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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

21

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 07/2005

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SECTION OFFICER (Judl.)

Harib
01/11/07

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 7/05

Misc. Petition No. 2

Contempt Petition No. 1

Review Application No. 2

Applicants: K. B. Lal - M. Chatterjee

Respondents W. G. ...

Advocates for the Applicant Mr. A. Ahmed

Advocates of the Respondents ...

Notes of the Registry Date 11.1.2005 Order of the Tribunal

11.1.2005

Present: The Hon'ble Mr. K. V. Prahladan
Member (A).

This application is in form
is filed/C.F. for Rs 50/-
deposited v. de. IPC/BD

No. 11.04.08

Dated 24.12.04

10/1/05
Dy. Registrar

Heard Mr. A. Ahmed, learned counsel
for the applicant and also Mr. A. Deb
Roy, learned Sr. C.G.S.C. for the res-
pondents.

The respondents are hereby direc-
ted to implement the transfer order
dated 11.11.2004 in respect of the
applicant who is at Sl.No. 24 as seen
as substitute joins in his place or
within one month from the date of
receipt of this order, whichever is
earlier.

The O.A. is therefore disposed
of at the admission stage itself.

① Page 13-15 are un-
legible.

② Steps taken.

10/1/05
17/1/05

17.1.05
Copy of the order handed
over to The Sr. C.G.S.C. for
The Respondent and The same
has been sent to the Dy. Sec.
for issuing the same to the
applicant by post.

bb

K. V. Prahladan
Member

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI

গুৱাহাটী বেঞ্চ
Guwahati Bench

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 7 OF 2004

BETWEEN

Shri Kollol Mukherjee @ Mukhopadhyay

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS:

Annexure-A is the photocopy of Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2003/142 Dated 04-03-2004 issued by the Respondent No.4.

Annexure-A1 is the Type copy of Relevant Portion of the Office Order No.21 (104)/SE (Co-ordn.)/ER/CPWD/CAL/2003/142 Dated 04-03-2004 issued by the Respondent No.4.

Annexure-B is the photocopy of the Representation Dated 12-04-2004.

Annexure-C is the photo copy of letter No.8(1)/MCESD-II/2004/05 Dated 12-04-2004

Annexure-D, E & F are the photocopies of Representations Dated 03-05-2004, 12-07-2004 and 26-07-2004 filed by the Applicant.

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Annexure-G is the photocopy of the Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

Annexure-G1 is the Type Copy of the Relevant Portion of the Office Order No.21 (104)/SE (Co-ordn.) /ER/CPWD/CAL/2004/672 Dated 11-11-2004

Annexure-H is the photocopy of Representation Dated 24-11-2004 filed by the Applicant before the Respondent No.5.

Annexure-I is the photocopy of Judgment & Order Dated 27th March 2002 passed by this Hon'ble Tribunal in O.A.No.412 & 431 of 2001.

This application is not made against any specific order but it is made for seeking a direction from this Hon'ble Tribunal directing the Respondents to release the Applicant from Office of the Manipur Central Electrical Sub Division-II, Central Public Works Department, GC, CRPF Langjing, Imphal to Kolkata as per transfer office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004 issued by the Respondent No.4.

RELIEF SOUGHT FOR:

That the Respondents, particularly the Respondent No.4 & 5 may be directed by the Hon'ble Tribunal to release the Applicant from the present place of posting from Office of the Manipur Central Electrical Sub Division-II, Central Public Works Department, GC, CRPF Langjing, Imphal to Kolkata as per transfer office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

To pay the cost of the application.

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INTERIM ORDER PRAYED FOR:

The Applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal by giving a direction to the Respondents particularly the Respondent No.4 & 5 to release the Applicant from his present place of posting as per office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

beles

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal
10 JAN 2005
गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

Filed by
Shri Kollol Mukherjee
Applicant
through
C Abir Ahmed
Advocate

ORIGINAL APPLICATION NO. 7 OF 2005

BETWEEN

Shri Kollol Mukherjee @ Mukhopdhy,
Junior Engineer (E),
Office of the Manipur Central Electrical
Sub Division-II, Central Public Works
Department, GC, CRPF Langjing, Imphal.

... Applicant

-AND-

1. The Union of India represented by the
Secretary to the Government of India,
Ministry of Urban Affairs,
Nirman Bhawan, New Delhi-110011.
2. The Director General Works,
Central Public Works Department,
118-A, Nirman Bhawan,
New Delhi- 110011.
3. The Chief Engineer (E), EZ & NEZ,
Central Public Works Department,
Nizam Palace, 6th floor,
234/4 AJC Bose Road,
Kolkata-20.
4. The Superintending Engineer (Co-
ordination Circle) Eastern Region, Central
Public Works Department 234/4

bees:

Acharya J.C.Bose Road, Nizam Palace,
(2nd MSO Building, 17th Floor)
Kolkata-20.

5. The Executive Engineer (Electrical),
Central Electrical Division, Central Public
Works Department, Malugram, Mela
Road, Silchar-2, District-Cachar.

... Respondents

**1) DETAILS OF THE APPLICATION PARTICULARS OF THE
ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is not made against any specific order but it is made for seeking a direction from this Hon'ble Tribunal directing the Respondents to release the Applicant from Office of the Manipur Central Electrical Sub Division-II, Central Public Works Department, GC, CRPF Langjing, Imphal to Kolkata as per transfer office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004 issued by the Respondent No.4.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

over.

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicant begs to state that he is working as Junior Engineer (Electrical), Manipur Central Public Works Department, GC, CRPF Langjing, Imphal. He joined at Imphal on 24-09-2001. It may be stated that your Applicant is a handicapped person suffering from Severe Ancolysing Spondelities.

4.3) That your Applicant begs to state that he has completed his 2 (two) years tenure in North Eastern Region on 24-09-2003 as per Office Memorandum No.20014/3/83-D-IV New Delhi dated 14th December 1983 issued by the Ministry of Finance, Department of Expenditure, Government of India and also as per Office Memorandum No.29/1/97-EC1 Dated 10th December 1997 issued by the Office of the Respondent No.2. After completion of his tenure at North Eastern Region i.e.at Imphal, the Applicant filed a Representation before the Respondent No.4 for his choice place of posting. Accordingly he was transferred from Imphal to CCEC-II, Kolkata vide Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2003/142 Dated 04-03-2004 issued by the Respondent No.4.

Annexure-A is the photocopy of Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2003/142 Dated 04-03-2004 issued by the Respondent No.4.

Annexure-A1 is the Type copy of Relevant Portion of the Office Order No.21 (104)/SE (Co-ordn.)/ER/CPWD/CAL/2003/142 Dated 04-03-2004 issued by the Respondent No.4.

4.4) That your Applicant begs to state that he filed a Representation on 12-04-2004 before the Respondent No.5 through proper channel requesting him to relieve him immediately from Imphal and enable him to join at his new place of posting at Kolkata. The Assistant Engineer (Electrical) Manipur Central Electrical Sub Division-II vide his letter No.8(1)/MCESD-II/2004/05 Dated 12-04-2004 inform the Respondent No.5 that the Applicant will be released from Imphal only after joining of a substitute.

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Annexure-B is the photocopy of the Representation Dated 12-04-2004.

Annexure-C is the photo copy of letter No.8(1)/MCESD-II/2004/05 Dated 12-04-2004.

4.5) That your Applicant begs to state that he again filed Representation on 03-05-2004 & 12-07-2004 before the Respondent No.5 through proper channel for early implementation of his transfer order dated 04-03-2004. He also filed a Representation on 26-07-2004 before the Additional Director General (Eastern Zone), Central Public Works Department, Kolkata through proper channel for his early release from Imphal to Kolkata.

Annexure-D, E & F are the photocopies of Representations Dated 03-05-2004, 12-07-2004 and 26-07-2004 filed by the Applicant.

4.6) That your Applicant begs to state that surprisingly instead of releasing the Applicant from Imphal to Kolkata by the Respondents, the Respondent No.4 issued another Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004 by which your Applicant was again transferred to Kolkata, KCED-II from Imphal. After receiving the said Second Transfer Order Dated 11-11-2004 your Applicant filed a Representation on 24-11-2004 before the Respondent No.5. ^{to release him} But till now the Respondents have not taken any steps for release of your Applicant from his present place of posting i.e. Imphal. Hence finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure-G is the photocopy of the Office Order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

Annexure-G1 is the Type Copy of the Relevant Portion of the Office Order No.21 (104)/SE (Co-ordn.) /ER/CPWD/CAL/2004/672 Dated 11-11-2004

Annexure-H is the photocopy of Representation Dated 24-11-2004 filed by the Applicant before the Respondent No.5.

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4.7) That your Applicant begs to state that in the Transfer Order Dated 11-11-2004 paragraph-1 it has been clearly stated that "In terms of DGW, CPWD, New Delhi's O.M. No.A-22015/72/2000-ec-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers Under/Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall ^{relieve} ~~receive~~ the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of works for taking action against the defaulting officer".

From the above it is very clear that without waiting any substitute the Transfer Order should be implemented by the Concerned Authority. As such the contention of the Respondents for waiting substitute is not maintainable in the eye of law.

4.8) That your Applicant begs to state that in a similarly situated case i.e. in Original Application No.412 of 2001 and 431 of 2001 filed by the similarly situated persons before this Hon'ble Tribunal, the Hon'ble Tribunal vide its Order dated 27th March 2002 held that "It was the responsibility of the Respondents to take steps for finding out the surrogate. The inaction on the part of the Respondents in not giving effect to the transfer order in the set of circumstances cannot be legally sustained. The Respondents are directed to take all out effort to give effect to the order of transfer dated 31.05.2001 with utmost expedition and at any rate within a period of two months from the date of receipt of this order, in respect of the Applicants".

Annexure-I is the photocopy of Judgment & Order Dated 27th March 2002 passed by this Hon'ble Tribunal in O.A.No.412 & 431 of 2001.

4.9) That your Applicant begs to submits that at the Respondents have deliberately and intentionally discriminated your Applicant by not releasing him from present place of posting to Kolkata in spite of his two Transfer Orders Dated 04-03-2004 and 11-11-2004. As such it is fit case for giving adequate direction to the Respondents by the Hon'ble Tribunal

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to lease your Applicant immediately in compliance of his Transfer Order
issued by the Respondent No.4.

4.10) That your Applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.

4.11) That your Applicant submits that the action of the Respondents is mala fide, illegal and with a motive behind.

4.12) That your Applicant submits that the action of the Respondents by which the Applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a mala-fide intention only to deprive the Applicant from his legitimate rights.

4.13) That your Applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.14) That in view of the facts and circumstances it is a fit case for interference by the Hon'ble Tribunal to protect the interest of the Applicant and his family members.

4.15) That this application is filed bona fide and for the interest of justice.

The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction.

5.2) For that, the Respondents have not considered their own guideline regarding release of person when he is transferred. As such there is no jurisdiction in denying the said benefit to the Applicant.

bill

5.3) For that, the action of the Respondents have violated the Article 14, 16 and 21 of the Constitution of India.

5.4) For that, the action of the Respondents is arbitrary, mala fide and discriminatory with an ill motive.

5.5) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law and as well as fact.

The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for by the Applicant may not be granted and after hearing the parties may be pleased to dispose up this application on the

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admission stage and may be pleased to direct the Respondents to give the following relieves:

8.1) That the Respondents, particularly the Respondent No.4 & 5 may be directed by the Hon'ble Tribunal to release the Applicant from the present place of posting from Office of the Manipur Central Electrical Sub Division-II, Central Public Works Department, GC, CRPF Langjing, Imphal to Kolkata as per transfer office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

8.2) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

The Applicant prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal by giving a direction to the Respondents particularly the Respondent No.4 & 5 to release the Applicant from his present place of posting as per office order No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672 Dated 11-11-2004.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. : 204) 0438
 Date of Issue : 30.12.2004
 Issued from : Guwahati C.P.O.
 Payable at : Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification

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-V E R I F I C A T I O N-

I, Shri Kollol Mukherjee alias Shri Kollol Mukhopdhay, Junior Engineer (E), Office of the Manipur Central Electrical Sub Division-II, Central Public Works Department, GC, CRPF Langjing, Imphal, Manipur do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.7 —
are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.5, 4.6, 4.8 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 3rd day of January 2005 at Guwahati.

bill
(Kollol Mukherjee)

**GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
COPPER PLATE CIRCLE (ER),
2nd FLOOR, 17th FLOOR, 17th FLOOR,
234/4 ANAND BOSE ROAD, KOLKATA - 20.
TEL: (033) 2287-2416; FAX NO. (033) 2291-3183.**

Dated: 01/03/2004

No. 21 (104) SE (Co-ordin.) / ER / CPWD / CAL / 2003 / 1 / 2

OFFICE ORDER

The Chief Engineer (E2-1), C.P.W.D., Kolkata is pleased to order the transfer/posting of the following Junior Engineer (Elect.) with immediate effect in public interest.

Sl. No.	NAME OF JE (U)	FROM	TO	VICE
1	SRIYANU MOITRA	CCED-VI, KOL.	SE (E) III, SILIGURI.	S. SARKAR PROMOTED.
2	S. DASGUPTA	CCED-V, KOL.	RCED, RANCHI, HQ.	K. RUDRAPAL TRANSFERRED.
3	S.K. BISWAS	CCED-IV, KOL.	PCED, PATNA.	EXISTING VACANCY.
4	GOPAL SAMANTA	CCED-III, KOL.	PCED, PATNA.	J.K. SINGHA PROMOTED.
5	P.K. BOSE	CCED-I, KOL.	CCED-VI, KOL. HQ.	S.K. MODAK TRANSFERRED.
6	S.K. PAL	CCED-V, KOL.	BERHAMPUR.	S. KABIJAT TRANSFERRED.
7	ASIM KUMAR GHOSH	CCED-IV, KOL.	SCED, SILIGURI, HQ.	M. DEBATHI TRANSFERRED.
8	S.N. NASIKAR	SE (PWA), E2-1, KOL.	CCED V, KOL. HQ.	B.C. DATTA TRANSFERRED.
9	PRADIP DAS	SCED, SILIGURI	SCED, SILIGURI, HQ.	EXISTING VACANCY.
10	M. DEBATHI	SCED, SILIGURI, HQ.	SCED, SILIGURI, HQ.	PRADIP DAS TRANSFERRED.
11	S.K. MODAK	CCED-VI, KOL. HQ.	HQ. SILIGURI.	B.K. BHANUS.
12	A.B. KUNDU	BERHAMPUR.	COOCHBEHAR.	RETIRED UPON 03/05/03 FOR COMPLETION OF EDUCATION.
13	S.L. JHA	RCED, RANCHI, HQ.	RCED, RANCHI, HQ.	H.C. DATTA TRANSFER.
14	DEBASHISH SIKDER	CCED-III, KOL.	CCED-III, KOL.	P. RAJESH PRAS.
15	K. RUDRAPAL	RCED, RANCHI.	CCED-VI, KOL.	TAPAS BHALL CHARYA.
16	M.R. DAS	CCED-V, KOL. HQ.	CCED-I, KOL.	D. BANU AGA.
17	M.P. ADITYA	RCED, RANCHI, HQ.	RCED, RANCHI, HQ.	RETIRED UPON 03/05/03 FOR COMPLETION OF EDUCATION.
18	M. BHASKAR	CCED-III, KOL.	CCED-III, KOL.	RETIRED UPON 03/05/03 FOR COMPLETION OF EDUCATION.

FILED

Handwritten Signature
Advocate

23.	R.K. MUKHERJEE	SCED, SILCHAR, HQ: AGARTALA.	BIASHA BIHAWAN ELEC. DIVI, KOL. CCEC-II, KOL.	D.K. GUHA.
24.	PRADIP K. BISWAS	SCED, SILCHAR.	CCED-I, KOL.	EXISTING VACANCY.
25.	NARAYAN HALDER.	CCED-IV, KOL.	CCED-III, KOL.	DEBASISH SIDER.
26.	UBHAS SAHA	CCED-II, KOL.	CCED-VI, KOL.	B.P. PAUL.
27.	SWAPAN DAS.	CCED-VI, KOL.	CCED-III, KOL.	GAUTAM PRAMANIK.
28.	H.N. MUKHERJEE	BIASHA BIHAWAN ELEC. DIVI, KOL.	SE(PBA) F7-I, KOL.	ALREADY TRANS.
29.	TAJAS BHATTACHARYA	CCED-VI, KOL.	CCED-II, KOL.	SOMNATH NAIK.
30.	TUJIB BISWAS	CCED-IV, KOL.	CCED-V, KOL.	GOBAL KANWALIA
31.	A.K. MAJUMDAR	CCED-III, KOL.	CCED-IV, KOL.	S. DAS GUPTA
32.	RAJATESH GHOSH	CCED-IV, KOL.	CCED-I, KOL.	S.P. BISWAS
33.	M.K. NANDI	CCED-II, KOL.	CCED-III, KOL.	P.K. MOHANTY
34.	S.K. PAL	SE(PBA) ELEC. (FAS)	CCED-VI, KOL.	A.R. MAJUMDAR
35.	D.K. GUHA	CCFC-II, KOL.	CCED-IV, KOL.	SWAPAN DAS
36.	D.K. BISWA	CCED-V, KOL.	CCED-IV, KOL.	HARAYATI HALDER
37.	S.L. MONDAL	CCED-V, KOL.	CCED-IV, KOL.	RAJATESH GHOSH
38.	B. BHATTACHARYA	CCFC-II, KOL.	CCED-VI, KOL.	SRINATH MOHITA
39.	SOMNATH NAIK	CCED-III, KOL.	SE(PBA) ELEC. (FAS)	S.R. PAUL
40.	DEBADRATA DAS	CCED-V, KOL.	CCFC-II, KOL.	B. BHATTACHARYA
41.	GAUTAM PRAMANIK	CCED-III, KOL.	CCED-IV, KOL.	TUJIB BISWAS
42.	MUKUL CHOWDAS	CCED-IV, KOL.	CCED-V, KOL.	S.K. MONDAL
43.	P. MUKHERJEE	SCED/BSR, HQ: CHARRIETA.	CCED-IV, KOL.	ANIL K. PAUL GHOSH
				MUKUL CHOWDAS

Note:

1. In terms of DGW, CPWD, New Delhi's O.B. No: A-22015/77/2000-EC-VI dated 09.03.2000, unless otherwise specified, the Junior Engineers under order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of Works for taking action against the defaulting officer.

2. Division/Circle/Zone, the controlling Officer must accept the joining report and in cases of non-availability of particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Civil/Electrical).

Due to increase in the normal tenure at self stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength become officers, which is unavoidable. All Superintending Engineers and Executive Engineers are therefore requested to accept the joining report of such Junior Engineers concerned who, on the transfer, submit their joining report to them. If something they want to say, they may take up the matter later with the Chief Engineer, Superintending Engineers and Executive Engineers. The concerned Superintending Officers of the Junior Engineers (Civil/Electrical) and a copy of their joining report within a time frame of 30 days should be sent to join their respective posts. The concerned Superintending Officers should

Attchd
File
Admb

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In case the Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders, and they will not be eligible to draw pay and allowances from their present office. Thereafter their transfer orders will be cancelled/modified or further instruction issued by this Office or the Director General of Works, CPWD, New Delhi.

The Junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

This Order supercedes all previous orders issued in respect of any of the Junior Engineers mentioned in this Office Order.

(B.K. DAS)
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER)

Copy forwarded for information to

1. The Director General of Works, CPWD, EC VI Section, Nirman Bhawan, New Delhi - 110011.
2. The Additional Director General (ER), CPWD, Kolkata - 20.
3. The Chief Engineer, (Elect.), C.P.W.D. of Eastern Zone-I & IUB Zone.
4. The Concerned Superintending Engineer (Elect.) /c Superintending Engineer (PWA) (Elect.) of C.P.W.D., Eastern Region.
5. The concerned Executive Engineer (Elect.), C.P.W.D.
6. Person Concerned (through their controlling Office).
7. The CPWD Junior Engineers' Association, Kolkata.

[Signature]
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER)

Abhishek
[Signature]
Advanta

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18

RELEVANT PORTION OF TRANSFER ORDERS OF J.E.

-Type Copy-

ANNEXURE -A1

**GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NIZAM PALACE, 27TH FLOOR,
234/4 A.J.C. BOSE ROAD, KOLKATA-29
TEL: (033) 2247-7416, FAX NO. (033) 2281-3183.**

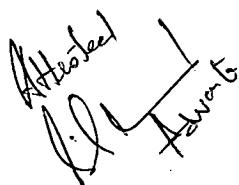
No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/142

Dated :04/03/2004

OFFICE ORDER

The Chief Engineer (EZ-I), C.P.W.D., Kolkata is pleased to order the transfer/posting of the following Junior Engineer (Elect.) with immediate effect in public interest.

SL.No.	NAME OF SE(E) Shri/Smt.	FROM	TO	VICE
1.	SRITANU MAITRA	CCED-VI, KOL	SE(P)(E), IBB, SILIGURI	S.SARKAR, RETIRED.
2.	S.DASGUPTA	CCED-V, KOL	RCED, RANCHI, HQ: HAZARIBAG	K.RUDRARAI, TRANSFERRED
3.	S.K. BISWAS	CCED-IV, KOL	PCED, PATNA	EXISTING VACANCY
4.	GOPAL SAMANTA	CCED-II, KOL	PCED, PATNA	J.K.SINHA PRMOTED
5.	P.K. BOSE	CCED-I, KOL	CCED-VI, KOL, HQ: BERHAMPUR	S.K.MODAK TRANSFERRED
6.	B.K. PAL	CCED-V, KOL	BCED, BBSR	S.KABIRAJ TRANSFERRED
7.	ASHIM KUMAR GHOSH	CCED-IV, KOL	SCED, SILIGURI, HQ: GANGTOK	M.DEBNATH, TRANSFERRED
8.	S.N.NASKAR	SE (P & A), EZ-I, KOL	CCED-V, KOL, HQ: DURGAPUR	B.C.DATTA TRANSFERRED
9.	PRADIP DAS	SCED, SILIGURI	SCED, SILIGURI, HQ: COCHBEHAR	EXISTING VACANCY
10.	M.DEBNATH	SCED, SILIGURI, HQ: GANGTOK	SCED, SILIGURI, HQ: SILIGURI	PRADIP DAS TRANSFERRED
-	-----	-----	-----	-----
-	-----	-----	-----	-----
-	-----	-----	-----	-----
-	-----	-----	-----	-----
22.	KOLLOL MUKHERJEE	SCED, SILCHAR, HQ: IMPHAL	CCEC-II, KOL,	D.K. GUHA



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Note: - In view of the warning of PAD (EZ), CPWD, Kolkata about salary of JEs posted in excess of Sanctioned strength shall not be paid, all concerned are requested to implement this order of transfer urgently. Consequence of non-payment of salary to the JEs shall rest with DDO's of the concerned officer.

1. In terms of DGW, CPWD, New Delhi's O.M. No.A-22015/72/2000-ec-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers Under/Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall ~~receive~~ ^{substance} the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of works for taking action against the defaulting officer.
2. Division/Circle/Zone, the controlling officer must accept the joining report and in cases of non-availability of particular post, intimation may be given to this office. This has become necessary to avoid irregularity waiting period of Junior Engineers (Civil/Electrical).
3. Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers and Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter with this office. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to join their new places of posting and relief of such officials should not be held up for any reason whatsoever.
4. In the case of Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they are not be eligible to draw pay and allowance from their present office. Thereafter

Attn: (EZ)
A.L.
1/10/20

18

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their transfer orders will be cancelled/modified or further instruction made by this office of the Director General of Works, CPWD, New Delhi.

5. The Junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

This order supercedes all previous orders issued in respect of any of the Junior Engineers mentioned in this Office Order.

Sd/-

Illegible

(B.K.Das)

SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

Copy forwarded to: -

1. The Director General Works, CPWD, EC-VI Section, Nirman Bhawan, New Delhi-110011.
2. The Additional Director General (ER), CPWD, Kolkata-20.
3. The Chief Engineer, (Elect), C.P.W.D. of Eastern Zone-HQ IBB Zone.
4. The concerned Superintending Engineer (Elect) i/c Superintending Engineer (P&A) (Elect.), C.P.W.D.
5. The Concerned Executive Engineer (Elect.), C.P.W.D.
6. Person Concerned (through their controlling Office)
7. The CPWD Junior Engineers' Association, Kolkata.

Sd/-

Illegible

O/c SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

Attended
Admitted

19

ANNEXURE - B 21

To
The Executive Engineer(Elect)
Silchar Central Elect.Division
C.P.W.D, Malugram Mela road,
Silchar-2

(Through Proper channel)

Sub:-Regarding Release of self under order of Transfer.

Ref:-21(104)/SE(Co-ordn)/ER/CPWD/CAL/2003/142 dt.4.3.04

Respected Sir,

Upon completion of Tenure at North East and subsequent transfer order as referred above I may please be released at an early date & there-by enabling me to comply with the said order and to join in my new place of posting without any further delay.

In this connection I am to mentioned here-with that I have already covered more than six month even after completion of my tenure at North East during september-2003.

I shall be thankful to you for your consideration and kind necessary action in this regard.

Thanking you,

Yours faithfully

self
(K.MUKHOPADHYAY)
JE(E)/MCESD-II
Langjing, Imphal.

Copy to:-

1. Superintending Engineer(Co-ordination), ER CPWD, Nizam palace, 2nd FSO Bldg. for information pl.
2. Superintending Engineer(Elect), G.C.E.C for information with a request to release at an early date considering the grounds mentioned in my transfer representations
3. Assistant Engineer(Elect)/MCESD-II, CPWD, Langjing Imphal. with a request to release me at an early date.

bee
12/4/04
(K.MUKHOPADHYAY)

*Attended
S. K. Advanta*

20

22
ANNEXURE - C

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No. B(1)/MCESD-II/2004/05

Dt. 12/4/04

To
The Executive Engineer(E)
Silchar Central Elect. Divn.
CPWD, Silchar-2

Subject:- Regarding Release of Sri.K.Mukhopadhyay JE(E)
MCESD-II, CPWD, Imphal.

Sir,
An application received from Sri.K Mukhopadhyay JE(E) attached to Manipur Central Electrical Sub-Division-II CPWD, Imphal under Silchar Elect. Division on the above mentioned subject is forwarded herewith for onward transmission to competent authority for further necessary action please.

Sri K.Mukhopadhyay JE(E) has completed 2 years tenure in this Sub-Division. He can be released only after joining of a substitute.

Encls:-Application stated above
in triplicate.

Yours faithfully

Assistant Engineer(E)
MCESD-II, CPWD, GC, CRPF
Langjing, Imphal.

✓ Copy to:- Sri.K.Mukhopadhyay JE(E)/MCESD-II, CPWD, GC, CRPF
Langjing, Imphal for information please.

Abul 12/4/04
ASSISTANT ENGINEER(E)

*Attended
[Signature]
[Signature]*

21

ANNEXURE - D 23

To

The Executive Engineer(Elect)
Silchar Central Elect.Division
C.P.W.D, Malugram Mela Road,
Silchar.....2

(Through Proper Channel)

Sub:-Implementation of Transfer order of J.E's vide
SE(co-ordination) No.21(104)/SE(co-ordn)/ER/CPWD/
CAL/2003/142 dt.4.3.04 and release thereof.

Respected Sir,

Please refer my letter dt.12.4.04 regarding the above subject and forwarded by the AE(E) vide his No.8(1)/MCESD-II/2004/05 dt.12.4.04, as well request made to you personally in your chamber on 9.4.04, I would like to place the following few pts. before you for favour of your justice.

(1) To comply with SE(co-ord)office order No.21 SE(c)/SE(c)/ER/CPWD/CAL/2001/490 dt.12.7.01 I have joined at Imphal on 24.9.01. Subsequent upon joining further order vide your No. camp-Imphal/SCED/2001 dt.18.9.01 and No. 8(1)/MCESD-II/2001/615 dt.27.9.03 of AE(E), MCESD-II entrusted ~~me~~ me additional charge of another JE as a stop gap arrangement.

All the above said orders has been carried out with level best effort and without any question.

(2) I have narrated my physical problems (Being a worst victim of Ankylosing spondelities) as well family problems through my earlier representations (copies of which has been endorsed to your office from time to time) repeatedly.

(3) However, six months latter even after completion of my tenure, Transfer order as referred in the SUB: has been issued by S.E(co-ord)office.

After that another two months has already been lapsed but nothing positive is being heard from your end.

(4) Though the stipulated tenure at this hard area is of two years, I have almost completed 3 years. In this connection once again your goodself is requested to kindly go through the opinion of the CE (NEZ), C.P.W.D, Shillong vide his No. 17/6/2001-Admn dt.7/4/03 (copy enclosed).

Sir, a considerable period of Eight months time has already been passed even after completion of tenure. Further delay due to release compels me to loose my patience and which adversely affecting my health as well my duties.

Attent
Silchar
Admn

- 22 -

24

As such, your kindness is once again earnestly requested to be more sympathetic and release me by making local arrangement as immediately as possible.

Thanking you,

Yours faithfully

buc
3/5/04
(K.MUKHOPADHYAY)
JE(E)/MCESD-II
CPWD, IMPHAL,
MANIPUR.

Copy to:-

- i) The SE (co-ordination) Eastern Region, CPWD, 2nd MSO Bldg, Nizam palace Cal-20 through proper channel for information and further necessary action please and one advance copy.
- ii) The SE (Elect), GCEC, Bamuni Maidan, Guwahati-21 through proper channel for information and necessary action please and one advance copy.
- iii) The AE (E)/MCESD-II, CPWD, GC, CRPF, Langjing, Imphal for information with a request to release me at the earliest.
- iv) The Zonal Secretary, CPWD JE's Association Eastern Zone ground floor, Nizam palace cal-20 for information and further necessary action please.

(K.MUKHOPADHYAY)

Attch
J.L. — *Advent*

- 23 -

25

ANNEXURE - E

To

The Executive Engineer(E)
Silchar Central Elect.Divn.
C.P.W.D,Silchar-2 (3rd Reminder)

(Through Proper Channel)

Sub:-Regarding release of Self under order of Transfer
vide 21(104)/SE(Co-ordn)/ER/CPWD/CAL/2003/142 dt.4.3.04.

Respected Sir,

Please refer my earlier reminders dt.12.4.04
and 3.5.04 regarding above subject,I am compelled to place
the fact that even after completion of my tenure at North
East a period of 10 Months(probably considerable) has already
been passed,but all my request has gone in vain,

However once again I am requesting your goodself
to look in to the matter and releave me by making local/tempo-
rary arrangement at the earliest possible enabling me to join
in calcutta my new place of posting.

Thanking you,

Yuors faithfully
bill
JE(E). 12/7/04
(K.MUKHOPADHYAY)
JE(ELECT)
SCED,MCESD-II
Imphal,Manipur.

- Copy to:-
- 1.The Superintending Engineer(Co-ordination)EZ,CPWD
Calcutta through proper channel.He is requested to
see the implementations of his transfer order
conditions vide his no.21(104)/SE9co-ordn)/ER/CPWD/
CAL/2003/142 dt.4.3.04.
 - 2.The S.E(Elect),G.C.E.C Guwahati through proper channel
with request (i)kindly recall the problems narrated
by me through several representation.
(ii)to releave me by making local/temporary arrangement.
 - 3.The Assistant Engineer(Elect),MCESD-II,CPWD,Imphal
with the request to make necessary arrangement for my
earliest release.

P/copy

Attent
Sh *Amanta*

-24-

28

4. The Zonal Secretary, (EZ), CPWD JE'S Association
Eastern Zone Nizam Palace Calcutta with a request
to look in to the matter in a positive manner.

bles.
JE(E) 12/7/04

(K. MUKHOPADHYAY)

J.E(E).

MCESD-II, Imphal.

Manipur.

Attended
JL *Aswanta*

ANNEXURE - F
27

- 25 -

To

The Additional Director General (Eastern Zone)
C.P.W.D. NIZAM PALACE.
234/4 AJC BOSE ROAD.
CALCUTTA---700020.

(Through Proper Channel) Advance Copy

Sub:- Transfer from IMPHAL to CALCUTTA order No.21(104)/SE (Co-ordn)/ER/CPWD/CAL/2003/142 dt.4.3.04 and release thereof.

Sir,

With humble regards I would like to place the following few points for favour of your justice please.

(1) To comply with SE(Co-ord) office order No.21 SE(C)/JE(C)/ER/CPWD/CAL/2001/490 dt.12.7.01. I have joined at Imphal on 24.09.01. Subsequent upon joining further order from Ex.Engr. (Elect) vide Camp-Imphal/SCED/2001 dt.18.9.01 and No.8(1)/MCESD-II/2001/615 dt.27.9.03 of AE(E), MCESD--II entrusted me additional charge of another JE as a stop gap arrangement.

All the above said orders has been carried out with level best effort & without any question.

(2) Sir, I have narrated my physical problems (Being a worst victim of Ankylosing Spondelities) to serve in this cold & Hilly area at Manipur through several representations to competent authority. My family problems (Being the only male member in my family having dependant old & sick Mother, wife and school going daughter) has also been depicted in my representations.

But no consideration has been made to my several representations (5th time) for early transfer.

(3) Any how, six months later even after completion of tenure transfer order as referred in the SUB: has been issued by SE(Co-ord) office but without releaver. Another five months after the issue of transfer order has already been lapsed but neither substitute is posted nor I am relieved. Several approachs has been made to relieve me by making local arrangement as stop gap measure.

But all my request has gone in vain & it is felt that the competent authority is very much reluctant to relieve me.

(4) Sir, a considerable period of almost 1 Yr. has already been passed even after completion of tenure at NORTH EAST. Further delay in my release leaves me in a state of mental coma & everyday feeling physically jeopardised to pull on my day to day extremely hazardous duties under a deteriorated law & order situation as it prevails at Manipur & Nagaland.

Cont. Page-2

Attended
J. L. Thakur

As such, your kindness is requested to look in to the matter at the earliest so that I can be released immediately.

I shall be thankful to you as ever for your thuskind of action to redress my mental agony.

Thanking You,

Yours faithfully

bu
JE(E).26/04
(K. MUKHOPADHYAY)

JE (ELECT)

SCED, MCESD-II

Imphal, Manipur.

Copy to-

- with a request*
1. The Chief Engineer (Eto) CPWD, Calcutta for immediate suitable action please (Reference SE (Ele), GCEC.
Letter No. 8(4)/GCEC/E-I/2003/172 dt. 24.11.03.
8(4)/GCEC/E-I/2003/801 dt. 27.5.03
8(4)/GCEC/E-I/2003/355 dt. 4.9.03
 2. The Superintending Engineer (Co.ordination) ER, CPWD Calcutta for information and necessary action please.
 3. The Superintending Engineer (Elect), G.C.E.C, CPWD, Guwahati for information and necessary action please.
 4. The Ex. Engineer (Elect), SCED, CPWD, Silchar for information with once again a request to release me at the earliest.
 5. The Assistant Engineer (Elect), MCESD-II, CPWD GC, CRPF, Langjing for information & necessary action please.
 6. The Zonal Secretary, CPWD JE's Association Eastern Zone Gr. Floor, Nizam palace Cal-20 for information and further necessary action please.

bu
JE(E).26/04
(K. MUKHOPADHYAY)

JE (Elect)

MCESD-II, CPWD, Imphal

Manipur.

Att. to
Asst

- 27 -

ANNEXURE - G 29

GOVERNMENT OF INDIA
 CENTRAL PUBLIC WORKS DEPARTMENT
 OFFICE OF THE SUPERINTENDING ENGINEER
 COORDINATION CIRCLE (ER),
 2ND M50 BUILDING, NEZAM PALACE, 27TH FLOOR,
 234/4 A.J.C. BOSE ROAD, KOLKATA - 29.
 TEL: (033) 2247-7416. FAX NO. (033) 2281-3783.

No. 21(104)/SE(Co-ordin.)/ER/CPWD/CAL/2004/ 672

Dated: 11/11/2004

OFFICE ORDER

The Chief Engineer (EZ-1), C.P.W.D., Kolkata is pleased to order the transfer/posting of the following Junior Engineer (Elect.) with immediate effect in public interest.

SL. NO.	NAME OF JE(E), Shri/Smt.	FROM	TO	VICE
1.	P. S. Mukherjee	KCEC-I/Kol	BLCD-I, (BZ), HQ: Bakurghat	Subrata Halder
2.	Subrata Halder	BLCD-I, (BZ), HQ: Bakurghat	KCED-VI, Kol	Anup Sengupta
3.	Anup Sengupta	KCED-VI/ Kol	KCED-II, Kol	S. K. Naskar
4.	Samar K. Ebrahimi	KCED-IV/ Kol	SCED/ Siliguri HQ: Gangtok	Niladri Chakraborty
5.	Rajib Kr. Dey	KCED-IV/ Kol	RCED/ Ranchi	Subarna Kr. Mondal
6.	Subarna Kr. Mondal	RCED/ Ranchi	BRED, Kol	S. K. Mukherjee promoted
7.	S. K. Naskar	KCED-II/ Kol	BFLD-I/ Siliguri	New sanctioned post
8.	Pradip Kr. Saha	KCED-IV/ Kol	BCED/BBR, HQ: Charbelle	T. K. Biswas
9.	Asok Kumar	KCEC-I/ Kol	PCED, PATNA HQ: Motmaghat	Ex vacancy. He will join his place of posting after 28.02.05 on completion of board examination of his children
10.	Niladri Chakraborty	SCED/ Siliguri, HQ: Gangtok	PCED, Patna HQ: Motmaghat	Existing vacancy.
11.	Debasish Banerjee	SCED/ Siliguri	SCED/ Siliguri	Reversion upto 3/06 as per station
12.	T. K. Biswas	BCED/BBR, HQ: Charbelle	PCED, Patna	Existing vacancy.
13.	Debasish Dey	BRED/ Kol	KCE, (BZ), Chagar	Pravakar Halder.
14.	S. K. Ban	KCED-II/ Kol	RCED, Ranchi	Existing vacancy.
15.	Amit Kr. Dey	KCED-III/ Kol	BFLD-I, Siliguri	New sanctioned post.
16.	Samaresh Ch. Roy	KCED-IV/ Kol	RCED, Ranchi HQ: Talabagar	Ex vacancy
17.	Goutam Ghosh	KCED-IV/ Kol	PCFC/Patna	Ex vacancy. He will join his place of posting after 31.03.05 on completion of the board examination of his children
18.	Pravakar Halder	KCE, (BZ), Chagar	SE (EZ)-I, Kol	S. N. Naskar transferred
19.	Dhananjay Saha	BCED/BBR	BCED/BBR	Reversion upto 31.03.05 on children educational ground
20.	Pradeep Kr. Faj	PCED/Patna, HQ: Motmaghat	KCED-V/ Kol, HQ: Bakur	M. R. Das (superannua- tion on 31.01.05). In continuation of present posting on medical ground No TA/DA admissible
21.	S. P. Adhya	RCED/ Ranchi, HQ: Charbelle	PCED/ Patna	Ex vacancy
22.	Umajanda Debn	RCED/ Ranchi, HQ: Charbelle	RCED/ Ranchi	Dr. G. K. Saha

(Handwritten signatures and initials)

23.	Dilip Kr. Kakati	GCED-II/Guwahati	SCED/Silchar, HQ: Imphal	Kalol Mukherjee
24.	Kalol Mukherjee	SCED/Silchar, HQ: Imphal	KCED-D/Kol	Anup Kr. Roy opting for vol. retirement from 31.01.05. In partial modification of T.O. No.142 dt.04.03.04.
25.	Bhujaneswar Deori	GCED-V/Guwahati, HQ: Doom Dooma	GCED-I/Guwahati, HQ: Doom Dooma	Retention upto 3/06
26.	Pawan K. Ghosal	TZCED/ Tezpur	TZCED/ Tezpur	Retention upto 3/06
27.	Sanjoy Ghosh Dastidar	KCED-III/ Kol	KCEC-II, Kol	Tapan Bhattacharya
28.	Niren Poddar	KCED-III/ Kol	KCED-I/ Kol	Rajib Dey
29.	Subrata Lahiri	KCED-II/ Kol	KCEC-I/ Kol	P.S. Adhikary
30.	Supriyo Dutta	KCED-V/ Kol	KCED-II/ Kol	Amit Dey
31.	Asim Kr. Bhunia	KCEC-I/ Kol	KCED-I/ Kol	T.K. Chattopadhyay
32.	Paritaj Kr. Pal	KCED-III/ Kol	BBEC, Kol	Debasish Dey
33.	Debes Sarkar	KCED-I/ Kol	KCED-III/ Kol	Niren Poddar

Note: In view of fore warning of PAO(E2), CPWD, Kolkata to all salary of JE's posted in excess of sanctioned strength shall not be paid, all concerned are requested to implement this order of transfer urgently. Consequence of non-payment of salary to the JE's shall rest with DDO's of the concerned offices.

- In terms of DGW, CPWD, New Delhi's O.M. No. A-22015/72/2000-EG-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers under/Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall relieve the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of Works for taking action against the defaulting officer.
- Division/Circle/Zone, the controlling Officer must accept the joining report and in-cases of non-availability of particular post, an intimation may be given to this office. This has become necessary to avoid regularization of waiting period of Junior Engineers (Civil/Electrical).
- Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers & Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter later with this Office. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a maximum time of 30 days to enable them to join their new places of posting and relief of such officials should not be held up for any reason whatsoever.
- In case the Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they will not be eligible to draw pay and allowances from their present office. Hereafter their transfer orders will be cancelled/modified on further instruction issued by this Office or the Director General of Works, CPWD, New Delhi.

Attended
 [Signature]
 [Signature]

(29)

31

5. The junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

This Order supercedes all previous orders issued in respect of any of the Junior Engineers mentioned in this Office Order.

B. Das
(B.K. DAS)
SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

Copy forwarded for information to :

1. The Director General of Works, CPWD, EC-VI Section, Nirman Bhawan, New Delhi- 110011.
2. The Additional Director General (ER), CPWD, Kolkata - 20.
3. The Chief Engineer, (Elect.), C.P.W.D. of Eastern Zone-I & IBB Zone.
4. The Concerned Superintending Engineer (Elect.) i/c Superintending Engineer (P&A) (Elect.) of C.P.W.D., Eastern Region.
5. The concerned Executive Engineer (Elect.), C.P.W.D.
6. Person Concerned (through their controlling Officer).
7. The CPWD Junior Engineers' Association, Kolkata.

B. Das
o/c SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE(ER)

Attended
R.L.
Admit

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RELEVANT PORTION OF TRANSFER ORDERS OF J.E.

-Type Copy-

ANNEXURE -G1

**GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER
COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NIZAM PALACE, 27TH FLOOR,
234/4 A.J.C. BOSE ROAD, KOLKATA-29
TEL: (033) 2247-7416, FAX NO. (033) 2281-3183.**

No.21(104)/SE(Co-ordn.)/ER/CPWD/CAL/2004/672

Dated :11/11/2004

OFFICE ORDER

The Chief Engineer (EZ-I), C.P.W.D., Kolkata is pleased to order the transfer/posting of the following Junior Engineer (Elect.) with immediate effect in public interest.

SL.No. Shri/Smt.	NAME OF SE(E)	FROM	TO	VICE
1.	P.S.ADHİKARI	KCEC-I/KOL	SECO-I, IBBZ, HQ: BAKCIGHAT	SUBRATA HALDAR
2.	SUBRATA	BECE-I, IBBZ	KCED-VI, KOL	ANUP SENGUPTA
3.	ANUP SENGUPTA	KCED-VI, KOL	KCED-II, KOL	S.K.NASKAR
4.	-----	-----	-----	-----
5.	-----	-----	-----	-----
6.	-----	-----	-----	-----
7.	-----	-----	-----	-----
8.	PRADIP KR. SAHA	KCED-II, KOL	SCED, SESR,	T.K.BISWAS
---	-----	-----	-----	-----
---	-----	-----	-----	-----
24	KOLLOL MUKHERJEE	SCED/SILC -HAR, HQ: IMPHAL	KCED-II, KOL	ARUP KUMAR OPTING FOR VOL RETIREMENT FROM 31.01.05. IN PARTIAL MODIFICATION OF T.O. NO.142 DT.04.03.03.

Attended
Sd/-
Am 6

31

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Note: -In view of the warning of PAD (EZ), CPWD, Kolkata about salary of JEs posted in excess of Sanctioned strength shall not be paid, all concerned are requested to implement this order of transfer urgently. Consequence of non-payment of salary to the JEs shall rest with DDO's of the concerned officer.

1. In terms of DGW, CPWD, New Delhi's O.M. No.A-22015/72/2000-ec-VI dated 09-8-2000, unless otherwise specified, the Junior Engineers Under/Order of transfer and posting shall immediately proceed to their respective place of posting and all the controlling officers shall ^{relieve} ~~receive~~ the officials under order of transfer at the earliest without waiting for the substitute. The relief of officials should not be delayed by the controlling officers for any reasons. The cases, where officials under order of transfer are not relieved within 30 days, will be brought to the notice of the Director General of works for taking action against the defaulting officer.
2. Division/Circle/Zone, the controlling officer must accept the joining report and in cases of non-availability of particular post, intimation may be given to this office. This has become necessary to avoid irregularity waiting period of Junior Engineers (Civil/Electrical).
3. Due to increase in the normal tenure at soft stations, it is very likely that there will be Junior Engineers in excess of sanctioned strength in some offices, which is unavoidable. All Superintending Engineers and Executive Engineers are therefore requested to accept the joining reports of Junior Engineers concerned who, on their transfer, submit their joining report to them. If something they want to say, they may take up the matter with this office. All Chief Engineers, Superintending Engineers and Executive Engineers are requested to ensure that the Junior Engineers (Civil/Electrical) under orders of transfer are relieved within a time frame of 30 days to enable them to join their new places of posting and relief of such officials should not be held up for any reason whatsoever.
4. In the case of Junior Engineers (Civil/Electrical) are not relieved, they will automatically stand relieved at the end of the month immediately following the month of issue of transfer orders and they are not be eligible to draw pay and allowance from their present office. Thereafter

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their transfer orders will be cancelled/modified or further instruction made by this office of the Director General of Works, CPWD, New Delhi.

- 5. The Junior Engineers (Civil/Electrical) posted to planning office shall move first without waiting for their substitute.

This order supercedes all previous orders issued in respect of any of the Junior Engineers mentioned in this Office Order.

Sd/-

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(B.K.Das)

SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

Copy forwarded to: -

- 8. The Director General Works, CPWD, EC-VI Section, Nirman Bhawan, New Delhi-110011.
- 9. The Additional Director General (ER), CPWD, Kolkata-20.
- 10. The Chief Engineer, (Elect), C.P.W.D. of Eastern Zone-HQ IBB Zone.
- 11. The concerned Superintending Engineer (Elect) i/c Superintending Engineer (P&A) (Elect.), C.P.W.D.
- 12. The Concerned Executive Engineer (Elect.), C.P.W.D.
- 13. Person Concerned (through their controlling Office)
- 14. The CPWD Junior Engineers' Association, Kolkata.

Sd/-

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O/c SUPERINTENDING ENGINEER
CO-ORDINATION CIRCLE (ER).

To

The Executive Engineer(Elect.),
Silchar Central Elect. Division,
C.P.W.D., Silchar - 2.

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ANNEXURE - H

(Through proper channel).

- Sub :- Regarding relieve of self under order of transfer.
- vide :- 1) 21(104)/SE(Co-ordn)/ER/CPWD/CAL/2003/142
dated 4/3/04.
- 2) 21(104)/SE(Co-ordn)/ER/CPWD/CAL/2004/672
dated 11/11/2004.
- 3) O.M.No.A-22015/72/2000-EC VI dated 9/8/2000
of D.G.W., CPWD, New Delhi.

Respected Sir,

Please refer to my earlier reminders dated 12/4/04, 3/5/04, 12/7/04 regarding above subject. In my representations for transfer and reminders for release under order of transfer, the following facts has been repeatedly expressed for your consideration please.

1. I have narrated my physical problems (being a worst victim of Ankylosing spondelities) as well my family problems having old aged and sick mother and school going daughter. For treatment of self and because of family condition, my presence in my hometown is extremely urgent as I being the only male member in my family.

2. 2nd and most importantly it is to state that I have completed more than 3 years and 2 months in this hard area though the stipulated tenure at this hard area of North East is strictly of two years.

Moreover according to Note(1) of Page-2 of the transfer order vide No.21(104)/SE(Co-ordn)/ER/CPWD/CAL/2004/672 dated 11/11/2004 and in compliance with O.M.No. A-22015/72/2000-EC-VI dated 9-8-2000 of D.G.W., CPWD, New Delhi it is requested to relieve at the earliest without waiting for the substitute.

As such I request you to be kind enough to relieve me from your division immediately without any further delay, enabeling me to join in my new place of posting at Calcutta.

Thanking you.

Encls:- Xerox copy of

1. 21(104)/SE(Co-ordn)/ER/CPWD
/CAL/2004/672
dated 11/11/04 - 1(one) No.
2. O.M.No. A-22015/72/2000-
EC-VI dated 9/8/2000.

Your's faithfully,

Kalle
24/11/04
(K.MUKHOPADHYAY),
Junior Engineer(E),
Manipur Central Elect.Divn.II,
C.P.W.D., GC, CRPF,
Langjing, Imphal.

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Copy to :-

1. THE CHIEF ENGINEER (ELECTRICAL) EZ, CPWD, Nizam Palace, Kolkata - 20, through proper channel for information with a request to look into the matter to relieve me at the earliest and one advance copy.
2. The Superintending Engineer (Co-ordination Circle) Eastern Region, CPWD, 2nd MSO Building, Nizam Palace, Calcutta-20 through proper channel for information and further necessary action please and one advance copy.
3. The Superintending Engineer (Electrical), Guwahati Central Electrical Circle, Bamunimaidan, Guwahati-21 through proper channel with the request
 - i) Kindly recall the problems narrated by me through several representations as well in person.
 - ii) to relieve me without any further delay for want of reliever. Advance copy.
4. The Assistant Engineer (Elect), Manipur Central Elect. Sub-Division-II, CPWD, GC, CRPE, Langjing, Imphal with the request to relieve me at the earliest.
5. The Unit Secretary, CPWD JE's Association (India), Manipur Unit, Imphal for information and further necessary action please.

self
(K. MUKHOPADHYAY)
JUNIOR ENGINEER (ELECT.).

Handwritten signature and initials

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ANNEXURE - 1 38

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original application No. 412 of 2001 and 431 of 2001.

Date of Order : This the 27th Day of March, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

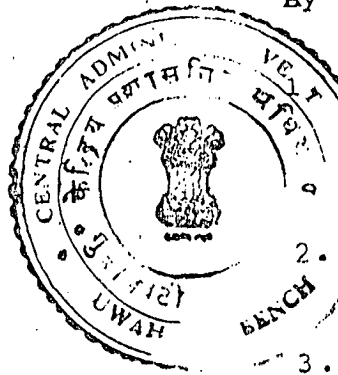
Shri Sushil Kumar Yadav (O.A.No. 412/2001).
Junior Engineer (Civil)
Demagiri Central (Mtc) Sub Division,
Central public Works Department,
Demagiri, Mizoram

and

Shri Bipin Kumar, (O.A.431/2001).
Office of the Assistant Engineer,
I.B.B.R. (Mtc) Sub Division, CPWD,
Mela Road, Malugram,
Silchar-2.

By Advocate Sri A.Ahmed.

- Versus -



Union of India,
represented by the Secretary to
the Government of India,
Ministry of Urban Affairs,
New Delhi.

2. The Director General (Works)
C.P.W.D., Nirman Bhawan,
New Delhi-11.

3. The Superintending Engineer (Co Ordination)
Circle, C.P.W.D., Eastern Region,
Nizam Palace, Kolkata-20.

4. The Executive Engineer,
Indo Bangladesh Border Road, (Mtc).
Division, C.P.W.D., Malugram,
Silchar, Assam.

5. The Assistant Engineer,
Demagiri Central (Mtc) Sub-Division,
C.P.W.D. Demagiri, Mizoram.

6. The Assistant Engineer,
I.B.B.R (Mtc) Sub Division,
C.P.W.D., Mela Road, Malugram,
Silchar-2.

... Respondents.

By Sri B.C.Pathak, Addl.C.G.S.C. (O.A.412/2001)

Sri A.K.Choudhury, Addl.C.G.S.C (O.A.431/2001)

ORDER

CHOWDHURY J.(V.C)

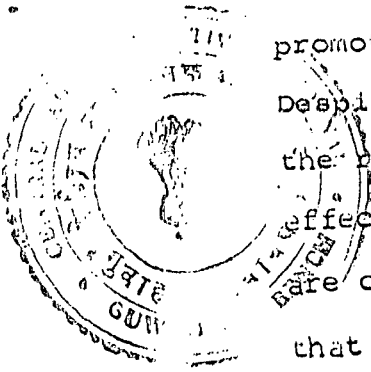
Both the applications involve common facts and
common question of law and therefore both are taken up
for hearing together.

Attent
J. C. Choudhury

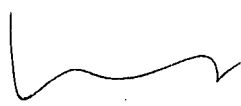
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2. The applicant in O.A.412/2001 is a Junior Engineer (Civil) in the Central public works Department. Presently he is working at Demagiri Central (Mtc). Sub Division, C.P.W.D, Demagiri, Mizoram under respondents No.4 and 5. The applicant in O.A.431/2001 is also working as a Junior Engineer (Civil) in Indo Bangladesh Border Road (Mtc) Sub-Division, C.P.W.D, Malugram, Silchar-2 under respondents No.4 and 5. By order No.21(1)SE(c)/JE(c)/ER/CPWD/CAL/2001/444 dated 31.5.2001 the two applicants were posted out and transferred in their respective place of posting. The applicant in O.A.412/2001 by the said order was transferred to Kolkata. By the same order the applicant in O.A.431/2001 was also transferred to DCD/Dhanbad vice Shri R.N.Singh promoted by the said order issued by the respondent No.3. Despite the transfer order passed by the aforesaid order the respondents in a most illegal fashion failed to give effect to the said orders so far these two applicants were concerned, contended the applicants. It was pleaded that since the order was passed affecting about 57 persons there was no justification for not giving effect to the transfer of these two applicants. The applicants are similarly placed like that of other officers but in a most arbitrary fashion the respondents failed to adhere to the order of transfer so far as the applicants were concerned contended the applicants. The applicants also contended that as per office memorandum dated 14.12.83 the applicants were entitled to be posted to the place of their choice on completion of their tenure.



3. The respondents contested the claim and stated that office memorandum dated 14.12.83 was not applicable and therefore these two applicants are not entitled for the benefit of the said circular. It was also stated that

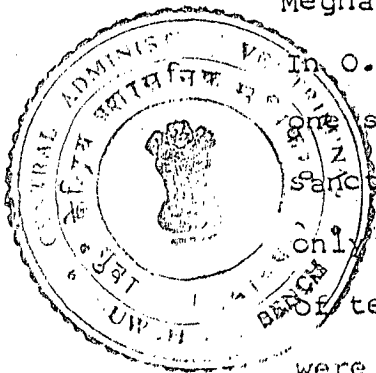


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after issuance of the transfer order dated 31.5.2001 the respondents No.3 issued another order vide Memo No.21(7)/SE(C)/ER/CPWD/GEN/KOLKATA/2001/714 dated 28.9.2001 whereby it was ordered that all transfer posting order of Group C and D staff including the Junior Engineers from Eastern Region to North Eastern Region and vice versa already issued but not implemented was to be kept in abeyance with immediate effect till further order. The respondents also pleaded that applicants could not be released from their present place of posting due to exigencies of service as the applicants were deputed to look after the works of maintenance of International Border Roads which could not be left unattended due to National security reasons. The respondents also pleaded that Silchar Maintenance Division of CPWD was responsible to maintain the Indo Bangla Border Roads in three States viz, Mizoram, Meghalaya and Tripura covering a total length of 183 kms.

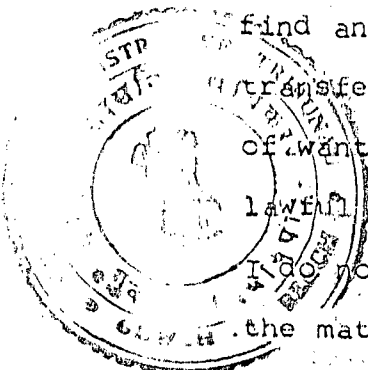


In O.A.412/2001 it was stated that the Division was new started functioning from 1998 with 13 numbers of sanctioned strength of Junior Engineers. Out of 13 posts only five junior Engineers were posted. After completion of tenure order of transfer for three Junior Engineers were issued by respondent No.3 out of five posts and accordingly they were released. Only two Junior Engineers were in position to look after the entire jurisdiction under the division. Therefore their posting out would affect the movement of the B.S.F personnel and causing threat to the national security.

4. I have heard Mr A.Ahmed, learned counsel for the applicants and Mr B.C.Pathak, learned Addl.C.G.S.C for respondents in O.A.412/2001 and Mr A.K.Choudhury, learned

Ahmed
Pathak

Addl.C.G.S.C for the respondents in O.A.431/2001 at length. Admittedly the transfer order was issued as far back as May 2001. When the transfer orders were passed on 31.5.2001 the respondents were well aware about the situation and the fact that these applicants were working in the North Eastern Region. On the pretext of non availability of persons one is not at liberty not to give effect to its own decision rendered by it. The communication dated 28.9.2001 keeping the matter in abeyance was issued as a purely stop gap arrangement. The said order also cannot dilute the order of transfer dated 31.5.2001. I do not find any justifiable reason for not giving effect to the transfer order for these two applicants. On the pretext of want replacement the authority cannot procrastinate a lawful order. Considering all the aspects of the matter, I do not find any discernible reason for sitting over the matter as regards the posting out of these two applicants on the purported ground of non availability of substitutes. It was the responsibility of the respondents to take steps for finding out the surrogate. The inaction on the part of the respondents in not giving effect to the transfer order in the set of circumstances cannot be legally sustained. The respondents are directed to take all out effort to give effect to the order of transfer dated 31.5.2001 with utmost expedition and at any rate within a period of two months from the date



Certified to be true copy receipt of this order, in respect of the applicants.

प्रमाणित प्रतिलिपि

Both the applications are accordingly allowed.

There shall, however, be no order as to costs.

Handwritten signature and date: 05/04/02

Sd/ VICE CHAIRMAN

Section Officer (A)
 कर्मचारी सेवा आयोग
 Central Administrative Tribunal
 कर्मचारी सेवा आयोग
 New Delhi, New Delhi, New Delhi
 नया दिल्ली, नया दिल्ली, नया दिल्ली

Handwritten signatures and dates: 9/4/2002, 11/4/2002