

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 164/2005

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Shahla  
31/12/2007

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

ORDER SHEET

164/05

Original Application No.

Misc. petition No.

Contempt Petition No.

Review Application No.

Jyotish Das

N.O.I. Devs

Respondents

Advocate(s) for the Applicant(s) K.N. Chaudhury, T. Chaudhury, R.S. Chaudhury  
Gautam Nath

CAGE

Advocate(s) for the Respondents

Notes of the Registry	Date	Order of the Tribunal
<p>Li... application is in form. is filed/C. F. for Rs. 50/- and posted vide P.C./DD No. 206/12/911.....</p> <p>Dated 27.1.05</p> <p><i>Ghosh</i> By Registrar 23/6/05</p> <p>Received Jyotish Das, Addl CSE 28/6/05</p>	24.6.2005	<p>Heard learned counsel for the parties. The application is disposed of in terms of the order at the admission stage itself.</p> <p>9 <i>G. J. Chaudhury</i> Vice-Chairman</p>
<p>28.6.05 Certified) Copy of the judgment has been collected by the applicant and same has been handed over to the Addl. CSE. for the records.</p>	mb	

07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / 164 NO. 164/2005

DATE OF DECISION 23.6.2005

Sri J. Das

APPLICANT(S)

Mr. K. N. Choudhury, Sr. Advocate, Mr. I. S. Chowdhury  
..... MRS. R. S. Chowdhury, Mr. G. Rahul. VOCATE FOR THE  
APPLICANT(S).

-VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

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

Judgment delivered by Hon'ble Vice-Chairman.

*lps*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos. 164/2005

Date of Order : This the 24<sup>th</sup> day of June, 2005.

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

Sri Jyotish Das  
Superintendent,  
Belonia CPF,  
Belonia Tripura,  
(Under Agartala Customs Divison)

... Applicant

By Mr. K.N. Choudhury, Sr. Advocate and Mr. I. Chowdhury,  
Mrs. R.S. Chowdhury, Mr. G. Rahul Advocates.

- Versus -

1. The Union of India,  
Represented by the Secretary to the  
Govt. of India,  
Ministry of Finance, North Block,  
New Delhi - 2.
2. The Chief Commissioner,  
Customs & Central Excise,  
Shillong Zone, CRESENS Building,  
M.G. Road, Shillong.
3. The Commissioner of Central Excise,  
North East Region,  
Morello Compound, M.G. Road,  
Shillong, Meghalaya.
4. The Assistant Commissioner,  
Customs Division,  
Agartala.

... Respondents.

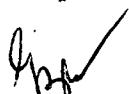
By Ms. U. Das, Addl. C.G.S.C.

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

The applicant is a Superintendent of Customs and Central Excise Department and presently working at Belonia in Tripura State. He is aggrieved by the transfer order dated 03.06.2005 (Annexure - F) issued by the 3<sup>rd</sup> respondent. According to the applicant, transfer is made in the month of June causing inconvenience to the education of his children who are in the mid session of their studies. It is also his grievance that the transfer order is issued in gross violation of norms regarding transfer of Superintendent in the Customs and Central Excise Department. The applicant states that his present transfer to Dibrugarh has caused great inconvenience to him. The applicant has got various other circumstances necessitating further continuance in the present station.

2. I have heard Mr. K.N. Choudhury, learned Sr. counsel for the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents.

3. I had opportunity to dispose of a number of applications i.e., O.A. Nos. 127/2005, 141/2005, 142/2005, 143/2005 etc. against the very same transfer order and had directed the 2<sup>nd</sup> respondent therein to dispose of the representations filed by the applicants. In this case also the applicant has filed two representations dated 08.06.2005 and 20.06.2005 (Annexures - G & H) respectively. In the circumstances, I am of the view that this application can be disposed of at the admission stage itself with direction. Accordingly, there will be a direction to the 3<sup>rd</sup> respondent to dispose of the said representations taking into account the guidelines for transfer and special circumstances pointed out by the applicant therein within a



period of six weeks from the date of receipt of this order. If the applicant has not so far been relieved from the present station, he will be allowed to continue in the said station till the disposal of the representations as directed hereinabove.

The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order before the 3<sup>rd</sup> respondent for compliance.

A handwritten signature in black ink, appearing to read "G. Sivarajan". The signature is written in a cursive style with a diagonal line through it.

( G. SIVARAJAN )  
VICE CHAIRMAN

/mb/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

Guwahati Bench

ORIGINAL APPLICATION NO. 164 OF 2005

SYNOPSIS/LIST OF DATES/CHRONOLOGY OF EVENTS

14/10/1985:-Applicant was appointed to the post of Inspector, Central Excise & Customs.

23/09/2002:-Applicant was subsequently promoted to the post of Superintendent, Group-'B'. ANNEXURE-A.

1/12/2002:- The applicant, was posted at the Statistics Branch, Agartala for a few days and thereafter he was transferred and placed at Divisional Statistics Branch, Agartala. ANNEXURE - B.

01/03/2004:- Within a short span of a year and three months, the applicant was once again transferred out from the Statistics Branch, Agartala and posted at Belonia, CPF, Agartala. ANNEXURE - C.

30.09.2003:- As per the guidelines/norms relating to transfer the applicant was asked for options for transfer and the applicant opted for his retention at Agartala, Customs Division or at Central Excise Range, Agartala.

ANNEXURE-D.

26.11.04:- The applicant had submitted representation before the Respondent No.3 for due consideration of his retention at Agartala for the year 2005, since his only daughter was at the final stage of her School education and further due to the fact that his ailing and bed -ridden mother required his constant care and attention at this stage of her life.

ANNEXURE-E.

03.06.05:-However, to the utter shock and surprise of the petitioner, the Respondent No.3 issued an Order in gross violation of the guidelines relating to transfer, once again transferred the applicant from Belonia, CPF, Agartala to Commissionerate of Customs, Dibrugarh.

ANNEXURE-F.

08.06.05:- The applicant immediately represented before the Respondent No.3 praying for consideration of his retention at Agartala Customs Divisions.

20/06/05: The applicant again submitted a representation before the respondent authorities.

Copies of the representations dated 08.06.05 and 20.06.05 are annexed herewith and marked as **ANNEXURE – G & H** respectively.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. No. 164 of 2005

Shri Jyotish Das

Applicants.

- VERSUS -

Union of India & Ors.

Respondents.

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Filed by

  
(Mr. J Chowdhury)  
Advocate

10  
Filed by  
Mr. Applicant  
Jitendra  
India Weekly Choudhury  
Advocate  
23/6/05

# BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH GUWAHATI

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

ORIGINAL APPLICATION NO. 164/2005

BETWEEN

Sri Jyotish Das,  
Superintendent,  
Belonia CPF,  
Belonia Tripura  
(Under Agartala Customs Division)

APPLICANT

-AND-

1. The Union of India,  
Represented by the Secretary to the Govt. of India  
Ministry of Finance, North Block,  
New Delhi - 2.
2. The Chief Commissioner,  
Customs & Central Excise,  
Shillong Zone, CRESENS Building,  
M.G. Road, Shillong
3. The Commissioner of Central Excise,  
North East Region,  
Morello Compound, M.G. Road,  
Shillong, Meghalaya
4. The Assistant Commissioner,  
Customs Division,  
Agartala.

RESPONDENTS.

### DETAILS OF THE APPLICATION

1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE:

This application has been filed challenging the legality and validity of the  
Inter-Commissionerate Transfer/ Rotation of Officers, Establishment Order  
No.72/05 dated 03.06.05 issued under Memo No.C.No.II(3)/ET-

*[Signature]*

III/2005/56091-56190 in so far as it relates to the applicant, whereby the applicant has been sought to be transferred from Commissionerate of Customs (P), Shillong to Commissionerate of Customs, Dibrugarh.

2. **JURISDICTION OF THE TRIBUNAL:**

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

3. **LIMITATION:**

The Applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. **FACTS OF THE CASE:**

- 4.1 That the applicant is a citizen of India and a resident of Agartala in the State of Tripura and as such, he is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.
- 4.2 That the applicant is presently serving in the grade of Superintendent-Group-'B' under the Agartala Customs Division at Agartala. Be it stated herein that the Headquarters of the said Division is at Shillong.
- 4.3 That after being initially appointed to the post of Inspector, on 14.10.1985, the applicant was sincerely discharging his duties as Inspector of Central Excise & Customs under the Commissionerate. The applicant was subsequently promoted to the post of Superintendent, Group-'B' vide establishment Order No.139/2002 dated 23.09.2002 alongwith 148 others. The name of the applicant appeared at Sl. No.136 of the said of promotees.

A copy of the said order dated 23.09.2002 issued by the Respondent No.3 is annexed herewith and marked as **ANNEXURE-A**

- 4.4 That the applicant, after such promotion to the post of Superintendent was posted at the Statistics Branch, Agartala for a few days and



thereafter he was transferred and placed at Divisional Statistics Branch, Agartala as Superintendent, vide establishment order No.1/2002 under Memo No.II(3)3/ET/ACA/2002/3263-3303(A) dated 1.12.2002, issued by the Respondent No.4.

A copy of the said Order dated 11.12.2002 issued by the Respondent No.4 is annexed herewith and marked as ANNEXURE – B.

4.5 That subsequently, within a short span of a year and three months, the applicant was once again transferred out from the Statistics Branch, Agartala and posted at Belonia, CPF, Agartala. The said transfer order was issued by the Respondent No.4 vide Establishment Order No.1/2004 under Memo No.II(3)3/ET/ACA/2002/3461-3485(A) dated 01.03.2004. Accordingly the applicant once again joined at his new place of posting at Belonia, CPF, Agartala.

A copy of the said transfer Order dated 01.03.2004 is annexed herewith and marked as ANNEXURE – C.

4.6 That the applicant deems it pertinent to state that certain guidelines for transfer in respect of Superintendents/Inspectors have been laid down in the department which have been duly accepted by the Customs & Central Excise Department. Briefly the same are reiterated herein below;

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

- (i) In the same station for a continuous period of 4 to 6 years.
- (ii) In the same section/office for a continuous period of 2 years and
- (iii) In the Customs, formation for a continuous period of 4 years.
- (iv) In the Dibrugarh Central Excise Commissionerate for a continuous period of 4 years.”

The applicant craves leave of this Hon'ble Tribunal to refer to and rely upon the guidelines for transfer



in respect of Superintendents/Inspectors at the hearing of the instant case.

4.7 That accordingly as per the aforesaid guidelines/norms, options were asked for by the Superintendents serving in the Commissionerate for transfer and the applicant was asked for such options vide Order No.II(26)20/ET-III/95/38351-405 dated 30.09.2003. The applicant thereafter had categorically and specifically opted for his retention at Agartala, Customs Division or at Central Excise Range, Agartala. Be it stated herein that such options are invited every year and the representations so received in this regard are accordingly considered by the Authorities prior to issuing the transfer Orders.

A copy of the letter dated 30.09.2003 inviting such options for year 2003 is annexed herewith and marked as ANNEXURE-D.

In fact the applicant had submitted another representation in the year 2004 before the Respondent No.3 on 26.11.04 for due consideration of his retention at Agartala for the year 2005, since his only daughter was at the final stage of her School education and further due to the fact that his ailing and bed -ridden mother required his constant care and attention at this stage of her life.

A copy of the said representation dated 26.11.04 of the applicant is annexed herewith and marked as ANNEXURE-E.

4.8 That however, to the utter shock and surprise of the applicant, the Respondent Authorities vide impugned Inter-Commissionerate transfer/Rotation of Officers, Establishment Order No.72/2005 dated 03.06.05 issued by the Respondent No.3 under Memo No.II(3)3/ET-III/2005/56091-56190 once again transferred the applicant from Belonia, CPF, Agartala to Commissionerate of Customs, Dibrugarh. The applicant states that the said transfer order has been issued without taking into consideration the guidelines/norms ruling the field in this regard.



A copy of the impugned Order dated 03.06.2005 issued by the Respondent No.3 is annexed herewith and marked as ANNEXURE-F.

4.9 That as such, it is evident that the applicant not having completed even 2 years at his present place of posting, ought not to have been transferred as per the guidelines laid down in this regard. Further, the applicant states that two Superintendents, namely, Shri Partha Sarathi Das of Anti Smuggling Department, Agartala Customs Division and Shri Nani Gopal Sen of Srimantapur, Land Customs Station, under Agartala Customs Division, though have completed more than 9 years each in the present/same station, have not been disturbed. The same amounts to a flagrant violation of the guidelines/norms ruling the field, besides being violative of the provisions of Article 14 & 16 of the Constitution of India. The applicant humbly states that he has been denied equality of law and the equal protection of law and has been discriminated against without any reasonable basis of justification.

4.10 That the applicant states that immediately on receipt of the said impugned transfer Order dated 03.06.05, the applicant represented before the authorities concerned (i.e. the Respondent No.3) on 08.06.05 and 20.06.05 praying inter-alia for consideration of his retention at Agartala Customs Divisions and for quashing the impugned order dated 03.06.05 in so far as it relates to the applicant. The said representations are yet to be disposed by the authorities concerned.

A Copy of the representation dated 08.06.05 and 20.06.05 are annexed herewith and marked as ANNEXURE – G & H respectively.

4.11 That the applicant humbly states that in another case wherein the facts and circumstances were exactly similar to those in the instant case, the applicant therein, Shri S.B. Roy had approached this Hon'ble Tribunal assailing the transfer order dated 15.12.2000, wherein the guidelines so laid down had not been adhered to and the representations of the applicant had not been disposed of. This Hon'ble Tribunal vide order dated 30.01.2001 passed in O.A. No.38/2001 was pleased to direct the respondents to consider and dispose of the representation expeditiously



and it was further directed that in the meantime, the impugned transfer order shall not be given effect to.

A copy of the said order dated 30.01.2001 passed in O.A. no.38/2001 by this Hon'ble Tribunal is annexed herewith and marked as ANNEXURE-I.

5. **GROUNDS FOR RELIEF/S WITH LEGAL PROVISIONS:**

- 5.1 For that the facts and circumstances that have been narrated herein above would clearly indicate that the respondents have deliberately flouted with all impunity the policy decision of the Govt. of India in matters pertaining to transfer. The applicant having been transferred to the present place of posting on 01.03.04, he could not have been transferred out before 28.02.08 in terms of the said policy pertaining to transfer. As such, the impugned order of transfer dated 03.06.05 in respect of the applicant is *ex-facie* illegal and hence liable to be interfered with by this Hon'ble Tribunal.
- 5.2 For that the applicant respectfully states that the facts and circumstances that have been narrated herein above would clearly indicate that he has been discriminated against without any reasonable basis or justifications. The policy pertaining to transfer has been framed with due regard to relevant considerations particularly keeping in mind the hardships that would be caused to Govt. servants if such policy is not framed. The said policy pertaining to transfers has all along been uniformly followed in respect of all Central Govt. servants. The applicant has deliberately been singled out in malafide exercise of powers in gross violation of the rights guaranteed to him under Articles 14 & 16 of the Constitution of India. As such, the impugned order of transfer dated 03.06.05 in respect of the applicant is liable to be set-aside and quashed.
- 5.3 For that the impugned order of transfer dated 03.06.05 itself would clearly reveal that the respondents have miserably failed to address themselves to the grievances of the applicant before issuing of the same. A plain reading of the said impugned order reveals that the Officers at SL. Nos.3, 4, 5, 6, 17, 18, 21, 23, 31, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58 and 59 have been transferred on the basis of their



representation. However, for reasons best known to the respondents, the grievances of the applicant as reflected in his representation dated 20.11.04 have not been considered at all. The respondents have deliberately closed their eyes to the difficulties of the applicants whereas on the other hand several incumbents have been transferred as per their convenience and to places/stations of their choice. Such impugned action on the part of the respondents is out and out illegal, arbitrary and discriminatory in addition to being unfair, unreasonable and capricious. The malafides are writ large on the face of the impugned order itself. As such, the said impugned order dated 03.06.05 in respect of the applicant is liable to be interfered with by this Hon'ble Tribunal.

5.4 For that the applicant submitted representations bringing to the notice of the respondents the following specific and practical difficulties:

- (a) The applicant's only child is a student of class XI in the Science Stream and is in her mid academic session.
- (b) The applicant is the only support for his ailing and aged mother.

On the face of the aforesaid difficulties so faced by the applicant it was incumbent upon the respondents to address themselves to the aforesaid problem/grievances of the applicant not only on humanitarian grounds but the same is also a duty cast upon them in terms of the law laid down by the Hon'ble Supreme Court in the case of S.L. Abbas reported in (1993) 4 S.C.C. 357. The same not having been done, the impugned order of transfer dated 03.06.05, is liable to be set-aside and quashed.

5.5 For that the facts and circumstances clearly reveals that the impugned order of transfer has been passed in a most illegal, arbitrary, malafide and whimsical manner. The bias against the applicant is writ large on the face of the records. The applicant has been discriminated against without any reasonable basis or justification and for reasons other than relevant and bonafide. There has apparently been a colourable exercise of powers for collateral purposes. The impugned order dated 03.06.05 with respect to the applicant reflects malice in law as well malice in facts.



5.6 For that the applicant humbly submits that a plain reading of the impugned order dated 03.06.05 itself, makes it abundantly clear that the same has been issued most mechanically without any application of mind to the relevant factors. In fact, factors other than relevant and bonafide have been taken note of while passing the said impugned order. No persons reasonably instructed in law could have issued the said impugned order. AS such, the impugned order dated 03.06.05 is liable to be set-aside and quashed.

5.7 That the applicant has got a strong prima-facie case in his favour. The applicant shall suffer irreparable loss and injury which cannot be compensated in terms of money if the said transfer order dated 03.06.05 is given effect to. The balance of convenience is strongly in favour of the applicant. As such this Hon'ble Court may be pleased to stay/suspend the operation of the impugned order of transfer during the pendency of the instant application.

5.8 That the applicant has no other adequate, equally efficacious alternative remedy available to him and the relief as prayed for, if allowed, shall be just, adequate and proper.

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

5.10 That this application is made bonafide and for the ends of justice.

**6. DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.

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

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.



8. **RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, and notice be issued to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 To set-aside and quash the impugned Establishment Order No.72/05 dated 03.06.05 in so far as it relates to the applicant. (Annexure-F)
- 8.2 To direct the respondent authorities to forbear from giving effect to the impugned Establishment Order No.72/05 dated 03.06.05 in so far as it relates to applicant.
- 8.3 Direct the Respondent authorities to consider the representations so filed by the applicant before passing any adverse order transferring him to Dibrugarh or any other station.
- 8.4 Direct the Respondent authorities not to give effect to the impugned transfer dated 03.06.05 in so far as it relates to the applicant and to further dispose of his representation dated 08.06.05 and 20.06.05.
- 8.5 Costs of the application.
- 8.6 Any other relief or reliefs to which the applicant is entitled to, under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.

9. **INTERIM ORDER PRAYED FOR**

The applicant respectfully prays before this Hon'ble Tribunal that during the pendency of the instant original application, the applicant shall not be disturbed from his present place of posting at Belonia, CPF, Agartala and to further suspend the operation of the impugned Establishment Order No.72/05 dated 03.06.05 in so far as it relates to the applicant.



10. **PARTICULARS OF THE IPO.**

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

11. **DETAILS OF ENCLOSURES:**

As stated in the Index.



VERIFICATION

I, Shri Jyotish Das, son of Late Joydeb Das, aged about 46 years, resident of Agartala in the State of Tripura, do hereby solemnly affirm and verify that I am the Applicant in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The statements made in Paragraphs-.....1 to 3, 1 to 4, 5, 1, 7, 1, 8, 1, 9 (P.E), 1, 10.....are true to my knowledge and those made in Paragraphs-.....1, 6, 1, 9 (P.E), 1, 11..... are matters of records derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 23<sup>rd</sup> day of June, 2005 at Guwahati.

*Jyotish Das.*  
SIGNATURE OF THE APPLICANT



GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE  
MORELLO COMPOUND, SHILLONG - 793 001

ESTABLISHMENT ORDER NO.139/2002. DATED SHILLONG THE 23<sup>rd</sup> SEPTEMBER, 2002

Subject : Esdt. Promotion, transfer and posting in the grade of Supdt. Gr.'B' - order regarding.

PART - I

PROMOTION

The following Inspectors of Central Excise and Customs are hereby promoted to the grade of Superintendent Group 'B' in the scale of pay of Rs. 6500-200-10,500/- with effect from the date they assume charge of the higher post at their places of postings with immediate effect and until further orders.

Sl.No.	Name
1.	Pankajlal Singha
2.	Tarun Kr. Singha
3.	Pannalal Singha
4.	Ashok Kr. Dey
5.	Smt. H. Memcha Devi
6.	Debashish Mazumder
7.	Jamkhogin Haokip(ST)
8.	Smt. Hilda Mary Synrem(ST)
9.	Abdul Mutualib
10.	Sujit Mishra
11.	Syed Taffique Hussain
12.	Dhani Ram Das
13.	Pabitra Kataki
14.	Jasabanta Mazumder
15.	Rajkumar Kalita
16.	Dils. Debajyoti Sinha
17.	Ganesh Ch. Sharma
18.	Joydeep Dutta
19.	Hom Prasad Sharmah
20.	Swapan Kr. Nath
21.	Tridip Ch. Roy
22.	Rahul Sinha
23.	Imdadur Rehman
24.	Sagar Kr. Dutta
25.	Dwigendra Mohan Das
26.	Nikendra Singha
27.	Naziruddin
28.	Sudip Kr. Dutta
29.	Hom Chandra Kalita
30.	Debeswar Chandi (ST)
31.	Prafulla Kr. Taye, (ST)
32.	Thangchuollo, (ST)
33.	Tushar Kanti Sen
34.	Niharesh Nandi, (SC)
35.	Larho Krelo, (ST)
36.	S. Killong, (ST)
37.	Dilip Kr. Gogoi
38.	Bibhuti Bhusan Borah
39.	Shyamal Kr. Dutta
40.	Ashok Kr. Chakraborty
41.	Khagen Borah
42.	Bijoy Bhusan Baruah,
43.	Phani Bhusan Roy Choudhury
44.	Dipak Kr. Deb
45.	Basudeb Bhattacharjee
46.	Imranul Goni
47.	Subhasish Guha

Certified to be true Copy

INDRANEEL CHOWDHURY  
Advocate.

48	Dilip Kr. Chettri
49.	Parag Kr. Baruah
50.	Ashilt Chakraborty
51.	Binayak Bhattacharjee
52.	Ashish Adhikary
53.	Tilawondlu Dey
54.	Subir Das
55.	Bikash Ch. Nath
56.	Nihar Ranjan DebRoy
57.	Bhaskar Kanti Bhattacharjee
58.	Pannalal Dutta
59.	Gopeswar Ch. Paul
60.	Ajit Mohan Paul
61.	Mohit Kanti Dey
62.	Mahendra Dutta
63.	Mrinal Kanti Goswami
64.	Sasanka Sekhar Das, (SC)
65.	Md. Muhibur Rahman
66.	Jagadindu Das
67.	Ganesh Ch. Deka
68.	Pijush Banerjee
69.	Md. Hanif Alain Bora
70.	Swapnatur Mahanta
71.	Harapada Roy
72.	Rabindra Kr. Borah
73.	Nijit Kr. Nandi
74.	Dharani Borah
75.	Md. Abdul Muneem
76.	Prahlad Borborah
77.	Rabindra Pathak(SC)
78.	Narendra Ch. Talukdar, (ST)
79.	Lokhendra Nath Sonowal,(SC)
80.	Jitendra Kr. Saikia, (ST)
81.	Balaram Pegu, (ST)
82.	Ratneswar Doley, (ST)
83.	Jogesh Sonowal, (ST)
84.	John Oscar Marak, (ST)
85.	Bishnu Ram Boro, (ST)
86.	Ms. Lalchanglani Sailo(ST)
87.	Dambaro Bhoktiari, (ST)
88.	Paul Peter Kujur, (ST)
89.	Ajit Debnath
90.	Rex Hungzo(ST)
91.	R.K. Darendrajit Singh
92.	Ranabir Chakraborty
93.	Harotosh Kr. Das
94.	Hareswar Goswami
95.	Sanjay Kr. Mazumder
96.	Dipankar Dey
97.	Buddha Pratim Dutta
98.	Rajkumar Debendra Singh
99.	Subir Dutta Choudhury
100.	Ms. Shibani Bhattacharjee
101.	Rajkumar Surchandra Singh
102.	Ms. Rita Rani Bhowmick
103.	Sivaji Chanda
104.	Abhiljit Dey (No.1)
105.	Ratnangshu Chakraborty
106.	Ms. Champa Shome
107.	Phanidhar Kakoti
108.	Gobindo Nath Kalita
109.	Jatindra Mohon Bora
110.	Ms. K. Patricia Laloo, (ST)
111.	Ashim Roy
112.	Pallav Lochan Saikia
113.	Nirmal Kr. Das, (SC)

114	Lobendu Sekhar Das(SC)
115	Dipen Ch. Banila, (SC)
116	Kshitendu Kr. Malakar, (SC)
117	LL. Mate Gangte, (ST)
118	Lalkhoneh Simte (ST)
119	Kaizadal, (ST)
120	Jayanta Kr. Pathak, (SC)
121	Laltawnlana, (ST)
122	Gautam Ch. Mandal, (SC)
123	Stringsing Nongbet (ST)
124	Benu Ranjan Sutradhar, (SC)
125	R. Valentine Babaiawmoit, (ST)
126	Swapan Das, (SC)
127	Ms. Zarina Khan Shadap, (ST)
128	Tapan Kr. Rajkhowa, (SC)
129	Tapan Ch. Gayan, (SC)
130	Anthony Pothmilong, (ST)
131	K. Hmar, (ST)
132	Hiramba Basumatari, (ST)
133	Ms. Ledyta Dutta, (ST)
134	Premananda Saikia, (ST)
135	N.R.Das(SC)
136	Jyotish Ch.Das(SC)
137	B.B.Karmakar (SC)
138	Gautam Das (SC)
139	Sribash Dhar (SC)
140	J.K.Hiwalli (SC)
141	S.K.Roy (SC)
142	M.L.Choudhury(SC)
143	N.C.Sutradhar(SC)
144	G.N.Haloi (SC)
145	Golap Ch. Das (SC)
146	N.N.Deka(SC)
147	S.K.Kundu (SC)
148	Ms Kiranmoyee Das (SC)
149	G.K.Bhuyan (SC)

The seniority of the officers will be fixed in the order shown above.

The officers promoted vide this order are hereby asked to exercise options within one month from the date of promotion as to whether their initial pay should be fixed in the higher post on the basis of FR22(i)(a) (1) straightway without any further review on accrual of increment in the pay scale of the lower post or their pay on promotion should be fixed initially in the manner as provided under FR22 (a) (i) which may be refixed under the provisions of FR 22(i) (a) (1) on the date of accrual of next increment in the scale of pay of lower post. Option once exercised shall be final.

In the event of refusal of promotion they would be debarred from promotion for a period of one year.

#### PART - II

#### TRANSFER AND POSTING

On promotion the above mentioned officers are retained in their present places of postings. The postings of these officers in the grade of Superintendent will be decided at a later date.

#### NOTE :

1. In the event of reversion of any officer(s) to Central Excise Commissionerate, Shillong, who is(are) on deputation, the junior most officer (s) in the above promotion order will be reverted as Inspector.

Sd/-

(Z.TOCHHAWNG)  
COMMISSIONER  
CENTRAL EXCISE  
SHILLONG.

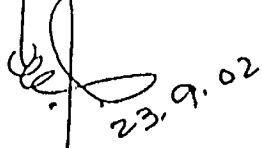
C.No. II(3)28/ET.III/2000/ 34608 34788

Dated:

23 SEP 2002

Copy forwarded for information & necessary action to :

1. The Joint Secretary (Admn.), Central Board of Excise & Customs, North Block, New Delhi 110 002. This has reference to the Ministry's letter dated 23rd Sept., 2002 issued under F.No.A-60012/23/2002/Ad.II(B).
2. The Chief Commissioner (EZ), Central Excise & Customs, 15/1, Strand Road, Customs House, Calcutta - 700 001. This has reference to the Ministry's letter dated 23rd Sept., 2002 issued under F.No.A-60012/23/2002/Ad.II(B).
3. The Commissioner of Customs NER, Shillong.
4. The Additional Director General, Directorate General of Revenue Intelligence, 'D' Block, I.P. Bhawan, (7th Floor), I.P. Estate, New Delhi - 110 002. Copies meant for the concerned officers are enclosed.
5. The Commissioner (Appeals), Customs & Central Excise, Guwahati.
6. The Additional Commissioner (Tech.), Central Excise Hqrs. Office, Shillong.
7. The Additional Director, Directorate General of Audit (Room No-172), 107, C.R. Building, I.P. Estate New Delhi.
8. The Deputy Development Commissioner, Noida Export Processing Zone, Noida Dadri Road, Phase-II, Noida-201 305. Copy meant for the concerned officer is enclosed.
9. The Regional Director, Narcotics Control Bureau, Imphal Regional Unit, Paona Bazar, Imphal - 795 001.
10. The Deputy Director, DRI Regional Unit, Shillong Oak Hall, Oakland, Shillong - 793 001. Copies meant for the concerned officers is enclosed.
11. The Dy./Asstt. Commissioner of Central Excise/Customs \_\_\_\_\_ Division. The copy meant for the concerned officer is enclosed.
12. The CAO/PAO, Central Excise & Customs, Hqrs. Office, Shillong.
13. The S.I.O. DRI, Intelligence Cell, Silchar Normal School Road, (Adjacent to Chakraborty Medical Centre) Tarabpore, Silchar.
14. Shri/Smt. Yashish Ch. Borkar for compliance.
15. Accounts I & II, ET I & II, Confdl. Br./CIU-cum-VIG Br. Of Hqrs. Office, Shillong.
16. The General Secretary, Gr.'B' / 'C' Executive Officers' Association, Customs & Central Excise, Shillong.
17. Guard File.

  
(B. THAMAR)  
ADDITIONAL COMMISSIONER (P&V)  
CENTRAL EXCISE & CUSTOMS  
SHILLONG.

ESTABLISHMENT ORDER No. 1/2002

DATED AGARTALA THE 11TH DECEMBER 2002

Subject :- Establishment Promotion, transfer, Posting and adjustment in the Grade of Superintendent Gr.-'B' order regarding.

The following transfers, Postings and adjustments in the Grade of Superintendent Gr.-'B' are hereby ordered with immediate effect and until further orders.

SL. No.	NAME OF THE OFFICER	PLACE OF POSTING		REMARKS
		FROM	TO	
(1)	(2)	(3)	(4)	(5)
1.	Dilip Kr. Nath	Belonia C.P.F.	Subroom C.P.F.	New creation
2.	Gauranga Ch. Sarker	Adjudication Branch	Disposal	Vice N. G. Sen
3.	Partha Sarathi Das	Sonamura C.P.F.	Sonamura C.P.F.	Retained
4.	Bireswar Paul	Agartala L.C.S./ Dhaka - Agartala Bus Service	Agartala L.C.S./ Dhaka - Agartala Bus Service	Retained
5.	Nani Gopal Sen	Disposal	Belonia C.P.F.	Vice D.K. Nath
6.	Bijoy Krishna Deb	A/S, Narc./ Intt. Unit	A/S, Narc./ Intt. Unit	Retained
7.	Sital Ch. Das	Law Branch	Law Branch	Retained
8.	Parash Debnath	Technical Branch	Technical Branch.	Retained

*Certified to be true (Copy) Contd.. p/2*

*INDRANEEL CHOWDHURY  
Advocate.*

(1)	(2)	(3)	(4)	(5)
9.	Manik Lal Chaudhuri		Srimantapur L.C.S.	New creation
10.	Debasish Majumdar		Udalgurh C.P.F.	New creation
11.	Jyotish Das		Statistics Branch	New creation
12.	Tushar Kanti Sen		Dishalgurh C.P.F.	New creation
13.	Rita Rani Bhowmik		Adjudication Branch	Vice G.C. Sarkar
14.	N.L. Roy	A/s Karimganj Division.	Motihari C.P.F.	New creation

Representation if any, should be submitted within 15 (fifteen) days from the date of receipt of this order. The above Officers are hereby relieved on or before 13th December '2002 and directed to report to their new place of posting.

S. l / ( SUCHETA SREEJESH )

Assistant Commissioner  
Customs Division : Agartala

C.No. II(3) 3/ET/ACA/2002 / 3263 - 3303(4)

Dated : 11-12-2002

Copy forwarded for information and necessary action to :-

1. The Commissioner of Customs, Shillong with reference to his order No. 65/2002 dt. Shillong the 3rd December -2002 communicated vide his letter C.No. II93)30/ET/CC/SH/2002/8796-909 (A) dated 3-12-2002
2. The Commissioner of Central Excise, Shillong.
3. The Commissioner (Appeal), Customs and Central Excise, Guwahati.

Contd. .... P/3

- : Page-3 : -

4. The Additional Commissioner (P&V), Customs and Central Excise, Shillong.
5. The Additional Commissioner (Techo), Central Excise, Shillong.
6. The Joint Commissioner Customs, Shillong.
7. The Deputy Commissioner/Assistant Commissioner, Customs Division (All)
8. \_\_\_\_\_
9. The Assistant Director (Comm.), Hqrs. Office. Shillong
10. The Chief Accounts Officer, Customs and Central Excise, Shillong
11. The Sr. P.S. to Commissioner Customs, North East Region, Shillong
12. The Pay Accounts Officer, Customs and Central Excise, Shillong
13. Administrative Officer (Customs), Hqrs. office, Shillong
14. Administrative Officer, Customs Division Agartala.
15. The Branch/In-Charge, ET-I & II/Accts/Confidential, Customs Division Agartala
16. The Superintendent Jyotish Das \_\_\_\_\_ (All) under Agartala Cus.
17. The Zonal Secretary, Group-B Executive Officers Association Customs and Central Excise Agartala
18. The General Secretary, Group-B Executive Officers Association Customs and Central Excise, Shillong.
19. The Superintendent (All), Hqrs. office Shillong
20. Guard File

Sucheta Sreejesh  
( SUCHETA SREEJESH )  
11-12-02

Assistant Commissioner  
Customs Division : Agartala

OFFICE OF THE ASSISTANT COMMISSIONER OF CUSTOMS  
CUSTOMS DIVISION  
AGARTALA

ESTT ORDER NO: 01/2004  
DATED AGARTALA THE 1<sup>ST</sup> OF MARCH 2004

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

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

SL NO	NAME (SHRI/SMT)	FROM	TO	REMARKS
01	N.G. SEN	BELONIA CPF	UDAIPUR CPF	
02	PARESH DEBNATH	TECHNICAL BRANCH	MOHANPUR CPF	
03	JYOTISH DAS	STATISTICS BRANCH	BELONIA CPF	
04	G.C.SARKAR	CENTRAL GODOWN	LAW BRANCH	
05	SITAL CHANDRA DAS	LAW BRANCH	STATISTICS BRANCH	
06	N.L.ROY	MOHANPUR CPF	CENTRAL GODOWN	
07	RITA RANI BHOWMIK	ADJUDICATION BRANCH	ADJUDICATION BRANCH	RETAIN.
08	P.K.REANG	VAL.CELL. HQRS CUSTOMS	TECHNICAL BRANCH	

*Certified to be true Copy*

*INDRANEEL CHOWDHURY*  
Advocate.

		SHILLONG		
09	N.N. ROY	KARIMGANJ CUSTOMS DIVISION	SABROOM CPF	

This issues with the approval of the Commissioner of Customs NER, Shillong. The above officers stand relieved on or before 5<sup>th</sup> March 2004 & directed to report to their new place of posting latest by 8<sup>th</sup> march 2004 positively.

*Sucheta Sreejesh*  
01.03.04  
(Sucheta Sreejesh)  
Assistant Commissioner  
Customs Division  
Agartala.

C.NO. II(3)3/ET/ACA/2002 /3461-3485(A) DATED: 01.03.04

Copy forwarded to:

1. The Chief Commissioner of Customs & Central Excise, Shillong Zone.
2. The Commissioner of Customs(Preventive)NER Shillong
3. The Commissioner of Central Excise, Shillong
4. The Additional Commissioner of Customs NER Shillong,
5. The Additional Commissioner of Central Excise (P&V) NER, Shillong
6. The Joint Commissioner of Customs(Preventive) NER Shillong ,
7. The Joint Commissioner of Customs, Guwahati
8. The Deputy Commissioner/ Assistant Commissioner, Customs Division (All)
9. The Assistant Director (Comm) Hqrs. Office, Shillong.
10. SHRI/ SMT *Jyotsna Jos* (Supdt) for strict compliance.
11. The CAO/PAO, C&CE, NER Shillong

30

- 12. AO, Agartala Customs Division. For information & necessary action.
- 13. The Zonal Secretary Group 'B' Superintendent's Association Customs Division, Agartala.
- 14. Confidential Branch, Customs Division, Agartala.
- 15. Guard File.

*Sreejesh*  
01/3/04  
(Sucheta Sreejesh)

Assistant Commissioner  
Customs Division  
Agartala.



GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE  
MORELLO COMPOUND, SHILLONG - 793 001

C.No. II/26/20/ET.III/15/  
38351 - 465

Dated:

31 SEP 2003

To

The Deputy/Assistant Commissioner ( ) Customs/Central Excise,  
Hqrs. Office, Shillong/Dibrugarh.  
The Deputy/Assistant Commissioner of Customs Agartala Division (All)  
The Deputy/Assistant Commissioner of Central Excise, (All)  
The Superintendent ( )

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

The Annual General Transfer for 2003 of Superintendents and Inspectors posted in different formations and Headquarter Offices of Customs and Central Excise Commissioners, Shillong and Dibrugarh is proposed to be made in December 2003. The concerned officers who are due for transfer as per the accepted guidelines for transfer of HQs/Commissionerate will be considered for transfer.

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

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

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

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

- (i) In the Divisional Hqrs. Office for a continuous period of 6(six) years,
- (ii) In the Range outside the Divisional Office for a period of 3(three) years,
- (iii) In any L.C.S./P.P. for a continuous period of 2(two) years,
- (iv) In Central Excise/Customs Hqrs. Office for a period of 6(six) to 8(eight) years and
- (v) In the Customs formation for a continuous period of 4(four) years.
- (vi) In the Dibrugarh Central Excise Commissionerate for a continuous period of 4(four) years.

It is therefore, requested to forward the options of officers for posting in Customs and Central Excise in order of preference for next posting indicating the reasons therefore. Options in the prescribed proforma (enclosed) should reach this office on or before 31.10.2003. Options received after 31.10.2003 will not be taken into consideration for Annual General Transfer 2003. It is, therefore, requested to take personal initiative to send this office on or before the said date. While forwarding the proforma, it may be ensured that the same is duly verified by the Head of Office.

Please acknowledge myself.

*Ch*  
(B. TUMAR)  
ADDITIONAL COMMISSIONER (P&V)  
CUSTOMS & CENTRAL EXCISE  
SHILLONG.

Certified to be true Copy

*INDRANEEL CHOWDHURY*  
Advocate.

To  
The Commissioner of Customs,  
N.E.R., Shillong.

Through proper channel

Subject: - Representation for retention at Agartala Customs Division on special family welfare ground

Sir,

With due respect & humble submission I beg to submit the following facts to your magnanimous prudence for kind and sympathetic consideration of my retention at Agartala Customs Division for the year 2005.

- 1) That Sir, my only child Rumna, a student of class-X, is at the crucial juncture of her academic career. I am the sole guide to her studies. Any disturbance, specially my transfer will jeopardise her career in the most adverse way.
- 2) That Sir, she is a student of Bharatiya Vidya Bhawan, systematic studies in the particular institution can not be replaced in any other school in the North-East as there is no other school of Bharatiya Vidya Bhawan in this region.
- 3) That Sir, my octogenarian mother is at the last phase of her life. Being the eldest son, I am to look after her.
- 4) That Sir, the representation is submitted to your benevolent goodself only under consideration of the special family welfare, otherwise this humble subordinate is always duty bound to carry out your orders.

Under the circumstances, I would pray to your honour that you would kindly consider my case and retain me at Agartala Customs Division at least for the year 2005 on special family welfare ground. And for this, I shall remain ever grateful to you.

Yours faithfully

*26/11/03*  
GIVOTISH DAS  
Superintendent  
Belonia C.P.F.  
Belonia:Tripura(S)

*Certified to be true Copy,*  
INDRANEEL CHOWDHURY  
Advocate.

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

Tel. 91-0364-2224751 / 2223030. Fax: 91-0364-2223428 / 2226215. E-Mail: [sexshill@excise.nic.in](mailto:sexshill@excise.nic.in)

ESTABLISHMENT ORDER NO. 12/2005  
DATED SHILLONG, THE 3<sup>RD</sup> JUNE 2005

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

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

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

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

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

The officers at Sl. Nos. 3, 4, 5, 6, 17, 18, 21, 23, 31, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58 & 59 will not be entitled TA/DA as they have been transferred on the basis of their representations. No further representations will be entertained unless the officers join their new places of postings.

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

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

3/6/05  
(KARNAIL SINGH)  
COMMISSIONER

C.No.II(3)/1/ET-III/2005/

Copy forwarded for information & necessary action to:-

Dated :-

1. The Chief Commissioner, Customs & Central Excise, Shillong Zone, 'CRESCENS' Building, M.G. Road, Shillong.  
 2. The Commissioner, Customs (Preventive), NE 2, Shillong.  
 3. The Commissioner, Central Excise, Dibrugarh.  
 4. The Commissioner (Appeals), Central Excise, Guwahati.  
 5. The Additional Commissioner (P&V), Central Excise, Shillong/Dibrugarh.  
 6. The Additional Commissioner (Tech.), Central Excise Hqrs. Office, Shillong.  
 7. The Additional Commissioner, Customs (Preventive), 'NIR', Shillong.  
 8. The Joint Commissioner (A/E), Central Excise Hqrs. Office, Shillong/The Joint Commissioner, Central Excise, Dibrugarh.  
 9. The Deputy/ Assistant Commissioner, Central Excise/Customs, \_\_\_\_\_ Division, Shillong/ Dibrugarh Commissionerate. Copy(s) meant for the concerned officer(s) is/are enclosed.  
 10. The CAO, Central Excise/Customs, Shillong/Dibrugarh Commissionerate.  
 11. The PAO, Customs & Central Excise, Shillong.  
 12. Accounts I & II/Confidential Branch/CIU-Viz. lance Branch, Central Excise Hqrs. Office, Shillong.  
 13. Shri/Smt \_\_\_\_\_ Superintendent for compliance. (Signature) \_\_\_\_\_  
 14. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 15. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 16. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 17. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 18. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 19. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
 20. The \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_ M. P. \_\_\_\_\_  
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3/6/05  
(KARNAIL SINGH)  
COMMISSIONER

C.No-II(3)3/ET/CPF-BLN/97-98 / 103

Dated - 08 - 06 - 2005

To,

The Commissioner.

Central Excise.

Shillong.

(Through Proper Channel)

Sir,

**Sub : Representation for review of the transfer of Sri J.Das superintendent (SI No- 15)**  
**Vide Estt.Order No72/2005 dated 3<sup>rd</sup> June /2005.**

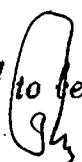
With due deference and all humility, I submit that I have had the proud privilege to depose before your magnanimous prudence to review the transfer of this humble subordinate for the special grounds mentioned below:-

1) That Sir, my only daughter , this year , has passed her class X Examination and she is set to vital phase of her academic carrier during the next two years on classes XI - XII and my absence at this stage of her carrier will have a disastrous effect on her studies .This will affect the family welfare adversely in a irreversible manner.

2) That Sir, being the elder son of my octogenian mother, I have to take care of her, when she is breathing her last due to old age ailments and other health problems .It is impossible to shift her in my new place of posting as per advice of her physicians.

3) That Sir, I am afraid the criterias for transfer of Superintendent as per guidelines envisaged vide your letter C No- II(26) 20/ET/95/38351—405 dated 30-9-2003 are not applicable in my case at this stage as may be seen from the following facts.

- a) I have not completed even 3 years as Superintendent in Customs formation since my promotion as Superintendent in Sep. 2002.
- b) I have completed only a bit more than one year in the station of my present posting at Belonia CPF which is 120 Km. away from my home at Agartala.
- c) That Sir, mid year transfer in June has jeopardised the family welfare.

  
Certified to be true CopyINDRANEEL CHOWDHURY  
Advocate.

Under the circumstances I would pray to your benevolence to consider my case in the most sympathetic manner and review my case considering the transfer guidelines and my family welfare.

In this connection my option paper submitted during Nov. / 2004 as asked for may kindly be referred to. (Copy Enclosed)

And for this act of kindness I shall remain ever grateful to you.

Encls:- 2 (Two) Sheets

Yours faithfully

 08/06/2005  
( JYOTISH DAS )  
JYOTISH DAS  
Superintendent,  
Bengal C. P. F.  
Tripura (S).

Copy to:-

- 1) The Chief Commissioner Customs & Central Excise , Shillong Zone for favour of information and kind action please.
- 2) The Commissioner of Customs, NER. Shillong for favour of information and kind necessary action please.

 ( JYOTISH DAS )

To  
The Commissioner of Central Excise,  
Shillong.

Through proper channel

**Subject: - Representation of Sri J.Das, Superintendent, Belonia C.P.F. (under order of transfer to Dibrugarh Central Excise Commissionerate vide Order No. 72/2005 dated 3<sup>rd</sup> June, 2005) for considering retention at Agartala Customs Division- submission of.**

Sir,

Most respectfully I beg to submit the following representation for favour of your kind & sympathetic consideration.

1) That Sir, I would like to draw your kind attention to my representation dated 08/06/2005 and subsequent your kind audience to the meeting with you on 13/06/05 wherein I pleaded my case for review of my transfer as per your order no. 72/2005 dated 03/06/2005 (enclosed and marked as Annexure-I).

2) That Sir, I reiterate of plea in the following manner.

i) I had been promoted to the grade of Superintendent Group- "B" on 23/09/2002 vide order no. 139/2002 dated- 23/09/2002 (enclosed and marked as Annexure-II).

ii) After being promoted I had been worked at Statistics Branch, Agartala for a few days & then I had been placed at Divisional Statistics Branch, Agartala as Superintendent on 11/12/2002 and later on vide AC's Order No. 01/2004 dated- 01/03/2004, I had been transferred to Belonia C.P.F. Unit, a place 120 kms. Away from my hometown Agartala (enclosed and marked as Annexure-III).

iii) That Sir, it is evident from the facts cited above that I have not completed even 3(three) years in the grade of Superintendent in the Customs formation. Now as per present order 72/2005, I have been relieved from Customs formation to the Central Excise formation in the Commissionerate of Dibrugarh, which is more than 1000 Kms. away from my hometown. I am afraid that the criterias for transfer of the Superintendent as per guidelines envisaged vide your letter C.No. II(26)20/ET-III/95/38351-405 dated- 30/09/2003 was not adhered to in my case (enclosed and marked as Annexure- IV & V).

iv) That Sir, when my option for transfer was asked for vide order no. II(26)20/ET-III/95/38351-405 dated-30/09/2003, I opted very specifically for my retention at Agartala Customs Division or at Central Excise Range, Agartala as my only daughter was at final stage of her School Education (enclosed and marked as Annexure- VI).

(contd to page 2.....)

*Certified to be true (C.O.P.)*  
L. R. MITALI CHOWDHURY  
Advocate,

(Page- 2)

3) That Sir, the annual general transfer of 2005 has been ordered on 3<sup>rd</sup> June, 2005 which is mid year and has affected very adversely the welfare of my family, my only daughter has passed her class-X examination this year and she set to vital phase of her academic carrier during the next two years and my absence at this stage of her carrier will have a disastrous effect on her studies. In this connection, I had also submitted a representation on 26/11/2004(enclosed and marked as Annexure- VII).

4) That Sir, I have been released to the Central Excise formations though I have not completed even 3(three) years in the grade of Superintendent, but there are officers who have been working in the Customs formations specially at Agartala Division for more than 10(ten) years as Superintendent & they have been remained untouched so far as release to Central Excise is concerned. I am afraid, I am discriminated against.

Under these circumstances, I would most fervently request your prudent to consider my representation and retain me at Agartala Customs Division & oblige thereby.

Dated : - Agartala, the 20<sup>th</sup> June, 2005

Yours faithfully

  
28/06/05  
(JYOTISH DAS)  
Superintendent  
Belonia C.P.F.  
Belonia: Tripura (S).  
(On Leave)

Copy to:-

- 1) The Chief Commissioner, Customs and Central Excise, Shillong Zone for information, please.
- 2) The Commissioner of Customs Preventive, NER, Shillong for information, please.
- 3) The Deputy Commissioner, Customs Division, Agartala for information, please.

(JYOTISH DAS)  
Superintendent  
Belonia C.P.F.  
Belonia: Tripura (S).  
(On Leave)

ORIGINAL APPLICATION NO. 38/2001

versus

Union of India & Ors

For the Applicant(s)

For the Respondents.

Applicant.

Respondents.

K.N. Choudhury

B.C. Das

A. Bonu

... C.G.S.C. ....

NOTES OF THE REGISTRAR

DATE: 16.1.2001

ORDER

30.1.01 Present : Hon'ble Mr. Justice D.N.Chowdhury,  
Vice-Chairman,  
Hon'ble Mr. K.K.Sharma, Member(A).

By this application the applicant basically assailed the order of transfer and posting dated 15.12.2000 with the order No. 130/2000. Mr. K.N.Chowdhury, learned Sr. counsel basically confined his submission as to the non-adherence of the guidelines of the transfer and posting. Mr. K.N.Chowdhury, Sr. learned counsel submitted that the applicant due to some pressing need applied to the authority for modification of the order of transfer and to that effect in fact submitted representations to the authority on 8.12.2000, 20.12.2000 and also on 22.1.2001. Mr. Choudhury also submitted that the authority considered representations some of his colleagues and by its order dated 16.1.2001 modified the transfer order. Mr. Chowdhury particularly referred to the order of modification in respect of Kartik Sarker, serial No. 2 who has been kept in Agartala Range in excess of the sanctioned strength.

We have heard the learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents. Mr. B.C. Pathak submitted that guidelines as was pointed does not per se confer any right, however guidelines have power as far as practicable adhered to since it is sort of norm and those

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INDRANEEL CHOWDHURY  
Advocate,

30.1.01 rule should not be flouted unless a good reason is shown.

Considering all the aspects of the matter we are of the view when the applicant has submitted representation the authority need to consider it. Mr. Chowdhury submitted that till date his representation remain unattended.

In the circumstances we direct the respondents to consider and dispose of his representation if not already done expeditiously preferably within two weeks from the date of receipt of the certified copy of this order. In the meantime the respondents shall not give effect the impugned order of transfer dated 15.12.2000 till consideration of his representation.

The application is disposed of. There shall, however, no order as to costs.

Sd/- Vice-Chairman  
Sd/- Member (A)

Certified to be true Copy  
স্বাধীন প্রতিলিপি

*A. K. Sen*  
Section Officer (J), 30/1/2001,  
সামুদায় অধিকারী (সামাজিক সেবা)  
Central Administrative Tribunal  
কেন্দ্রীয় প্রযোৱালিক অধিকারী  
Guwahati Bench, Guwahati  
স্বাধীন প্রতিলিপি, পৃষ্ঠা ১২৭-৫  
*30/1/2001*