

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 184/2007

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SECTION OFFICER (Judl.)

ORDER SHEET

1. Original Application No. 184/07

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant (SI Bhupen Kr. Khangia VS Union of India & Ors)

Advocate for the Applicant(s) M. Chanda, S. N. Aik

Ms. Le. Dutta

Advocate for the Respondant (S. M. U. Ahmed)

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in for is 24.6.2007 4.7.2007 24.6.2007 Dated 22.6.07</p> <p>Registrar</p> <p><u>Di.</u></p> <p>Petitioner's Grievance issues which are not received.</p> <p><u>Di.</u> 27/7/07</p> <p><u>4.7.07.</u> Please comply,</p> <p>steps for issue notices received /bb/ on 27/7/07. (6/7/07. 27/7/07.</p>	<p>4.7.2007</p>	<p>This is the second round of litigation. Earlier this Tribunal approached this Tribunal in O.A.177/2006 and vide order dated 24.7.2006 this Tribunal directed the Respondents to dispose of Applicant's representation sympathetically. Accordingly, Applicant submitted representation on 07.08.2006 which was rejected by the impugned order dated 20.10.2006. Hence this O.A.</p> <p>Heard Mr.M.Chanda, learned counsel for the Applicant. Mr.M.U.Ahmed, learned Addl.C.G.S.C. appeared on behalf of the Respondents.</p> <p>Issue notice to the Respondents. Respondents are directed to take instruction and submit statement.</p> <p>Post the case on 17.8.2007. It is made clear that Pendency of this O.A. shall not be a bar for the Respondents in considering the Applicant's case for his posting at Guwahati.</p>

Vice-Chairman

04/184/07

-2-

11.9.07.

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

lm

~~Case~~
30/8/07. D/No-776 to
779
Dt= 1/8/07.

10.10.2007

Notice duly served
on R-1.

~~Case~~
30/8/07

① Notice duly served
on R. No- 1 & 3.

~~Case~~
10.7.07.

Wls not biled.

~~Case~~
9.10.07.

lm

Dt. 10.10.07.

21. Send order copies
to respondents.

W.

order dt- 10/10/07
sent to D/Section
for issuing to
R- 1 to 4 by post.

~~Case~~
13/11/07. D/No-1393 to
1396
Dt= 16/11/07.

Notice duly served
on R- 1, 2, 3.

~~Case~~
14/11/07.

At the request of leaned counsel for the respondents
four weeks time is granted to file written statement.
Post the matter on 10.10.07.

Vice-Chairman

Despite notices, no reply has been
filed in this case as yet. No reply has been
filed in this case as yet.

Call this matter on 07.12.2007
awaiting reply from the Respondents.

Pendency of this case before this
Tribunal shall not stand on the way of the
Respondents to consider the grievance of the
Applicant.

Send copies of this order to the
Respondents in the address given in the
Original Application.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

O.A.184/2007

Contd.
09.01.2008

Today, Mr.M.Chanda, learned counsel appearing for the Applicant, states that the Applicant is ~~not~~ more interested to avail the mutual transfer and in the said premises, he is not interested to press this Misc. Petition No.137/2007; which is accordingly dismissed.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

08.02.2008

Written statement ~~has~~ filed in Court today; after serving a copy on the counsel appearing for the Applicant. Subject to the legal pleas to be examined at the time of final hearing, the case is admitted.

Call this matter on 14.03.2008

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Lin

12.02.2008

Heard learned counsel for the parties.

For the reasons recorded separately, this O.A. is disposed of.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/pg/

29.2.08

Copy of the
judgment sent to
the office for
issuing the same
to the Respondent along with
copy to the Secy. CGSC.

17.3.08
1236 to 1239
3.3.08

Recd
4/2/08

Order dt- 9/01/08
Sent to D/Section
for issuing to
resp-nos- 1 to 4
by post.

D/No- 161 to 164

11/01/08 Dt- 11/1/08

Wks not biled.

7.2.08

Received Copy
for Advocate
29/2/08

-3-

OA 184/07

-3-

3

07.12.2007

Order dt. 10/10/07
sent to D/Section
for issuing to
resp. nos 1 to 4 by
post

D/N-1393 to
1396

Class
19/11/07 dt. 16/11/07

① was not filed.

7.12.07.

/bb/

09.01.2008

W/s not filed.

8.1.08.

31.1.08.

Pl. send copies of
this order to the
Respondents

He
Walia

No written statement has yet been
filed in this case.

Mr.M.U.Ahmed, learned Addl.
Standing counsel for the Union of India
undertakes to enter appearance today for
the Respondents and seeks time to file
written statement.

Call this matter on 09.01.2008
awaiting written statement from the
Respondents.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

No written statement has yet been filed in
this case, despite three adjournments granted
to the Respondents within last six months. It is
prayed on behalf of the Respondents to grant
them some more time to file written statement.
Prayer is allowed.

Call this matter on 08.02.2008 awaiting
written statement from the Respondents.

Send copies of this order to the
Respondents in the address given in the O.A.

M.A. 139/2007 was filed by the Applicant
for an interim direction to the Respondents to
consider his case for a transfer on mutual basis.

Contd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

Original Application No. 184/2007

DATE OF DECISION : 12-02-2008

Sri Bhupen Kumar Khangia

.....Applicant/s

Mr M. Chanda

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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


.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No[✓]
2. Whether to be referred to the Reporter or not ? Yes/No[✓]
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No[✓]


Vice-Chairman/Mamber(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 184/2007.

Date of Order : This the 12th Day of February, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Bhupen Kumar Khangia,

S/o Kesha Ram Khangia

Office of the Development Commissioner for Handlooms, .

Industrial Estate,

Takyelpat, Imphal-795001.

Post Box No. 18 (Manipur)

....Applicant

By Advocate Shri M. Chanda

Versus –

1. The Union of India

Represented by the Secretary to the

Government of India, .

Ministry of Textiles,

New Delhi-110001.

2. The Development Commissioner for Handlooms,

Ministry of Textiles,

Govt. of India,

Udyog Bhawan,

New Delhi-110001.

3. The Director,

Weaver's Service Centre,

Ministry of Textiles,

Govt. of India, .

Khanapara, Jawaharnagar,

I.I.H.T Campus,

Guwahati-781022.

4. The Officer-in-Charge,

Weavers' Service Centre,

Industrial Estate,

Takyelpat, Imphal-795001.

Manipur.

.....Respondents

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



ORDERKHUSHIRAM (MEMBER-A)

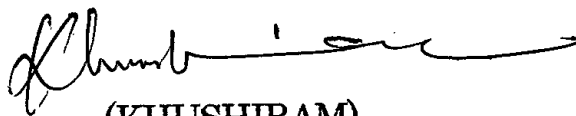
On the prayer of counsel for both the parties this matter is taken up for final disposal.

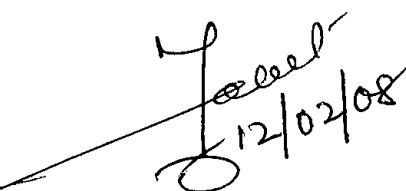
2. Heard Mr M.Chanda, learned counsel appearing for the Applicant and Mr M.U.Ahmed, learned Addl. Standing counsel for Union of India appearing for the Respondents and perused the materials placed on record.

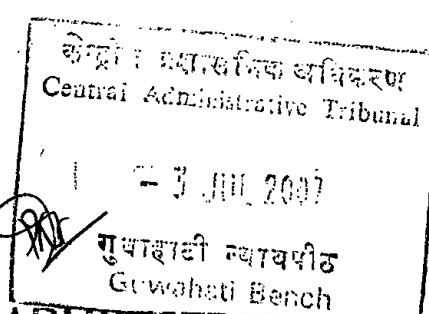
3. The Applicant faced transfer from Guwahati (in Assam) to Imphal in the State of Manipur. In the meantime he has completed three years at Imphal (Manipur). Mr M.Chanda, learned counsel appearing for the Applicant submitted that since the Applicant has completed three years at Imphal, his case deserves consideration for a transfer from Imphal. He also makes a statement that there are large number of staff stationed at Guwahati for more than 15/17 years and that, in the fitness of the circumstances, they should be replaced by the members of the staff like the Applicant.

4. Without entering into the merits of the matter, we dispose of this Original Application with direction to the Respondents to consider the grievance of the Applicant (pertaining to his transfer to Guwahati) and pass appropriate orders.

5. With the aforesaid observation and direction this Original Application stands disposed of.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 184 /2007

Shri Bhupen Kumar Khangia.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 1989 Applicant was appointed as Art Designer and posted at weavers' Service centre (WSC), Guwahati.
- 13.05.2004 Transferred from WSC, Guwahati and posted at WSC, Imphal (Manipur). (Annexure-1)
- 19.05.2004 Applicant submitted representation against the transfer and prayed for reconsideration of his transfer order.
- 27.05.2004 He was relieved from WSC, Guwahati. (Annexure-2)
- 27.05.2004 Applicant submitted another representation narrating his conditions and prayed for his retention at Guwahati. (Annexure-3)
- 22.12.2004 Submitted another representation reiterating his prayer aforesaid. (Annexure-4)
- 17.02.2005 Applicant submitted representation to the authorities as because he has been facing extreme difficulties in discharging his duties due to language barrier, even he was threatened in dire consequences. (Annexure-5)
- 22.01.2005 The wife of the applicant submitted an appeal to the respondent no. 3 prayed for his transfer to Guwahati. (Annexure-6)
- 03.03.2006 Applicant requested the Director, WSC, Guwahati to consider his case on mutual transfer with Shri RK Cajendra Singh, posted at Guwahati. (Annexure-7)

- 27.12.2004 Shri R.K. Gajendra Singh, a counterpart of the applicant, working in the same capacity at WSC, Guwahati also submitted a representation praying for mutual transfer from Guwahati to Imphal.
- 24.07.2006 failed to get justice, applicant approached this Learned Tribunal and the Hon'ble Tribunal directing the respondents to consider the previous representations and also the comprehensive representation with two weeks and pass appropriate orders within a period of three months without delay.
- (Annexure-8)
- 07.08.2006 Applicant submitted a comprehensive representation and previous representations along with the judgment and prayed for consideration of his case of transfer from Imphal to Guwahati.
- (Annexure-9)
- 20.10.2006 Thereafter respondent no. 3 informed the applicant that there is no vacant post of Art-Designer at WSC, Guwahati and his transfer case would be considered in due course. Whereas in number of cases mutual transfer was done on extraneous considerations, but his case was not considered, whereas he has completed a tenure of more than 3 years at WSC, Imphal.
- (Annexure-10)

Hence this O.A before this Hon'ble Tribunal.

PRAYER

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum no. WSC/CAU/TRI/IMP-12 (99)/06/11877 dated 20.10.2006 (Annexure-10).
2. That the respondents be directed to grant transfer and posting of the applicant to Weavers' service centre, Guwahati on compassionate ground further be pleased to direct the respondents to frame a fair transfer policy in the light of the observation contained in para 3 of the Hon'ble Supreme Court judgment rendered in the case of Sarvesh Kumar Awasthi versus U.P. Jal Nigam and others reported in (2003)11 SCC page-740.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

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Interim order prayed for: - -

During pendency of the application, the applicant prays for the following interim relief: -

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 184 /2007

Shri Bhupen Kumar Khangia. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

U. Dutta

Advocate

Date:- 03.07.07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 184 /2007

BETWEEN:

Shri Bhupen Kumar Khangia,
S/o- Kesha Ram Khangia,
Office of the Development Commissioner for Handlooms,
Industrial Estate,
Takyelpat, Imphal-795001.
Post Box No. 18. (Manipur)

---Applicant.

-AND-

1. The Union of India
Represented by the Secretary to the
Government of India,
Ministry of Textiles,
New Delhi - 110001.
2. The Development Commissioner for Handlooms,
Ministry of Textiles,
Govt. of India,
Udyog Bhawan,
New Delhi - 110011.
3. The Director,
Weaver's Service Centre,
Ministry of Textiles,
Govt. of India,
Khanapara, Jawaharnagar,
I.I.H.T campus,
Guwahati-781022.
4. The Officer-in-Charge,
Weavers' Service centre,
Industrial Estate,
Takyelpat, Imphal-795001.
Manipur.

..... Respondents.

Bhupen Kumar Khangia

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Filed by the applicant
through U. Butler, advocate
on 03.07.07

DETAILS OF THE APPLICATION

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

This application is made against the impugned memorandum issued under no. WSC/GAU/TRI/IMP/BKK-12 (99)/06/11877 dated 20.10.2006 by the respondent no. 3 communicating that the comprehensive representation of the applicant for his transfer from Imphal to Guwahati has not been considered by the respondents. The said representation was submitted in compliance with the directions passed by this Hon'ble Tribunal in its judgment and order dated 24.07.2006 in O.A.No. 177/2006.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the 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 as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially appointed as Art Designer in 1989 and was posted at Weaver's Service Centre, Guwahati under the Ministry of Textiles, Govt. of India.

4.3 That vide order No. WSC/GAU/Admn-1 (23)/2002/3694 dated 13.05.2004, the applicant was transferred in public interest from Weavers Service Centre, Guwahati and posted at Weavers Service Centre, Imphal in his same capacity of Art Designer. He was thereafter relieved from Weavers Service

Bhupen Kumar Khongor

Centre (WSC), Guwahati vide order No. WSC/CAU/Admin-1(4)/2002/ 3832 dated 27.05.2004.

Copy of the transfer order dated 13.05.04 and release order dated 27.05.2004 are enclosed as Annexure- 1 and 2 respectively.

- 4.4 That the applicant most respectfully begs to state that due to his adverse health condition and other multiple domestic problems, he was in great difficulties to move out of Guwahati and as such he submitted one representation on 19.05.2004 to the competent authority for reconsideration of his transfer, followed by another representation to the additional Development Commissioner for Handlooms, New Delhi through proper channel on 27.05.04 explaining his difficulties and prayed for reconsideration of his transfer order and further for his retention at Guwahati. But having failed to get a positive response to his prayer, the applicant complied with the order of transfer braving all his difficulties and eventually joined at his new place of posting at WSC, Imphal on 08.06.2004.

Copy of the representation dated 27.05.2004 is enclosed as Annexure- 3).

- 4.5 That the applicant most respectfully begs to state that the applicant is a chronic patient of severe hypertension with Bronchial problems and is under the constant treatment of Central Govt. Health Scheme (CGHS) Hospital, Guwahati since long. His wife is also a patient of chronic Arthritics and Diabetes and has been undergoing treatment under CGHS, Guwahati and Gauhati Medical College. His only daughter, who is only 14 years old, has been studying in a reputed English medium private school at Guwahati and her education cannot be distributed at this stage since similar educational facilities and environment does not exist at Imphal. In addition to these, the applicant has to take care of his old ailing father (72 yrs) and mother (67 yrs) and he is their only son to shoulder these responsibilities. As such it is neither possible for him to shift his family from Guwahati nor he is in a position to discharge his ailing wife and parents at Guwahati from his

Bhupen Kumar Khongda

present place of posting i.e. Imphal, who need his constant care at this stage, and not to speak of his own health condition which is deteriorating day by day.

- 4.6 That the circumstances stated in the preceding para hereinabove, which have been occasioned by his transfer from Guwahati to Imphal has pushed the applicant to such a difficult situation that he has been undergoing a tremendous mental pressure and agony and he is afraid of his own fate. The applicant approached the authorities time and again for considering his case with utmost compassion and prayed for his re-transfer from Imphal to Guwahati. He also submitted representations on 22.12.2004, stating all his difficulties and prayed for his transfer to Guwahati but to no avail.

(Copy of the representation-dated 22.12.2004 is enclosed herewith as Annexure- 4).

- 4.7 That since his transfer to Imphal, the applicant has been facing extreme difficulties in discharging his duties due to language barrier for his ignorance about the local language, which created misunderstandings and misgivings more than often. Even he was threatened of dire consequences which he brought to the notice of the authorities vide his representation dated 17.02.2005, wherein he also made further prayer for his transfer from Imphal to Guwahati. His wife also made one appeal on 22.01.2005 to the respondent No. 3 narrating her condition due to absence of her husband and prayed for his transfer to Guwahati but failed to have justice.

It is relevant to mention here that the problem of language barrier faced by the applicant has been appreciated by his local superior officers at Imphal and the Deputy Director (Design), Weaver's Service Centre, Imphal vide his letter No. WSC/IMP/Esst/1 (2)/03-05 dated 03.03.2006 has emphasized the matter and requested the Director, WSC, Guwahati to consider the mutual transfer of Shri RK Cajendra Singh, posted at Guwahati with that of Shri BK Khangia, posted at Imphal for smooth functioning of the office.

Blupen Kumar Khangia

(Copy of the representation dated 17.02.2005, 22.01.2005 and letter dated 03.03.2006 are annexed hereto as Annexure-5, 6 and 7 respectively).

4.8 That the applicant begs to submit that Shri R.K.Gajendra Singh as referred to in preceding para, was also transferred from Imphal to Guwahati under the same order dated 13.05.2004 by which the applicant was transferred from Guwahati to Imphal, although both of them were in the same capacity and were performing the same duties and responsibilities in their respective centre. Shri R.K.Gajendra Singh, following his transfer to Guwahati also faced similar problems like that of the applicant and submitted representation on 27.12.2004 praying for his re-transfer from Guwahati to Imphal on mutual basis against the applicant. But even thereafter, the respondent did not consider either the application of Shri Singh or that of the applicant although there was no impediments in granting the mutual transfer which would have served the interest of both the employees without affecting the interest of works in any way.

4.9 That having failed to get justice, the applicant approached this Hon'ble Tribunal by filing O.A.No. 177/2006 praying for protection of his rights and interests. This Hon'ble Tribunal vide its judgment and order dated 24.07.2006 disposed of the said O.A.No. 177/2006 directing the respondents to consider the previous representations of the applicant and also the comprehensive representation which would be filed by the applicant within two weeks from today, sympathetically and pass appropriate orders thereon within a period of three months thereafter communicating the same to the applicant without delay.

(Copy of judgment and order dated 24.07.2006 is annexed as Annexure-8).

4.10 That pursuant to the judgment and order aforesaid, the applicant submitted his comprehensive representation on 07.08.2006 enclosing therewith a copy

Bhupen Kumar Khongor

of the judgment and order dated 24.07.2006 and his previous representations and prayed for consideration of his case of transfer from Imphal to Guwahati with utmost compassion and sympathy.

(Copy of representation dated 07.08.2006 is annexed hereto as Annexure-9).

4.11 That in respond to the comprehensive representation dated 07.08.2006 aforesaid, the respondent no. 3 vide his impugned memorandum no. WSC/CAU/TRI/IMP/BKK-12(29)/06/11877 dated 20.10.2006 informed the applicant that Shri R.K.Gajendra Singh vide his representation dated 28.09.2005 having expressed his unwillingness for his transfer from Guwahati, there is no vacant post of Art-Designer at WSC, Guwahati and that his transfer case would be considered in due course.

(Copy of the impugned memorandum dated 20.10.2006 is annexed hereto as Annexure-10).

4.12 That the applicant most respectfully begs to submit that the respondents have not been considering the case of transfer in respect of the applicant even though there was a scope of mutual transfer as stated above and even in spite of the genuine problems faced by the applicant whereas such transfer are being granted on selective basis in number of cases on extraneous considerations. To substitute this, few cases of such transfers are illustrated below:-

- (1) Shri E.Divakaran, T.A was transferred from WSC, Bhubaneswar to WSC, Guwahati in April'06 and within a month he managed to get his transfer from Guwahati to Kanchipuram.
- (2) Shri Monohar Rajenk, warper, who was posted at Imphal in 2002, managed to get his transfer to Kolkata only after two months.
- (3) Following employees who were transferred to particular stations, could manage to get then transferred to their respective places of choice within a very short duration and the duration of their stay at their new stations are shown below:-

Bhupen Kumar Khongor

NAME	STATION	DURATION OF STAY
Shri Sukumar Paul, Art Designer.	WSC, Imphal	4.5.1995 to April' 1997
Mrs. Solochoha Barthakur, Art Designer.	-Do-	8.2.1989 to August' 1991
Smti. A.K.Dhancswari Devi, Weaver Grade-II	WSC, Bhubaneswar	6.5.1976 to 7.6.1976
Smti. Uttara Deka, Weaver Grade-II	WSC, Agartala	1998 to 1999
Shri M.K.Mukharjee, Asstt. Director, Design	WSC, Imphal	10.02.1975 to 5.10.1975
Shri T.N.Basu, Asstt. Director	-Do-	6.10.1975 to 31.12.1975
Shri A.K.Mukharjee, Asstt. Director	- Do-	1.1.1976 to 5.2.1976
Shri R.C.Shastri, AD, Process	-Do-	7.2.1978 to 18.5.1978
Shri J.N.Das	-Do-	19.5.1978 to 16.11.1978
Shri H.P.Shukla, AD	-Do-	15.5.1987 to 18.1.1988
S.K.Sarkar, AD	-Do-	14.7.1997 to 13.1.1998
Shri L.M.Patnaik, AD	-Do-	6/2005 to 9/2006

From the above stated list, which is only illustrate and not exhaustive it is clearly evident that there are some cases where re-transfers were managed even within 1 month, and in case of officers posted at Imphal, their subsequent transfers were managed within a period of 3 months to 1 year. But the case of the applicant is not being considered even after he has completed a tenure of 3 years at Imphal, which is discriminatory and violative of Article 14 and 16 of the Constitution of India. It is further stated that the following employees of respondent departments are working in the same place of posting at Guwahati for years together without any further transfer and posting namely:-

Bhuben Kumar Khongia

- 1) Shri Bidyapati Singh, (Art Designer) working at WSC, Guwahati Zonal office from 1994 to till date i.e. about 12 years in the same place of posting.
- 2) Mrs. Sulochana Borthakur, (Art Designer) working at WSC, Guwahati Zonal office from 1991 to till date i.e 15 years in the same place of posting.

However, in many cases Sri P.K.Cazendra Singh, who is a permanent resident of Manipur, who has completed 3 years at Guwahati could be transferred at Imphal in his home station in order to accommodate the applicant at Guwahati on compassionate ground or alternatively the other incumbent who are continuously working for years together at Guwahati can be considered for transfer and posting at Imphal in order to accommodate the applicant at Guwahati since he has completed 3 years service at Imphal. But the respondents inspite of his repeated representation and also in view of their assurance did not take any further step, whereas in the meanwhile a series of transfer and posting order has been issued in the respondents department in group C level very recently. But his case was not considered for posting at Guwahati on compassionate ground for the reasons best known to the authorities. In the circumstances stated above it is a fit case for the Hon'ble Court to protect the right and interest of the applicant and further be pleased to direct the respondents to consider the case of the present applicant at Guwahati on extreme compassionate ground.

- 4.13 That it is stated that there is no transfer policy in the respondents department and as such transfer and posting entirely depends on the choice of competent authority and as a result some of the employees as stated above are getting undue benefit and working in the same place for years together without any sort of disturbance from the higher authority in the matter of transfer and posting, whereas a section of employees also with the

Bhupen Kumar Khongor

blessings of the higher authority could able to manage their transfer and posting as per their choice station within a short span but the poor employee like the applicant has to suffer due to absence of any fair transfer policy. Therefore Hon'ble Court be pleased to direct the respondents to formulate a fair transfer policy for similar and equal treatment in the matter of transfer and posting for all the employees of the respondent department.

4.14 That the applicant begs to submit that he has completed a tenure of more than 3 (three) years at WSC, Imphal and as such he is entitled for his transfer as per the professed policy of the Government, more so, in view of the transfers, cited above and denial of the same to him is opposed to be principles of natural justice.

4.15 That the judgment and order dated 24.07.2006 (Annexure-8) passed by this Hon'ble Tribunal also contains a direction upon the respondents to consider the representation of the applicant sympathetically but the respondents have not acted arbitrarily, unfairly and illegally. As such the impugned memorandum dated 20.10.2006 (Annexure-10) is liable to be set aside and quashed.

4.16 That your applicant begs to state that due to non-consideration of his transfer from Imphal to Guwahati. The applicant has been undergoing serious mental and financial sufferings. As such finding no other alternative, the applicant is approaching before this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant, directing the respondents to transfer the applicant from WSC, Imphal to WSC, Guwahati.

4.17 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

Phupen Kumar Khongra

- 5.1 For that, the applicant has completed three years of service at Imphal and he is entitled for his transfer.
- 5.2 For that, the applicant's minor daughter has been pursuing her studies in school at Guwahati and his ailing wife and old parents need his constant care and attendance at Guwahati. This apart, the applicant himself is a chronic patient of severe hypertension and bronchial disease and is under constant treatment with CGHS Hospital, Guwahati.
- 5.3 For that, the applicant has been facing language problem in dealing with the people for discharging his official duties. This problem has been appreciated by his senior officer, the Dy. Director (Design), WSC, Imphal who vide his letter dated 03.03.2006 highlighted this problem to the problem to the Director, WSC, Guwahati and requested for considering transfer of the applicant as prayed for.
- 5.4 For that, in number of similarly situated cases, the respondents have granted transfer to the employees on completion of even one month to one year of service at a particular station, but the same is being denied to the applicant even after his completion of three years of service at Imphal which is discriminatory and violative of Article 14 and 16 of the Constitution of India.
- 5.5 For that, this Hon'ble Tribunal in its judgment and order dated 24.07.2006 in O.A.No. 17/2006, directed the respondents to consider the representation of the applicant sympathetically, but the action of the respondents is against the spirit of the said judgment and is done arbitrarily, unfairly and illegally.
- 5.6 For that, the applicant has submitted representations time and again narrating his difficulties and prayed for his transfer from Imphal to Guwahati but failed to get response which is opposed to the principles of natural justice.

Bhupen Kumar Khongda

- 5.7 For that there is no any fair transfer policy in the respondents department as a result applicant is a victim of favoritism, nepotism, arbitrariness in the matter of transfer and posting.
- 5.8 For that there must be a transfer policy in each and every organization of the Govt. in order to grant fair and equal treatment to all the employees in the matter of transfer and posting.
- 5.9 For that, due to non-consideration of his case of transfer from Imphal to Guwahati, the applicant has been suffering serious mental anxieties and financial losses.
6. Details of remedies exhausted.
That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.
7. Matters not previously filed or pending with any other Court.
The applicant further declares that save and except the filing of O.A.No. 177/2006 before this Hon'ble Tribunal, he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.
8. Relief (s) sought for:
Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

Blupen Kumar Khongda

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum no. WSC/GAU/TRI/IMP-12 (99)/06/11877 dated 20.10.2006 (Annexure-10).
- 8.2 That the respondents be directed to consider and grant transfer and posting of the applicant to Weavers' Service Centre, Guwahati on compassionate ground and further be pleased to direct the respondents to frame a fair transfer policy in the light of the observation contained in para 3 of the Hon'ble Supreme Court judgment rendered in the case of Sarvesh Kumar Awasthi -versus- U.P.Jal Nigam and others reported in (2003)11, SCC, page- 740.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

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

10.

11. Particulars of the L.P.O

- | | | |
|------|---------------|---------------------|
| i) | I.P.O No. | : 34G. 654535 . |
| ii) | Date of issue | : 27. 06. 2007 . |
| iii) | Issued from | : G.P.O. Guwahati . |
| iv) | Payable at | : G.P.O. Guwahati . |

12. List of enclosures:
As given in the index.

Bhupen Kumar Khongta

VERIFICATION

I, Shri Bhupen Kumar Khangia, S/o- Shri Kesha Ram Khangia, aged about 46 years, presently working as Art Designer in the office of the Development commissioner for Handlooms, Industrial Estate, Takyelpat, Imphal- 795001, Manipur do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 1st day of July 2007.

Bhupen Kumar Khangia

Government of India,
Ministry of Textiles,
Weavers Service Centre,
Jawahar Nagar, Khanapara,
Guwahati 781022

Annexure-1 26

No. WSC/GAU/Admn-1(23)/2002/ 3694

Dated April 23, 2004,

ORDER

13/5/04

The transfers of the following officials are hereby ordered in public interest to the Weaver' Service Centres, as mentioned against their names:-

Sl. No.	Name & Designation	From	To
1.	Shri P. Meher, Art-Designer	WSC., Bhubaneswar	WSC., Bhagalpur
2.	Shri G. Kalimuthu, Art-Designer	WSC., Bhagalpur	WSC. Bhubaneswar
3.	Shri B.K. Khangia, Art-Designer	WSC., Guwahati	WSC., Imphal
4.	Shri R.K. Gojendra Singh, Art Designer	WSC., Imphal	WSC., Guwahati
5.	Shri K.N. Dutta, Weaver Gr.I	WSC., Kolkata	WSC., Guwahati

2. The above mentioned officials should be relieved of their duties from the respective centres immediately with instruction to report for duty to the Officer-in-Charge of the respective centres within the joining time as admissible under rules.

(S.C. JAIN)
Director

Copy for information & necessary action to:

1. All official concerned (S/ Shri P.Meher, G. Kalimuthu,, B.K. Khangia, R.K. Gojendra Singh, . . . K.N. Dutta) of the respective centres.
2. Officer In charge ,WSCs. Guwahati, / Kolkata/ Bhagalpur/Bhubaneswar/Imphal
3. The Addl. Development Commissioner for Handlooms, Office of the Development Commissioner for Handloom, Udyog Bhavan, New Delhi.
4. The Pay & Accounts Officer, PAO, Kolkata.
5. The Officer-in-Charge, HFT., Guwahati
6. Guard file

Attested
Shri
A.S.W.

(S.C. JAIN)
Director

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES,
WEAVERS' SERVICE CENTRE,
JAWAHAR NAGAR, KHANAPARA,
GUWAHATI-22.

No.WSC/GAU/Admn.1(4)/2002/ 38 32

Dated May 26, 2004

27

ORDER

In pursuance of order of the Director, Weavers' Service Centre, Guwahati vide No.WSC/GAU/ Admn.1(23)/2002/3692-3705 dated 23.4.04/13.5.04, Shri B.K. Khangia, Art-Designer of this office stands relieved of his duties in this office in the afternoon of 31//5/2004 with instruction to report for duty in the same capacity at Weavers' Service Centre, Imphal ,


(HARI SHANKAR)

ASSISTANT DIRECTOR (P) i/c.

To
Shri B.K. Khangia, Art-Designer
Weavers' Service Centre,
Guwahati

Copy to :-

1. The Officer-In-Charge, WSC, Imphal He is requested to inform this Office the date on which Shri Khangia reports for duty at his centre.
2. The Director, WSC, Guwahati.
3. The Additional Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi
4. The Director, I.I.H.T., Guwahati.
5. The Pay & Accounts Officer, Pay & Accounts Office(Tex.), Kolkata.
6. The Accounts Section, W.S.C., Guwahati.
7. Personal file of Khangia
8. Guard file.

(HARI SHANKAR)
ASSISTANT DIRECTOR (P) i/c.

*Attested
Dutta
ASH*

To,

The Additional Development Commissioner for Handlooms,
Office of the Development Commissioner for Handlooms
Udyog Bhawan, New Delhi - 110011.

(THROUGH PROPER CHANNEL)

Dated : 19th May, 2004.

Sub. : Perseverent request to reconsider my transfer to Imphal a representation thereof.

Ref. : Office letter No. WSC/GAU/Admn. 1(23)/2002/3694 dated 1 April 2004 & 19th May 2004.

Sir,

With reference to the subject cited above and office letter referred, I have the honour to humbly submit my grievances arising thereof as follows for your kind and justifiable reconsideration.

At present my wife has been undergoing orthopedic medical treatment compelling me to look after my family alone in all aspects.

Furthermore, I had admitted my only daughter (12 years old) in new class in Maharishee School, Guwahati just few days before receiving the order, spending a considerable amount of Rs. 70000/- The school is run by private agency of which facility is not available at Imphal.

I have no knowledge on local language of Manipur. Moreover, Imphal is being considered as insurgency prone locality. Receiving the transfer order under this situation left me in great distress. Therefore I request your honour to kindly reconsider the transfer order for which I humbly submit the following :

I am junior to Mr. Atul Chandra Barooah Art Designer who is working at Guwahati Station for longer period than me.

I would also like to state the name of the Mr. Tapan Das, A/D Agartala, WSC, who is also working for long period at a station than me.

I am also submitting the photocopy of the transfer order along with this letter, which is self explanatory in nature for your kind reconsideration.

Therefore, I fervently request your honour that I may not be transferred from Guwahati and, retention at Guwahati may be allowed to me under this situation.

End : As stated above.

*Attended
19/5/04
ADN*

Yours faithfully
(Signature)
(B. K. Khangia)
Art Designer

Advance Copy submitted to :

1. The Addl. Development Commissioner for Handlooms, (Advance Copy)
Office of the Development Commissioner for Handlooms
Udyog Bhawan, New Delhi - 11, with a request to consider my case on humanitarian ground
2. The Director
Ministry of Textiles
Minister's Secretariat (Zonal Office)
Jangra House, Khanapara, Guwahati
With the request to kindly forward my Representation.

(Signature)
(B. K. Khangia)

To
The Hon'ble Minister of Textile,
Govt. of India,
New Delhi-110011

(THROUGH PROPER CHANNEL)

Sub: Request for Transfer from WSC, Imphal to WSC, Guwahati-regarding.

Ref: Office order no. WSC/GAU/Admn.1 (23)/2002/3694 dt. 23.04.04 & 13.05.04.

Sir,

Kindly refer to your office orders cited above in pursuance of which I have been transferred and released from WSC, Guwahati to join in WSC, Imphal in the same capacity.

Also, kindly refer to my representation dt. 19.05.04 during my service in WSC, Guwahati to reconsider my transfer from Guwahati due to some genuine reasons. However getting no response from your end, I have joined to my duties at WSC, Imphal on 08.06.04.

Here, I came to know that Mr. Atul Chandra Barooah, Art Designer of WSC, Guwahati is due to retire on 28.02.05 after which one post of Art Designer is going to be vacant.

I, therefore, request your kindness to consider my transfer back to WSC, Guwahati as soon as the post of Art Designer is vacated by Mr. Barooah due to retirement on the following grounds:-

Sir, my wife is undergoing orthopedic medical treatment for which she needs help in all aspects (like doing household works, looking after education of my daughter reading in class V).

I am the only son of my old aged parents (70 & 65 years of age). Therefore, I have to look after them in this age which is just impossible being posted in Imphal.

Also, I have no knowledge on local language of Manipur which is required during field work, training/guidance to weavers. The law & order situation of Manipur is also not good which is affecting my health condition also (as I am suffering from hypertension now-a-days).

Therefore, I fervently request your honour to consider my case sympathetically, to transfer me back to WSC, Guwahati as soon as the post of Art Designer falls vacant.

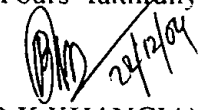
Copy to:-To, The Officer in Charge

Weavers' Service Center, Imphal for
Information and necessary action.

Dated, the 22nd December, 2004

IMPHAL

Yours' faithfully,


(B.K. KHANGIA)
Art Designer,
W.S.C. IMPHAL

*Attested
M. Dutta
& A. K.*

To

The Director
Weavers' Service Centre
Ministry of Textile
Govt. of India
IIT Campus, Khanapara, Guwahati-22

Date : 17-02-2005

Sub: Information on life threatening by insurgence group and thereof a fervent request to transfer to safer place preferring WSC, Guwahati.

Sir,

With due respect I beg to lay down the following few lines for your kind consideration that, Sir, I was posted at WSC, Imphal on 18th June'2004 as a Art Designer. As you are aware that, the state of Manipur is despite having lots of insurgency problems, Sir I was working at WSC, Imphal seriously and honestly by facing not only various problems but also taking so much of risk of my life. But Sir recently some underground parties had demanded a huge ransom from our WSC, Imphal and was threatened over telephone to collect the money from all of the staff member of the WSC, Imphal office immediately otherwise they have threatened to kidnap us basically of outsider of us.

Sir, as a outsider we are now totally in a lost and feeling very much insecurity in is position, where nobody could able to help us in this state. So, as per advice of local persons and our staff members of WSC, Imphal, I had to leave that place immediately to safe my life so, like other outsider members of our WSC, Imphal staff I was also leave Imphal. Similar demands from other insurgency group are also receiving by us time to time since my joining.

Sir, this is not the single incident of Manipur, here such type of unwanted inhuman activities are happening in Manipur very often, in view of the above circumstances along with the all of the office members, I also so much worried that neither we could concentrated in office works nor it could allow us to eat and sleep at night properly.

Therefore, I request you kindly to transfer me from WSC, Imphal and put me safer place of WSC, Guwahati.

I shall be very happy and ever remain grateful to you if you can give me this opportunity to works at WSC, Guwahati if possible.

With thanks and regards.

Attended
Adm
Copy to :

1. The Development Commissioner for Handlooms,
Udyog Bhawan, New Delhi-110011

Yours faithfully



(B.K. KHANGIA)
ART DESIGNER
WSC, IMPHAL

To.

The Director,
Weaver's Service Centre
Ministry of Textile
Govt. of India
Khanapara, Jawaharnagar
I.I.H.T Campus, Guwahati - 22

-19-

Annexure-6

2

Dated, Guwahati the 22nd January, 2005.

Sub: Request for transfer of my husband from W.S.C,
Imphal to W.S.C, Guwahati.

Sir,

With due respect, I beg to lay down the following few lines for your kind consideration.

Sir, my husband Shri B. K. Khangia, Art-Designer, has been transferred from W.S.C, Guwahati to W.S.C, Imphal vide your letter No. WSC/GAU/Admn.1(23)/2002/3694 dated 23-04-2004 and 13-05-2004. My husband has joined there on 08-06-2004, since then I have been facing some domestic problems, which is unbearable for me being alone lady as detailed mentioned below :

1. That Sir, our only daughter is presently studying in a local school for whom it is difficult to change the school only because to get similar education.
2. That, I am suffering form Chronic Arthritis problem and Diabetes patient since Doctor, 2003 and still I am undergoing treatment under the supervision of CGHS, Guwahati Medical College. (Photocopy of my Medical Certificate is enclosed).
3. My ailing old aged (About 70 years) mother-in-law is also staying with me and she needs proper care in all respect. She also has been suffering from high blood - pressure and is a diabetes patient.
4. It is also difficult to run two establishment for me at Guwahati and another at Imphal with such meager income.

Here it can be easily assessed that, what will be the difficulties for a woman to look after her daughter and old aged ailing mother-in-law without any male person.

In view of the above facts and circumstance, I earnestly request your kindness to look into the matter very sympathetically and I hope you will do the needful for arranging transfer of my husband Shri B. K. Khangia, Art-Designer from W.S.C, Imphal to W.S.C, Guwahati, for which act of your kindness I shall be remain ever grateful to you.

Thanking you,

Yours truly,

R. Khangia

(Mrs. Rita Khangia)
W/o Shri B.K Khangia
GPRA, Katabari

Near Balaji Mandir & 37 N-High Way
Qtr. No. 4, Type - IV
Guwahati - 35.

Copy to:-

1. The Development Commissioner for Handlooms Ministry of Textile, Govt. of India, Udyog Bhawan, New Delhi - 110 011 with a request to consider my husband case on humanitarian ground.

R. Khangia

(Mrs. Rita Khangia)

*Attested
Mouta
Adv*

- 20 -

GOVT. OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
INDUSTRIAL ESTATE TAKYELPAT
IMPHAL: MANIPUR.

Annexure-7
2

No:WSC/IMP/Essu/1(2)/03-05

Dated: 03/03 2006

To
The Director (Zonal)
Weavers' Service Centre
Guwahati- 22.

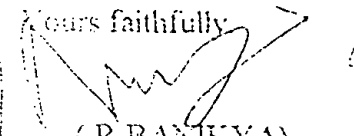
Sub:- Mutual transfer with Shri R.K.Gojendra Singh, Art Designer posted
at WSC, Guwahati with Shri B.K.Khangia, Art Designer WSC, Imphal.

Sir,

Please refer to this letter of even number dated 3/10/2005 regarding the above subject. In this connection, I am to state that this office is facing lots of problem to render technical services in design discipline outside the office like societies, NGOs and SHG etc. Staffs deputing from outside the state having lack of knowledge in local language for interact with village weavers. So while deputing Shri B.K.Khangia as a Sr.Technial Designer at the local societies, he faced the same problem, For smooth functioning of the office Local staffs is very much essential .

You are, therefore, requested to review the case and to consider favorably. Photocopies of his application are also hereby enclosed for reference.

Encl: As above.

Yours faithfully,

(R.BANIKYA)
Deputy Director (Design)

*Attended
M Dutta
ASH*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 177 of 2006.

Date of Order: This, the 24th day of July, 2006.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

Shri Bhupen Kumar Khangia
S/o Kesha Ram Khangia
Working as Art Designer
Office of the Development Commissioner
for Handlooms, Industrial Estate
Takyelpat, Imphal - 795001
Post Box No.18 (Manipur).

..... Applicant.

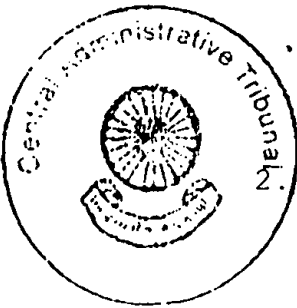
By Advocates S/Shri M.Chanda, S.Nath, G.N.Chakraborty
& Mrs. U.Dutta.

- Versus -

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Textiles
New Delhi- 110 001.
2. The Development Commissioner for Handlooms
Ministry of Textiles
Government of India
Udyog Bhawan
New Delhi - 110 011.
3. The Director
Weaver's Service Centre
Ministry of Textiles
Government of India
Khanapara, Jawaharnagar
I.I.H.T. Campus
Guwahati - 781022.
4. The Officer-in-Charge
Weaver's Service Centre
Industrial Estate
Takyelpat, Imphal - 795001
Manipur.

..... Respondents.

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

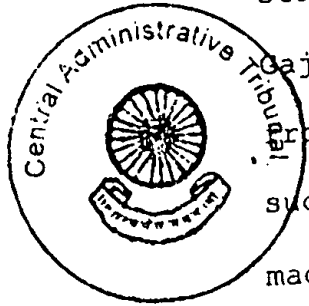


*Attested
Dutta
Haw*

✓

O R D E R (O.F.A.L.)SACHIDANANDAN, K.V., (V.C.):

The applicant was appointed as Art Designer and posted at Weaver's Service Centre (WSC for short), Guwahati in the year 1989. Thereafter, he was transferred in the year 2004 to WSC Imphal, Manipur vide Annexure-1 order dated 13.5.2004. Applicant submitted representation for reconsideration of his transfer order. However, he joined there on 8.6.2004. It is stated that by the Annexure-1 order one Shri R. K. Gajendra Singh, his counterpart, was also transferred from WSC, Imphal to WSC, Guwahati and he is working as such. Thereafter also, repeated representations were made on the grounds of problems of language, threat of life etc. The applicant submits that he and his counterpart Shri R. K. Gajendra Singh have been working in their respective places for almost two years and both had made representations for mutual transfer vide Annexures - 5 & 6 respectively which is pending disposal before the competent authority. On 17.2.2005 also, the applicant submitted another representation (Annexure-7) before the competent authority, which is also pending disposal. Aggrieved by the said inaction the applicant has approached this Tribunal by way of this O.A. seeking the following reliefs:-



1

"8.1 That the respondents be directed to grant transfer and posting of the applicant to Weaver's Service Centre, Guwahati on compassionate ground.

8.2 Costs of the application.

8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

2. I have heard Mr. S. Nath, learned counsel for the applicant. Mr. G. Baishya, learned Sr.C.G.S.C. represented the respondents. When the matter came up for consideration, Mr. Nath submits that he will be satisfied if the applicant is permitted to file a fresh comprehensive representation before the competent authority with a direction to respondent No.3 to consider and dispose of the same along with his Annexure -4 for mutual transfer & Annexure-7 sympathetically. Mr. G. Baishya, Sr.C.G.S.C. submits that respondents have no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Tribunal directs the respondent No. 3 or any other competent authority to consider and dispose of the Annexures-4 & 7 representations and also the comprehensive representation, which will be filed by the applicant within two weeks from today, sympathetically and pass appropriate orders thereon within a period of



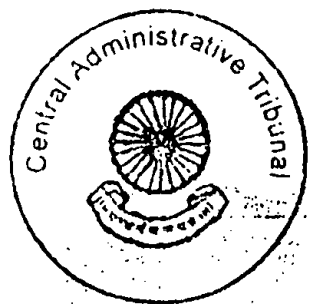
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three months thereafter communicating the same to the applicant without delay.

The Original Application is disposed of as above.

There shall be no order as to costs.

Sd/VICE CHAIRMAN



*Attested
Auth
H/W*

Date of Application : 25.7.06
Date on which copy is ready : 25.7.06
Date on which copy is delivered : 25.7.06
Certified to be true copy

[Signature]
Section Officer (Judl)
C. A. T. Guwahati Bench
Guwahati-5.

[Signature]
25/7

To,

The Director
Weaver's Service Centre,
Ministry of Textiles,
Govt. of India,
Khanapara, Jawaharnagar,
I.I.H.T Campus,
Guwahati- 781002.

(Through Proper channel)

Sub: - Transfer from WSC, Imphal to WSC, Guwahati; - Prayer for:

Ref: - Judgment and order dated 24.07.2006 passed in O.A. No. 177/2006
(Shri B.K Khangia -Vs- U.O.I & Ors.) by the Central Administrative
Tribunal, Guwahati Bench.

Sir,

Most humbly and respectfully I have to enclose herewith a copy of the judgment and order dated 24.07.2006 in O.A. No. 177/2006 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench on the subject cited above, which is self detailed. As directed in the same order, I am submitting herewith this representation, the facts of which have also been submitted earlier before you by me vide my representation dated 27.12.2004 and 17.02.2005, copy of which are enclosed herewith for your kind ready reference.

That Sir, in compliance with your order No. WSC/GAU/Admn. 1 (23)/2002/3694 dated 23.04.2004, I have joined my duties at WSC, Imphal w.ef. 08.06.2004. Since my joining there, I have been submitting representations for my re-transfer from WSC, Imphal at WSC, Guwahati and I explained my difficulties therein. In this context I bring the following facts before you once again for your kind consideration.

That Sir, my wife is a patient of chronic Arthritis and diabetes and is under the medical supervision of CGHS, Gauhati Medical College. This apart, my old and ailing mother (about 70 years age) is staying at Guwahati, who is also a patient of high blood pressure and diabetes. Both of them need my constant attendance and care inevitably.

Attended
Mulla
4/11/06

- 26 -

That Sir, my only minor daughter who has been undergoing her studies in Class VII at a reputed School at Guwahati and is in a crucial stage of her studies needs my parental care badly for her studies.

That Sir, in discharging my normal duties as Art Designer, I have to render my services in many cases to the Societies, NGOs and SHGs in rural areas where I am required to deal in local language i.e. Manipuri. But since I am not conversant in Manipuri language, I have been facing great problems in interacting with the local weavers and thereby failing to do justice to my duties. This aspect has been brought to your notice by the Deputy Director (Design), WSC, Imphal also vide his letter-dated 03.03.06 (copy enclosed). It is relevant to mention here that Shri R.K. Gajendra Singh, Art Designer who was transferred from WSC, Guwahati has also been facing the same problem at Guwahati and he has also applied for his transfer from WSC, Guwahati to WSC, Imphal. As such, I prayed for my mutual transfer from WSC, Imphal to WSC, Guwahati vice Shri R.K. Gajendra Singh even without the benefit of T.A. etc; but the same has not been considered.

Under the circumstances stated above, I pray your Honour kindly to consider my case with your utmost compassion and sympathy and transfer me back from WSC, Imphal to WSC, Guwahati and for this act of your kindness, I shall remain ever grateful to you.

Enclo: -

- 1) Copy of judgment and order dated 24.07.06
- 2) Copy of representations dated 27.12.04 and 17.02.05
- 3) Copy of letter dated 03.03.06 of
Deputy Director (Design), Imphal.

Date: 07-08-06

Yours faithfully



(B.K. KHANGIA)
Art Designer,
Weaver's Service Centre,
Imphal.

Regd. A/D.

Government of India
Ministry of Textiles
Weavers' Service Centre
&
Regional Designs Centre
IIHT., Campus, Jawahar Nagar
Khanapara, Guwahati-22

No. WSC/GAU/TRI/IMP/BKK-12(29)/06/1877 Dated October 20, 2006

MEMORANDUM

With reference to the comprehensive representation dated 07-08-06 Shri B.K. Khangia, Art-Designer, WSC., Imphal and order of the Hon'ble Central Administrative Tribunal (CAT), Guwahati Bench, Guwahati dated 24-07-2006 is hereby informed that on perusal of the records of this office, this zonal Directorate is unaware relating to submission of Annexure 4 & 7. His representation dated 22/12/04 as listed in Annexure -4 against the above O.A. addressed to the Hon'ble Ministry of Textile, Govt. of India, New Delhi-110011 and copy to the Officer-in-Charge, WSC., Imphal and the rest representation dated 17/02/05 as Annexed at - 7^{alleged} was addressed to the Director, WSC., Guwahati, and copy to the DCH., New Delhi.

2. As being the competent authority of this office, he is to inform that as per the order of this office No.WSC/gau/Admn-1(23)/02/3694 dated 23.4.04/13.5.04 Shri B.K. Khangia, Art-Designer has been transferred from WSC., Guwahati to WSC., Imphal. Accordingly he has joined at WSC., Imphal on 08-06-04. He has been transferred from Guwahati to Imphal basically in Public Interest.

- 2(a) It is true that Shri A.C. Barooah, Art-Designer, WSC., Guwahati retired on 28-02-05 after attaining the age of superannuation. As per the RRs, the post requires to be filled by D.R. and hence it requires approval from the Screening Committee constituted for the same. The said S.C. has not approved for filling up the post alongwith some other posts of this Dept. and subsequently these posts have been abolished. At present there is no vacant post of Art- Designer at WSC., Guwahati

- 2(b) As per terms and conditions of appointment, he is liable to transfer any part of the East Region, comprising in the centres of the State at Manipur, Tripura, W.B., Bihar Orissa and apart from Assam.

The representation dated 17/02/05 as listed at Annexure - 7 in the O.A. No. 177/06 was addressed to the Director, WSC., Guwahati, and copy to the DCH., New Delhi. After careful

*Alleged
for 3.*

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consideration of the representation, it is to inform that the representation should have been submitted to the Officer-in-Charge, WSC., Imphal as he (WSC, Imphal) has been discharging his duties like issue related to the Law and order situation of the concerned State Govt. . If he had submitted the representation there , the concerned authority would have taken care for security arrangement in time in consultation with the State Govt.

3(a)

It may be reiterated that as per terms and conditions of his appointment, he is liable to serve any part of East Region/ India.

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In regards to the Comprehensive representation dated 7-8-06 submitted by Shri Khangia on the ground of mutual transfer in between Shri R.K. Gojendra Singh, Art-Designer, WSC., Guwahati and with him are concerned, Shri R.K. Gojendra Singh, Art-Designer has informed vide his representation dated 28-9-05 that he has settled down well in Guwahati and his children have also been got admitted in Kendriya Vidyal aya, Guwahati and hence he has shown his unwillingness to go on transfer to Imphal for the time being as it will hamper the academic life of his children as well as it will cause for some disturbance to him and hence he has prayed to continue his service at Guwahati .

However, his transfer case will be considered in due course

(K.K. BAVISKAR)
Director

To,
Shri B.K. Khangia,
Art-Designer,
WSC., Imphal

Copy to:

1. The Officer-in-Charge,, WSC., Imphal.
- 2 The Addl. Development commissioner for Handlooms,
Office of the D.C.(Handlooms), New Delhi

(K.K. BAVISKAR)
Director