That with regards to the statement made in paragraph 10, 11 & 12 of the application the respondents have no comments.

R. Leem S

VERIFICATION

x8

I, R.K. AGARWAL S/o Late Sh. D.C. Agarwal aged 55 yrs
about years. R/o 88/4, Urban Estate, Gurgaon
District Gurgaon and competent officer of the answering
respondents, do hereby verify that the statement made in paras of this
..... petition are true to my knowledge and those made in paras
..... being matters of record are true to my information
derived therefrom which I believe to be true and the rests are my
humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 24th day of August 2006 at
Guwahati.


(आर० क० अगरवाल/R. K. AGARWAL)
उप निदेशक (प्रशासन)/Dy. Dir. (Admn.)
डि. अधिकारी/D. A. V. P.
सू. प्र. सचिव/Min. of I & B
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

Notice

From: Mr. G. Barishya
Sr. CGSC, CAT

To —
M. V. Mandal
Advocate, GHC

O. A. No. 76 of 2006

Shri Bhupaneswara Sharma
Applicant

VS

Union of India & Ors.
Respondents

Please find herewith a copy of written statement which is going to be filed on behalf of the respondents in connection with the aforesaid case.

Kindly acknowledge the receipt thereof.

Thanking you.

Yours faithfully

Rati Gogoi
Advocate

Received copy

M.
27/11/06
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
সেন্ট্রাল অ্যামিনিস্ট্রেটিভ ট্রিভুনাল
Guwahati Bench GUWAHATI.

63

Filed by the petitioner
Sri Bhubaneswar Sharma
O.A. No. 76/06

O.A. NO. 76 /06

BETWEEN

Sri Bhubaneswar Sharma

... Applicant

-Versus-

The Union of India & Ors. ... Respondents

IN THE MATTER OF:

An objection on behalf of the applicant against the written statement filed by the respondents in connection with O.A. on 76/06.

1. That with regard to the statement made in the paragraph 2 in the written statement, the Deponent / Applicant denies the same and begs to state that the deponent has been demoted to the post of Chowkidar from Helper by way of illegal transfer to accommodate on Diwan Singh, Chowkidar who has been transferred to New Delhi as a Helper and as such the transfer order in respect of the applicant is illegal, malafide, arbitrary and not tenable in the eye of law. It is further submitted

Sri. Bhubaneswar Sharma

contd... 2

that the issue regarding helper and Chowkidar has never been decided in O.A. No. 4/05 . The nature and Scope of job of the helper and Chowkidar are quite different as revealed from the Directorate of Advertising and visual publicity (DAVP) Mannal which has indicated that the helpers are doing Massangesimal duties and the Chowkidars are to perform watch and ward duties and as such the nature of the job of the said two categories are not the same though the Scale is same under the Act and Rules.

A copy of the abstract portion of Mannal is annexed as Annexure-1.

2. That with regard to the statement made in paragraph 2 & 4 the applicant reiterates the statement made in paragraph 3 & 4 in the O.A. No. 76/06.

3. That with regard to the statement made in paragraph 5 of the written statement the applicant demis the same and begs to state that there is no helper post in the filed Exhibition Office DAVP Kohima. The nature of job are not same of Chowkidar and helper though the scale is same as reflected from the staff strength of DAVP Offices in Kohima and there is no post of Chowkidar at EEO and as such the applicant cannot be transferred to a non-existing post and as such the impugned transferred ordr dtd. 10.9.04 is

S/o. Dheeraj Kumar Saini

illegal, malafide, arbitrary and discriminatory and the same is liable to be set aside and quashed.

A photo copy of the staff strength at Kohima is annexed as Annexure- 2.

4. That with regard to the statement made in paragraph 6 in the written statement the applicant denies the same and begs to state that the representation dtd. 21.9.06 and 20.7.05 have never been considered which is revealed from the order dtd. 5.10.04 and 01.8.05 and both the above noted order would to to show that there is no post of helper at Kohima where he has been asked to go as helper and both the order dtd. 5.10.04 and 01.8.05 are contradictory which are also liable to be set aside and quashed.

5. That with regard to the statement made in paragraph 7,8 & 9 in the written statement the applicant denies the same and begs to state that the issues noticed in the present O.A.No.76/06 have not been decided and settled in O.A.No. 4/05 and the petitioner has been working at Gauhati in view of the order dtd.22.6.05 and as per the interim order dtd. 28.3.06 passed in O.A.No.76/06 which has been extended from time to time till date.

6. That with regard to the statement made in paragraph 10 & 11 in the written statement the applicant denies the same and begs to state that a helper cannot be transferred to the post of Chawkidar and a Chawkidar

cannot be transferred to the post helper as per the circular dtd. 22.5.92 and on that ground above the impugned transfer order dtd. 10.9.04 as ex facie illegal malafide, arbitrary, discriminatory and without jurisdiction and the same is liable to be set aside and quashed.

A copy of the circular dtd. 22.5.92 is annexed and marked as Annexure-3.

7. That with regard to the statement made in paragraph 12, 13 and 14 the applicant denies the same and begs to state that Sri R.C. Deka and Sri Diwan Shing were transferred on the application made by them which are not applicable in respect of the present applicant and Sri Deka & Shing accepted the same for their own interest which does not mean the applicant should comply such illegal order from helper to Chawkidar which is clearly in violation of circular dtd. 22.5.92 and the same issue has not been settled in O.A. No. 4/05.

8. That with regard to the statement made in paragraph 15, 16 & 17 the applicant denies the same and begs to state that the issues raised in the present O.A. no. 76/06 have never been settled and the same should be settled ~~and~~ by comprehensive judicious scrutiny of unfair administrative transfer order and there is no exigencies of public service at Kohima where no post of helper are vacant as per the staff strength shown in the annual report 2005-06. Moreso the

Sri - Bhupen Singh
S. D. M.

nature of job of helper & Chawkider are not the same as reflected in the mannal framed for that purpose. It is further submitted that the applicant has been working at Guwahati before and after the impugned transfer order dtd. 10.9.04 which would go to show that there is no exisencies of the services of the applicant at Kohima after more than 2 years from the transfer order dtd.

10.9.04. The question of posting of husband and wife at the same station has never been considered and the mid-terms of Education of the Chawikder of the applicant an also not considered who are studing in ~~vernical vernacular~~ Language (Assamese) and as such non of the issue are settled in the preceding applications and the same should be considered by this Hon'ble Tribunal on true prospective in a judicious manner.

9. That with regard to the statement made in paragraph 18 .The applicant denies the same and begs to state that the impugned order dtd. 10.9.04 order dtd. 5.10.04 and 01.8.05 are contradictor to each other and the same are liable to be set aside and quashed.

10. That with regard to the statement made in paragraph 19 of the written statement the applicant denies the same and beg to state that the service of the applicant is not at all required at Kohima after more than two years from the order of transfer dtd. 10.9.04 and there is no post in the cadre of helper and as such the impugned order is malafide and the same is issued due to the extraneous consideration by the respondent no.2 & 3 .

contd...6

11. That with regard to the statement made in paragraph 20 in the written statement the applicant re-iterates the statement made in paragraph 6 of O.A. No. 76/06.

12. That with regard to the statement made in paragraph 21 & 22 the applicant begs to state that the issue s involved in the present application have not been decided and settled in the preceding

application and a s such the Hon'ble Tribunal would be pleased to interfere with the impugned order of transfer dtd. 10.9.04 in the interest of justice otherwise the applicant would suffer irreparable loss, hardships and injustice.

13. That with regard to the statement made in paragraph 23 the applicant reiterates the same made in the present O.A. No. 76/06 in the interest of justice.

66

- 6 - (A)

VERIFICATION

I, Sri Bhubaneswar Sharma, aged about 42 years, son of late Rajani Kanta Sharma, resident of Village- Branghati, P. O. Branghati, P. S. Kya, District- Kamrup, Assam do hereby solemnly affirm and declare and verify that the statement made in paragraphs^{2, 4, 5, 7 to 12}..... are true to my knowledge those are true to my knowledge those made in paragraphs^{1, 3, 2, 6}..... are derived from the records and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this Verification on this 27th day of November, 2006 at Guwahati.

Sri. Bhubaneswar Sharma

44. Stenographer (Grade III)	Rs. 1200-2040	Ex-cadre	12	Attached with Junior Officers of the Directorate to attend to their day-to-day secretariat work.
45. Caretaker	Rs. 1200-2040	do	1	To look after the cleanliness, maintenance of the office premises.
46. Receptionist	--do--	--do-	1	To attend to the visitors who call on this Directorate for their official business.
47. Despatch Rider	Rs. 950-1400	do	2	To drive three-wheeler scooters for distributing the daks to different offices locally.
48. Staff Car Driver	--do--	--do-	2	To drive the car of the office.
49. Peons	Rs. 750-940	Group 36 'D'		Messengerial Duties
50. Helpers	--do--	Group 32 'D'	--do--	

Certified to be true copy
O/o
Adv.

8- Directorate of Advertising & Visual Publicity (DAVP) Manual

51. Farash --do-- do 4 To dust and clean the tables and other furniture before and after office hours and unlock/lock rooms

52. Sweeper-cum-Farash --do-- do 4 Keeping and performing the duties of Farash as stated above.

53. Sweepers --do-- --do-- 8 To sweep, scrub the floor and clean office latrines and lavatories and latrins.

54. Chowkidars -do- --do-- 76 To perform watch and ward duties

55. Chief Exhibi-
39-
tio Officer Rs.3700-5000 Ex-cadre 1 To work as technical and administrative De-duty to Director for work relating to Exhibitions.

56. Exhibition Officer
Rs.3000-4500 -do- 3 To work design exhibits and exhibitions, supervise exhibition workshop and to guide Field Exhibition Units.

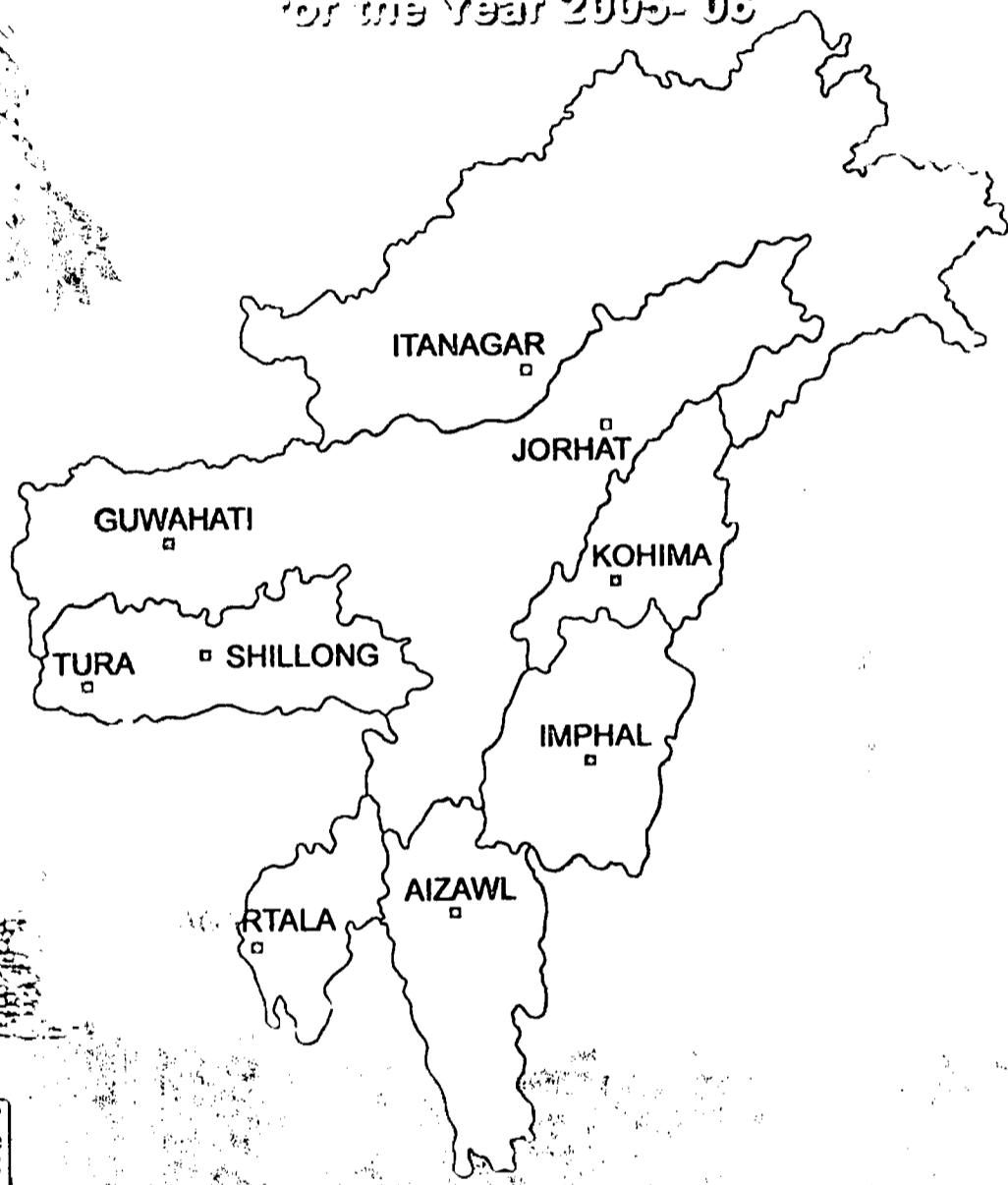
57. Inspector of
Exhibition Rs.2700-4000 -do- 5 To supervise the functioning of Field Exhibition Units under his control and to assist the Exhibition Officer in finalisation of exhibition.

Certified to be true copy
Ch
A.Dr.

Annual Report
on Publicity Activities of

Directorate of Advertising and Visual Publicity

NORTH EAST REGION
for the Year 2005-06



Sri - Bhagwanan Salmen

Directorate of Advertising and Visual Publicity
Regional Office, NER, Guwahati

Certified to be true copy

Mr.

Adv.

(13) I am very thankful to the Government of India for taking various steps for village development. My request is that this message should be spread to different places in different languages so as to enable the people to know in their own languages. It may be successful- **Totan Talukdar**.

(14) I am very glad to see the exhibition organized on the occasion of Multi Media Campaign. Hope this type of campaign will create more awareness and the country will march on the road of progress- **Abu Sayed**.

(15) I am very glad to see the exhibition. I am also very glad to see the programme package of the Multi Media Campaign in the forms of song and dances, film shows and public meetings – **Alokesha Majumdar**.

(16) DAVP Exhibition and Programmes of Multi Media Campaign have helped us to know many things. I wish it a grand success- **Soma Guha**.

(17) I am glad to see the exhibition on the occasion of Multi Media Campaign at Gauripur. This exhibition has helped us to know many things. Wish you all success- **Gitanjali Majumdar**.

Staff Strength of DAVP Offices of NE Region

Under Regional Office, DAVP, Guwahati, there are 9 field exhibition units. The present staff position of these unit offices as on 31.3.2006 is as follows:

Regional Office, Guwahati:

Sanctioned post	Position
1. RD-1	Shri B. Narzary
2. Art Executive- 1	vacant
3. Accounts officer-1	vacant
4. Sr. Artist-1	vacant
5. Astt.Editor-1	Shri S.C.Talukdar
7. Steno-1	Shri R.N. Das
8. Steno—III-1	Shri D. Chakraborty
9. UDC-2	Shri S. K. Biswas
	Smt. S. Misra

FEO, Guwahati :

(General Unit)

Sanctioned post	Position
FEO-1	vacant
Projectionist-1	Shri H. B. Talukdar
Exhibition Asstt-1	vacant
MCC-1	Shri J.C. Das
Chowkidar-1	Shri G.C. Deka

FEO, Jorhat:

(General Unit)

FEO-1	vacant
Exhibition Asstt-1	vacant
Projectionist-1	vacant
MCC-1	Shri G.C. Dutta
LDC-1	Shri P. C. Baruah
Chhowkidar-2	vacant

FEO, Kohima :

(General Unit)

FEO-1	vacant
Exhibition Asstt-1	vacant
Projectionist-1	Shri Robin Barman
MCC-1	vacant
LDC-1	Shri Rongsenlemzung
Chhowkidar-2	vacant

FEO, Itanagar:

(Van unit)

FEO-1	vacant
Projectionist-1	Shri P.K. Ray
Driver-1	vacant
Cleaner-1	Shri D. P. Roy
Chowkidar-2	Shri M. Gogoi

Directorate of Advertising And Visual Publicity, NE Region

Certified to be true Copy
 M/s
 Adv.

‘धज्ञापन और दृश्य प्रश्नार निदेशालय
प्रदर्शना प्रशासन अनुभाग’

A ~~RE~~ 3

छेत्राय पुद्धर्नी आधकारी के पत्र संख्या-गो ०-४/९२-६७
दिनांक २२.५.९२ के संदर्भ में ।

प्रा. यमुना पात्रवान्, योकादार ने गोहाटी से अपार तथादला मददगार के पद पर पटना में कराने के लिए आवेदन किया है।
प्रा. यमुना पात्रवान्, योकादार का तथादला योकादार के मददगार के पद पर नहीं किया जा सकता है।

॥ गजेन्द्र सिंह ॥

पर्यावरण

क्षेत्राय प्रदर्शना आपकारा, गोहाटी

ડોઝોધારોધારોસંખ્યા-22011/2/92-પૂરોપૂરો દિનાંક 9.6.92



certified to be true copy

61
1982

Notice

dtD - 27/11/06

From: - Md. April Hussain
Advocate

To,

C. G. S.C.

Sbd: - An objection filed by the Petitioner
in O.A. No. 76/06
Sri. Bhubaneswar Sarma - applicant

The Union of India & ors - Respondents

Sir,
please find enclosed with a copy of the
above noted objection petition which
would be filed today.
please receive and acknowledge the same.

Yours faithfully

Md. April Hussain
Advocate

Received by
Gp. M. M.
27.11.06
C.G.S.C.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

Original Application No. 76 of 2006

Misc Petition No.

Contempt Petition No.

Review Application No.

Applicant(S) Mr. B. Sharma

Respondents U.O.I & Ors.
Advocate for the Applicant(S) Mr. M. U. Mandal, Mr. A. Hussain,
Mr. A. F. N. U. Mullah

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

Notes of the Registry

Date

Order of the Tribunal

28.3.2007

Mr. G. Baishya, learned Sr.C.G.S. submits that he has received a copy of the rejoinder and he wanted to file reply to that. Let it be done as a last chance to the Respondents.

post on 3.4.2007. Interim order shall continue till then.

S/VICE CHAIRMAN

26 JUL 2001

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

D.A. NO. 76 OF 2006

Sri Bhubaneshwar Sharma

...Applicant

-Versus-

Union of India & Ors.

....Respondents

IN THE MATTER OF:

A reply affidavit of objection filed by the applicant against the written statement filed by the respondents in connection with D.A. 76/06.

MOST RESPECTFULLY SHEREWTH:

1. That with regard to the statement made in paragraph 1 of the instant objection petition the Respondents beg to state that these are false, untrue and baseless and hence denied. The respondents further beg to state that neither the applicant is demoted from Helper to Chowkidar nor his transfer is illegal. He has been transferred purely in public interest. Similarly Shri Diwan Singh was transferred to New Delhi after he had served at difficult stations for four years. The applicant has never been redesignated as Chowkidar as alleged by him. Neither he was asked to perform duties of said post. In fact he has been accommodated against

Rakeshwar S.

Contd...P/-

filed by the respondents
Monolith Gaontu Singh
26.7.07
S/Case

the vacant post of Chowkidar for facilitating drawal of salary etc. only.

2. That with regard to the statement made in paragraphs 2 of the instant objection application the Respondents have no comment.

3. That as regard to the statement made in paragraph 3 of the instant objection application the Respondents beg to state that the transfer has been made in public interest and there is nothing illegal, maleficent, arbitrary or discriminatory.

4. That with regard to the statement made in paragraph 4 of the instant objection petition the Respondents beg to state that these are false, untrue and baseless hence denied. The respondents further beg to state that both the representations of the applicant were duly considered and suitable reply was given to him. Copy of the reply has been annexed by the applicant as Annexure - 15 in his O.A. No.76 of 2006.

5. That with regard to the statement made in paragraph 5 of the instant objection petition the Respondents beg to state that in view of earlier detailed submissions it is prayed to vacate the interim order staying the transfer and to direct the applicant to comply the transfer order immediately.

(Signature)

Contd...P/-

6. That with regard to the statement made in paragraph 6 of the instant objection petition the Respondents beg to state that these are false, untrue and incorrect hence denied. The respondents further beg to state that the applicant has been transferred in the same capacity. There is no illegality etc.

7. That with regard to the statement made in paragraph 7 of the instant objection petition the Respondents beg to state that these are false, untrue, incorrect and baseless hence denied. The respondents further beg to state that the transfer of Shri Diwan Singh was made after he had completed his tenure as per Government instructions while Shri R.C. Deka was transferred to Tura in exigencies of public service. On the other hand the applicant has never been transferred in the last more than 17 years and has been staying in Guwahati. His transfer is purely in public interest.

8. That with regard to the statement made in paragraph 8 of the instant objection petition the Respondents beg to state that the applicant has been raising same issues repeatedly time and again on vague and imaginary grounds. The applicant is deliberately avoiding his transfer by filing this application which has no merit and requires to be dismissed with costs.



Contd... P/-

9. That with regard to the statement made in paragraph 9 of the instant objection petition the Respondents beg to state that there is no order is contradictory.

10. That with regard to the statement made in paragraph 10 of the instant objection petition the Respondents beg to state that from the statement of the applicant it is clear that he deliberately consuming time by raising vague, baseless and irrelevant issues to delay his transfer. The applicant is not competent authority to assess the requirement/exigencies. His services are urgently required at Kohima. It is, thus, prayed to direct him to report at his new place of posting.

11. That with regard to the statement made in paragraph 11 of the instant objection petition the Respondents have no comment.

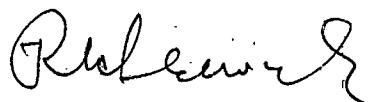
12. That the respondents submit that the present application has no merit and also not tenable in the eye of law and therefore the instant application is liable to be dismissed.

Rukhewar

VERIFICATION

I, R. K. Afzal S/o Late Sh. D. C. Afzal
aged about years, R/o 8/4, Urban Estate, Gopan
District Gopan and competent officer of the
answering respondents, do hereby verify that the state-
ment made in paras 1 to 12 are true
to my knowledge and those made in paras
being matters of record are true to my information
derived therefrom which I believe to be true and the
rests are my humble submission before this Hon'ble
Tribunal.

And I sign this verification on this 6th day
of July, 2007 at Guwahati.


Signature

Notice

100

from - Mr. G. Baishya
Sr. CGSC, CAT

To,

Advocate, C.W.C

O.A. NO. 76 of 2006

Sri. Bhupaneshwar Sharma
— Applicant

- vs -

Union of India & Ors
— Respondents

Please find herewith a copy of reply affidavit
which is going to be filed on behalf of the
respondents against the objection filed by the
applicant in connection with the abovesated case.

Kindly acknowledge the receipt thereof.

Thanking you.

Received copy

Manu

26/7/07

Advocate at 11.30 AM

Yours faithfully

Rabi Gogoi

Advocate

Copy enclosed
Greater Beniyan
since

२९ AUG 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI.

O. A. No. 76/06.

Sri Bhubaneshwar Sharma

... Applicant.

-Versus-

The Union of India & Ors.

... Respondents

IN THE MATTER OF:

An objection on behalf of the applicant against the affidavit-in-reply filed by the Respondents in connection with the O. A. No. 76/06.

1. That with regard to the statement made in the paragraph 1 in the affidavit-in-reply the Deponent / applicant denies the same and begs to state that the Deponent has been demoted to the post of Chowkidar from Helper by way of illegal transfer to accommodate on Diwan Singh, Chowkidar who has been transferred to New Delhi as a Helper and as such the transfer order in respect of the applicant is illegal, malafide, arbitrary and not tenable in the eye of law.
2. That with regard to the statement made in the paragraph 2 the Deponent begs to state that the Statement

contd...2

Filed by the Deponent/
Applicant
Without notice
of service
of copy
of plaint
in Court
of
M. R. Sharma
S. D. B.
101

Shri-Bhubaneshwar Sharma

102

made in paragraph 2, 3, 4, 4, 1 and 4.2 are admitted by the respondents and as such the applicant reiterates those statement in the original application.

3. That with regard to the statement made in the paragraph 3 in the affidavit-in-reply, the applicant begs to state that it is contrary to the Annexure-5 i.e the transfer order dated 10.9.04 which would go to show that the applicant has been demoted to the post of Chowkidar and such no question of identical scale of pay does not arise.

4. That with regard to the statement made in the paragraph to 4 and 5 the applicant begs to state that the order dated 29.9.04 passed in O.A. No. 223 /04 in pursuance to the representation dated 21.9.04 has not been considered at all which is reflected from the Annexure-9 of the present O.A. 3806.

5. That with regard to the statement made in the paragraph 6 the deponent begs to state that the applicant is a human being and for that reason his domestic and personal problem has to be considered in the light of right to life with dignity as conferred by Article 21 of the constitution of India and as such it is not a goods which can be used at the dictatorship of the state in violation of the principle laid down in the service rules and as

such there is no public interest is involved in transferring the petitioner form Gauhati to Kohima.

6. That with regard to the statement made in the paragraph 7 the applicant begs to state that the Annexure- 2 annexed in the written statement is supporting the case of the applicant which has provided Officers on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as per as possible' and as such in the present case the applicant has served more than 10 years and as such the applicant has every right to stay at Guwahati as per his choice.

7. That with regard to the statement made in the paragraph no.8 in the affidavit-in -reply the applicant it is totally illegal, arbitrary and malafide in view of the Annexures 1,2 and 3 in the written statement filed by the applicant.

8. That with regard to the statement made in the paragraph no.9 in the affidavit-in-reply the applicant denies the same and begs to state that there no public interest involved and no necessity for transferring the applicant in view of the Annexure-2 in the written statement.

9. That with regard to the statement made in the paragraph no. 10 the deponent denies the same and reiterates

the statement in paragraph 5 in the original application. It is further stated that it is the respondents who have taken somarrry time to file objection and reply and they have not denied the annexures 1,2 and 3 in the objection and as such the present O.A. No.76/ 06 may kindly be allowed considering lapses of about 3 years of transfer order and as such the respondents have accepted the interim order passed by the Hon'ble Tribunal and there is no exigency and urgent requirement of the transfer order and as the transfer ^{order} dtd 10.9.04 is liable to setaside and quashed in the interest of justice.

10. That with regard to the statement made in the paragraph no. 11 the applicant begs to state that the interim order dated 19.1.05 may kindly be absolute considering the facts and circumstances of the present case.

11. That with regard to the statement made in the paragraph no. 12 the deponent reiterates the statement made in the original application no.76/06 and the same may be allowed in the interest of justice.

12. That the deponent further begs to state that the affidavit-in-reply so filed by the Respondents are devoid of any merit and the same is liable to be rejected and the O.A. No.76/06 may kindly be allowed considering the extreme hardships of the applicant and also considering the interim order passed by this Hon'ble Tribunal.

VERIFICATION

I, Sri Bhubaneshwar Sharma, aged about 44 years, son of late Rejani Kanta Sharma Sharma, resident of Village-Branghati, P. O. Branghati, P. S. Kya, District-Kamrup, Assam do hereby solemnly affirm and declare and verify that the statement made in the paragraph 1,2,5,7 9 to 12 are true to my knowledge those made in paragraph 3,4,6 to 8 are derived from the records and the rest are my humble submissions before this Hon'ble Tribunal.

And I sing this verification on this 20 th day of May ,2005 at Guwahati.

Shri-Bhubaneshwar Sharma.

DEPONENT